



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

10 September 1991

Tuesday, 10 September 1991

Questions without notice:

Members' travel costs	3029
Members' staff resources	3030
Territory Plan variations - Ainslie	3031
Road safety - Rabaul Lane	3031
Kippax Library	3032
Chartwell Crafts	3032
Question Time	3034
Electoral system	3034
Aborigines and Torres Strait Islanders	3036
Members' pecuniary interests	3037
Public hospital beds	3037
Racing industry	3038
Health Promotion Fund	3039
Ambulance Service	3040
Aborigines and Torres Strait Islanders	3041
Personal explanations	3041
Members' pecuniary interests	3044
Personal explanation	3047
Members' travel costs	3048
Personal explanation	3049
Leave of absence to member	3050
Subordinate legislation	3051
Ministerial Council for Corporations (Ministerial statement)	3051
Hospital redevelopment program (Matter of public importance)	3052
Planning Development and Infrastructure - standing committee	3070
Administration and Procedures - standing committee	3084
Conservation Heritage and Environment - standing committee	3084
Legal Practitioners (Amendment) Bill 1991	3085
Magistrates Court (Amendment) Bill 1991	3088
Magistrates Court (Civil Jurisdiction) (Amendment) Bill 1991	3092
Small Claims (Amendment) Bill (No 2) 1991	3092
Cemeteries (Amendment) Bill 1991	3093
Motor Traffic (Amendment) Bill 1991	3101
Building (Amendment) Bill (No 2) 1991	3104
Conservation Heritage and Environment - standing committee	3113
Department of Health	3123
Adjournment: Royal Blind Society Week	3132

Answers to questions:

Forestry industry (Question No 438)	3135
Government Service - motor vehicles (Question No 458)	3137
Move-on power (Question No 495)	3138
Urban Services portfolio - consultants (Question No 525)	3139
Urban Services portfolio - public relations staff (Question No 533)	3143
Urban Services portfolio - public relations consultants (Question No 549)	3144
Coppins Crossing Road (Question No 553)	3145

10 September 1991

Tuesday, 10 September 1991

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

QUESTIONS WITHOUT NOTICE

Members' Travel Costs

MR KAINE: My question is to the Treasurer and Chief Minister. Is it this Government's policy that members of this Assembly travelling interstate on party associated business should have their travel and their costs paid from the public purse; and, if so, how much provision is made in this year's budget for that purpose?

MS FOLLETT: It is definitely the Government's policy that when members are travelling interstate on government business their costs are met, as was the case when Mr Kaine was Chief Minister. It remains the case while we are in government. I am not sure whether Mr Kaine has a particular instance in mind. If he does, perhaps I ought to hear about it. Members travelling on government business do have their costs met.

MR KAINE: I ask a supplementary question. My question did not address government business; it addressed party business, and I will be more specific. Does the Chief Minister consider the cost of \$2,798 for Mr Berry to go to the Labor Party conference in Hobart to be a fair charge against the public purse? If she does not, what is she going to do to get it back?

MS FOLLETT: Yes, I do consider that to be a fair charge. The issue that Mr Kaine raises is an issue of government business and, in accordance with that, Mr Berry's costs were met.

Mr Kaine: You mean Labor Party business is government business. Are they synonymous?

MR SPEAKER: Order!

Mr Kaine: Scandalous!

MR SPEAKER: Order!

MS FOLLETT: Mr Speaker, if Mr Kaine requires some expansion of that, the Labor Party conference is, of course, government business. As Mr Kaine full well knows, it is the supreme decision making body of the party that Mr Berry and I represent. It is the case that at that

conference all State leaders are present, as are a number of Federal Ministers and as are a number of Ministers and delegates from other States. It is an extremely important forum for the discussion of government business, whether at the Federal or the local level, and I am sure that Mr Kaine full well knows that. Indeed, there were some members of Mr Kaine's own party present, and I am pretty sure that they were not present at their own personal expense.

Members' Staff Resources

MR COLLAERY: My question is to the Chief Minister and I refer to the continuing inequity in the allocation of staffing resources within the Assembly. I ask the Chief Minister whether the review of staffing levels for members of this Assembly has yet been completed, as agreed in June last and as requested more recently by the Speaker.

MS FOLLETT: Mr Speaker, I believe that Mr Collaery has his own Bill before this Assembly on that very matter. I believe that it would be appropriate for that Bill to be dealt with by the Assembly if he is serious about it, and I doubt that he is. That is the answer that he has been given, I believe, on this matter. It is up to the Rally to debate that in the Assembly, now that they have brought it before the Assembly.

MR COLLAERY: I have a supplementary question, Mr Speaker. In view of the Chief Minister's reply, may this Assembly take it that Ms Follett puts a greater priority on paying the way for one of her colleagues to a Labor Party conference than on providing an equitable spread of funds to members of this Assembly to represent the people of the Territory? In other words, does she regard her dealings with Assembly funds as a form of political gamesmanship?

MS FOLLETT: There is an implication in that question, Mr Speaker, which I would ask be withdrawn.

Mr Collaery: Mr Speaker, I will withdraw any allegation of political gamesmanship. That was a compliment.

MR SPEAKER: Thank you.

MS FOLLETT: Mr Speaker, as I have said before, Mr Collaery has a Bill before this Assembly and it is up to him to bring it to this Assembly if he is serious about this matter. We have heard, over the years, nothing but complaints from Mr Collaery about his level of staff - complaints that, in large part, have not been heard from other members in this Assembly.

Mr Collaery seems obsessed by the matter and is really incapable of advancing his own case by the very means that he has put forward to this Assembly. If he is serious about it, and if he wants to see the view of the Assembly

10 September 1991

members as a whole, then he ought to bring forward his own piece of legislation. It seems to me quite ridiculous to keep arguing this matter backwards and forwards when Mr Collaery has available to him a means that he chose himself - he was under no duress to do so - and has not proceeded with. I am at a loss to explain why he has not proceeded with it. I would have thought that, if he was serious about the matter, he would have.

Territory Plan Variations - Ainslie

MR MOORE: Mr Speaker, my question is to Mr Wood, as Minister for the Environment, Land and Planning. I draw the Minister's attention to several blocks in Ainslie where variations to the Territory Plan have been proposed. They have been designed to facilitate infill in the area, and in particular to assist in the provision of aged persons units, which, I think, most members of the Assembly support. Do the variations fit into an overall plan for Ainslie, or are the developments going to proceed in an ad hoc manner?

MR WOOD: Mr Speaker, I think the answer, it is fair to say, is that the planning has an overall concern for all of Canberra, and for Ainslie, as for any suburb. At the same time, the community finds it difficult to locate the sites for aged persons development. Where there is government housing or other sites that become available, they are eagerly seized upon. So, in that sense, the planning does pick out sites as they become available; but, in the overall context, those sites have to be entirely appropriate with what is in that suburb.

I think most members, if not all members, would agree that over a fairly long period the planning of aged persons units has been very well done; it has been sensitive to the neighbourhood and in harmony with the neighbourhood. I think the clear answer, bearing in mind Mr Moore, the difficulties that we have in finding sites, is that they are certainly in harmony with the suburb of Ainslie in this case.

Road Safety - Rabaul Lane

MR STEVENSON: My question is to Terry Connolly and concerns what appears to be a black spot accident area.

MR SPEAKER: Mr Stevenson, order! I keep having to ask you not to use first names. Mr Connolly is the Minister. I would ask you not to use his first name, as we have all agreed. Please proceed.

MR STEVENSON: Recently there was an accident in Rabaul Lane, which is just outside the Assembly, off Nangari Street. It would appear that the accident was a low speed head-on, caused by two vehicles using the one lane that remains available when vehicles are parked on the side of Rabaul Lane. I saw another accident narrowly avoided within the last week because of the same problem. Would Mr Connolly please have the situation investigated, with the possibility of making it safer for pedestrians and vehicles?

MR CONNOLLY: I thank Mr Stevenson for his question. That is a very sensible thing to raise. I shall pursue the matter and see what we can do.

Mr DUBY: You know what he will do now. He will close Rabaul Lane. Thanks very much!

MR CONNOLLY: If Mr DUBY wants Rabaul Lane to be closed, I suppose that is one way of solving the problem of head-on collisions - simply closing the street. Perhaps we can come up with a more creative solution than that. I will have the matter looked into and report back to the Assembly.

Kippax Library

MS MAHER: My question is also to the Minister for Urban Services. Recently Mr Berry, the Minister for Health, quickly came forward to give assurances that the Kippax Health Centre will not close, at least during the term of this Government. Can the Minister for Urban Services give the same assurance about the continued operation of the Kippax Library?

MR CONNOLLY: I thank Ms Maher for her question. There are no government plans to alter, vary or change in any way the operation of the Kippax Library. I can say that there is no plan to change the status quo.

Chartwell Crafts

MR HUMPHRIES: Mr Speaker, my question is to the Chief Minister. It concerns Chartwell Crafts - an organisation which employs 13 disabled people, which received funding from the Alliance Government and which has now been denied continued funding by this Labor Government. Is the Chief Minister aware that the 13 disabled workers will very soon be thrown on the unemployment scrap heap, with very little prospect of finding alternative work, especially during this recession we had to have? Will she instruct her education and training Minister to meet with Chartwell Crafts to discuss the funding issue - something which she has so far refused to do?

10 September 1991

Mr Wood: That is nonsense. I have been in touch with them.

MR HUMPHRIES: That is what they tell me. I said "meet with them".

MS FOLLETT: Mr Speaker, I thank Mr Humphries for the question because it is an important matter and one which I am very happy to enlighten him upon. Chartwell Crafts applied for funding under the education and training grants program this year. That is a grants program that used to come under the old CDF arrangement and, in accordance with the arrangements made by Mr Kaine when the CDF was abolished, the amount of money available to that program was indexed. So, that gave us a total amount for that program this year of \$508,000. There were 23 applications for funding and the total amount of funding applied for was \$1.9m. It was very clear at the outset that there were going to be some disappointments around. Of course, as Mr Humphries points out, Chartwell Crafts was one of the organisations that did not receive funding and I understand that that is a great disappointment to them.

Nevertheless, Mr Speaker, I should point out to the house that during 1990-91, when Chartwell Crafts did receive some funding under this program, that funding had a special condition applied to it. I am advised that it was made very clear to Chartwell Crafts that their funding was a once-only grant and it was made in order to assist the organisation to establish a commercially viable operation. Given that the Alliance, when it did fund Chartwell Crafts, made it a very specific one-off grant, I think the organisation should have understood that at the time.

Mr Speaker, I would like to add that, under the Commonwealth Disability Services Act, the Commonwealth Government has responsibility for funding supported employment for people with intellectual disabilities. I understand that Chartwell has made an application to the Commonwealth for funding and that that application, under the Commonwealth grant system, is still under consideration. I guess we can wish Chartwell all the very best with that application. I believe also, Mr Speaker, that Chartwell have attracted some corporate sponsorship for their activities and I think that that is well and truly in keeping with the intention the Alliance had when they did fund them.

To conclude, Mr Speaker, I am very sorry indeed that it was not possible to fund Chartwell this year, but I believe that the circumstances that I have outlined do provide some basis for that decision. The fact is that there was simply not enough money to go around all of the applicants under that particular program. We can only wish them all the best in their applications under other programs.

Question Time

MR JENSEN: Mr Speaker, my question is directed to the Chief Minister. In view of the fact that there are now 11 non-government members, excluding the Speaker, who may wish to ask questions of government Ministers, will the Chief Minister increase the time normally allowed for questions to 45 minutes in order to provide for an adequate amount of scrutiny of executive activities, which, as we all know, is the role of non-government members in a parliamentary democracy?

MS FOLLETT: I thank Mr Jensen for the question. Mr Speaker, it has been my experience since we have been back in government that the non-government members often actually struggle to get up to 30 minutes' worth. On the occasions when they have exhibited an unusual degree of activity and interest and intellectual stimulation, I have on many occasions allowed question time to extend well beyond the 30 minutes that is normal. In fact, on one occasion, when we had the cameras here, it was over an hour, I believe. I think members have plenty of time to ask questions. I also believe that they get very succinct, meaningful and informative answers from the Ministers. On those occasions when there is clearly a need to extend question time I will, as I have done in the past; but I do not think we need a new rule on it.

Electoral System

MR STEFANIAK: My question is to the Chief Minister, Mr Speaker. Over the last week at each function a government Minister has spoken at they have put in a not insubstantial plug for single member electorates.

Mrs Grassby: A good idea.

MR STEFANIAK: It is a dreadful idea. I think the Hare-Clark system is much better. Firstly, Chief Minister, it has been commented that that is an unreasonable use of what is, in fact, basically a non-political type of function. Is it government policy, in fact, to plug for single member electorates at every possible opportunity, including what should be bipartisan administrative type functions which government Ministers attend and speak at, in that capacity, regularly?

Mr Duby: I hope the answer is shorter than the question.

MS FOLLETT: No, the answer is going to be incredibly long and all to do with single member electorates, of course. Mr Speaker, I think it is well known that the Labor Party has a policy position of supporting single member electorates. We do so for the very good reason that they are the best possible electoral arrangement for the ACT.

10 September 1991

Mr Humphries: For the Labor Party.

MS FOLLETT: I believe, for all parties. It is only the singular lack of confidence of the Liberal Party that has blinded them to this fact. It is a lack of confidence that is probably well and truly warranted at the moment.

Mr Speaker, given that the Labor Party has that strong position of support for single member electorates, and given that there is a referendum on the electoral arrangements to be held in conjunction with the ACT election next February, I see no reason whatsoever why people who belong to the Australian Labor Party should not mention their policy position whenever and wherever they see fit. There is a need, I believe, for community debate on this issue. Mr Collaery, I know, does not want the matter raised, because he looks like a fool.

Mr Collaery: Why was I a fool? Perhaps we can debate that.

MS FOLLETT: I have been asked why Mr Collaery looks a fool. The answer is: Because right from the outset Mr Collaery and his party opposed the very notion of the people of the ACT being asked their preference on an electoral system. We have the transcript from the parliamentary committee where it was made very clear that the Residents Rally did not want a referendum on this issue. We also have the transcript where it is made very clear that the Residents Rally's position on the ACT electoral system at that time was that they favoured the d'Hondt system. If that does not make them look fools, I do not know what does. They favoured the d'Hondt system.

Now, Mr Speaker, they have moved just a fraction away from the d'Hondt system. Perhaps there is some instinct for survival left in the Rally; who knows? They have now favoured the Hare-Clark system, which, as everybody here knows, is the nearest possible method to the d'Hondt system that could ever be devised. They realise, Mr Speaker, that only by confusing people, only by making the people of the ACT almost incapable of working out where their vote will end up, have they any chance of the Rally getting supported.

That is why the Hare-Clark system has to be put to bed forever. It is not the best system for the ACT and it is my firm belief that the people of the ACT want a local member. One of the most frequent requests I get is: "Who do I talk to from my own area?". They want their own member. It is my belief that this matter is not going to trouble the vast majority of people over there after February. So, relax and enjoy it; it will not be your problem.

Aborigines and Torres Strait Islanders

MR DUBY: Mr Speaker, my question is also to the Chief Minister, in her capacity as Minister for Aborigines and Torres Strait Islanders. I welcome that addition to her titles, which I believe is a new official addition since her second Government, particularly after we had Aboriginal Week last week. I was hoping that she could provide some information on some aspects of her portfolio. I would like to know how many persons of Aboriginal and Torres Strait Islander descent there are in the Territory, approximately, and what consultation has occurred with the community on what that community perceives to be the special needs of Aboriginal and Torres Strait Islanders in the Territory.

MS FOLLETT: I thank Mr Duby for the question. I would be happy to provide details about numbers and so on. I will take that on notice, if that is all right with Mr Duby. It is a fact that the Aboriginal and Torres Strait Islanders do come within my portfolio. They have been brought in generally within the social justice purview of that portfolio.

Mr Duby has asked what consultation has been taking place. There has been consultation taking place, of course. Most particularly, I have been corresponding with the Federal Minister on issues where a joint government approach is the most appropriate. One consultation mechanism that has been used is the Bogong Council - I believe that is what it is called - which represents the Aboriginal people of the region rather than just the ACT. There is a need there to separate some of the ACT issues.

Mr Kaine: Have you actually spoken to them?

MS FOLLETT: Mr Kaine asks whether I have spoken to them myself. No, I have not, in the period since I have been in government. I would be delighted to do so.

MR DUBY: Mr Speaker, I have a supplementary question. I must admit that I am flabbergasted to hear the appropriate, responsible Minister say that she does not know the number of Aborigines and islanders in the community, and also admit that she has not, since becoming that Minister, had any consultation with the community. Last week was National Aboriginal Week and last Tuesday, in the square outside here I noticed that the Aboriginal flag - a very good design - was flying upside down. We acknowledge that that is a universal sign of distress. I was wondering whether that was an indication of her handling of her portfolio, or perhaps a premonition of the ACT Government's action late last week in denying access to facilities to the Aboriginal embassy at the lakeside.

10 September 1991

MS FOLLETT: It is a fact that as part of National Aboriginal Week I did give formal agreement to the Aboriginal flag being flown in the ACT. I am unaware that any flag was flown upside down. If that is the case, then I give my sincere apologies to the Aboriginal community. I should say that it was not pointed out to me at the time that there was any flag flying upside down. I would certainly have rectified that matter had it been drawn to my attention. Mr Duby also raised the matter of what he has referred to as an Aboriginal embassy on the lakeside. That is a matter for my colleague Mr Wood. If Mr Duby wishes to take that question seriously, then I would ask Mr Wood to respond to it on notice.

Members' Pecuniary Interests

MR COLLAERY: My question is to the Chief Minister. Chief Minister, on 24 May 1989 you, in introducing the requirements for members to state their assets and liabilities and pecuniary interests, included a statement that you required sources of income and gifts to be declared. Was the racehorse, Gypsy Current, referred to in today's paper, in fact a gift; and, if so, why has it not been declared as such in your statement of pecuniary assets and liabilities?

MS FOLLETT: Honestly, Mr Collaery's own rumours and scandalmongering come home to roost. He started this rumour, and it was brought to my attention that he had started it at the time. The fact is that the racehorse was not a gift. Any such implication by Mr Collaery, and the rumourmongering that he went to some trouble to engender on the matter, is absolute falsehood. Mr Speaker, I did own a share of that horse. I paid for it. I no longer own a share of that horse, for the obvious reasons that I think members could probably guess at. Really, Mr Collaery, if that is the best you can do, I reckon 30 minutes is a waste of time for most of you.

Public Hospital Beds

MR HUMPHRIES: Mr Speaker, my question is to the Minister for Health. I remind the Minister that on 2 May this year he asked the then Minister - me - the following question: "How many public hospital beds do we have in the ACT at this very moment?". I therefore would be interested to see whether Mr Berry can turn the tables when I ask him the question: How many public hospital beds do we have in the ACT at this very moment?

MR BERRY: The question is on notice, Mr Speaker.

Racing Industry

DR KINLOCH: Mr Speaker, my question is to Mr Berry in his capacity as Minister responsible for racing. In asking this question of the Minister for racing, I note his and the Labor Party's very great interest in the question of electoral reform. I take it that he, like other members of his party, recognises the equity and justice of a proportional representation system in which a range of views are properly represented in government. I understand that the Minister travelled to Darwin at the beginning of August to attend a meeting of Australian racing Ministers. I further understand that the Western Australian Government has raised the question of a downturn in revenue for the racing industry, attributable to a number of factors, including the opening of the gambling casino in Perth. Could Mr Berry reflect on the possibility of discussing this with our own racing industry and what the future may hold for the racing industry if we also open a gambling casino?

MR BERRY: That is a detailed question which I think will require a detailed answer. I am glad that Dr Kinloch touched on the issue of electoral systems. That is indeed worth responding to. I notice that some other members of the Assembly, amongst those opposite, have expressed some concern about the mention of electoral systems at functions attended by Ministers. There was a very good reason for that.

Ministers have an obligation to the ACT community to draw to their attention the best form of government that we can have in the Territory, and that is, of course, a stable government. We have had, with the mob opposite, one of the most horrific periods of instability that any Territory has had to sustain. What the Territory really needs is a system whereby the people will have a guarantee of some sort of stability. It is necessary in that context, of course, to ensure that the community is able to have, as is their expressed desire, access to their own members. All of that, of course, makes members opposite, and some here to the left of me, most upset. They, of course, would not be able to gain the support of a single member electorate because they just do not have it in them.

The Liberal Party are currently squealing about single member electorates, but they did not squeal too much when they had control of the Brisbane City Council. Now that they have lost control of it, they are not so happy about the single member electorate concept. It is a democratic concept and it is one that delivers the best of government to the people of the ACT on two very simple scores. The first is - - -

Mr Collaery: Mr Speaker, I take a point of order - relevance.

Mr Connolly: It was in the question.

10 September 1991

Mr Collaery: It does not matter if it was in the question. It was a humorous allusion by Dr Kinloch. We want to know, firstly, whether Mr Berry knows what went on in Darwin and whether it referred to casinos and the impact of racing on casinos.

MR SPEAKER: Order! Mr Collaery, Mr Berry has answered one part of the question and I believe that he is taking a valid position at the moment. But I would ask you to draw that to a close, please, Mr Berry.

MR BERRY: I will just deal with those two scores. The first, which has been spoken on by the Chief Minister, is the issue of access to members. Constituents have continually expressed the desire to have their own elected member. I think that is a good point and a good part of any electoral system. When people of the ACT vote in a referendum to support single member electorates they will get just that - a better system of government.

In relation to the second part, we need a system which is better for Canberra in terms of stable government. We need stable government in the Territory. I do not think there are too many opposite, even though they have been the cause of instability, who would disagree with the need for stable government, because of the ill effects that an unstable situation has on the Territory. So, on two scores - for constituents and for stability - single members are obviously the best, and I hope that satisfies that part of the question asked by Dr Kinloch.

In relation to the effects of gambling casinos on horseracing and other forms of gambling, there is a limit to the gambling dollar. When a new form of gambling is implemented or introduced, there will be some effects on other forms of gambling. I think that is a simple question and it gets a simple answer. I am not aware of the detail of that in relation to the ACT, but it is something that is of concern to horseracing supporters and it is something that they are quite prepared to live with. They certainly live pretty well with it in the Northern Territory and the punters seem to be happy with it. I suspect that the racing fraternity here would be happy enough with a casino as well.

Health Promotion Fund

MS MAHER: My question is to Mr Berry, the Minister for Health. Can the Minister give an indication as to when submissions for funding under the Health Promotion Fund will be finalised, taking into consideration that at least one youth group, Youth Insearch Foundation, which fills an important gap in services provided to the youth area, had its funding from Sydney cut a few weeks ago and people are now working on a voluntary basis?

MR BERRY: I am aware that Youth Insearch have made some sort of an application to the Health Promotion Fund; but it is not something that I deal with at first hand, so I am not familiar with the detail. It is dealt with by the Health Promotion Fund Advisory Committee and a list of the recommended grants will come to me for endorsement in due course. It is not my practice to interfere in that. It is better for them to make the recommendations and for me to consider those recommendations when they arrive on the doorstep.

Ambulance Service

MR STEVENSON: My question is to the Health Minister. It concerns a recent case where a Canberra barrister was unable to have an ambulance sent to take his fiancée to hospital for what was later shown to be the serious matter of a blood clot on the brain. Though I understand that this sort of occurrence is rare, would Mr Berry please inform the Assembly what action has been taken or could possibly be taken to lessen the possibility of such a situation happening again?

MR BERRY: The first thing that has to be ensured in the Territory is that there are adequate ambulances to provide a service to those people in need, with a driver and a partner. I am advised that the Ambulance Service, since 7 June, have had four ambulances with staff on deck at all times, and I expect that that will continue unless there are some unforeseen circumstances. So, in that sense there is a better ambulance service now than there once was.

I think that, with some planning, we can ensure that the staffing arrangements for the Ambulance Service and the recruiting arrangements are such that we do not ever find ourselves in the situation that we found ourselves in under the Alliance Government. I have to say that the actions that were taken to increase those staffing levels were as a result of actions by the Alliance Government and the former Minister; but I have to say again that I think I can take some of the credit for that for a brilliant campaign run from opposition.

MR STEVENSON: I have a supplementary question. Perhaps Mr Berry could also comment on the fact of taking the call in the first place. Apparently the person taking the call thought the problem was just a headache. Is there any increased training that can be done in that area?

MR BERRY: I think this issue has been answered, Mr Speaker. I do not think it will do the Assembly much good for me to dwell on it again and again. I am happy to take it up with Mr Stevenson following this sitting.

10 September 1991

Aborigines and Torres Strait Islanders

MS FOLLETT: Mr Speaker, I am in a position to advise Mr DUBY on the number of Aboriginal and Torres Strait Islanders in the ACT. The position, Mr DUBY, at the 1986 census, which is the last figure available, was that there were 1,160 Aboriginal and Torres Strait Islanders in the ACT. At that time that included 400 who were actually in Jervis Bay. The current estimate is that there are between 800 and 1,000 in the ACT, but the results of the most recent census will give us an accurate and up-to-date figure.

I ask that further questions be placed on the notice paper.

PERSONAL EXPLANATIONS

MR KAINE (Leader of the Opposition): I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Do you claim to have been misrepresented?

MR KAINE: Yes, I do.

MR SPEAKER: Please proceed.

MR KAINE: During question time Mr BERRY took the opportunity, in response to a question, to say that the members opposite, which presumably included me, were not interested in stable government, and he then went on to expound the virtues of single member electorates as a solution to that problem.

Mr Speaker, I really do have to object personally to that reference that we are not interested in stable government. In fact, we provided stable government for 17 months. The Labor Party last time lasted for seven months; they will last for only seven months this time. When they throw stones and sling arrows at people, saying that they cannot provide stable government, they have not much of a record to speak from. I think that we on this side of the house, particularly the Liberal Party, have a claim to having provided stable government under very difficult circumstances for 17 months, and, of course, Mr Speaker, we will do so again.

That brings me to the question of single member electorates, which Mr BERRY used question time to advance yet again. It is quite clear that most people in the ACT do not want single member electorates. It is not the panacea that the Labor Party makes it out to be. I think that Dr KINLOCH, in his question, made the point that it is a proportional representation system that is wanted. What the community of the ACT wants is not a system that will put Labor in office with 35 per cent of the vote. What they are looking for is a government that represents them.

That is what we, on this side of the house, are looking for when we support the Hare-Clark system, because it is a proportional representation system and it will put into this house people that represent the people, not only 35 per cent of the people whose limited number of representatives are going to foist Labor Party ideology on this town and jam it down our throats, whether we want it or not. That is what you are on about with your single member electorates.

We want a fair electoral system. The single member electorate system is not fair under any guidelines. The Hare-Clark system does work well in Tasmania, and the Labor Party in Tasmania think so too. I suggest that you go and talk to them. Let us have a proper debate, not this snide backdoor approach where, at every opportunity you have six people to listen to you, you push for single member electorates without explaining the disadvantages of it. I claim to have been misrepresented, Mr Speaker, and I have made my point.

Mr Berry: I take a point of order, Mr Speaker. That was a gross abuse of the standing orders. There was no misrepresentation. Mr Kaine was not misrepresented. His name was not even mentioned.

MR SPEAKER: I think it was a generalisation. Your point is taken that it was a bit wide. Please refrain from that in future, members.

MR JENSEN: Mr Speaker, I seek leave to make a statement in accordance with standing order 46. I claim to have been misrepresented by Ms Follett.

MR SPEAKER: Please proceed.

MR JENSEN: During an answer to a question, Ms Follett indicated, by implication, that the Rally, of which I am a member, supported the d'Hondt electoral system, implying by that statement that we supported the d'Hondt electoral system without amendment. Mr Speaker, I would like to read into the record a couple of paragraphs from a document entitled "The ACT Electoral System - A Time for a Change?".

Mr Berry: I take a point of order.

MR JENSEN: I claim to have been misrepresented, Mr Speaker.

MR SPEAKER: Order, Mr Jensen! Please let me hear the point of order.

Mr Berry: I do not mind, Mr Speaker, and I am sure you will not, if members rise to take on issues of misrepresentation, but I think again that Mr Jensen is stretching it a bit far.

10 September 1991

MR SPEAKER: Members, I suggest that seeking leave of the Assembly might be a better way to approach questions like this. In the situation you have posed to me I have given leave because of a personal slight that has occurred. If you read it that way, please proceed.

MR JENSEN: I am seeking to read something into the record, Mr Speaker, so that it is quite clear that in fact the Rally, of which I am a member, did not support the d'Hondt system as it applied at the last election. I will quote from page 7 of this document. I am happy to table the document if there is a problem. It states:

The Rally supports the concept of a major overhaul of the system to remove the anomalies of the much modified system. However, at this stage it is recommended that the d'Hondt electoral system be allowed to operate for one more election with modifications.

Mrs Grassby: Mr Speaker, there we are; it came out of his own mouth.

MR JENSEN: Mr Speaker, I repeat it once again -

with modifications.

It then goes on to say:

If this course of action is not accepted an electoral system based on the Tasmanian Hare Clark procedures with three electorates returning a total of 17 members would also meet the needs of the people of the ACT.

MR SPEAKER: Members, please look at standing orders 46 and 47. That was a misuse of standing order 46, Mr Jensen.

Mr Jensen: I disagree.

MR SPEAKER: Well, let us look at standing order 47 and ask for the assistance of the Assembly to take decisions on this matter.

MR COLLAERY: I seek leave, pursuant to standing order 46, to again deal with a misrepresentation by Ms Follett during her answers to questions today.

MR SPEAKER: Is this of a personal nature?

MR COLLAERY: Yes, it certainly is, Mr Speaker. Ms Follett said, in her grandiose manner today, in the particular mood she seems to be in, that I had been complaining for years about my staff. Mr Speaker, I have excellent staff. I have not been complaining about them for years. My complaints have arisen since the change of government, and that is not years past. The Chief Minister's statements were a great exaggeration.

Further, Ms Follett claimed that I had started a rumour regarding her former share, it appears, in a racehorse. Mr Speaker, I would have thought that a person in her position would be pleased of the opportunity to rid herself of a false rumour. I can inform the house that some considerable time ago, as Attorney-General, I had occasion to discuss and seek advice on this matter from the Assistant Commissioner of Police and the chief solicitor of the Territory. Mr Speaker, I have handled the matter with complete propriety. It was appropriate, given the mention of the horse in today's paper, that Ms Follett indicate whether she is the owner and the source of the ownership. It was not a scandalous suggestion at any stage, Mr Speaker. It is clear and incumbent on members of this parliament to be above reproach or rumour.

MEMBERS' PECUNIARY INTERESTS

MS FOLLETT (Chief Minister and Treasurer) (3.14): Mr Speaker, I seek leave to move that Mr Collaery be given sufficient time to explain his last remarks.

Leave granted.

MS FOLLETT: Mr Speaker, I move:

That Mr Collaery be given sufficient time to explain the comment that he has just made, particularly about the involvement of the police and the Government Solicitor in this matter.

The facts, Mr Speaker, are that, as is contained in my statement of pecuniary interests, as is fully disclosed in that statement, I bought a share in that horse as part of a syndicate. I paid the full price, along with other shareholders. I am no longer a shareholder in that syndicate. If Mr Collaery had ever asked me that question at any stage while he was Attorney-General, I could have told him that. If Mr Collaery had sought to ascertain the facts from my statement of pecuniary interests, he could have done so at any stage. It is fully disclosed.

Of course, the fact of the matter is that Mr Collaery did not. He chose instead to go about his business of rumourmongering, of spreading falsehoods, and of trying to smear my character in that way behind my back. It did get back to me, Mr Collaery, because other people, amongst whom you had attempted to foster your rumours, were concerned. Of course it got back to me. I was also aware that around the same time your staff examined my statement of pecuniary interests. I do not know what they found or what they reported to you on that matter, but the full facts are disclosed there.

10 September 1991

It comes completely as news to me, Mr Speaker, that Mr Collaery, then Attorney-General, involved the police or the Government Solicitor in any way in this matter. I think it is appropriate, at this point, that he give us a full explanation of why he did that and what he did and why he did not tell me personally.

MR COLLAERY (3.16): Mr Speaker, I am very pleased to stand and speak to this because the Chief Minister has again used this label of slander and innuendo. Mr Speaker, as first law officer of the city, as Attorney-General, a story came to me via a credible source - - -

Ms Follett: You started it.

MR COLLAERY: I say explicitly in this house, Mr Speaker, that I did not start that story and I am in a position to say where it started. Mr Speaker, the matter was put to me. I was the Attorney-General of this Territory. I took advice, as is proper, from the Assistant Commissioner of Police and the chief solicitor, among others, as to what I should do with the matter. I then had Ms Follett's statement of pecuniary interests examined. I do not recall examining it myself, personally. I do not believe - - -

Mr Humphries: I raise a point of order. Mr Speaker, I am not clear what is happening here. Have we voted on Ms Follett's motion to allow Mr Collaery time, or are we still debating that motion?

MR SPEAKER: Actually, Ms Follett and Mr Collaery should be addressing whether we should pass the motion and not answering the question posed. I have taken from the way the debate has gone that it is agreed - - -

Mr Humphries: Let us just vote on the motion then. Let us see what we are all agreed on.

MR COLLAERY: Mr Speaker, I would like to speak as to whether the motion should be put. I will say a few more words and sit down, because I will not be responding further. As Attorney-General of this Territory, there is a very firm requirement on the first law officer when an allegation of that nature is received - - -

Ms Follett: What allegation?

MR COLLAERY: An allegation, Mr Speaker, shortly, that the Chief Minister, whilst Chief Minister of this Territory, formerly, had received, from a source in this Territory, the gift of a share in a racehorse. It is as simple as that. The name of the source of the gift was given to me, with other details. I do not believe that we need to dig that further because we will create some commercial problems, perhaps, in that regard.

Mr Speaker, the inquiries satisfied me, in my mind, that there were no grounds at that stage to launch any investigation, police or otherwise. I stress that; there were no grounds; there was no evidence before me, as Attorney-General, to justify any inquiry further than that which took place. Today, given the publicity that a Chief Minister has a racehorse that had winnings, and given the manner in which the Chief Minister has approached her answers to questions today, including the outrageous allegation that I had been complaining about my staff, it was time she had some of her own medicine and learnt what it is like to receive those types of niggly questions. She received one; she answered it clearly. As far as I am concerned, the matter is closed.

MR SPEAKER: The question is: That the motion to allow Mr Collaery to explain the matter further be agreed to.

A vote having been called for and the bells having been rung -

Dr Kinloch: Mr Speaker, I am in some difficulty here. I understand that in fact Mr Collaery has replied to the question.

MR SPEAKER: Order! Dr Kinloch, we are taking a vote on whether he is to be allowed to proceed with the matter further.

Question put:

That the motion (**Ms Follett's**) be agreed to.

The Assembly voted -

AYES, 6

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

NOES, 10

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

Question so resolved in the negative.

10 September 1991

PERSONAL EXPLANATION

MR BERRY (Minister for Health and Minister for Sport): I wish to make a statement of a personal nature pursuant to standing order 46.

MR SPEAKER: Do you claim to have been misrepresented?

MR BERRY: Yes. Mr Speaker, the issue of travel to the National Conference of the Australian Labor Party was raised by the Chief Minister in question time.

Mr Humphries: A Freudian slip again.

MR BERRY: It was raised by the Leader of the Opposition, the former Chief Minister, in question time in a question to the Chief Minister. Mr Speaker, as members will know, they have an entitlement to travel as members of the Assembly and that travel can be approved by the Administration and Procedures Committee. Many members, if not all, have taken advantage of that at one point of time or another.

Mr Humphries: For different things, though.

MR BERRY: Mr Humphries says that it is a different thing. Mr Speaker, the travel to the Labor National Conference was undertaken by me pursuant to those entitlements and, in fact, was approved by the Administration and Procedures Committee before the change of government. Mr Speaker, as a result of the change of government I continued to proceed with the previous booking.

Mr Jensen: You are allowed only \$2,200, in total.

MR BERRY: Mr Speaker, I would not mind a bit of order. All the interjections - - -

MR SPEAKER: Mr Berry, it is rather quiet compared to normal times, I think. Please proceed.

MR BERRY: That is perhaps why the interjections interfere so much. If we can get the sound level of the chook pen a bit higher, I will be able to cope with it.

Mr Speaker, that was approved by the Administration and Procedures Committee and on the change of government it was taken up by the Government. The Chief Minister's Department undertook a check of this practice in all other States. They found that they all followed the same practice of treating it as government business. Members opposite would know that the Chief Minister and I were attending and, of course, attended on government business. In fact, we represented the Territory in terms of the deliberations of the Labor Party in putting together its policies for the good government of Australia. In opposition the same would have occurred, but by way of a different funding source - no more than that.

MEMBERS' TRAVEL COSTS
Statement by Member

MR Kaine (Leader of the Opposition) (3.26): Mr Speaker, I seek leave to make a statement on this matter, since I raised the question in question time.

Leave granted.

MR Kaine: Mr Speaker, I think that Mr Berry's defence is quite pathetic. It does not matter who authorised it or how it was authorised; the fact is that you, Mr Berry, and, indeed, the Chief Minister and at least one staff member, travelled to a Labor Party convention at public expense. When you start preaching about economy in government, about reducing expenditure, depriving the disabled of funds, depriving the less advantaged in this community of funds, and at the same time you can travel interstate on Labor Party business - - -

Mr Berry: I take a point of order, Mr Speaker. I understood that Mr Kaine sought leave under standing order 46.

MR SPEAKER: He sought leave of the Assembly.

MR Kaine: Quite clearly, Mr Speaker, we have here a double standard. There is no doubt that it was a simple junket, going to Hobart on Labor Party business and using public funds to do it. I do not see how anybody in conscience could argue that it is an appropriate and proper thing for a Minister to travel on a junket like that at public expense. There is no way that it can be justified. Just wait until you get the public responses; then you will find out whether you are justified or not.

The general public out there are going through hard times, tightening their belts, putting up with reduced expenditure on the part of the Government. When you bring your budget down next week we will see just how tight the belt has to be tightened. You are now finding out, for the first time, how tight it has to be tightened. You are going to wear the odium of it instead of putting it onto somebody else. At the same time that you are doing that you are using their money to travel on Labor Party business. There is no conscience to that; there is no social justice to that; there is no justification for that, and I do not care how you try to dress it up.

For a Minister to say, "But the Administration and Procedures Committee approved it when I was in opposition; therefore I did it" is to completely evade and avoid the ministerial responsibility that you have. You are in the middle of budget debates at the moment in your Cabinet and

10 September 1991

elsewhere, and you know how scarce the public dollar is. For you to spend \$3,000 of public money to go to Hobart on Labor Party business is simply inexplicable. You cannot explain it; you cannot justify it.

The next question is: How much did the Chief Minister spend when she travelled and took at least one staff member with her? That is further information that we would like to have, that I am sure the media would like to have and that I am sure the general public would like to have. If it cost you three grand, by the time you add the Chief Minister's, we are getting pretty close to \$10,000. That is not chickenfeed in anybody's language, and you cannot justify that in today's economic climate. As I said before, there is no social justice in that. How you can sit there and attempt to justify it is absolutely beyond me. You have no conscience, social or otherwise.

PERSONAL EXPLANATION

MR HUMPHRIES: I also seek leave to make a statement under standing order 46.

Leave granted.

MR HUMPHRIES: Mr Speaker, during the interchange about travel, Mr Berry leaned across the chamber and said, in my direction, "What about the Liberal Education Ministers - - -

Mr Berry: And spokespersons.

MR HUMPHRIES: Spokespersons, or whatever. That was not what he said. He did say "Ministers", in fact. Whatever the words were, Mr Speaker, the clear implication of that was that I travelled to one or other or both of two meetings of Liberal education spokesmen while I was a Minister at public expense. I did not do so. I travelled to those meetings on both occasions at my own expense entirely. I think that for Mr Berry to try to pretend that the low standards that he sets in government - - -

Mr Berry: More fool you.

MR HUMPHRIES: Mr Speaker, we see what kind of contemptuous attitude we have from this Government towards the wasting of taxpayers' money. The fact of life, Mr Speaker, is that I do not wish to be tarred by the same low standards adopted by this Government. When I travelled as a Minister to party functions I travelled under my own steam. I think that the present Government would do well to use the same standard in their office.

Mr Berry: I would like to raise - - -

MR SPEAKER: I would like Mr Humphries to move the motion for leave of absence for Mrs Nolan. I have been trying to get around to it since we started.

Mrs Grassby: Where is she?

Mr Connolly: Swanning around in New Zealand.

Mr Jensen: At her own expense.

Mr Kaine: She is on your business, CPA business.

MR SPEAKER: Order!

Mr Berry: Where will the Speaker be next week? Swanning around in India.

Mr Collaery: I raise a point of order, Mr Speaker. Mr Berry very clearly cast an aspersion on you, on the Chair. He said that you would be swanning around in India next week. He is lowering the whole tone of the Assembly today, Mr Speaker.

MR SPEAKER: I thank you for your observation, Mr Collaery. I wish you had not raised the matter; it would not have been recorded in *Hansard*, as such. Mr Berry, if there was a slur there, would you - - -

Mr Berry: There was no slur, Mr Speaker. It was just to draw attention to the fact that you will be swanning around in India, and that each member of this Assembly, in opposition, is entitled to \$2,200 worth of the Territory's funds to deal with private study matters. They are entitled to that, and they can deal with that by any means that the Administration and Procedures Committee approves.

MR SPEAKER: Thank you, Mr Berry.

LEAVE OF ABSENCE TO MEMBER

MR HUMPHRIES (3.33): Mr Speaker, I move:

That leave of absence from 10 to 12 September 1991 inclusive be given to Mrs Nolan.

In moving that motion, Mr Speaker, I draw to the Assembly's attention, and to Mr Berry's attention, if he is listening, the fact that Mrs Nolan is travelling to New Zealand to represent the ACT Branch of the Commonwealth Parliamentary Association as our duly elected representative and is travelling entirely at her own expense.

Question resolved in the affirmative.

SUBORDINATE LEGISLATION
Papers

MR BERRY (Deputy Chief Minister): Pursuant to section 6 of the Subordinate Laws Act 1989, I present the following subordinate legislation in accordance with the schedule of gazettal notices for determinations, declarations and regulations:

Co-operative Societies Act - Co-operative Societies Regulations (Amendment) - No. 19 of 1991 (S90, dated 10 September 1991).

Housing Assistance Act - Crisis Accommodation Housing Assistance Program - No. 78 of 1991 (S88, dated 5 September 1991).

Landlord and Tenant Act - Landlord and Tenant Regulations - No. 18 of 1991 (S86, dated 26 August 1991).

Nature Conservation Act - Declaration (S85, dated 28 August 1991).

Radiation Act - Determination of fees - No. 77 of 1991 (S87, dated 27 August 1991).

MINISTERIAL COUNCIL FOR CORPORATIONS
Ministerial Statement

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.34): Mr Speaker, I seek leave to make a ministerial statement on the ACT status at the Ministerial Council for Corporations.

Leave granted.

MR CONNOLLY: I really would have preferred to make a ministerial statement on single member electorates, but I will be restrained on this occasion. Mr Speaker, I would like to take this opportunity to inform the Legislative Assembly about a change in the status which is accorded to the ACT by the Ministerial Council for Corporations, or MINCO, as it is commonly known.

Until recently the ACT was accorded observer status only at this ministerial council. We were not permitted to see MINCO papers in advance of the meetings, ACT officers could not participate in officers meetings, and most importantly the ACT had no right to speak on corporations law issues which affected ACT residents. This has now changed. Negotiations with the Commonwealth on this issue were initiated by the Chief Minister in her first term, and were pursued by my predecessor, Mr Collaery, with bipartisan support from the Labor Party. As a consequence of those negotiations the Commonwealth Attorney-General, the Hon. Michael Duffy, wrote to Mr Collaery on 28 May this year to advise that MINCO Ministers had agreed that the ACT should, in future, be accorded non-voting observer status, but with full speaking rights, access to MINCO papers, and the right to be represented at MINCO officers meetings.

Mr Speaker, I cannot overestimate the importance of this development. ACT citizens, including our corporate citizens, together with interested groups such as the accounting and legal professions, are now able to have their views heard on a wide variety of corporations law matters. Although the corporations law is a Commonwealth law and not an ACT law, the ACT public deserve the same rights as other Australians to know about and contribute to discussion on these issues. I am pleased to say that the Commonwealth and other States recognise that.

The first MINCO meeting at which the ACT was permitted to exercise its new rights was held in Cairns on 11 July in conjunction with meetings of the Standing Committee of Attorneys-General and Ministers concerned with censorship matters. I attended that meeting as the representative of the ACT. The matters discussed ranged over a wide area, some of which, when implemented, will have significant impact on business operations in the ACT. It was gratifying to know that the ACT is now fully informed of these developments and in a position to contribute to the debate.

Mr Speaker, finally I would like to say that I would be more than happy to receive comments from either members of this Assembly or the general public on corporations law matters. Where appropriate, I will attempt to ensure that those comments are taken into account by MINCO Ministers in their deliberations. Mr Speaker, although a less important subject than single member electorates, the Ministerial Council for Corporations is nonetheless of interest to the Assembly. I present the following paper:

Corporations - Ministerial Council - Ministerial statement, 10 September 1991.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

HOSPITAL REDEVELOPMENT PROGRAM Matter of Public Importance

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

The contradictory and damaging nature of the Labor Government's handling of the hospital redevelopment program.

10 September 1991

MR MOORE (3.38): Mr Speaker, I will begin this debate by referring to the Labor Government's own document entitled "Feasibility Study for the Development of a Community Hospital, Acton Peninsula, Volume 1", July 1991, prepared by the ACT Board of Health and Richard Glenn and Associates. On page 32 of that report it states the main objective of option 4. It says:

The main objective of this Option is to use the Acton site for Medical and Surgical Hospital purposes, providing direct access to those services for the residents of inner Canberra.

The notion of a medical/surgical hospital can best be described as a hospital such as Calvary Hospital over the past few years. That is the level of hospital we are talking about with this option. The report continues:

This option also aims to ensure that the development of a Principal Hospital in the ACT, together with a Community Hospital, occurs maximising the benefits in terms of improved Hospital services for the Canberra community.

It has been the claim of the Labor Government, Mr Speaker, that when this feasibility study was done things had gone too far - thanks to Mr Humphries, as Minister - for them to be able to reverse the decision, that too much money had already been spent and there was simply no choice but to close Royal Canberra Hospital.

Mr Speaker, that simply was not true, as indicated by the very feasibility study that this Minister commissioned. Page 33 of the feasibility study indicates quite clearly what needs there would be and what measures would need to be taken if there were going to be what it refers to as "changes to the current program" to facilitate a medical/surgical hospital on the Acton Peninsula. That feasibility study states:

The implementation of this option -

the medical/surgical hospital -

would introduce a number of major changes to the current Program. In summary, they would be:

Provision of 150 beds at Acton, and the associated changes to the Transfer of Services Program (including changes to staff transfers currently planned) together with the associated planning and design work for the refurbishment of the Acton facilities.

It then refers to the scope of works to occur at what was then called the Royal Canberra Hospital South but which we understand and know best as Woden Valley Hospital, as follows:

The reduction in size and redesign of the Diagnostic and Treatment Block ...

Changes to the main tower block. One full level of wards (60 beds) would not be required.

Changes to planning, and some works already carried out, relating to car parking at RCH South ...

That is now the Woden Valley Hospital. It would also mean the reduction of proposed development of Calvary. The report states:

Ten high dependency beds and ten obstetric beds only would now remain to be transferred. The 30 day procedure beds planned for Calvary would instead be developed at Acton.

Mr Deputy Speaker, it is quite clear from option 4 in the feasibility study that it was possible to carry on with the principal hospital program, as Mr Humphries had designed, and also to develop a medical/surgical hospital at the Royal Canberra Hospital site. The reality is that things had not gone too far.

As for the approach of the Labor Government with reference to Royal Canberra Hospital, they were dishonest in their representation of what was the reality of the circumstances. As this debate proceeds, the words of Wayne Berry and the Chief Minister, who has decided not to be here for this debate, will come back to pursue them. I hope that the Chief Minister does return so that she can hear her own words. I hope that her own words will sting her significantly over this particular decision.

My original MPI, Mr Deputy Speaker, was not "the contradictory and damaging nature of the Labor Government's handling of the hospital redevelopment program". Instead, I used the words "hypocritical" and "dishonest". The Speaker returned that to me, saying that those words were unparliamentary. I suggest, Mr Deputy Speaker and members, that as you listen to the words used by Mr Berry and Ms Follett in June 1990 you can judge for yourselves whether their approach has been dishonest and hypocritical. It is dishonest because they have tried to convince the Canberra community that the hospital redevelopment program had gone too far for them to be able to institute any changes, too far for them to be able to ensure that there would be a hospital of any type on the Acton Peninsula. The truth of the matter is that it had not gone too far. Even the costs had changed very, very little since the time that Rosemary Follett, on 6 June 1990, tabled a Bill to preserve the Royal Canberra Hospital - a very similar Bill, perchance, to the one that I intend to table tomorrow.

10 September 1991

Wayne Berry, speaking to a matter of public importance the day prior to that Bill being tabled, addressed a comment through Mr Speaker to the then Chief Minister. This is what appears in *Hansard* on page 2016:

... the Chief Minister has made it clear that he is not interested in the views of the residents of the ACT and he has demonstrated the hypocrisy of the Liberal-Residents Rally coalition Government opposite. Last week, over 41,000 signatures on a petition to save the Royal Canberra Hospital were presented in this Assembly and the Chief Minister has made it clear that these views will not be heeded. I see that he is leaving the Assembly now because the blowtorch is on the belly ...

Those are the words of Mr Berry. I notice that the current Chief Minister is not here. I wonder whether she is feeling a blowtorch on her belly. The word that Mr Berry used was "hypocrisy". Page 2016 is where you will find it, Mr Berry. Of course, nowadays it is not 41,000 signatures; it is much closer to 50,000 signatures, and the Labor Government, who fought very strongly for a hospital on the Acton Peninsula, have, without reason, managed to change their view. Wayne Berry - I quote from page 2019 - went on to say:

You have ripped the guts out of this place by your behaviour. The people of Canberra are a wake-up to you. They have had enough of you.

I think it is appropriate for the Labor Party to think about those words, their own words, and see how they apply to them. Further on Mr Berry said:

Mr Kaine has misrepresented the facts again, in the same way as he has misrepresented the facts when he keeps homing in on the so-called \$100m debt. He has not even done the figures.

The reality is that Mr Berry has misrepresented the facts with reference to the Royal Canberra Hospital. In this morning's paper, when Mr Berry talks about \$98m, he knows that he is misrepresenting. He knows that, whilst that figure is true, his own feasibility study - the study that he commissioned - indicated that, even though that money had been spent, it had no particular bearing on the fact that they could still go ahead and develop a hospital on the Royal Canberra site, and that that would cost the equivalent \$13m recurrent, exactly the same figure as Mr Humphries had pointed out to them in a letter to the editor in April 1990, only a month or two prior to the Bill that Ms Follett tabled.

I will now move to her tabling speech on that Bill. This is where the hypocrisy comes out more strongly than ever. Her initial words were:

Mr Speaker, this Bill represents more than just the question of whether the Royal Canberra Hospital survives or not. In a very real sense, it encapsulates everything that is wrong with this Assembly and the dishonest approach that has been taken by the members of the Government.

At that stage she was accusing them of their dishonest approach. Mr Deputy Speaker, it is appalling that she can have stated these words, which appear on page 2137, on 6 June, and then have been a party to this decision. It goes on:

This Bill also gives a chance to show the people of Canberra whether they stand -

she is talking about the Residents Rally -

by the promises they made at the election and whether their pious statements made in this Assembly last year on this same subject meant anything at all. In short, the Residents Rally members have a chance to show that they are not hypocrites and that they have not been deceived by the panic and the terror tactics which the Liberals have used on the ACT budget.

Mr Deputy Speaker, take out "Residents Rally", insert "Labor", and see how strongly those words are going to come back to haunt Rosemary Follett. She went on to say:

This Bill is yet another demonstration of the fact that the Labor Party sticks by the promises it made to the Canberra community at the election last year.

What a laugh! Her very own words come back again to haunt her and they will do so at the next election. She said:

We stuck to our promises about retaining the neighbourhood school system ...

Congratulations. I accept that. I agree with it. It was a very positive move. But today we are talking about the Royal Canberra Hospital. She continued:

and holding down rates when we brought down our budget last year. We announced a plan for the refurbishment and continuation of the Royal Canberra Hospital. All of this was affordable and it was included in a budget strategy -

And so on. Further on she said:

There are many reasons why the Royal Canberra Hospital should be retained, just as there are many reasons why the hospital can be afforded by our community.

10 September 1991

She made this speech on 6 June, only a month or so after Mr Humphries' letter in the *Canberra Times* pointing out that recurrent equivalent costs would be about \$13m to keep that hospital open. The feasibility study shows that a medical/surgical hospital can be kept open for the same money in recurrent terms. If you want to read further, you will find repetition of the same situation, Mr Deputy Speaker. Those words of Ms Follett will come back to haunt her; they will come back to haunt the Labor Party. What we have seen here is a turnaround of the worst possible kind.

The feasibility study that was commissioned by Wayne Berry was prepared largely on the data provided for the original ACT Public Hospitals Redevelopment Steering Committee. We note that the information is very similar to that. When that study was commissioned by this Minister, one cannot help wondering whether he had already made his decision, whether he had already decided that the Humphries approach, which he had criticised again and again, was going to continue anyway and he was simply going to point the finger at Gary Humphries and say, "You took it too far. You were fast-tracking. It was a great inconvenience. It has gone too far. We cannot do anything about it". That is the impression that the Canberra community have, and it is that impression that the Labor Party has given that brings me to that accusation of dishonesty, because it is a dishonest impression. It is quite clear, it is quite categorical, from the feasibility study commissioned by Mr Berry and based on - - -

Mr Berry: I raise a point of order, Mr Deputy Speaker. I think that the imputation that Labor Party members are dishonest ought to be withdrawn.

MR DEPUTY SPEAKER: Who are you saying is making the implication?

Mr Berry: Mr Moore just talked about dishonesty.

Mr Humphries: Mr Deputy Speaker, speaking to the point of order, I quote from Ms Follett's statement of 6 June 1990 on the same subject when she referred to "the dishonest approach that has been taken by the members of the Government". At that stage it was the Alliance Government. Mr Deputy Speaker, if the term was good enough for Mr Berry then, it is good enough for Mr Moore now.

MR DEPUTY SPEAKER: Could I look at that, Mr Humphries? It is a photocopy from *Hansard*. Those words were used on 6 June 1990, Mr Berry. Mr Speaker was in the chair. I am against you on that point.

MR MOORE: This has been a particularly dishonest approach, made even worse by the fact that this very same accusation was levelled by the Chief Minister, who is obviously too embarrassed to be here. She should be too embarrassed to be here; it was her Bill at that time and it was her

accusation of dishonesty. How much worse is it for somebody who levelled that accusation of dishonesty in such an approach just a little over a year ago to then come along with exactly the same approach herself and be party to a similar decision? It is not only a question of dishonesty; in the words of the Chief Minister at the same time, if you look at that *Hansard*, Mr Deputy Speaker, it is hypocritical. The Canberra community would be disgusted to realise that that is the case, and they are disgusted with the turnaround by the Labor Government.

I can think of only one thing that would possibly make this situation worse, Mr Deputy Speaker, and that is that, should we have single member electorates, without a proportional representation system of government, no doubt the Labor Party would be happy to twist and turn in whatever way they can. They would not be so open to scrutiny and so open to question as would be the case with a proportional representation system of government. Finally, Mr Deputy Speaker, should they think that stable government is all the answer, do not forget that Stalin and Hitler had stable governments.

MR BERRY (Minister for Health and Minister for Sport) (3.52): Mr Moore makes great play of allegations of dishonesty. I want to draw to your attention something which will put to rest for the remainder of this debate the strength of Mr Moore's arguments. He referred to page 2137 of *Hansard* and a statement in Ms Follett's speech on the Royal Canberra Hospital Bill. The quote he used was this:

This Bill is yet another demonstration of the fact that the Labor Party sticks by the promises it made to the Canberra community at the election last year. We stuck to our promises ...

That is what she said. In fact, we did. As Mr Moore knows, the Labor Party's policy on health services at the Acton site has been adhered to strenuously all the way through. For him to say that there has been some breach of that policy is, to use his own word, dishonest because Labor has consistently stuck to its policies in that respect, and it continues to do so. It is also, may I say it, dishonest for Mr Moore to suggest that the circumstances now are the same as they were in June 1990, because things are altogether different.

The question really arises: Why are we debating this today? We are debating this today because the Residents Rally, the Liberals and the No Self Government people prevented that Bill from being debated in 1990 and the blowtorch on the belly being fired up in respect of Residents Rally members and other members of this Assembly who had supported Labor when it first decided upon keeping Royal Canberra Hospital open on the Acton site in 1989.

10 September 1991

At that point Labor believed that the hospital could be kept open. It was difficult to make out clearly what the Government's position was in terms of expenditure, but at that point we believed that it could have been kept open. That was a sincere belief based on our assessment of what had gone on to that point.

The situation at that point was that the Government had indicated a wish to fast-track the closure of that hospital before the 1992 election, for good reason, and the Labor Party in opposition had decided that it was possible for us to retain that hospital. We had indicated to the community, and have continued to indicate to the community, that if the wind-down of that hospital and the redevelopment project had not gone beyond the point of no return we would reopen the hospital. We acted responsibly all the way through. It was other members of this Assembly who walked away from decisions which had been taken by the Labor Government and who put the hospital system into a situation where it was inevitably driven into disarray. That, of course, put the Labor Party in an impossible position in respect of retaining the hospital as we had promised in 1989.

Mr Moore seems to conveniently ignore the amount of community resources that have been poured into the closure of that hospital. Those opposite, then in government, set out to pour ACT funds into that closure at an unprecedented expenditure rate. Something like \$100m - according to the review I think it was \$108m - has been committed to that project right now. You just cannot ignore that. You cannot ignore the structural changes that have been made to the buildings, the structural changes that have been made within the management arrangement, and the structural changes that have been made to staffing. The Labor Party will not ignore those things because we have to deliver a public hospital system intact and one that we can afford.

What Mr Moore is proposing is that this Assembly and this Government should commit themselves to an additional \$10m per year forever for the retention of Royal Canberra Hospital. Mr Moore knows that in 1989 Labor's original plan demonstrated a difference of about \$3m in recurrent costs for the retention of Royal Canberra Hospital. That was the steering committee's report and that is what the Labor Party promised to deliver. The Labor Party was prepared in those days to commit itself to the refurbishment of the Royal Canberra Hospital as necessary and \$3m per annum in additional recurrent costs - no more than that. What Mr Moore is asking us to do now is commit ourselves to a further \$10m of recurrent cost and ignore the penalties that we will suffer by turning our backs on the contracts and commitments that have already been made in relation to the redevelopment project. Who knows what the cost of that will be until we get to the end of the project? Those factors cannot be ignored.

Mr Deputy Speaker, nobody laboured over this decision more than I did and more than the Labor Party members did. We suffered a great deal of anguish about the issue; but it was a decision that we had to make in terms of a responsible approach to the expenditure of public funds. We knew that we would receive accusations such as those which have been made by Mr Moore; but we did not think it would be so easy to undermine them, because Mr Moore's statement is without base. His position is without base in relation to this matter of public importance. He has not made out his case. He has not demonstrated that he has taken a responsible approach in terms of delivering a hospital system in the Australian Capital Territory.

What we have to examine also, Mr Deputy Speaker, is what Labor has decided to do with the hospital system that we inherited from the former Government. Let us not forget that we inherited a labour force that was demoralised. We had a continuing dispute with the Australian Nursing Federation in relation to its terms and conditions during the course of the redevelopment project. In fact, there were bans in place when we took over government. I am happy to announce that today those bans were lifted. They were lifted because of Labor's special relationship with the trade union movement and our ability to negotiate reasonable terms on issues that should have been sorted out more than a year ago.

None of us will forget the massive industrial disruption that was caused when Mr Humphries attempted to attack what was described as the shift overlap in December and January of 1989 and 1990 respectively. That issue had not been sorted out until the bans were lifted today. I have to say, Mr Deputy Speaker, that it was a pleasure to deal with the Australian Nursing Federation in relation to the negotiations on that issue. I have to say, also, that the Australian Nursing Federation has a record for standing up for its members, but we are happy to negotiate with them on any issue at any time.

Mr Deputy Speaker, I think Mr Moore has not taken into account the great burden that Labor has been left with as a result of our inheritance from the Alliance Government. We inherited a hospital system which is suffering as a result of a spate of mismanagement in the financial system - mismanagement that had been pointed out by Labor when it was last in office and which had not been addressed by the Alliance Government. Those factors need to be taken into account when one considers this issue. Mr Moore has not done that properly.

For him to argue simply that it will cost \$13m a year to keep Royal Canberra Hospital open with no additional quality in our services, in my view, Mr Deputy Speaker, does him no credit. I have to say that there is an opportunity here for a bright young lad to pick up a couple of votes around the electorate, but that has to be based on a sensible decision in relation to our hospitals.

10 September 1991

I think Mr Moore will lose this debate, except for a few supporters. I am sorry to say that Labor had to make this decision, but it was a decision that was made on the basis of a reasonable costing and a review of what had been done by the Alliance Government. We have turned away from the private sector focused hospital system that was promised by the Alliance Government - a private sector focused hospital system that would extend waiting lists in our hospital system because of the reduced number of services that would be available to those people who could not afford expensive hospital insurance or could not afford to pay over the counter for private hospital services at the private hospital that was planned by the former Government to take over public services. We have turned our back on that position and we have decided to maintain our focus on the public hospital system.

It is not going to be easy. Nobody has ever said that the management of health was easy for any government, but it is particularly difficult for a government which has inherited the mess left to us by the Alliance. Mr Deputy Speaker, at the end of the day we have to have a hospital system which is accessible to all of the people of the ACT, which is affordable to all of the people of the ACT, which continues to provide, as well, those services which have been traditionally supplied to the people of the south-east region of New South Wales, and which guarantees a future for the delivery of quality public hospital services in the Territory.

If we adopt the plan which has been proposed by Mr Moore it will mean that there will be fewer hospital services. There is no question about that. If we had had our druthers, we would have continued in 1989 to develop the planned retention of Royal Canberra Hospital in its place on the Acton site. The actions of the Residents Rally members, No Self Government members and Liberal members of the Alliance Government stole our ability to do that. It was clearly their intention to prevent it. They worked, for their entire period of government, spending Territory money and committing Territory money willy-nilly, to ensure that that hospital could not be opened. Seven months from the end of the term, Labor came to office again. We responsibly reviewed what had been going on in the hospital system and, Mr Deputy Speaker, I submit that Labor's action in deciding on the hospital plan that it has decided upon has been responsible.

We will provide a quality hospital, as we promised in 1989, at the Woden Valley site. Labor's decision to support a principal hospital at the Woden Valley site will stand. The services will be expanded at the Calvary site; but we are advised, and I accept that advice, that there is no need for a new private hospital in the Territory. There is no demand for it. I think that justifies our position

during the period of the Alliance Government that there should not have been a decision made to support one, because it would be supported at the expense of the public hospital system and at the expense of the people of the ACT generally.

Mr Deputy Speaker, we have had a year-and-a-half of chaos in our hospital system; we have had budget blow-outs in our hospital system and add-ons to the original costings of the former Alliance Government. For Mr Moore to come forward now and say that we should add on another \$13m for the retention of the Royal Canberra Hospital I think borders on the irresponsible.

MR HUMPHRIES (4.07): Mr Deputy Speaker, I welcome the opportunity of contributing to this debate. I approach the matter from a different angle from that of Mr Moore; but I certainly agree with Mr Moore that the basic question of the Government's dishonesty and hypocrisy in this matter deserves to be raised, deserves to be addressed and deserves to be faced up to by the Government. Mind you, Mr Deputy Speaker, I note that Mr Berry has now left the chamber. He is not anxious to take the heat and I look forward to seeing whether he comes back.

I think there are a few myths that need to be dispelled at this stage. We need to quickly put an end to this curious example of history being rewritten by this Government. That, Mr Deputy Speaker, is exactly what is happening; history is being rewritten. First of all, it is worth going back to the basic premise argued by Mr Berry for this Government's decision to proceed basically with the Alliance Government's plans to redevelop the public hospital system in the ACT.

Mr Berry's argument goes as follows: "We intended in 1989 bravely to sally forth and choose an option for hospital redevelopment which provided for the retention of the Royal Canberra Hospital North and had we remained in office we would have been able to complete that plan. It was purely the dastardly acts of the Alliance that prevented us from completing that action".

Mr Berry then goes on to say that on taking office again in June of this year his Government struggled bravely with the mess inherited from the Alliance in a desperate attempt to save the hospital that they so cherished. Unfortunately, try as they might, they could not devise a way of preserving that hospital and, as a result, have had to let it go by the wayside and accept and inherit the wisdom of the Alliance Government's plans for hospital redevelopment.

Mr Berry argues that the situation in 1989, when the Government then did wish to proceed with the retention of Royal Canberra North, was different from that in 1991 when he says that it is not possible for the Government to retain Royal Canberra North. The situation was indeed different; that much I will concede, to a point. There was

10 September 1991

a difference between the two circumstances. Work had been done; there were significant changes in the circumstances between those two dates, and it might be possible to argue that there could not be a retention of the original 1989 plans in exactly the same form. However, although there was a difference between the situation in 1989 and that in 1991, there was effectively no difference in the situation between 15 May 1991 and 6 June 1991 when the Follett Government took office for the second time. Ms Follett scratches her ear, wondering what the significance of the date of 15 May is.

Mr Deputy Speaker, on 15 May I and the then Acting Secretary of the Department of Health, Mr Turner, and the Canberra manager of the hospital redevelopment program, Mr Kelvin Steel, sat down in the joint party room on the fifth floor and briefed Ms Follett and Mr Berry on the hospital redevelopment program. We briefed them completely on that subject.

Ms Follett: No, you did not. You were not able to answer basic questions.

MR HUMPHRIES: Mr Deputy Speaker, Ms Follett says that we did not. The fact is that every question that was asked by Ms Follett and Mr Berry either was answered at that time or was taken on notice and subsequently answered after that meeting. Everything that was relevant to the question of whether the Royal Canberra Hospital North should remain open was disclosed at that meeting. Ms Follett and Mr Berry were at great pains to discover what it was that they would have to do, were they in a position to take office in the future - perhaps they had some prescience there - in order to be able to reopen that hospital. What would they have to commit themselves to? Would they be able to make the promise of reopening the hospital? That question was fully answered to them on or shortly after 15 May of this year.

Ms Follett has the opportunity of rising in this debate after I sit down and explaining to this Assembly what it was that was not properly disclosed or discussed with her and her colleague at that time. The fact of life is that everything that could be told to her was told to her and to Mr Berry. I want to know what it is that she remained dissatisfied about which could not have been provided, or which was not provided, and which caused her to change her mind. She did change her mind, obviously, between 15 May, or shortly thereafter, and 6 June.

After that meeting she went to the people of the ACT, and particularly to some members of this Assembly upon whose votes she relied to obtain government on 6 June, and said, "We believe that it is still possible to reopen that hospital. We will do our best to reopen that hospital if it can be done. We will try our valiant best and we believe that it may still be possible". That is what she said: "We believe that it may still be possible to reopen

that hospital". In fact, Mr Deputy Speaker, she and her Health Minister or health spokesman knew that it would not be possible on those criteria to reopen that hospital. She and her colleague and her party had made up their minds that it was not possible, given the financial situation faced by this Territory, to reopen the hospital at Royal Canberra North.

Mr Deputy Speaker, I think that those opposite should be honest enough to admit that the decision made by the Alliance Government was far and away the most sensible, financially, for this Territory. It was the only sensible decision for a Territory faced with a desperate shortage of funding after the Commonwealth withdrew special levels of funding to the Territory. Mr Deputy Speaker, we acknowledge that; we made a decision based on that reality. Ms Follett has made the same decision based on the same reality, but will not admit that. She prefers to blame the Alliance Government rather than her own Federal colleagues whose decision about funding of the Territory has led to that decision about the closure of Royal Canberra North.

Mr Deputy Speaker, everything was disclosed and it ought not to have been any surprise to Ms Follett and her colleague that they had to come to the conclusion that the hospital could not be reopened.

Mr Kaine: They spent 50 grand to confirm it.

MR HUMPHRIES: Indeed, as Mr Kaine reminds me, we also had to waste \$50,000 in window-dressing to discover that the Labor Party had already made up its mind about the closure of that hospital. Let us not beat around the bush; it had made up its mind, before it took office, that it would not reopen that hospital. I think that Labor, on 6 June, bought the votes of some people in this Assembly with the promise that it might be able to reopen that hospital, and it did not deliver on that promise. It could not. It now, quite justifiably, faces the opprobrium of this Assembly.

Mr Deputy Speaker, the health area is becoming a disaster for Labor, as it was during its first term in office. We have seen a whole series of spectres that were at least partly buried during the life of the Alliance Government resurface and come back to haunt this Government. I particularly refer, for example, to the matter raised by Mr Berry himself, and that is industrial relations. Let me remind the Assembly that industrial relations in the area of health, under the Alliance Government, were considerably better than they were under the first Follett Government. Fewer days per day in office, if you like to use that measure, fewer man days or fewer worker hours, or whatever the expression is these days, were lost on a day by day basis under the Alliance Government than were lost under the Follett Government.

10 September 1991

I suspect, given the few short months since that Government has resumed office, that we will once again see that in fact it is the conservatives, so called, who are actually better able to manage industrial relations in this Territory than is Labor. We have the capacity, and the gumption at stages, to say, "This is what must be done for the Territory. You might not like it; it might mean some job losses but it has to happen". That is what we did; and we succeeded. We lost very few days indeed in the hospital system as a result of our plans to restructure. The hospital redevelopment, in fact, lost almost none. The two most significant causes of lost days in the hospital system while I was Minister, Mr Deputy Speaker, were the nurses' shift changes, which in fact occurred before the hospital redevelopment was announced, and the dispute with the Hospital Employees Federation, which I think even those opposite would acknowledge was a productive dispute, if I may use that expression, from the point of view of the Territory.

Mr Deputy Speaker, those opposite are engaging in a deceit. They should acknowledge that deceit and say plainly to the people of the ACT, "We have picked up where the Alliance left off because the Alliance made the right decisions about hospital funding and programs in this Territory". Let them be honest about the matter and they will be taken seriously at the next election.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.17): It is interesting to hear the rhetoric of this failed former Health Minister attempting to attack the Labor Government's record in this important area. Mr Humphries will go on record in this Assembly, apart from being the second shortest lived Leader of the Opposition, as having the longstanding record for blowing out a budget. His homilies on good management, his homilies on the Liberals' management of the health system, just do not stack up against that extraordinary budgetary blow-out. This former Minister could not manage his program while he set about the process that inexorably led to the closure of the Royal Canberra Hospital.

Despite the mist of rhetoric of Mr Humphries' remarks, which we all have come to enjoy and anticipate when he is about to speak, there was a very fundamentally honest statement that he made, and he is to be credited for this. It perhaps stands in contrast to Mr Moore's attack. Mr Humphries honestly and fairly stated what Ms Follett said on 15 May, which was that the Labor Government would like to keep the hospital open, would look at the possibility of keeping it open. I do not have the precise quote, but he quoted it accurately. The assertion, as accurately quoted, was that Labor would do what it could. That is to be contrasted with Labor's very clear statement at all times

on the schools issue. At all times we said that we would reopen the two controversial schools. Within days of this Labor Government coming into office it made good, under the stewardship of the Education Minister, on that very specific promise.

In relation to the hospitals, the Labor position had long been clear. In our policy document, when we went to the electors in 1989, the Labor Party said that it wanted to retain the hospital on the Acton Peninsula. I think in that respect that all parties in this Assembly had a similar policy; but when the Alliance Government came into power the Liberals and the Residents Rally decided to go about a different course of action. Labor, on coming to power, very much would have liked to be in a position to reverse the decision on the Royal Canberra Hospital. The Health Minister took the view that it was essential that we have a clear and objective analysis of the options and the position, and to that effect gave approval to a very short and sharp consultancy analysis on options for the future of the health system. That review, which took but a few short weeks, confirmed the worst. In effect, it confirmed that, yes, as Mr Moore says, it would be possible to maintain a hospital on the Acton Peninsula. It would be possible to pull down the Telecom tower on Black Mountain, which many Canberrans 15 years ago opposed.

Mr Kaine: It is not yours to do, I am afraid. You would if you could, I'll bet.

MR CONNOLLY: It would be possible, but it would be vastly expensive. Indeed, as Mr Kaine says, that would not be ours to do, but a Federal government could do that. There are a lot of things which a government coming into power would like to do to reverse the decisions of a former government but which are just not responsible while possible.

A similar example of the havoc wreaked on the community sector by the Alliance Government as a direct consequence of the school closure program was the decision to give the Independent Living Centre the flick from its then location in Macquarie and to move it into the Weston Creek Community Centre. We very vehemently criticised that. We said that it was unnecessary. Of course, with the Labor Government coming good on its clear commitment in relation to schools, it would have been possible for the Independent Living Centre to have remained at Macquarie. I came under a significant degree of pressure from the Weston Creek community to reverse that decision of Mr Humphries and send the Independent Living Centre back to Macquarie and use the space at the Weston Creek Community Centre for alternative purposes, but that would have been irresponsible.

The former Government made a decision which we thought was the wrong decision. It resulted in a significant expenditure of public funds and it would have been irresponsible of us as an incoming government to reverse

10 September 1991

that, just as it would have been not impossible - anything is possible if you are prepared to pay for it - but highly irresponsible for an incoming Labor Government to attempt to reverse the inevitability of the Alliance Government's decision.

It rolls off the tongue very easily when you are an independent member in a position of perpetual opposition and Mr Moore can say, "Well, it would only be another \$13m recurrent expenditure. You can find that money somewhere". Mr Deputy Speaker, \$13m would have to come either from other programs within the health area or from programs outside of health, from welfare, from schooling, or from massively increased taxation. This Territory just does not have \$13m. If Mr Moore's assertions are to be given credibility, if Mr Moore says that it is possible to reopen Royal Canberra Hospital and that this Assembly should do precisely that, it is incumbent upon him to demonstrate how that can be funded. It is incumbent upon him to explain to this Assembly where that will come from by way of additional taxation, or what programs would be closed.

The Labor Government's decision on this was not taken with any degree of cheer or enthusiasm. We were in a position, like King Canute facing the tide, where there was no alternative. The former Alliance Government's policy decisions made the abandonment of a public hospital facility on the Acton Peninsula an inevitability, a sad inevitability. The Labor Government, responsibly and having carefully and impartially assessed the factual situation by way of a very short and quick consultancy report, found the decision inevitable. This Government will stand by that decision. Mr Berry acted in a most responsible manner on that.

I am sure that the community, while lamenting the passing of Royal Canberra Hospital on that site, will realise that it was the stewardship of the health system during the period of Mr Humphries' administration, the frantic throwing of money at the redevelopment proposals on the Woden site, the locking in to that redevelopment, that made the closure irreversible, and that no responsible government could change that position. The Labor Party's position, Mr Deputy Speaker, will stand up to any scrutiny. We acted responsibly throughout.

DR KINLOCH (4.25): The Rally endorses the bulk of Mr Moore's comments and many of Mr Humphries' comments, and we express continued anxiety about the Labor Party's continual spreading of that smokescreen about private hospitals. Surely we can have health systems which include public and private facilities in due course. There is a need to be brief here, partly because of the length of time for the MPI and partly because much of this has been said before in previous debates.

Briefly, in response to a number of things that have been said, the original Rally position was this: We wanted to keep the Royal Canberra Hospital open. I stood in assemblies with Mr Berry and others trying to do that. One of the saddest things for us in the three years of the Assembly is that the Royal Canberra Hospital now, temporarily at least, seems to be closed.

In the Alliance Government, on technical and financial advice, we were persuaded that the hospital could not continue as a principal or co-principal hospital. From figures given to us, it was very difficult to come to any other conclusion than we did. But we insisted at that time that the medical facilities on the Acton Peninsula be retained and that the peninsula be earmarked for continuing community use, especially for the health of the community. We looked forward, in particular, to the possibility of a community convalescent hospital. We then observed, with great worry, the processes and costs of the redevelopment of Woden Valley Hospital.

A few months ago, encouraged and supported by our own members, we finally agreed on 18 June - less than three months ago - to a number of conclusions. We agreed that the names should revert to the way they were before. We agreed to a moratorium on fast-tracking and we believed that the Labor Party was going to be supportive and helpful at that time. We hoped for better things from them. We called for an overall strategic plan. In particular, we called for the retention of the major trauma and referral hospital on Acton Peninsula. But then, alas, came the study, the \$50,000 study, Labor's backdown and Labor's renegeing on their promises.

I understand the King Canute analogy. I understand the financial and economic problems. But, when the tide had come in and the tide had gone out, there in ruin was the possibility of a hospice and a community hospital. That, in particular, was a sad thing for us. We did expect a community convalescent hospital on the Acton site. On that particular point the Rally is very sad indeed, and so are our members. So, in general then, the Rally agrees with the matter of public importance, the statement as given. We do not accept some of the smokescreen that has been put before us. We hope, in due course, for a retraction of that denial of the community convalescent hospital.

MR STEVENSON (4.29): On 6 June 1990 Rosemary Follett presented a Bill to save Royal Canberra Hospital. At that time she spoke strongly for the right of the people of Canberra to maintain Royal Canberra Hospital. She said:

... this Bill represents more than just the question of whether the Royal Canberra Hospital survives or not. In a very real sense, it encapsulates everything that is wrong with this Assembly and the dishonest approach that has been taken by the members of the Government.

10 September 1991

She spoke about the Residents Rally and the Ainslie Transfer Station Bill. Referring to the Royal Canberra Hospital Bill, she said:

This Bill also gives them a chance to show the people of Canberra whether they stand by the promises they made at the election and whether their pious statements made in this Assembly last year on this same subject meant anything at all.

She continued:

This Bill is yet another demonstration of the fact that the Labor Party sticks by the promises it made to the Canberra community at the election last year.

What are the people of Canberra to think about their change of view on saving the Royal Canberra Hospital? She continued further:

There are many reasons why the Royal Canberra Hospital should be retained, just as there are many reasons why the hospital can be afforded by our community.

Some time later on in the speech she said:

Last week we saw petitions from 41,000 Canberra residents presented to the Assembly ...

I believe that the number is now 50,000, and that is about 30 per cent of the entire electorate in Canberra. Surely, with that sort of concern, the representatives in this Assembly should do the will of the people and save the Royal Canberra Hospital. Rosemary Follett said:

Mr Speaker, the 41,000 people who signed those petitions all believe that Royal Canberra Hospital should remain open. Those 41,000 people vastly exceed the total number of people who voted for the Residents Rally and the Liberal Party at the last election.

I think we all fully understand that they vastly exceed as well the number of people who voted for the ALP at the last election. She continued:

... the Government has absolutely no mandate to close Royal Canberra Hospital. The decision flies in the face of their promises to the Canberra community. The Bill that I have presented today offers a last opportunity for members opposite to show that they are prepared to listen to the desires of the community and to act to protect public health services. The Bill is about honesty in government ...

Mr Deputy Speaker, of all the issues, Canberrans have made their view felt very clearly on this issue. Certainly, as the Royal Canberra Hospital has gone some way down the track to being closed, it would be more difficult at this time. However, the money belongs to the people of Canberra and the money should be spent to keep the Royal Canberra Hospital open. We all understand that the Federal Government deliberately allowed the Canberra hospital to be run down so that it could then be said to be too costly to keep it open. But the money should be found; the money should be spent on keeping the Royal Canberra Hospital open. Indeed, as we are all aware, Mr Michael Moore will soon be introducing a Bill to do just that. I commend him for it.

MR DEPUTY SPEAKER: The discussion is now concluded.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Report on New Capital Works Program 1991-92

MR KAINE (Leader of the Opposition): Mr Deputy Speaker, I present the report of the Standing Committee on Planning, Development and Infrastructure on the new capital works program for 1991-92, together with extracts of the relevant minutes of proceedings, and I move:

That the report be noted.

I think that there are some rather important things that need to be said about the capital works program as proposed by the Labor Government. I would just note that the membership of the committee changed during the consideration of the capital works program, as, of course, did the Government. The works program that the committee originally began to consider was later changed by the Labor Government when they took office. My comments specifically relate to the revised works program.

I would note, Mr Speaker, that this new works program put forward by the Labor Government is significantly lower in magnitude than the one which the Alliance Government had put forward.

Mr Wood: Very responsibly.

MR KAINE: We will deal with the responsibility of this and whether it is a good capital works program or not. The committee took considerable evidence on this point as to the nature of the revised works program and what its consequences are for the ACT. I would draw members' attention to page 5 of the report and the general comments that we make about this. Those general comments have to do with the consequences for the ACT economy of the changed program. I note that the expected expenditure this year

10 September 1991

will be approximately \$17m less than was budgeted last year. The Master Builders Association have examined the decline in the overall works program represented by that reduction in expenditure and they have quantified that in terms of about 910 jobs in the building industry.

Ms Follett was talking about reducing public sector employment by 250 this year and she will have great difficulty achieving that. We aimed at reducing our public service payroll by about that number last year and we found that it was simply not possible to physically process those people through the system although we had made a provision of something like \$13m for redundancy payments. We were not able to achieve that because it was not possible to identify the people and to process them through the system.

But 250 jobs is just infinitesimal compared to what this reduction in the capital works program means for this economy - 910 jobs in the building industry. The BWIU in fact agrees with that. They have also noted that there is a multiplier; that for every job lost in the construction industry itself there are four jobs outside it that flow from this construction work, and that therefore translates into a potential 3,600 jobs or approximately 3,500 jobs that can be lost in the ACT because of this reduction in the capital works program.

I submit, Mr Speaker, that in today's climate, when we are trying to keep some stability in this economy, to make that sort of change in our capital works program without carefully thinking it through is irresponsible. I do not think that the Government has thought it through. That is why we have suggested that some of the projects that they intend to take out of the program should be reinstated. Our recommendations on that are quite specific.

I do not think that the Government can lightly cast aside the careful consideration and the recommendations of the committee. I do not intend to deal with the individual recommendations that we make on a project by project basis, but I think that I must comment on the minority report on this matter put in by Mrs Grassby. It is quite clear that this dissenting report is nothing but a Labor Party, ideologically based, knee-jerk reaction to the recommendations of the committee. I will just quote a few things. In fact, I doubt very much whether this is a dissenting report from Mrs Grassby. I suspect that it is a dissenting report from the Labor Party.

The fact that they attempt to turn this into a political event and set the Labor Party on the one side and the Liberal and Rally members of the committee on the other, and pretend that there is a difference of view between those two political groupings, is quite absurd. I take just some of the words, Mr Speaker. Mrs Grassby says:

I do not believe that the ACT Government can be held responsible for the effects of Commonwealth economic policy on the private sector.

I agree with that entirely. She then goes on and says:

With a small and already stretched State-type budget, I do not believe that the ACT Government can responsibly engage in massive intervention in the local economy.

We are not talking about massive intervention; we are talking about some relatively minor changes to the works program that will allow a reasonable flow of work. I refer back to page 6 of the report, paragraph 3.8. Mrs Grassby refers to "massive intervention". Our recommendation was:

... that the Government should undertake a review of the new capital works budget with a view to ensuring that the level of economic activity generated is sufficient to help prevent any substantial increase in the level of unemployment.

That is what the recommendation is about. It is in no way a massive change or a massive intervention. Even the total works program is not massive by any standards. So, we see these emotive words being thrown in here. Mrs Grassby says:

To advocate that a government undertake a large borrowing program at this time is contrary to the sound economic management policies ...

If anybody knows about sound economic policies it is the Liberals, and we put our policies into effect while we were in government. But she talks about "a large borrowing program". I refer back to page 6 of our report. This is part of our recommendation:

Any budgetary shortfall that such a diversion of funds may cause should be covered by a modest borrowing program.

A modest borrowing program, not a large borrowing program. So, the words change; from the recommendations of the committee, the Labor Government puts it forward as being exactly the opposite to what we are recommending. Mrs Grassby then, as I said, resorts to the political ideology. She finds it extraordinary that the Liberal Party is recommending embarking on a "borrow at all costs" approach. The Liberal Party is doing nothing of the kind. The Liberal Party is taking a responsible approach to the ACT economy and recommending to the Government, in conjunction with the other members of the committee, other than Mrs Grassby, that the Government take a responsible economic view. That is exactly what we are saying.

10 September 1991

Again the ideological approach occurs in connection with the Griffin Centre replacement. Mrs Grassby says:

It appears to me that this whole project owed far more to Mr Kaine's desire ... to sell the Griffin Centre site for use with adjacent land as a large private sector development.

That was never proposed by the Alliance Government. It was always envisaged that a new community centre would be built - does anybody suggest that the people in Civic Centre are not entitled to one? - and that the existing Griffin Centre then be redeveloped, quite probably as part of an enlarged community centre. There is no suggestion on my part, and certainly no desire, as quoted by Mrs Grassby, to sell it to the private sector. So, here we have this ideological approach.

On the question of the rationalisation of TAFE, we suggested that the rationalisation of the TAFE campuses should continue, as was always intended. It was part of a long-term program to put the TAFE system onto a reasonable basis. This was started when the Labor Government was in office. But now Mrs Grassby says that we should have a full cost-benefit analysis to ensure that the maximum benefit is returned to the TAFE users. I thought that the whole TAFE rationalisation program, started under the Labor Government and continued under the Alliance Government, and which we are recommending should now continue, was the result of a proper economic analysis. Perhaps Mrs Grassby and the Labor Party opposite can explain why they embarked on the program in the first place if it was not a rational approach. Of course it was on the basis of a rational approach, and we fully support that.

"It is incumbent", Mrs Grassby says, "on the Liberal and Residents Rally members of the committee ..."; not the other members of the committee, but the Liberal and Residents Rally members. Here we have this distinction between the white banner of the Labor Party on the one side and the presumably blotched escutcheon of the Liberals and the Rally members on the other. Why that has to be intruded into the argument I do not know. She suggests that we should demonstrate how we would pay for our recommendations. She says that we have adopted a "buy now, pay later" mentality.

When you embark upon projects in your capital works program that have a future pay-off, that give you a reduction in your recurrent budget in future years or that in themselves generate revenue, that is a very responsible way to go with your capital projects, and that is what we are recommending. We are saying that these particular projects should be put back into the program because they have an economic and financial pay-off. Where do you get this "buy now, pay later" mentality? You do legitimately borrow for capital projects of the kind that give you a future pay-off. That is the basis of your borrowing.

But what is this Government going to do? It is going to take the \$53m that we got out of the transition fund and blow every cent of it in this fiscal year, and it is saying, "We are not going to make any borrowing". That is illogical. It does not fit into any rational program of government expenditures. It does not fit into any logical government program of borrowing. It does not fit into any logical program of ensuring stability in the construction program in the ACT that leads to stability on the part of the small business in the construction field that relies on it.

This proposal by the Labor Government, if they put it into effect and ignore the recommendations of this committee, is going to result in further unemployment. It is going to result in further bankruptcy in small businesses that depend on the ACT capital works program to keep them going. It is going to further degrade the ACT economy to the point, I suggest, where some elements of the construction industry are unlikely to revive for years, and all Mrs Grassby can say is that we have a bankcard mentality.

I do not think that the small businesses out there that are waiting for this boom to drop, and the people out there who are going to be unemployed in a few months when this boom drops, are going to be much impressed by the bankcard mentality argument. They are not going to be much impressed by the "borrow now and pay later" proposition that the Labor Party is putting forward, because that is a legitimate process of government in order to maintain some order or semblance of stability in our local economy.

This is one way they can do it; this is one way the Government can show that they are economically and financially responsible; that they do understand our economy. They have shown no indication so far that they have any understanding of it. Here they have some rational recommendations to put stability and order into our economy, to provide some employment for our work force and to provide some sustenance for our small business, particularly in the construction field.

I do not believe that the Government can take the view expressed by Mrs Grassby in her dissenting report, sensibly and honestly put that into effect, and at the same time say to the community, "We are being responsible and we are looking after you; we are interested in the ACT community". The two things are mutually exclusive. Mr Speaker, I will go so far as to say that I beg this Government to reconsider their view, if Mrs Grassby's dissenting report accurately presents it. I beg them to reconsider that view in the interests of this community, in the interests of the potential unemployed and in the interests of the small businesses in the construction field that are going to go out of business if they proceed with the line suggested by Mrs Grassby.

10 September 1991

MRS GRASSBY (4.48): I do not want to take up a lot of the house's time - - -

Mr Jensen: Mr Speaker, I thought the deputy chair - - -

Mr Connolly: You spent 10 minutes attacking Mrs Grassby.

MR SPEAKER: Order!

Mr Jensen: I thought the normal procedure was for the deputy chair to be followed by the third member. But go on, Ellnor; ladies first.

MRS GRASSBY: Let him have it.

MR SPEAKER: Order, members! Who wishes to stand?

Mr Moore: Mrs Grassby has deferred to Mr Jensen.

Mr Kaine: Mrs Grassby has the floor.

MRS GRASSBY: Mr Speaker, I once read a saying that, if you let an accountant look after your business, either he will end up owning it or you will end up going broke. I do not want to say that Mr Kaine would do that, but I find the speech he just made rather incredible. I did say exactly all that he has said; you will find it in the back of the report, so I will stand by what I said. I do believe that the Liberal Party has a bankcard mentality - borrow now and pay later. This is the sort of thing that has happened in many governments around Australia.

Ms Follett: They cannot take it, Ellnor.

MRS GRASSBY: No, that is true. Never mind, Rosemary; I can handle it.

Mr Jensen: I am still here, Ellnor.

MRS GRASSBY: You will always be here, Mr Jensen - until we throw you out.

Mr Connolly: Only until February.

MRS GRASSBY: Only until February.

Mr Jensen: Thank you for your vote of confidence.

MRS GRASSBY: I said "until we throw you out"; that has to be the last bit, remember.

The Liberal Party expects us to go into a large borrowing program, to put the people of this city into enormous debt so that they spend the rest of their life paying it off. As I said, they have a bankcard mentality - using plastic. This Government does not intend to do this. Ms Follett is a very responsible Treasurer. She understands the balancing of the books. She understands that at this time

we cannot carry an enormous borrowing program because with an enormous borrowing program there comes the point at which you have to tax the people. The money does not actually grow on trees. A lot of people think it does, but it does not. The money has to come from somewhere.

The point that Ms Follett will make in the budget next week will prove that the capital works that will be put into progress are much needed and will not involve an enormous borrowing program for things that at the moment this city can do without. The people of Canberra are sick of seeing roads being dug up, roads that they feel are perfectly good; they are sick of seeing line marking all over the place. Whereas once they used to be able to park their car by their house, now they cannot because there are white marks everywhere. They want to know why this money is being wasted. We are the taxpayers, we are the voters, and every time we turn round we see more roads being dug up, more white lines being spread around where they are not needed, and buildings that we really can do without at a time when we are asking people to tighten their belts because the Federal Government has treated us rather severely in this budget.

We do not want to end up like Victoria, which has a serious problem but which has a very good Premier who may be able to get them out of it. That is the way they seem to be going. We do not want to end up like New South Wales, which has a Premier who lied to the people during the election. We now find that they are closing hospitals left, right and centre, and closing schools left, right and centre, because they cannot balance the books. We do not intend to put the ACT into this position.

As I said earlier, we have in the Chief Minister a Treasurer who understands this problem and has no intention of willy-nilly rushing out and borrowing large amounts of money to build unnecessary buildings at this time. Further on, down the track, that may be part of the public works program. At the moment it is not possible to do it. As I say, you cannot ask people to take a cut or to tighten their belts and then go out and spend money unnecessarily at this particular time.

I stand by what I said about the new public works program in my dissenting report. As a responsible member of this Assembly I feel that I have to give a responsible view. I have to face up to the people outside who are saying, "Why are you digging up another road? Why are you putting all these white marks around? How much is it costing?". They are the people who are to be charged extra for all these things that they now have to pay for in order to balance the budget.

I am sorry, Mr Speaker; I do not think Mr Kaine has got it right. I think he does have a bankcard mentality. I think it is borrow now and pay later. I suggest that he use the scissors on all his bankcards because this is how people get into trouble, and we all know it.

10 September 1991

MR JENSEN (4.53): It is called plastic surgery, Mrs Grassby, and some people actually do that at times; but I will come to that later on. I would like to start by expressing my thanks to the members of the committee's secretariat who assisted the committee to consider two capital works budget proposals in a very short period of time, under some considerable pressure. That put considerable extra work on them and the officials who are required to appear before the committee. I refer specifically to the committee secretary, Mr Greg McIntosh, who has worked tirelessly on the planning committee over a number of years now, and Mrs Kim Blackburn, who finalised the production of the report.

At this stage, Mr Speaker, I will make a passing comment on something that occurred during the term of this particular inquiry. It relates, of course, to the changes that took place in the committee after our very own D-day on 6 June this year. The change to the committee's presiding member on 28 June was most unfortunate and relates to the influence of the duopoly. Members may recall the support provided to Mr Wood, as chairman of the Social Policy Committee, after the changes in 1989 which saw the establishment of the Alliance Government. It is unfortunate that similar sentiments were not allowed to prevail in this case.

Mr Speaker, when we considered the second set of capital works proposals it was clear that \$17m less was to be spent than originally proposed by the Alliance Government. It was for that reason that the new committee sought comment from business organisations and unions - I repeat, unions - as to the likely effect on the economy of such a dramatic drop in capital expenditure. The Building Workers Industrial Union secretary appeared before the committee and spoke quite eloquently about the possible effect on his members because of this considerable reduction. Mr Kaine, as presiding member, has adequately covered the likely effects on employment and I do not propose to refer to that any further.

Mr Speaker, reasonable capital works expenditure is an important part of any government's budget. (*Quorum formed*) Thank you, Mr Stevenson, for taking a couple of minutes off my time.

Mr Stevenson: I got some listeners for you.

MR JENSEN: You stopped me from speaking, which is most unfortunate.

As I said before, I agree with Mrs Grassby that anyone who borrows on their bankcard for capital works will get into trouble; there is no problem about that at all. However, we are talking about capital expenditure. What does Mrs Grassby expect? Does she expect that the residents of Canberra today, and only the residents of Canberra today,

should be responsible for paying for the infrastructure that the residents of Canberra in later years are going to use? Quite clearly, that is not the case, Mr Speaker, and that is not what capital works budgets for municipalities or State governments are all about. It is important to remember that. The capital works program is an important part of any government's budget, and some of the programs cut by the minority Labor Government have the potential to eventually cost the economy of the Territory much more in the future.

What we have is an attempt to save money in the short term, forgetting that often such attempts lead to longer-term costs to the community. In particular, Mr Speaker, the proposal by the Alliance to spend money on repairs to some parts of the road system was taken on good advice to avoid long-term problems in the future. Some of the roads that Mrs Grassby is talking about have been down for over 23 years, have exceeded their life well and truly, and in fact need to be replaced. If Mrs Grassby had done her homework she would know that, the longer you leave such roads without repair, the amount it costs to bring them into any sort of suitable condition increases at a very incredible rate.

Mr Doby: Logarithmically.

MR JENSEN: Something like that, Mr Doby. I am not a mathematician; I will defer to your comment on that. The areas proposed for repair have long gone past their normal life. Unfortunately, it will not be the Government opposite that will be responsible for fixing up the mess it is going to leave; it will be governments that will follow. The inquiry by Justice Else-Mitchell on infrastructure soon after self-government clearly showed the cost to the community because of a failure by the Commonwealth Government to ensure that regular maintenance of assets was on their agenda.

Today, Mr Speaker, we heard a debate about the Royal Canberra Hospital. Much of the problem related to the Royal Canberra Hospital would not have occurred if previous Federal governments had taken up their responsibilities to maintain a very important community asset. I see Mr Connolly nodding in agreement with that.

There was a scandalous lack of appreciation of the effect that that was going to have on the future ACT community. It was a legacy left to a self-governing Territory which will not be dissimilar to the legacy left to future governments if this minority Government fails to take its responsibilities in maintaining our assets. That, Mr Speaker, is what capital works is really all about. It was for this reason that the majority of the committee made the recommendation at paragraph 3.12 and that is why I reject the rather simplistic view maintained by Mrs Grassby in her dissenting report and also in her comments today.

10 September 1991

This takes me back to one of the recommendations, in paragraph 3.10 regarding the use of the ACT Transitional Funding Trust Fund Account. Once again we have a case of a government making a decision based on short-term expediency, or for political purposes, rather than taking the long-term view in the interests of the future residents of the ACT. As we all know, the transitional fund was established by the Federal Treasury to retain those funds for expenditure on programs which would reduce the \$87m recurrent spending overrun left to us by a Federal Labor Government that did a bit of pork-barrelling in the lead-up to self-government.

It increased, rather than reduced, the cost overrun in recurrent expenditure clearly identified by the latest Grants Commission inquiry. I think it went up to a \$117m overrun, and in the year just prior to self-government it came down to \$87m. That was a shameful waste of public moneys by that Federal Government and it left a most unfortunate legacy for the ACT community. Mr Speaker, sometimes, as we all know, it is necessary to spend money to save money, believe it or not. In fact, in areas of capital works and maintenance, that is one of the most important factors.

Let me now turn, Mr Speaker, to a comment in relation to the capital works expenditure raised by the Government. (*Extension of time granted*) I will be brief. On page 8 of the budget strategy statement Ms Follett says:

Accordingly, we have already decided to avoid such borrowings in 1991-92 by using part of the Commonwealth's special assistance funding for capital budget purposes. In addition we have reviewed the previous Government's capital works program so that borrowings can be minimised, and hopefully avoided altogether, in constructing future budgets.

I think I have said it before; but, once again, that is Alice in Wonderland stuff. That, quite frankly, is really not on in these days of the need to provide infrastructure for a developing community. It was unfortunate that Ms Follett, in her statement, chose not to make any comment on the capital forward estimates in the forward estimates report produced in December 1990 by the Alliance Government, which gave information on the estimates from 1991-1992 through to 1993-94. In that we did see a progressive reduction in the amount of borrowings, from \$44.2m in 1990-91 right down to \$32m in 1993-94.

So, in fact, the previous Government was adopting an approach to slowly reduce capital works. In these times when we find unemployment, brought about by a Federal Labor Government, at 10 per cent and youth unemployment in excess of 20 per cent, and these sorts of problems, it is probably more appropriate that a government like the ACT Government, particularly when only \$5m was allocated for capital works

in the ACT by the Federal Government in its budget, pick up some of the shortfall in that area and keep the members of organisations and groups like the BWIU in work. As Mr Kaine has already said, one person in work provides a job for another four.

I think, Mr Speaker, that the comments made by Mrs Grassby, both in the house and in her report, are, quite frankly, specious and do not take into account the realities of the proper operation of a capital works budget that we see from this Alice in Wonderland Government opposite.

MR DUBY (5.05): Mr Speaker, the capital works program as proposed by the Follett Government is in many ways a great example of sleight of hand. There is no question that the Government is trying to address the economic problems facing the Territory at the moment by taking money out of the capital works program and ploughing it into the recurrent expenditure side of the budget.

Mr Jensen: That is a bankcard mentality.

MR DUBY: Yes, indeed; that is a bankcard mentality. Not only that, it fails to take into account the figures which have been well documented and which the other speakers - Mr Kaine and Mr Jensen - have pointed out. A decline in the capital works program of some \$17m in this financial year, by my calculations and using the figures put out by the MBA and the BWIU, indicates that there will be a decline of something like 160 jobs in the building industry and well over 600 jobs in the ACT economy generally. As we have seen, the ratio, as supplied by the BWIU, is that for every building job there are four others dependent upon it. To me it is not commonsense to be reducing - - -

Ms Follett: It is not what it says in here either.

MR DUBY: It certainly is, Ms Follett. It says in paragraph 3.2 that a \$110m decline in the building industry generally, taking into account private factors, the private sector, will mean a loss of some 900 jobs. Therefore, your reduction of \$17m, or approximately one-sixth of that figure, will mean a loss of something like 160 or 150 jobs in the building industry. For each job in the building industry the BWIU admits that there are four jobs dependent on it. That means that, by your own admission and by your decline in the capital works program of some \$17m, you are condemning something like 600 people in the ACT to be out of work. It is there in paragraphs 3.2, 3.4 and 3.3, Ms Follett. You can read it yourself.

Ms Follett: I have. It is rubbish.

MR DUBY: That is what it says. Are you disputing the BWIU figures?

Ms Follett: I am disputing the MBA figures.

10 September 1991

MR DUBY: How silly of me. I should have guessed that the MBA figures would be wrong and the BWIU right. Nevertheless, even if we wish to dispute the actual levels - I must admit that I am not an expert; I simply take the figures that are put in front of me in this regard - it does mean that a decline of some \$17m in the capital works program will lead to a severe reduction in the work force generally in the ACT.

I think that that, frankly, is the wrong way to be going in this particular economic climate. Anything that will reduce the work force is patently absurd in these hard times. To adopt that attitude by taking out of the capital works program and trying to put it into the recurrent program, which I am sure is what we will see at the end of the day when Ms Follett brings down her full budget this time next week, is, I think, a sleight of hand that anyone who can read the figures will certainly be able to pick up quite easily. I am quite disappointed to see that reduction. Some of the areas where that reduction has occurred are, of course, major projects which have been overdue for some time.

I have read the dissenting report by Mrs Grassby a number of times and each time I come back to it I am more and more amazed at the language that is used in it. It does make me wonder, actually, what is the point of having government members on committees if they are going to put down dissenting reports which are, frankly, nothing more than government propaganda statements. They really, clearly, do not address the issues. I never knew that Mrs Grassby, for example, was a qualified engineer; but her reason for not doing the Adelaide Avenue bus lane is:

The tearing up of road surfaces is not only inconvenient for commuters but also unnecessary in this Capital Works Program.

That is her contribution as to why this necessary project should not go ahead. Not only that; she is also a health expert. She says that Mr Berry has indicated that a hospice will be built on the Acton site, contrary to advice from those who are involved in that particular area of care, and here is the reason why it should go there:

It seems to me that the particularly tranquil surroundings on Acton Peninsula ... make this the most suitable site.

That, to me, hardly smacks of deep thought or much attention being paid to the details involved in this report. All in all, in view of what I am sure we will see later in the week, some of the doctrinaire policies which will be adopted by the Government in its coming budget, I guess we can count our blessings that the capital works program has been cut by only \$17m in real terms. Nevertheless, I think it is \$17m too much. There undoubtedly will be severe repercussions from these

decisions in the ACT community. I regret very much that the capital works program has been trimmed in such a way as to, in effect, hide the shortcomings of the Government in failing to address the real issue that the ACT budget has to address, namely, our overexpenditure in the past - I will agree with that - and continued overexpenditure, from what we can see from this capital works program, in the future, on the recurrent side. That is where the effort needs to be made. You are borrowing from Peter to pay for Paul and, at the same time, providing a large commitment of funds to be found by future governments and future generations in the ACT.

MR MOORE (5.12): Mr Speaker, I take great pleasure in taking a few minutes to disagree with Mr Duby. A \$17m cut in expenditure on capital works at this stage is really something equivalent to a \$5m cut if you take into account the fact that the Alliance Government under Trevor Kaine last year increased capital expenditure by some \$12m, as my memory serves me. If that is the case, it is a question of coming back to - - -

Ms Follett: And then could not spend it.

MR MOORE: Ms Follett interjects that anyway they did not spend it. If I remember the figures correctly, something like \$40m was borrowed and some \$11m of that was not spent. I think that is in the right order. The point, as far as the capital works program goes and as far as the recurrent budget goes, is that in taking government we were left with a set of priorities that were established by a set of bureaucrats who felt that it was appropriate that we had a certain amount of recurrent expenditure and a certain amount of capital expenditure, and that is how we should be treated in terms of the ACT.

Mr Duby: What is this, "In taking government we were left"?

MR MOORE: I am speaking about prior to self-government.

Mr Duby: I thought we were speaking about the capital works program for 1991-92.

MR MOORE: Yes, and I am referring back to how the priorities were originally established. A government of this Territory ought to have as its first responsibility the establishment of its own priorities. If those priorities are different from what was set by a group of bureaucrats, that is entirely appropriate. It is entirely appropriate that there is a shift of emphasis between recurrent and capital. Many people driving around Canberra and looking around Canberra appreciate that we have a good capital infrastructure, especially compared to that of other cities.

Mr Duby: Not for long, at this rate.

10 September 1991

MR MOORE: To now establish a different set of priorities in difficult economic times is entirely appropriate. Mr Duby relies very heavily on the MBA and the BWIU in terms of what they perceive as being the number of jobs lost. It is important to point out that they have a vested interest in emphasising the number of jobs, so I think those figures need to be taken in that light; then we can understand them more appropriately.

Mr Duby: Okay; halve it, and you are still talking about 300 jobs lost.

MR MOORE: In difficult times it is appropriate that we look very carefully at our balance between the capital budget and the recurrent budget. Mr Duby interjects and says, "All right, halve it and it will be only 300 jobs lost". If we are really serious about jobs in the construction industry, we should be trying to find ways to provide incentives for the private sector to be involved in building and the building industry where it suits us. I would suggest, for example, that this Government should be approaching the Federal Government and the head of the Taxation Office and saying that we are prepared to provide appropriate incentives in order to get the whole Taxation Office out at Gungahlin, and including the provision of land, in effect for zilch, for nothing.

I think that is an appropriate way to use our leasehold system; it is an appropriate way to provide incentives. I would encourage the Chief Minister to look at taking that kind of approach through her Federal counterparts and through people like Mr Boucher, the head of the Taxation Office, to see whether it is necessary for this Assembly to agree to fast track a proposal at Gungahlin. I would certainly support that. There are many other possibilities within the general concept that I am suggesting.

There is the way to get the building industry back onto its feet - by providing such incentives, not by saying that we have to do this because it provides jobs. The jobs come as a consequence of doing what we need to do. I think that is the most appropriate approach to both our recurrent budget and our capital budget, and it is most appropriate that we look at our capital budget and see what we can manage without for the time being. That is the approach that this Government has taken on the capital budget, and I think it is an entirely appropriate budget strategy.

I just wonder whether it has gone quite far enough. Contrary to the way Mr Kaine and Mr Duby would approach it, I would be quite pleased if another \$3m, \$4m or \$5m came out. If next week's budget reveals that there are even further cuts to the capital budget, I would see that as being responsible, provided that there are areas that we can manage without. Time and time again we hear people in Canberra saying, "We can manage for some time without more roundabouts and without more pink pavers". Where roundabouts are a safety issue, obviously they are entirely

appropriate. Even when they are sometimes quite expensive, they are probably quite appropriate. However, one really wonders, in difficult economic times, just how much we do need the number of pink pavers that have been put around this city by the Alliance Government and their decisions on capital works.

Question resolved in the affirmative.

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE
Reference

MR SPEAKER: I wish to inform the Assembly that on 28 August 1991 the Standing Committee on Administration and Procedures resolved to inquire into and report on the library needs of the Legislative Assembly for the ACT.

CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE
Discontinued Inquiry

MR MOORE (5.19): I seek leave to make a statement regarding the inquiry by the Standing Committee on Conservation, Heritage and Environment into the environmental aspects of certain school sites.

Leave granted.

MR MOORE: On 10 May 1991 the committee resolved to inquire into and report on the environmental implications for the ACT of the proposed variations to the Territory Plan affecting the school sites at Curtin, Holder, Cook, Lyons and Hackett. These proposals were notified in the ACT *Gazette* on 12 April 1991 and subsequently approved by the Executive on 23 May 1991 under the Alliance Government.

The Interim Planning Act 1990 required that a plan which had been approved by the Executive be laid before the Assembly within six sitting days of its approval, where it could be rejected by the Assembly. There was no provision in the Act for the Executive to withdraw its approval of a plan once that approval had been given.

Following the change of government on 6 June and having regard to the publicly stated opposition to the school sites variations by members of the new Government when in opposition, the committee wrote to the Minister for the Environment, Land and Planning seeking advice on the Government's intention as to the proposed variations, with a view to the committee determining how it should deal with the reference in the light of the Minister's response.

10 September 1991

On 6 August 1991 the Minister introduced the Interim Planning (Amendment) Bill 1991, intended, inter alia, to provide the Executive with a power to revoke its approval of a plan at any time before the plan is laid before the Assembly. This Bill passed the Assembly on 6 August.

On 7 August the Minister presented to the Assembly a notice of revocation under the Interim Planning Act, dated 7 August 1991, revoking the Executive approvals of 23 May 1991 in respect of certain variations to the Territory Plan including those in respect of the school sites at Curtin, Holder, Cook, Lyons and Hackett. These revocations were also notified in the ACT *Special Gazette* No. S81 dated 7 August 1991.

In the light of the amendments to the Interim Planning Act and the subsequent revocation action by the Government, there is no basis for further inquiry into the school sites reference by the committee.

Sitting suspended from 5.21 to 8.00 pm

LEGAL PRACTITIONERS (AMENDMENT) BILL 1991

Debate resumed from 8 August 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR STEFANIAK (8.00): The Liberal Party certainly does not have any problems with this Bill. It was, in fact, one which was put forward during the time of the Alliance Government - not that that necessarily means that there will not be something that we have the odd problem with now that the situation has changed. But in this particular case it is a pretty straightforward Bill. Indeed, I think it will make life a lot easier for interstate practitioners and, indeed, the courts.

As some members will know - certainly those associated with the law - at various times during the year, usually on a Friday, the court admits new practitioners. Clause 14 of this Bill provides for local practitioners still to be admitted by oath or affirmation before the court, and that is as it should be. However, interstate practitioners, practitioners from overseas and practitioners from New Zealand had to turn up in person, which was a somewhat time consuming process, given that they were already practising in their respective jurisdictions. This Bill provides for the necessary paperwork to be done by the court registrar, but simplifies the procedure, thus freeing up very valuable court time for more important matters. It is very much a procedural Bill and, accordingly, is supported by the Liberal Opposition.

MR COLLAERY (8.02): Mr Speaker, I rise as, if I recall it, No. 105 on the ACT roll. I think they are into the thousands now. That is where you earn grey hairs. This is a tidying up provision and, on reflection, and given the circumstances of the last somewhat well attended admission ceremony recently, perhaps we should have thought twice before we agreed to discharge this Bill, it having been introduced by the Alliance Government earlier in the year, before the Government fell. The Bill was introduced, in fact, on 2 May 1991. It was discharged by this house on 21 June 1991. I think that the act of the Assembly in discharging it has put added pressure on the Supreme Court to go ahead with the next scheduled admission ceremony on 4 October this year.

By way of background, the process by which large numbers of practitioners, mainly, in my experience, from Malaysia, Hong Kong and Singapore, were having themselves enrolled here was largely social, because we saw very few of them again after the day of admission, as the Chief Justice so aptly observed at one of the ceremonies I attended last year. They were paying a fee, one would imagine, indirectly or directly, for their air flight here, for any holiday they had on the side and for assistance from at least one of the large firms in this town in being admitted. So, it did have a sort of business aspect to it which, of course, is going to drop away. The fact of the matter was that, with four admission ceremonies a day, this process was occupying at least a half-day of the three judges' time - a half-day that this Territory sorely needs elsewhere.

The Bill otherwise simplifies, rectifies and improves a whole range of procedures which will make the administration of the Supreme Court easier, and the chance has been taken to make some other tidying up amendments. Although this seems to be a mere procedural amendment, the fact is that quite an amount of work has gone into bringing forward this amendment in correspondence with the legal profession, particularly the Law Society of the ACT, the Bar and the Chief Justice of the Supreme Court, Mr Justice Jeffrey Miles, who was at all times extremely helpful, if not a little keen - "impatient" could even be the word - to see this amendment brought forward.

One word of caution to the Attorney: I note that the Bill has the Macklin procedure for commencement; that is, the procedure that the Democrats have now insisted upon, namely, that, if Bills are not brought in by the Government, they otherwise commence, as in this case, six months afterwards. I point out to the Attorney that the next admission day is on 4 October 1991. I checked with the court late today, and already eight applications have been filed from practitioners who fit the description of the new excluded classes. Nine more may well be filed today or tomorrow.

10 September 1991

We could draft a transitional clause into the Bill now, but I do not think we should. I suggest that the Attorney gazette this provision on 20 September, to allow for the notice of motion that is required, which in the court is 14 clear days, meaning that no-one could be prejudiced by travelling here, having paid filing fees. The Attorney should give thought to using the cut-off date of 20 September. I have not had time to put my mind fully to that matter because it occurred to me only shortly before we resumed on the matter this evening.

I commend the Bill to the house. It has the support of the Residents Rally. I do want to say one thing, however: It is not a discriminatory law; it does exclude a number of people from a number of jurisdictions, but there is nothing inconsistent in that process. There may well be suggestions that we have favoured New Zealanders, however. I am sure that it will be anxiously examined by all those who seek to find discriminations in the law, but I believe that our Anzac connections and the closer economic relationship that the Federal Government has forged with the New Zealand Government give us the scope to argue that it is proper that there be certain provisions with respect to New Zealanders and not with respect to others. It is another small step in cutting some ties with the Old Country, however, and there may well be comments in that regard.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.07), in reply: I thank Mr Stefaniak and Mr Collaery for their comments. I take particular note of Mr Collaery's suggestion that we seek to have this Bill brought into law on the 20th. Certainly, this Bill has been intended to prevent the use of the ACT as a back door to get admission in an Australian jurisdiction, and we have been somewhat out of line with practice in the States. There is no question but that the profession and the community have been broadly warned that the Government's clear intention is to bring this law into force, and I would agree that there would be no prejudice should we do that. I will pay particular care to achieve that. I believe that this Bill will achieve the goals set out in the introduction speech and I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

MAGISTRATES COURT (AMENDMENT) BILL 1991

[COGNATE BILLS:

MAGISTRATES COURT (CIVIL JURISDICTION)
(AMENDMENT) BILL 1991
SMALL CLAIMS (AMENDMENT) BILL (NO. 2) 1991]

Debate resumed from 15 August 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Magistrates Court (Civil Jurisdiction) (Amendment) Bill 1991 and the Small Claims (Amendment) Bill (No. 2) 1991? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to orders of the day Nos 3 and 4.

MR STEFANIAK (8.09): These three Bills, which again, I think, had their origins in the time of the Alliance Government, are supported by the Liberal Party. They bring in a number of necessary and indeed timely changes to the Magistrates Court Act, both civil and criminal jurisdiction, and also in relation to the Small Claims Court.

I noted that Mr Connolly, in his presentation speech, stated that these Bills make "amendments in relation to fees and charges under the legislation regulating" that court. One of the highlights of these Bills is that they will allow a fee to be made per charge in a summons issued and require agencies other than the police and the DPP to pay court fees. Indeed, the Director of Public Prosecutions basically takes out nearly all the criminal matters in the courts, and I think it is probably quite proper that it be exempted from paying fees per charge.

However, for other agencies - and indeed there are other government agencies which bring prosecutions - it is proper that those fees be charged. It is also proper, of course, that, upon conviction, the defendant pay those fees. It is also important that a fee be allowed per charge, because we now have legislation which will enable various charges to be part of the one information. At present, in the ACT court system, in laying a charge you have to have one charge per information, rather than have everything on the one document. You end up with a large number of documents - one information per charge - and that is not terribly efficient.

This particular Bill, in conjunction with the Bill which will enable more charges than one to be put on the one document, still provides for a fee to be made per charge, which is, I think, very important in these times of financial difficulties. It is good to see this Government

continuing with what is basically, I suppose, a user-pays principle. Indeed, that will not only simplify the court process but also speed up a lot of the administrative work that goes on at present in relation to preparing multiple charges and multiple informations. So, these Bills are part of some very necessary legislative reforms which, I am pleased to say, were started during the time of the Alliance Government and continued during the time of this current Government. There are a number of additional tidying up amendments in these three Bills, all of which, I think, will make the administration of justice in the ACT that much more efficient and a little bit more speedy too.

MR COLLAERY (8.12): Mr Speaker, there is an article in, I believe, last month's *Australian Law Journal*, which I do not have to hand, which proposes that governments consider more omnibus Bills to bring forward these small amendments. I can imagine their saving them a lot of printing and separate debates in this house, and I commend that article to the Attorney.

These Bills also should require us to commend various clerks in both the courthouses and the Government Law Office - or, under its new appellation as the Attorney has it, the Attorney-General's Department - for finding a number of areas where the user-pays principle has not been applied. One is where people apply for a special licence, having lost theirs under the Motor Traffic (Alcohol and Drugs) Act 1977. Traditionally, they have not had to pay a fee in making an application for a special licence. They will now, which I think is quite appropriate.

Also - and the drafters are to be particularly commended on this - in cases where a legally aided person who has had waiver of fees, et cetera, in laying a matter before the court wins and gets judgment, the provisions of subclause 8(d) of the Magistrates Court (Civil Jurisdiction) (Amendment) Bill currently before the house mean that the court can recover the fee for which the waiver was given from the unsuccessful litigant on the other side. That is a very thoughtful amendment and I imagine that as the finances of the Territory tighten up there will be a lot more sifting through the rules and regulations of the courts to recover money.

Mr Stefaniak: A good idea.

MR COLLAERY: Mr Stefaniak says that it is a good idea; but I am sure he would agree with me that the Attorney needs to be careful that, in determining fees in the Small Claims Court, he does not fall prey to the phoenix that comes out every year or so proposing that we start to charge filing fees in that court. That proposal, of course, denies the very reason why we set up, years ago, the Small Claims Court in the Territory. It used to sit over in the

Melbourne Building. It used to sit at night. It was very accessible. But it was not very popular with lawyers and its popularity with the public gradually dropped off. But that was a great and noble effort during the period when we tried it out in the late 1970s.

I think the Attorney should take care in looking at those recommendations because they are looked at very keenly by the welfare rights lobby and other socially minded lawyers in the Territory. People often say that debt collecting agencies line up at the Small Claims Court and, for very little expenditure, use the processes of that court for many, many recovery actions. That situation has been adjusted through amendments, and it needs to be looked at from time to time to ensure that we are getting a user-pays operation. But, of course, in any event, those debt recovery agencies are shunting those charges back onto the often impoverished defendant in those proceedings. So, I think the Attorney should be careful, because they try everything on new Attorneys, I have found, and I would not be surprised if they came to the Attorney with this one also. Mr Speaker, I saw Mr Connolly roll his eyebrows; I was not being patronising.

The other provisions are tidying up provisions in relation to fees that the Minister can determine in the civil jurisdiction of the Magistrates Court. That also is useful; it acknowledges the responsibilities for people in need - impoverished litigants. That is to be commended as well. The Rally supports these amendments.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.17), in reply: Mr Speaker, again I thank the members who have made a contribution to this debate - Mr Stefaniak and Mr Collaery. Certainly, I note Mr Collaery's comments that we need to be careful. Mr Stefaniak made the point that it is helpful to move towards more of a user-pays approach to the courts. He noted that the Crown, the ACT Crown insofar as it is the DPP, will not pay a lot of these charges. It is interesting to note that the Commonwealth, which often uses our courts, will. So, this is an effective way of getting a payment from another jurisdiction.

Mr Collaery added the note of caution that in this area we need to be careful that we preserve the accessibility to the Small Claims Court of the ordinary citizen who wants to litigate. I am sure that that is a concern that all members would share, and I can assure the house that the Labor Government is very conscious of the need to preserve the accessibility of the Small Claims Court where citizens can litigate matters without necessarily the presence of lawyers and the attendant cost and where justice can be achieved on an affordable basis. We would not want to be forcing people out of that forum by excessive fees.

10 September 1991

Mr Collaery, in some of his advice to new Attorneys, suggested that perhaps I should examine omnibus Bills and rolling many Bills into one, and he referred me to an article in the *Australian Law Journal* or the *Australian Law News* of recent months. In fact, I recall giving advice to old Attorneys when I was in opposition last year - I think it was in relation to the debate on the Motor Traffic (Amendment) Bill No. 6, 7, 8 or 47; it was hard to keep track - that perhaps we could look more often at reducing the number of Bills introduced, to save the attendant printing costs.

These Bills, of course, as we acknowledged in the introduction speech, were Bills that had been brought forward to a very advanced stage by the former Government, and we said that we were putting them through the appropriate procedure of endorsement by an incoming government - putting our seal of approval on them, so to speak. I did not think that it was appropriate to go to the additional effort of redrafting them and the attendant cost or, in fact, waste of resources.

But the point that Mr Collaery makes now, like the point that I made last year, is well made. There is a significant cost associated with each individual Bill that is printed. There is a significant cost in terms of the delay in getting additional legislation on the books and the attendant inconvenience to practitioners as people have to go through the legislation when finding the law for citizens. Although the ACT will be in a quite advanced state when we get our computerised database for legislation in operation - so that the community and legal advisers in particular will have more accurate and up-to-date access to the current state of the law - there is significant advantage in rolling multiple small amendments into single Bills.

I can assure the Assembly that, in the lifetime of this and successive Labor governments, which will be elected under single member electorates, we will be very conscious of the need to achieve this. And we will probably be seeing less legislation. The Commonwealth used to adopt the practice, which I think was quite appropriate, of listing consequential amendments by schedule at the end of Acts. For some reason it has departed from that and I think that, again following a departure in Commonwealth practice in recent years which has been picked up in the Territories, we have adopted the practice of having the Wheatseed (Amendment) Bill and the Wheatseed (Consequential Amendments) (Amendment) Bill.

I think it is somewhat unnecessary to have a consequential amendments Bill as a piece of legislation additional to and separate from a principal Bill, or even a Bill amending a principal Act. It is certainly not beyond the ability of drafters and legislators to rein that in somewhat. Mr Collaery's suggestion of omnibus measures is well made and I can assure the Assembly that it is under active

contemplation. And, as this Labor Government brings forward measures that are not among these Bills that were in the advanced stage of preparation and that consequently would have been delayed and would have wasted resources had we pulled them together, the Assembly can expect to see Bills which do perhaps achieve that. It certainly has been a longstanding goal of mine. That having been said, again I thank the Assembly for its support of these measures and wish them a speedy passage.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**MAGISTRATES COURT (CIVIL JURISDICTION)
(AMENDMENT) BILL 1991**

Consideration resumed from 15 August 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

SMALL CLAIMS (AMENDMENT) BILL (NO. 2) 1991

Consideration resumed from 15 August 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

10 September 1991

CEMETERIES (AMENDMENT) BILL 1991

Debate resumed from 8 August 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR DUBY (8.24): Mr Speaker - - -

Ms Follett: Single member cemeteries.

MR DUBY: Remarkably, the cemeteries in most places are, I think, a prime example of proportional representation, as those who are in there are a direct reflection of those who are eligible to get in there.

Mr Speaker, the Cemeteries (Amendment) Bill 1991 is a long overdue piece of legislation. In effect, as outlined in Mr Connolly's explanatory memorandum, this Bill changes the status of the Canberra Public Cemeteries Trust under the Audit Act 1989 from an authority "not required to keep accounts in accordance with commercial practice to that of an authority required to keep accounts in accordance with commercial practice".

The effect of this provision, of course, will be that the trust will be able to retain and invest funds it receives from the sale of grave sites and the provision of its services. People might not be aware that the Cemeteries Trust in the ACT each year receives a substantial stipend from the ACT Government to enable it to perform its necessary duties. One problem that has existed in the past is that when the trust has presold grave sites and received moneys - which is often held in trust for long periods of time - it has not been able to adequately invest and utilise those funds and, instead, that money has gone into Consolidated Revenue. As a result, of course, the trust has no separate income apart from the actual on-site cash sales which simply compensate for the costs incurred in that financial year.

That is clearly an unsatisfactory arrangement. The trust should be able to invest the funds that it receives from people who are, in effect, depositing funds today to provide for that inevitable occurrence for all of us at some time when we are dispatched to the great unknown. What this does, of course, is allow the trust to act as any normal business would. It is a very sensible amendment. It enables the true accounting position of the trust to be taken into account by government in its planning; and it also will hopefully, as I said, enable a reduction in the amount of funding that is required from the Consolidated Fund each and every year.

The Cemeteries Trust is actually a quite substantial organisation; it controls the public cemeteries here in the ACT, which, of course, are at Gungahlin and Woden. Many people are not aware that there are also other cemeteries in the ACT that are public, namely, Hall and Tharwa. There is even a cemetery at Weetangera, which I never knew existed, actually, until I was in the Minister's chair. I was quite surprised to find out that there was a cemetery at Weetangera which is open to the public and which falls under the administration of the trust.

While we are talking about the Cemeteries Trust - and I suppose it is not all that often that the matter will come before the Assembly - I would like to stress to the Minister the requirement that there be quite a number of other private cemetery plots within the ACT such as those which are currently administered by private trustee organisations. To my way of thinking, it is sensible to have those particular cemeteries, some of which have considerable historical significance.

For example, the grave of Farrer, the founder of our wheat industry, is currently in the hands, I believe, of a private organisation. In any case, it does not fall under the control of the trust, and I think it logically should, for the purposes of preservation. There are cemeteries also at many properties around here. The cemetery at Lanyon is one that springs to mind as having great bearing on the history of the district; and, of course, there are other properties around the ACT where people have been buried virtually since the first influx of white settlers to the limestone plains.

I think all members of the Assembly will join me in endorsing this Bill and in noting that it initiates, in effect, a small micro-economic reform, and one which is long overdue.

MR JENSEN (8.28): Mr Speaker, while acknowledging the need to move towards a reduction in the subsidisation of the trust's activities, there is one related matter, concerning a group living in the ACT, which I want to make some comments about tonight. Prior to the change in government, I commenced a process of consultation with a group in the ACT in my role as a member of the Alliance Government with some responsibilities for heritage matters.

Mrs Grassby: What were you doing - selling funeral plots?

MR JENSEN: If you will allow me to continue, Mrs Grassby, you will find out the story. As someone who expresses an interest in this subject, I am sure that you will be very interested in what I have to say. I am sure also that any remarks I make this evening will be noted, not only by the Minister for Urban Services but also by his colleague the Minister for the Environment, Land and Planning.

10 September 1991

It is appropriate that I comment on these matters as we once again have a group of Aboriginal people visiting the ACT in an attempt to obtain something that has been denied them for over 200 years. I refer, of course, to land rights. Another symbol of these original inhabitants of our continent is, of course, the Aboriginal flag, recently flown in the courtyard outside the Assembly.

Mr Connolly: Upside down?

MR JENSEN: This celebrated some 20 years since its first public display in Adelaide, South Australia - and I am sure that on that occasion they got it the right way up.

The colours of the flag are particularly important to the Aboriginal people, as the black represents Aboriginal people, past, present and future; the yellow represents the sun, the giver of life; while the red in the bottom section represents the earth, red ochre, and the spiritual relationship of the Aboriginal people to the land. It is that relationship that I wish to address tonight in my remarks.

It is a relationship that the majority of white people cannot understand, or do not appear to understand, because to us the land means wealth and wealth means power and influence. For the Aboriginal people, their relationship with the land is a spiritual thing, and that is one of the reasons why contact with the land of their ancestors and the various dreaming trails mean so much to them. Having spent some time looking at these issues during a period at the ANU with some of the most well read people on this subject, I developed quite an interest in it over those years.

Early this year I was approached by a representative of the Ngunnawal Land Council seeking my assistance in providing them with an area in our public cemeteries that could be set aside for their specific use in accordance with the customs and ceremonies that they are seeking more and more to return to. The Ngunnawal people were the original settlers of the limestone plains, as we know them; and evidence suggests that they were in this region more than 20,000 years ago, maintaining a relationship with the land and the flora and fauna that were on this particular stage.

During those discussions it was clear to me that such a place was very important to the remnants of what was a large group of people who were persecuted by the early European settlers in much the same way as happened throughout Australia - an issue about which more and more white Australians are slowly becoming aware. Those who saw the program on the ABC last Sunday about the history of Fraser Island and the Myall Creek massacre will, I think, know exactly what I mean.

I arranged a meeting between representatives of the Cemeteries Trust and the Ngunnawal people to see whether a section of the Gungahlin cemetery and eventually the Tuggeranong cemetery could be made available to the Aboriginal community. The meeting was a very positive one and it was agreed that the trust and the Ngunnawal people would continue to discuss what was required to create an area acceptable to them so that they could commence arrangements for the necessary preparations, by way of special plantings and other arrangements, to meet the spiritual needs of these people.

The Gungahlin cemetery has already allocated special sites for the Jewish and Islamic communities, various Eastern Orthodox churches and the Buddhist community. However, no such special arrangements have been made for Aboriginal people of this type anywhere in eastern Australia. It is true that Aboriginals have been interred in a specific part of the Yass cemetery, but I was advised that this was done more to ensure that they were not too close to the white settlers who ended their days there - a final form of apartheid, I guess, if you like.

It is also interesting to note that the equivalent legislation in the States provides for areas in cemeteries to be set aside for various religious groups and refers in general to ministers of religion having free access to administer such an area. The Victorian cemeteries Act, the Queensland cemeteries Act, the New South Wales Local Government Act and others have these provisions. However, Aboriginal communities do not have the same structured religion that we are familiar with; nor do they build churches like we did. To them, the environment around them was the equivalent of a church and the landscape, particularly prominent features, formed a part of their religion or their dreaming.

Members may recall that the very first versions of the ACT's proposed heritage legislation had very little comment on Aboriginal aspects of the heritage of our Territory. The second version had much more, and the additional comments by my colleague Dr Kinloch and me expressed concern about the need for even more involvement of the Aboriginal community, particularly a special advisory council to advise the Minister responsible for heritage on Aboriginal issues. That is something that I hope the new Minister, Mr Wood, will respond to in his version of the legislation which, hopefully, will be coming to the Assembly in a week or so.

Mr Wood: Definitely.

MR JENSEN: I hear that and I welcome it, Mr Wood. In closing, I would like to commend the proposal to set aside a section in our current and proposed cemeteries for our Aboriginal neighbours, and I encourage the Minister, in his response, to confirm that the work started back in April this year has not been put aside and that discussions are

10 September 1991

continuing with the Ngunnawal community to provide them with a very important element for their life within our community. It is not much to ask, I would have thought, for a people who moved over these plains well before our time. Two hundred years is like just a fraction of a second when compared to the more than 20,000 years for which they existed on these plains and surrounding hills.

MR HUMPHRIES (8.36): Mr Speaker, the Cemeteries (Amendment) Bill did catch my eye, if only because the basis on which this Bill is brought forward seems to differ somewhat from a policy adopted by this Government in other areas. The Bill, of course, is a fairly simple one. It simply provides that the operation of the Cemeteries Trust change from a fairly heavily regulated one, as it is presently, to a more commercial one. The trust is now required, under this legislation, to keep accounts in accordance with commercial practice, and that is, of course, the first step towards its becoming more commercially oriented.

I have to wonder why it is that the Cemeteries Trust should be considered for this kind of operation when the Territory has a number of other potentially commercial operations - operations providing services to the general public of the ACT - which have not been similarly treated by this Government. Of course, I am thinking in particular of the held up corporatisation of ACTEW and the Mitchell Health Services Supply Centre. Perhaps the Minister, when he makes his remarks in summing up, can enlighten us as to the reasons that the Cemeteries Trust is considered appropriate for immediate commercialisation, shall we say, and those other two organisations are not yet, apparently, at the stage where they can be exposed to the cold hard winds of commercial practice.

It seems to me that, if this Bill's object is to reduce the level of subsidisation of the trust's activities and the burden on the ACT taxpayer - the Cemeteries Trust presently absorbs only a relatively small amount of public money per annum - the argument for assuming the same course of action with respect to ACTEW and the Mitchell Supply Centre is even stronger. I have to say that I look forward to this Government embracing as soon as possible the same very worthy principles in respect of those other organisations. Indeed, it ought not to stop there; we ought to be looking as quickly as possible at those basic services provided by the Territory which could be provided just as well by an organisation operating on commercial principles.

I am not saying necessarily that the Government needs to privatise these organisations. It clearly has an objection to doing so - or at least some members of the Government have an objection to doing so. I suspect that others would not mind seeing more of it happen, but they obviously are not in the majority. But, even if we do not embark on wholesale privatisation, there is clearly a strong case for putting major operations conducted by government in the

Territory at the present time on a commercial footing. Quite frankly, I see absolutely no reason why the Territory should so long have endured a Cemeteries Trust that was subsidised. What possible argument can there be for providing public subsidies for cemeteries? It would seem to me entirely appropriate for us to have done this some time ago and I only regret that the Alliance Government was too slow to have this legislation up itself well before now. Nonetheless, it is good that the legislation has come forward and I embrace it warmly.

I encourage the Government to consider adopting this course of action with a number of other public enterprises, which I will not name tonight but which I am quite certain the Ministers could easily consider and enumerate for themselves. I believe that this process, once begun, will make a substantial contribution towards easing the burden that the ACT will face in the coming years as it adjusts to non-Commonwealth levels of public subsidy.

MR COLLAERY (8.41): One point that interests me in relation to the legislation is that the Minister retains the general power to set fees and charges. Yet Mr Humphries sees the trust moving to a full commercial operation. I am not quite sure that that is the case. I think we are getting a hybrid out of this at the moment. I imagine that close attention needs to be paid to the actual structure of the trust because - - -

Mr Duby: If that was the case there would have been a 60 per cent increase in prices this year.

MR COLLAERY: Yes. As Mr Duby correctly says, the proposals for fees and charges that the Alliance Government was looking at, which were brought in largely unchanged by the Follett Government, indicated to me some quite surprising charges, particularly at Gungahlin. I clearly remember one sum of \$450 or thereabouts to dig a grave of less than the usual depth for a child burial. That seemed to me an enormous amount of money, but I was assured by Mr Duby that the economics of operating out at Gungahlin were such as to require that level of cost recovery.

Mr Duby: We limited them to 10 per cent; they wanted to increase them by 30 or 40.

MR COLLAERY: Mr Duby has spoken already; so I will put into the record his interjection that the former Government limited them to 10 per cent, but they were talking, as he has said by way of interjection, of up to a 40 per cent increase. That suggests that maybe we should look at the whole operation of our cemeteries in the Territory.

I must say that the Queanbeyan lawn cemetery, on a hill overlooking the beautiful environment of Canberra and the hills, is much more a traditional cemetery site, in my view, than that which we have attained to date in the flatlands of the ACT. There are increased encroachments at

10 September 1991

the Gungahlin site, referred to, if I recall correctly, in a report to the former Alliance Government either by the Priorities Review Board or by CARD in terms of opportunity cost. Perhaps before we go too much further in self-government we should look at the general direction in which we are going in terms of forward cemetery planning.

Mr Jensen referred to a cemetery at Tuggeranong. I did not know that it had one.

Mr Jensen: No, I did not say that it did - in the future.

MR COLLAERY: A future one in Tuggeranong. I do not anticipate having my bones resting in Tuggeranong. No doubt Mr Jensen does. I would think that perhaps we can find more traditional and more accommodating cemeteries than those in Woden and on the flatlands.

Finally, there is history in our grave sites, as Mr Duby said. I clearly recall some scandals throughout the older parts of Australia, particularly one in my home village of Corrimal, where the private trustees owned the cemetery. Even though the cemetery itself was given by my family 150 years ago, a new priest has moved a whole range of gravestones belonging to my family over many generations and put them up against the wall - sandstone gravestones facing the weather - so that he can make space for newcomers. The rights of intervention in those situations are limited, as we have found. I fully concur with what Mr Duby says about the need to look carefully and quickly at how private trusts are maintaining some of the heritage graveyards in this Territory.

MRS GRASSBY (8.45): Mr Speaker, I just could not help it; I felt that I had to say something about cemeteries. Everybody else has had something to say, it is a very serious business and I really did have to say something. I had the feeling earlier that Mr Jensen was going to go into the business of selling funeral plots. I could give him a few tips on it. I did sell funeral plots in America once. You can sell with or without a view. Of course, one might ask: Why would you want to worry about a view when you are dead? There is the answer that, if you have a plot with a view, when your friends come to see you they will stay a lot longer than they would if you did not have a plot with a view. Perhaps Mr Jensen was not really serious about that.

Mr Kaine: You had better have an interesting inscription on your headstone.

MRS GRASSBY: That is right. The Minister has just informed me that we have the cheapest plots in Australia. We must not let that secret out; otherwise we will probably have everybody wanting to come to Canberra to be buried, and that would be very serious. The fact that Mr Collaery has lost half of his relatives and cannot find them in the graveyard is very sad. One always likes to know where

one's relatives have been buried and where they have gone to. I have a few relatives buried back in a country town. Nobody has tried to move them, as far as I know at the moment, but there is a lot of land and I am sure they will not run out of it.

This is a very serious night and I would not like to miss out on saying something about cemeteries. After all, just about everybody else in the house has. I thought that we may even have heard from Ms Maher, Mr Stefaniak, Mr Moore or Dr Kinloch. That would have been very good, and I think this could be a very wonderful night. We could go on for hours on cemeteries.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.47), in reply: I am pleased that the debate on this subject tonight was not too grave. I could not help overhearing an interjection about members of the ALP being very particular about inscriptions in graveyards. Any suggestions that numbers come from there are totally refuted from this side of the chamber.

The debate ranged wide and far tonight. Mr Humphries gave us a homily on privatisation and commercialisation. I was extraordinarily tempted to take a point of order on relevance as he strayed into ACTEW, the Mitchell Health Services Supply Centre and various other government facilities. Never mind. I guess that, as we are looking at cemeteries and graves, we hope that no members of the Assembly need to look at those issues personally for a long time; but political graves are another question and there will be many members of this chamber facing an early political grave after February of next year.

On the substantial matters, I must commend Mr Jensen for his excellent speech and his heartfelt remarks about the need for a place in the local cemetery trust for the local Aboriginal community. I must say that I was not aware that that was an issue. I have had no representations from the community; so I can only assume that the initiative that he was referring to is going smoothly. But I can assure Mr Jensen and the house that it is something that I would be very keen to endorse, and I will ensure that that is progressing well.

Mr Jensen made some wide-ranging and well informed remarks about the way that the original inhabitants of this area have often been forgotten and overlooked. While a lot of work has been done recently, which he referred to, it was only on the sad occasion recently of Professor Manning Clark's passing that I was looking again through his great work. As he himself conceded, if he had written volume 1 of his *A History of Australia* in more recent years it would have been entirely different, because volume 1 of this history by that great historian - which was written largely in the late 1950s and published in, I think, 1961 or 1963; around that time anyway - contains very little about the history

10 September 1991

of Aboriginal Australia. Certainly, more recent historians are addressing that defect, and Professor Clark himself addressed that defect most admirably in the later volumes of the history. He always said that if he had had the opportunity he would have gone back and looked at volume 1 and really written in more properly the role of Aboriginal Australia.

Mr Jensen's suggestion is a very, very sensible and practical one and I will certainly assure him that that will come to fruition - and, I hope, sooner rather than later. I will be in contact with your office, Mr Jensen, on that shortly, when I find out the current state of negotiations. I am pleased that there is general support for this very simple, practical initiative and I again wish it a speedy passage.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

MOTOR TRAFFIC (AMENDMENT) BILL 1991

Debate resumed from 8 August 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR STEFANIAK (8.50): This matter probably is not as humorous as the last one. In relation to this Bill, again the Liberal Party has no problems with it. Indeed, it was largely formulated during the time of the Alliance Government. It makes some very necessary and sensible amendments to the Motor Traffic Act. One of those, of course, relates to appeal provisions. Under the current Act, there are a number of provisions, contained in a number of sections of the Act, relating to appeals against decisions of the registrar to either the Supreme Court or the Magistrates Court.

This Bill basically brings into line all those administrative appeals which should go, in fact, to the Administrative Appeals Tribunal, which simplifies the process considerably. Of course, as members may be aware, if one is dissatisfied with the decision of the Administrative Appeals Tribunal, one can then appeal to a superior court and, in the case of the ACT, I think that would be to the Supreme Court initially. So, appeals to a court other than the Administrative Appeals Tribunal are still possible, but that is one step further down the line.

As well as that, some of the other clauses are worthy of note. Clause 6 of this amendment Bill deals with section 104 of the principal Act. It amends it by omitting certain subsections and substituting a very sensible subsection that gives to an applicant who has asked under a section of the Act for a review of a decision of the registrar to refuse to renew, cancel or suspend a licence or registration the right to have that licence or registration continue in force pending the determination or withdrawal of the appeal.

What that does is basically bring into line with other sections of the law appeals in relation to licences. Of course, if one loses a licence in a court for, say, driving in a manner dangerous to the public or for a drink-driving offence and one appeals against that decision, one keeps one's licence until such time as that appeal is dealt with. What this particular subclause does is make that apply generally to this Act where someone wants to review a decision by the registrar. That, I think, is basically just a commonsense, civil rights matter which has been tidied up by this piece of legislation. I think that is worthy of note. Indeed, the drafters are to be commended for that.

So, basically, this Bill, which also sets out in the schedules all the various types of decisions that a registrar can make - and which can now be appealed directly to the AAT rather than the Magistrates Court or Supreme Court - tidies up an area that has caused some problems, some time wasting and some anomalies within the motor traffic law in the ACT. Certainly, my party will be supporting this amendment Bill.

MR COLLAERY (8.54): This is a case of the Motor Traffic Act 1936 getting a rebore. Certainly, this measure has long been needed - since the mid-1970s, with the advent of administrative legal rights. As Mr Stefaniak correctly observed, it gives rights of review on the merits, in an independent and objective fashion, of a whole range of decisions of the registrar and others which can prejudice holders of and applicants for permits and the like. It provides for merit reviews, access to the Administrative Appeals Tribunal and so forth. This reflects the strength of modern democratic legal theory in our country. It is an area of law that impacts more on the common person - the person in the street - than do some of the more esoteric legal reforms that we make in this chamber. So, I welcome it.

I want to seize on just one thing so that Mr Connolly has the chance to chase up a matter that I left behind. In item 9, in Part II of the schedule, there is reference to medical appeals, and requiring people to submit to medical examinations. That reminds me; perhaps the Attorney might care to look up the documentation relating to a proposal

10 September 1991

received from a well-known and eminent Canberra eye specialist who has a modern apparatus - I have mentioned it before in this chamber - to detect real life ocular ability, rather than the normal alphabetic word chart. The good specialist's machine has a series of frames that show the view from your car window in good light, poor light, indeterminate light and near darkness; and there is a sequence of a child chasing a ball stepping across in front of the driver. It is the more modern American form of eye testing rather than medical examination, I was advised. There is one trial machine here in Canberra, and I want to tell you that it is very hard to get past the third step in that machine. I hope that that is not an admission on my part.

The machine raises other questions, and I must say that, just for once, I found myself at variance with a very excellent adviser in the Government Law Office, Mr Brendan Bailey, on this topic. I refer to the question of whether government will provide an indemnity, an immunity, from legal process and law suits to those eye specialists who, on encountering a person who clearly should not be on the road due to defective vision, inform the Registrar of Motor Vehicles of that person's incapacity and the likely danger to that person and to other road users.

I had some gentle collegiate difference of opinion on the civil liberties aspect of that matter, which I am sure will entertain the present Attorney. I say "present" because I hope he enjoys the full six or seven months that he has in the job before he and his single member aspirants go down in a big heap in February.

Mrs Grassby: You are the one who will be going down.

MR COLLAERY: You will see. We are just following on from the cemeteries debate, Mrs Grassby.

Mr Speaker, the question, in terms of public safety, that the Attorney needs to look at is how we balance the civil rights and confidentiality in that area with the danger to road users of people discovered to have eye difficulties, perhaps during the course of other medical procedures, not being reported upon due to the fact that there is both the Hippocratic oath situation and also the problem of private civil proceedings against a doctor who might reveal that matter to the Motor Registry.

Certainly the AMA, for its part, if I recall correctly, wanted the immunity and was prepared to make the disclosures. That seemed to be the necessary implication. I think this is an opportunity for me to draw that to the Attorney's attention. Perhaps he can see where that issue has gone to and report to the house. It is an aspect of road safety and public safety as well.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.59), in reply: Mr Speaker, I thank members for their comments in relation to this Bill. This Bill does, as was said, make some sensible amendments which will affect ordinary citizens quite often as they seek perhaps to challenge decisions that have more effect on their daily lives than some of the more esoteric areas in which we provide mechanisms for administrative appeal. I am pleased that this Bill has the general support of the house and I wish it a speedy passage. Mr Collaery's comments about the future conduct of this area of the law and what needs to be done to take into account advice given by medical specialists are matters which I can assure him I will look at carefully.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

BUILDING (AMENDMENT) BILL (NO. 2) 1991

Debate resumed from 15 August 1991, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR DUBY (9.00): The Building Act of 1972 - the principal Act which regulates standards for the erection, alteration and occupancy of buildings within the ACT - is probably one of the most important Acts in force in the Territory. Over the years there have been many complaints from numbers of people about the way that the level of regulation and enforcement under that Act has interfered with the lives of ordinary citizens in the Territory. I am pleased to see that this Bill has been brought forward. As Mr Connolly noted in his introductory speech, it was originally brought forward by the Alliance Government and, being such a sensible Bill, it is being continued by the Follett Government.

As Mr Connolly said in his introductory speech, the building manual, which is the lexicon containing all the technical requirements under the principal Act, the Building Act of 1972, is to be replaced by a building code which comprises all the provisions of the Building Code of Australia, together with a special ACT appendix that applies to the specific requirements of the Territory. The Building Code of Australia has been prepared by the Australian Uniform Building Regulations Coordinating Council. AUBRCC is the in-house jargon for the council, which continually looks at the building codes and the

10 September 1991

various building regulations in place in Australia. It has recommended a Building Code of Australia to replace the various regulations that are in place in the separate jurisdictions of the nation. That is a classic example of overregulation and a classic example of reform that has been needed in this country for many years.

It has been estimated that the cost of regulation in Victoria alone is in the order of \$470m per annum. That is the cost of industry having to deal with specific Victorian regulations, versus the ones that apply in South Australia or New South Wales or, for that matter, in the ACT. The Building Code of Australia is being adopted by all the jurisdictions throughout the nation, so eventually we will have the situation where all jurisdictions have exactly the same code. Manufacturers of building products will be able to meet Australian standards and not have to adjust for various jurisdictions. That has enormous implications for the building industry.

The Building Code of Australia has been in place in the ACT for private industry, I think, since November or December last year; I am not sure of the exact date. This Bill ensures that the building code and the ACT appendix will be adopted within the Territory not only by the private sector but also by the Government. So, the Government, in adopting its own standards, is subjecting itself to exactly the same provisions as apply to the normal building industry.

This is part of the ongoing process of elimination of various regulations from Territory to Territory. Indeed, at the Local Government Ministers conference which I attended in April this year further steps were taken amongst the various States and Territories to adopt a model building Act for the whole of Australia, one which would set up regulations and codes of building that would apply in legislative form right throughout the country. I believe that that process is currently in place. That will save literally billions of dollars per annum in the Australian building industry, in terms of excessive regulation, by having things on the same level. It is my understanding that the ACT is part of that process. If I remember correctly, in about April next year the model building Act will be implemented in Victoria, to be followed by other States and Territories, and the ACT has committed itself to following that process.

This is a small but worthwhile step to be taken in that process. It is a technical Bill, but one that is long overdue and one that is necessary. When we were debating today the new capital works program for 1991-92, members on this side of the house lamented the lack of opportunity that the capital works program provided to the building industry in the Territory. At least this legislation, when it is in place, will relieve some of the strain the industry is currently experiencing. I support the legislation.

MR JENSEN (9.07): I never let the opportunity pass to talk about one of my favourite hobbyhorses in relation to building codes within the ACT. I refer, of course, to the need for improvements in the insulation of our homes and the reduction of energy use, and also to the need for model codes for residential developments to improve the use of land and to move towards a more sustainable environment within the ACT, particularly in the area of Gungahlin and some of the urban villages that I am sure will be established around the ACT.

It is important to remember that much work has been done in recent years on model codes for energy use, for buildings in particular. The Victorian Government has recently implemented legislation which requires all new homes to be fully insulated. It is also proposing that guidelines be established in Victoria to enable people who are buying homes or are about to sell their homes to have an assessment done of the energy efficiency rating of a particular house. We have seen in newspaper advertisements over the last couple of years that the solar efficiency and energy efficiency of a home is being used by organisations to sell their homes on the market.

It is interesting to note that, after some initial period of resistance, the Housing Industry Association has finally agreed in its recent publications that in all new homes being built there is a case for mandatory insulation of walls and those ceiling areas that are not readily accessible at a later date. That turnaround took place in a period of about six weeks, after some initial concern.

I am aware also that the Royal Australian Institute of Architects, ACT Chapter, following that publicity commissioned a study on how they might be able to support this concept in the ACT. It was quite clear that, while there would be a requirement to increase the nature of insulation in new buildings in the ACT, compared to the Victorian experience there is a greater potential to save money in the ACT.

Mr Speaker, I point out that in the ACT 60 per cent of the energy used in your home and my home, on average, goes towards space heating. That is a quite incredible amount, when you think about it. If we look at the diagrams that show heat loss in homes, we find that if we fail to insulate the walls, for example, we lose in excess of 20 per cent of the energy through the walls, and even more through the ceiling.

For the average three-bedroom house, if you spend approximately \$400 on insulation of the walls at the time you build that home, you can save a quite considerable amount of energy. You must remember that, if you try to do

10 September 1991

it at a later stage, the cost would go up to \$1,000 to \$1,400 per home, depending on the nature of the house. It is very important to consider that winter heat loss in an uninsulated home is 35 to 40 per cent through the roof and 25 per cent through the walls.

When you think about it, once you have spent that initial amount of capital in building your home, you are then able to save, on an annual recurrent basis, a quite considerable amount of energy. As we take greater note of the need to reduce the amount of energy we are using per capita, the ACT should be taking a lead, as the Victorian Government has, in implementing those sorts of proposals in our own building codes. I would encourage the Minister for Urban Services to take that on board.

In another area, the Australian Model Code for Residential Development, second edition, dated November 1990 - an excellent document produced by the Model Code Task Force on the Green Street Joint Venture looks at a number of issues related to urban development and improvements to urban development. In informal discussions I have had in recent times with members of the Department of the Environment, Land and Planning, there is general support for the concepts outlined in this document.

Once again, I encourage the respective Ministers - both the Minister responsible for energy and the Minister for the Environment, Land and Planning - to pick up the ball and run with it. It is governments who are able to influence the decision making. It is Ministers who can direct and encourage their bureaucrats to get on with the job of assisting in energy saving, particularly for those young families who are going to build their first home out in the suburbs. I have heard it said that there would be some increase in costs, but those costs would be recoverable very quickly. Once they are written into the initial cost of the house, they are very minor when you think about the long-term savings.

I also encourage the Minister for the Environment, Land and Planning to consider encouraging the development of a code for homes establishing an energy efficiency rating, in much the same way as we see on appliances around the ACT these days. I am sure that would be of major assistance to people buying a home.

In taking this opportunity to talk about the building codes, I encourage both responsible Ministers to pick the ball up and run with it. They may well find that, in these days of increasing awareness of the environment, it is something the majority of the community will fully support. I commend these two documents to the respective Ministers because, as one says, there is no resistance to the implementation of the code right now for residential buildings.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.15), in reply: Mr Speaker, I am pleased to see that there is general support for this Bill. I foreshadow that in the detail stage I will be moving an amendment which has been circulated in my name and which picks up a technical error in the schedule. It makes some consequential amendments at page 5 of the draft Bill, which were picked up by the Scrutiny of Bills Committee in report No. 14 tabled on 27 August.

It is pleasing to see general support for this initiative. At first hearing, it could seem to observers of this debate that the comments of Mr Duby and Mr Jensen are generally sound and supportable and are heading in the same direction, and that we should be enthusiastic about everything that was said. However, to some extent there is an inconsistency between Mr Duby and Mr Jensen, and I must say that, on balance, I am with Mr Duby.

The point is that what we are doing here is taking the first step in a process of achieving uniformity in building codes. As Mr Duby indicated, the cost of diverse building codes in Australia runs into billions of dollars. We do not just have problems of federalism, with six States, two Territories and the Commonwealth; because local government is involved and can impose its own building codes, we do not have just nine governments, we have hundreds of governments, and consequently hundreds of different building codes.

This process will be aided dramatically when we achieve the uniform building Act. I am pleased to inform the house that at the Building Ministers conference in Canberra in August there was general agreement at Building Minister level that we move towards a uniform Act, and a uniform Act is now being drafted through the forum of the Standing Committee of Attorneys-General. So, we will have a uniform building Act on the table in the early part of next year, and there is general agreement across political parties that that should be brought into being fairly quickly.

This process towards uniformity, with dramatic cost savings, is a clearly compelling one. It will mean that a builder in Canberra can confidently plan his operations to build in Canberra or in Queanbeyan or in Yass and a builder in suburban Sydney can build in any local government area. That is a very desirable, very sensible and long overdue reform in Australian intergovernmental relations.

Mr Jensen refers to the lowest common denominator, and that is the problem with some of the proposals Mr Jensen was putting forward. Sensible though they may be and desirable though some reforms may be, in every State parliament in Australia and, worse, in every shire council, members or

10 September 1991

shire councillors come up with a good idea that we should make a certain form of insulation compulsory or we should have two-inch gaps or three-inch gaps or one variation or another. They may all make sense, and what can happen over time is that you move dramatically away from uniformity.

There could be a solution, and that is regional variations. There was an interjection from Mr DUBY, while Mr JENSEN was speaking, that the Cooktown building code would be inappropriate for Canberra, and we would all agree with that. There may be scope for incorporating some of Mr JENSEN's suggestions, which are sensible, by way of annexes or regional variations to uniformity. But we have to be careful to resist the temptation, at the level of a small government in the Territory, of coming up with a bright idea and imposing it in the building code.

If every State and Territory did that, we would very quickly be in the position where we would depart from uniformity. Sadly, that has been the case historically in Australia. We had uniformity in the Companies Act for a period when uniform codes were passed in the sixties. As we all know, different States made what were seen to be sensible amendments to deal with local problems, and over time we drifted away from that uniformity.

In my view and in the Government's view, the push for uniformity in this area is so strongly in the national interest that it is the desirable course of action. Adjustments to the building code to deal with what may well be seen to be good ideas at the time have to be very carefully examined and dealt with in the context of uniformity and in the context of annexes that will deal with regional variations.

Mr JENSEN indicated the fairly dramatic statistics on the cost and the effort of heating houses in Canberra, and we may have some degree of national uniformity on a code that would apply for cold climates. Again, the builder in Canberra could confidently build for our region - for Queanbeyan, Yass, Goulburn, the cold inland part of the plains country. For the Canberra builder building down the coast, there would be a different regional variation for coastal climatic conditions.

The temptation to come up with bright ideas and move away from a uniform code is something that needs to be looked at very cautiously, if we are going to depart from this hard-won uniformity. It will not involve just the ideas of members of State parliaments or Territory assemblies; potentially, it will involve the ideas of hundreds of shire councils and municipal councils and regional local government bodies around Australia.

We will get back very quickly to the mish-mash of different regulations and standards that can mean that across a local government boundary line, let alone a State or Territory border, we have different regulations applying. Uniformity

in this area is a hard-won achievement and potentially will save the building industry and, consequently, both the consumer and the business user of building products, millions upon millions of dollars in the long term. I commend the Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.22): I move:

Page 5, Schedule, proposed amendments of paragraph 35(2)(b)(twice occurring) and paragraph 35(2)(c) - Omit the proposed amendments, substitute the following amendment:

"Paragraph 35(2)(b) -

Omit 'in accordance with the prescribed form', substitute 'in writing'."

The amendment picks up the technical fault that was identified in Mrs Grassby's Scrutiny of Bills Committee report No. 14 of 27 August. In the schedule at page 5, the intention is to require notification simply to be in writing. It says, "Omit 'in accordance with the prescribed form', substitute 'in writing'". But then it repeats amendments to paragraphs 35(2)(b) and (c), which omits the paragraphs, and says, "to be accompanied by the determined fee".

The effect of that, as it is currently drafted, would be to omit the requirement that it be in writing, and that is all that was intended. In effect, we are scrapping the schedule amendments to paragraphs 35(2)(b) and (c) and retaining only the requirement for the notice to be in writing rather than in accordance with the prescribed form. It is a minor oversight that occurred in the drafting of the Bill and was picked up by Professor Whalan, with his usual fine eye for detail in these matters.

MR COLLAERY (9.23): Mr Speaker, I rise to address the amendment because it brings into question what we are seeking, which is a uniform building code. The opportunity cannot be lost here to comment upon Mr Connolly's polemic about the need for the ACT to toe the uniform line. We have already seen the Chief Minister sign that Premiers communique, which she will bitterly regret in due course.

10 September 1991

Be that as it may, I cannot agree with a philosophical approach that Mr Jensen sounding off now in favour of a specific provision in the uniform code is inappropriate in any way. As the code is being developed, it is a quite appropriate time, in my view, for Mr Jensen to pursue the Victorian model, which I believe he is pursuing in relation to the single issue he mentioned tonight. I think it is an entirely appropriate time for Mr Jensen to agitate for the inclusion of that issue in the code.

It is regrettable that Mr Connolly does not want to take the ball and run with it, and press that issue at the relevant fora he may attend, as Minister. I also attended relevant fora. One of those was a meeting of housing and planning Ministers, which I attended on behalf of the Chief Minister. There, luminaries such as Simon Crean made clear that the achievement of uniform codes and goals in the building industry and reductions in costs and delays related to wider issues than simply book codes. They related to award restructuring; to scientific and technological research and development processes for modular design of kitchen and bathroom capsules and so on, that members should be aware of. It is not as simple as an harmonious agreement at a State, Territory and Federal Attorneys-General meeting.

I believe that Mr Jensen's push for this insulation standard, which is now endorsed to a considerable extent by the local Housing Industry Association and noted by the Master Builders Association, could be a useful endeavour where this Territory - small though it is, as Mr Connolly acknowledges - could lead the way. Again, we see this Territory under the Follett Government adopting a view that it is small in the Labor world, therefore it toes the line generally. That was not the view the Alliance Government took. We used to press issues at national fora and get extra concessions. I well recall in Perth Mr DUBY getting an extra million or so for this Territory, over and above the States, by hard bargaining and pressure. That is what should be done.

The meek and compliant manner in which the Chief Minister signed the Premiers communique that endorsed resource development, which was so bitterly criticised on the Four Corners program last night in terms of environmental protection and endangered species, will come back to haunt the Chief Minister. We have heard also that she has stuck by the idea that we will not endorse the federalism inherent in relation to welfare grants and the rest. That does not tie up with the Chief Minister's signature to the communique, as we are now finding out.

I take issue with Mr Connolly saying that this is part of the great new whiz-bang move to new federalism. It could become a very weak and cavalier acceptance of a temporised standard, because the lowest common denominator is what the stronger States can caucus on and get. In this country that often means the Labor States, with their innate

conservatism, their raging conservatism. I am referring to Western Australia in particular and, increasingly, the Queensland Labor attitude on a whole range of issues, such as, sadly, child care.

MR JENSEN (9.28): Mr Speaker, I want to follow on from the comments I made previously. Any suggestion that what I have been advocating is something that has just popped out of my mind and is of no consequence is incorrect. A lot of work has been done on these issues by a lot of very dedicated people. We are finding that there is a move towards standard codes of the sort that this legislation refers to. As my colleague Mr Collaery says, it is appropriate for a young, vibrant Territory such as the ACT to take the lead in some of these areas and push them forward within the forums attended by Mr Wood and Mr Connolly.

It is appropriate for our Government to take the lead and push for a model code for residential development - a model code that is accepted by many States. In fact, it is not called the ACT model code; it is not called the New South Wales model code; it is referred to as the Australian Model Code for Residential Development, and it received strong support when it was produced. Of course, that covers more than just energy; it covers the whole process.

It is quite clear from the comments made by Mr Connolly that he has not even read the document, or even seen it. It looks at a number of aspects of development that relate to his portfolio area: For example, drainage that works, utility provision, street design, transport networks, vehicle parking, et cetera. It provides advice, assistance, performance criteria, and deemed-to-comply criteria for all those and many others. It is a well thought through document that is accepted by planners and groups around Australia.

The proposal for a model code for energy efficient buildings is not something I have thought up. The Building Regulation Review Task Force asked Price Waterhouse to conduct a study on support for a separate code for energy use in Australia. As I have already indicated, page 4 of that document states:

Price Waterhouse found no opposition to the proposal to develop a code for housing. Indeed a number of codes of various types already exist in Australia.

What they are proposing is to take those codes and put them together for a code of energy use and reduction in energy use that can apply throughout Australia. These are very important issues that many people in the community are becoming more aware of, and I think it behoves this Government to play a greater role than it has appeared to be doing in recent months.

Consideration interrupted.

10 September 1991

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

BUILDING (AMENDMENT) BILL (NO. 2) 1991

Consideration resumed.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE Report on Space Tracking Stations in Namadgi National Park

Debate resumed from 23 October 1990, on motion by **Dr Kinloch:**

That the recommendations be agreed to.

MR DUBY (9.32): There is no question that both the Orroral Valley and Honeysuckle Creek space tracking stations are not only part of the ACT heritage but also, because of the vital role they have played in many of the major space programs conducted by NASA in the sixties, part of the world heritage scene. I think it was most appropriate that a reference was put before the Standing Committee on Conservation, Heritage and Environment for inquiry into the future use of the tracking stations in Namadgi National Park.

One of my most vivid memories of my period in this Assembly will be of the time I visited these tracking stations in Namadgi. The amount of damage that has been perpetrated on buildings left in that isolated bush area is unbelievable. The amount of vandalism and damage done to those buildings was beyond belief. I could not comprehend how people could derive satisfaction from vandalising what clearly is - or was - part of our world heritage. However, that has been the case.

Over the years the buildings have been let go to an extensive degree, and clearly something has to be done with them. The committee reported on this matter - and it is a good report, brief and to the point. I am amazed; I did not realise that so many members of the Assembly had been involved in the committee. Indeed, a clear majority of members have been involved during the comings and goings and toings and froings of the committee.

The committee has come down with some 14 recommendations which, in the main, are good recommendations. I think that is indicated by the fact that the Government has, for the most part, supported those recommendations, and I think it might be appropriate to put them into the record. The recommendation that the Heritage Committee, in consultation with NASA, fully document the sites and the history of the Orroral Valley space tracking station and the Honeysuckle Creek space tracking station has been agreed to by the Government. That is good.

The committee recommends that suitable plaques be placed at the sites of the stations to commemorate Australia's involvement with space exploration, and the Government has agreed to that; that the Government ask NASA to recognise and acknowledge the role played by the Honeysuckle Creek space tracking station in the Apollo moon project at other NASA sites throughout the world, and that has been agreed; that, in consultation with the managers of the Tidbinbilla tracking station, the public display at that place include information on the involvement of Orroral and Honeysuckle, and again the Government has said that the Environment and Conservation Bureau, with the operators of Tidbinbilla, will implement that recommendation.

It further recommends that the Namadgi Visitors Centre publicly display information on the history and role of the stations, and that is going to be implemented; that tourist information on the history and role of the stations be made available at appropriate tourist information centres, and I think that is going to be implemented by the Government; that Orroral Valley and Honeysuckle Creek stations not be made available for private development, and that has also been agreed to by the Government, although I wonder about that.

I notice that the reason it has been agreed - and almost certainly it is a bit of a nonsense recommendation - is that the cost of supplying power to those sites is quite astronomical. The committee also recommends that the stations be demolished in accordance with recommendations further set out, and the Government comes to that point later; that all environmentally hazardous materials be removed from the sites of the stations, and again that has been agreed; and that following demolition the sites of the Orroral Valley and Honeysuckle Creek space tracking stations be rehabilitated and revegetated, and that also has been agreed.

10 September 1991

That leaves only four recommendations, the first of which is that, whenever possible and in consultation with the ACT Heritage Committee, the walls at the Orroral Valley space tracking station be left standing to a height of 20 centimetres above the ground level, for historical purposes. I am fascinated to know how the committee has determined upon a figure of 20 centimetres. I am a little old-fashioned and I know that that equates, for all intents and purposes, to about eight inches. I do not understand how that height was decided. Why not two feet or one foot? Perhaps my problem here is that you can take the man out of urban services but you cannot take urban services out of the man. I tend to agree with the department's response that the retention of dwarf walls will add to the demolition and recurrent maintenance costs.

Mr Wood: That is the Government's response; that is what we said.

MR DUBY: Absolutely. I agree with the department's response. A recommendation that eight inches of brick wall be left around the perimeter of a concrete slab in the middle of the bush is so specific that I am surprised it ever became the majority view of nine members of this committee. I assume that it was nine, but probably at the end of the day it was only three. Nevertheless, I agree with the Government's response. In my view, it is a rather foolish recommendation.

They also go on to recommend that the Department of Urban Services investigate and report back to the committee on the possibility of leaving part of the main building at the Honeysuckle Creek space tracking station standing as a shell devoid of internal structures for historical purposes, and that, wherever possible, the walls at the station be left standing to a height of 20 centimetres above the ground. What we currently have at Honeysuckle Creek is just that - a building that is a historical shell. In effect, that is all that is there now. It has been vandalised and has had all possible building materials removed from it over the years.

What that recommendation really means is to leave the building as it is and not to demolish it. I agree also with the Government's response - and I am probably going to be in the minority here - that retention of the shell of the main building is simply not practical. The very reason the Committee recommended that the demolition take place indicates that to leave some walls standing is not practical and, indeed, in many places is dangerous. The building has deteriorated to a great degree and there is no question that future vandalism is unavoidable.

I agree with the Government's response that demolition to its concrete slab, which leaves an archaeological outline in the countryside and which is fully documented by the Heritage Committee, amply meets the requirements of proper historical conservation. There is a further recommendation

that no demolition work proceed until Urban Services reports back about the requirements of those two previous recommendations. Again, I support the Government's view on that.

Finally, though, the one point on which I disagree is the Government's response in relation to the final recommendation: That the Commonwealth Government be asked to fund the cost of the demolition of the buildings at Orroral Valley and Honeysuckle Creek. I am absolutely amazed at the Government's response to that. Firstly, I think the Government should not be asked to fund the cost of the demolition; it should be told to fund the cost of the demolition - and perhaps a bit of muscle should be used. Why on earth would the Follett Labor Government say, "Well, we sort of agree. Instead of asking the Commonwealth Government to pay for it, we will prepare a submission asking that they pay for half of it"? However did you come up with a response like that - unless it has already been agreed? That is the only possible conclusion I can come to.

Mr Wood: Mr Duby, we are realists.

MR DUBY: I also am a realist. I am also a poker player, and you do not start off by betting half your stake. You start off by saying, "It is your full responsibility".

Mr Wood: It is dangerous the way it is.

MR DUBY: Yes. "Sydney or the bush" is the phrase. You should be saying to the Federal Government that this is their responsibility and they should therefore be bearing the cost of all of it. You should not be going namby-pamby, cap in hand to the Commonwealth Government and saying, "Maybe we can go half and half". I know what the end result will be if that is your starting posture. It will be that you will pay nine-tenths and the Commonwealth will pay one-tenth, and Ros Kelly will unveil the plaque. I am pretty sure that that will be the end result.

Mr Wood: If they came in with one-tenth I would probably agree with that.

MR DUBY: Here we go! Put it on record. All in all, I think this has been a good report, apart from the minor disagreement about the height of the retaining wall being eight inches, which I do not think matters much. It does recognise the historical and heritage value of the stations, and I generally support the Government's response to it.

MRS GRASSBY (9.43): There is no doubt that these sites are a hazard and an eyesore, and the potential threat to the environment and to visitors from dangerous substances and rusting metal should not be allowed to continue. As Mr Duby has pointed out, just about every member of the Assembly has served on this committee, so we all know about these tracking stations.

10 September 1991

I agree with the committee's finding that it is important to provide suitable visitor information commemorating man's first steps on the moon and the involvement of Australia. It was a very large involvement because we got the first voice through here. It is a pity that the Americans were not prepared to do something there. I understand that at the time they did ask the Australian Government whether it would like them to pull it down or do something about it, and it refused. Therefore, I believe that the Commonwealth Government should come to the party in doing something about that.

I am confident that a suitably worded plaque and tourist information will be of historical interest for future visitors, but it is sad that that is all that can remain there. I agree with the Government that there is no future use for the structures in Namadgi National Park. When I was Minister I was approached by many community groups to assist them in their desire to take over these buildings. I am sure that some of my Assembly colleagues have received similar requests.

If there had been any way at all that the buildings could have been given a new lease of life, then developers would have leapt in to use the opportunity. Sadly, that is not the case, and therefore I support the return of the area to its natural bush setting. It is as if the parks had come full circle. They served useful and important roles and are now being returned to their former natural glory. However, it is sad that that piece of history will be completely gone.

I extend my appreciation to all the people who assisted the committee - my fellow Assembly colleagues and committee members, the secretary, Ron Owens, and his assistants, and the departmental officers who provided technical and conservation advice. Many people who came and talked to us about this felt that they could do something with it. When they visited it and saw that an enormous amount of money would be necessary to put any of these buildings to use, they came back very quickly to tell us that it was not possible.

I agree that we could not leave the pieces of wall up. It would look very odd, and I think the installation of suitable plaques is the way to go. It is a pity, because it is a part of our history. When this sort of thing happens in America, of course, people are very quick to make sure that the history is maintained. If the Federal Government is going to pay for half of this and Mrs Kelly unveils a plaque, that does not worry me very much, as long as the taxpayers of this city do not have to pay for something they should not really be responsible for.

Particularly as the American Government offered to do something about it and the Commonwealth Government refused, I do not think we should be left to clean up the mess. I would be very happy to see the Commonwealth pay for the lot. Mrs Kelly, Mr Langmore, Margaret Reid and Senator McMullan can all unveil a plaque out there and it will not upset me one little bit, just as long as it does not cost the people of Canberra, the taxpayers of the ACT, any money.

Something has to be done about it. It is sad to see the vandalism, but by the time we got self-government the vandalism was well and truly done. We could not have done anything about it. We could not have set up anything out there to stop it happening. The worst was done, and it continued because to put somebody out there would have cost us more money than it was worth.

I thank my Assembly colleagues who have served on this committee, as well as all the people who did a lot of work on it. It was a difficult task because people felt that it was a pity to see a piece of history like this being destroyed, but "must do" is a very good master.

MR PROWSE (9.48): I am speaking on this issue once again to put before members - and I know that they have had this request put to them before - a request by the Buddhist Society to look at the Honeysuckle Creek facility. The vandalism out there is extreme, as you are all aware. I have only recently gone out there again, and the vandalism has been progressing monthly. It amazes me, as Mr Duby stated, that people take pleasure in vandalising walls, windows, and so on. Anything that could be broken has been.

The situation is that the Buddhists have \$200,000 to put towards refurbishment of the internals of that major building. Obviously, all the surrounding garages, transformers, PCBs and other equipment in the area would have to be removed, as would the internal damage to the building. If the shell could be left, those people believe that they could bring that building back into community use.

Mrs Grassby suggested that developers were not interested in the area because of the costs involved. The major cost, I would put to you, is in laying on the services to the area - electricity, water and sewerage. The Buddhists have indicated that they would be quite happy to survive without any of those services being provided. They would provide access to the facility as a recreation and meditation centre for members of the public.

I believe that it would be well worth our while to look at the main building to see whether it can be put to some purpose. It really is the final act of vandalism to knock down such a substantial building. That building, if left

10 September 1991

standing as a shell, will remain standing for the next 50 to 100 years. It is a very substantial building. It is something we should look at seriously to see whether it is possible to pass it on to these people.

One objection I have had is that this is now a national park and you cannot have people residing in a national park. As members are aware, the road skirts farmlands and does not penetrate very far at all into the park area. The location of Honeysuckle Creek is very close to the border of that park, and I believe that we could make an exception in this circumstance. A major meditation centre in the ACT is a very worthwhile project, and if these people can come forward with the money I think we should at least give them the opportunity. I ask members to take that into account before the final decision is taken. We could put the bulldozer through every other spot, but I ask you to see whether we could retain that major building.

MR HUMPHRIES (9.51): I also am a little saddened by the prospect of having to demolish the remains of the tracking station in Namadgi National Park. We all acknowledge the value that site has for heritage purposes. It is interesting to note that the Conservation, Heritage and Environment Committee has not really had a heritage reference before. This is the first reference that might be described as having significant heritage implications, and it was interesting, therefore, to read the report and to look at the balance the committee attempted to strike between the cost of preserving heritage and the need to preserve heritage.

In this case the balance has been struck more or less in the direction of acknowledging cost as the primary consideration and allowing only the most minimal preservation to occur. Obviously, that has been dictated by the fact that the building has been substantially demolished already, and in this case it has meant that the best that can be suggested is the effective demolition of the buildings that remain down to foundation level.

I believe that the preservation of heritage sites does need to be a matter of ongoing consideration, balancing the desire to preserve all that may be of value or significance against the desire to preserve the best, the most significant, examples of particular things, whether they be particular styles of building, particular features of a way of life or a way of doing things, or in this case an important facility in the Australian context in man's conquest of space. I believe that in this case a plaque, as suggested by the committee, is a good compromise, and I support that.

The commercial value of the site is very limited, and I therefore agree with the committee that it is not appropriate to consider having the site used by a commercial or private interest, broadly speaking. Mr Speaker, as you yourself suggested in the debate, I do not

think we can isolate the question of this sort of site from commercial considerations altogether. Clearly, a national park is not an appropriate location for a hotel/motel complex or a casino or a McDonald's outlet.

Mr Stefaniak: A gaol.

MR HUMPHRIES: Or a gaol. It may be appropriate for some private or non-government activities to be undertaken there and, as you indicated, a monastery - in this case a Buddhist monastery - would not be an entirely inappropriate use for that site. However, I suggest that in this case we have crossed the Rubicon already, and it may be that the best thing to do is to bear this kind of flexibility in mind in the future and attempt to consider, should the situation ever arise again, whether an existing infrastructure for a purpose since overtaken by declaration of a national park might be appropriately converted to a private or non-government facility such as this.

I do not, therefore, agree with the recommendation in paragraph 4.16 that those space tracking stations should not be made available to private development, if that is a blanket recommendation that applies to all sites that might exist within the bounds of the National Park. I am not saying that it ever will be, but it may be that at some point in the future there could be some appropriate development of a site such as that that would balance the requirements and amenity of a national park with the value of that particular site and the infrastructure developed already on the site.

MR MOORE (9.56): I have just a couple of brief comments, Mr Speaker. I think the most important thing is for us to learn a lesson from this space tracking station saga. The lesson is that such sites can be protected from the beginning by very simple mechanisms, as I have been fortunate enough to observe in my recent visits to a number of national parks throughout Australia. Where people have to walk into a site, it is less likely to be vandalised; and, the further people walk in, the greater the respect for such properties.

The simple methodology that was available to the people who were looking after the space station under Federal jurisdiction - who are, by and large, the same people who are looking after it now, although under a different administration - is the necessity of simply fencing off, putting gates in and keeping people further away from accessing such spots in their vehicles. Such methodologies can easily take into account people who are invalided, or something along those lines. Such gates can have locks, and keys can be made available to people who have a legitimate reason for entering an area. I have seen that sort of facility available to people in other spots in Australia.

10 September 1991

We need to look very carefully at the protection of any further sites as part of a management plan in our national parks and in the beautiful parks in the Australian Capital Territory.

MR STEFANIAK (9.58): Mr Speaker, I noted with interest what you said about a possible use of this site and also what Mr Humphries said. Having been on the committee and looked at the site, I recall that Honeysuckle Creek is more than just a shell and something perhaps could be done with it. That is probably the one you are talking of. Orroral Valley is virtually useless and must be demolished.

I was heartened to hear what Mrs Grassby said in relation to the Commonwealth paying. I note that recommendation 14 says:

That the Commonwealth Government be asked to fund the cost of the demolition of both buildings ...

Perhaps we need to go further than just asking them to fund the cost of demolition. They should be made to foot the entire bill for any demolition of those sites because, firstly, it is a national park and those sites are in a national park; and, secondly, those sites, when they were used, were used by the Commonwealth and were closed at a time when the Commonwealth had full responsibility for the ACT.

I do not think there is any logical or legal obligation for the ACT Government, which came into being in May 1989, to fund the demolition of those sites. That should remain the responsibility of the Commonwealth. So, I think we need to do more than just ask them. This Government should demand that the Commonwealth Government live up to its obligation if those sites are to be demolished.

DR KINLOCH (9.59), in reply: I would like to thank the many members who have spoken for their comments today. They were very thoughtful. Obviously, many of us are very touched by the problems posed in that national park. I commend and endorse Mr DUBY's comments, and much that has been said by Mrs Grassby, Mr Humphries and Mr Moore. It was a pleasure to be chair of that committee but also a great sadness, because we really had to come to a decision to demolish. We were not happy with that; we were led to it. I did not see what real alternatives there were, unless there was tens of millions of dollars available or, as in the case of Williamsburg, Virginia, some kind of Rockefeller who could help us to restore the area.

I am sympathetic, Mr Speaker, as you know, to your views on the Buddhist Society. It is particularly interesting to note that they would not wish to have or could get along without the power, water and sewerage arrangements; but whether that could be permitted under our kind of

10 September 1991

legislation in a national park is the kind of problem that we are facing. I must say that I have great sympathy there and would like to tie it in with a peculiar view I am now having, especially of the Orroral Valley site but also of Honeysuckle Creek.

We are concerned, are we not, to preserve the past. That past is very significant for the history of the world. We are also concerned to preserve a peculiar kind of past. I wonder whether the Orroral Valley site, when it has been vandalised, stripped and becomes a horrible site, in some weird way should be preserved as an example of how we foul our own nests. That is what it is. With the Honeysuckle Creek site, at least that shell of a building is there.

But I want to argue this point: Unless you can do a Williamsburg, unless you can restore the whole area to the way it was, there are strong arguments for saying that it is not really enough merely to restore the buildings. I now accept the view that perhaps to level it completely and have a cement base is probably the way to go. What is historic about the areas is the technology that was there, and unfortunately that technology has been removed or damaged to a point where there is no use in it. Some of the equipment has gone elsewhere.

We did raise this matter with the American representative of NASA and he assured us that representative forms of the technology are in place in technology museums, especially in the United States. It does not help us; we do not have, in the ACT, examples of what I suppose you would now say was the relatively primitive computer technology that went into those sites and the kind of astronomical ability that was there. Now, even 20 to 25 years later, the kind of technology we have is so much more advanced. We have lost the real historical value of that site, which is in terms of technology.

I accept the problem of the 20 centimetres that Mr DUBY raised. We took that advice in relation to archaeological sites, as I recall. Possibly, what you are really thinking of there is preserving a building past rather than a technological past. So, in some ways there is not that importance to preserving the buildings. What we really should have preserved - and the Commonwealth should have preserved, as Mrs Grassby and Mr Stefaniak have noted - was the technological past that was there in the first place. It is not the building which is significant; it is the technology.

I again thank Ron Owens very much for all that he did - and he did it very sensitively. Our secretary has a good sense of the past - indeed, likes to add classical quotations to our reports - and he did have a sense that we were destroying - he did not say this; I am saying this - if you like, Rome; that we were destroying part of our civilisation. That is what we are on about.

10 September 1991

It was a very great mistake indeed, when our Commonwealth Government did not accept the initiative of the United States Government at the time that those stations were closed down. Then the years went by and the vandalism went on and it was too late. I do hope that we will do everything possible - and I thank the Government for the response to the report - to ensure that all visitors to Canberra in future, for centuries to come, will recognise that in those two places were events of very great significance to humankind.

Question resolved in the affirmative.

**DEPARTMENT OF HEALTH
1989-90 Annual Report**

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

That the Assembly takes note of the paper.

MR HUMPHRIES (10.06): Mr Speaker, it is interesting to take this report and to read it. Like most reports we receive in this Assembly, it is relatively old by the time it reaches us. This report was tabled more than a year after the end of the financial year to which it relates. Nonetheless, it is a valuable document outlining the ACT's achievements in the area of health in the first full year of self-government, and I believe, Mr Speaker, that it will be an interesting document to those who wish to see what changes were emerging in the ACT in those early valuable and formative months of self-government.

It is a balanced document. Witness the fact, Mr Speaker, that, with two Ministers administering health in that period, there are two photographs of Mr Berry and three photographs of me in proportion to the fact that there was about two-fifths of - - -

Mrs Grassby: The same as you have a beard and he does not.

MR HUMPHRIES: He had a moustache at that stage, Mrs Grassby; it was very distinct.

Mrs Grassby: And he was more handsome than you.

MR HUMPHRIES: I will not comment on what turns you on, Mrs Grassby. I will leave that to others in this or other debates to comment upon. I am turned on, Mr Speaker, by the exciting things that were happening in health in that first 12 months. I see it as a period of enormous change and development in the provision of services in the area of health in this Territory. I believe that it is worthwhile reading this document and reflecting on how much was achieved in that period. We tend to think of the early stage of self-government as being a fairly disruptive period in one sense; but, clearly, positive and lasting things were being achieved in that time.

This might not be necessarily positive or lasting, but certainly an example of the sorts of changes that were taking place and the almost traumatic level of dislocation that was occurring is the name of the department to which this report relates. This was part of a Federal Department of Territories shortly before this financial year in question began, when it was handed over by the Commonwealth Government to the ACT on the advent of self-government. It then became the Department of Community Services and Health, a name which I thought was unfortunate, given that there was a Federal Department of Community Services and Health; but, anyway, that is not the name that subsists, so I cannot complain. It then became the Department of Health, with the hiving off of community services. It then became the Ministry for Health, Education and the Arts, and has more recently become again the Department of Health.

Let us hope that that rapidly revolving door of change is not a permanent feature of the provision of services in the ACT because, clearly, that kind of change of name makes it very hard for people to keep up with what is happening and how they can best locate the deliverers of services in particular areas. I know people who still refer to the Department of Health as the Health Commission, which goes back a number of years. That is a reflection of the rapid number of changes that have occurred in the last few years.

As I said, it is a pity that these reports tend to come out so long after the period to which they relate. I suspect that it is largely because the accounts needed to be audited, and that generally is the last piece in the jigsaw to be available, such that it delays the rest of the report becoming available to the public. Nonetheless, let us hope that we can speed up that process in future years.

As I indicated, this has been a period of great change for the Territory and, I believe, essentially, a positive change. I think it is worth reflecting on just a few of the changes that have occurred in that period and commenting on the value of those changes. Mr Speaker, the first thing is that in that period the ACT Board of Health was created. That was a step to emulate the processes that New South Wales has now had in place for some time. I believe that that is an experiment that has worked, and worked well. I believe that the model put in place, where citizens of the Territory are given responsibility for running those health services which are so critical to the value of the Territory's lifestyle, is a good process. It is a valuable way of providing a service which reflects the needs of people in the Territory, and I think that model should be continued indefinitely. It has clearly worked.

Of less obvious agreement is the beginning of the hospital redevelopment process - itself a quite dramatic advance in hospital and health services in the Territory, a quite amazingly extensive restructuring of our services in this area. It is, to my knowledge, the largest civil

10 September 1991

construction project undertaken by and for the ACT as a community, rather than the ACT as a national capital, which we have ever seen. In that respect the extent to which it has proceeded relatively smoothly since its inception is a great tribute to the many people who have made that possible and, in particular, to those who have been involved in the management of the hospital redevelopment process, and I applaud them. I think, Mr Speaker, it is worth reminding people that, despite the blizzard of criticism and counter criticism which inevitably occurs in a process like this, this is basically an extremely positive process for the upgrading and improvement of our health services in this Territory. To quote from page 2 of the report:

Adoption of the one principal hospital concept and the general streamlining and upgrading of Canberra's public hospital system promises significant improvement in the quality and effectiveness of health services in the Territory.

Let us not forget that. Let us not forget that that is what this process has been about. That is what this process must be about to justify the cost of about \$166m in 1990 dollars. That is what we have to be aiming at in order to make all the pain and the trauma associated with this worthwhile, and it is worthwhile if we achieve that.

That is what the Alliance Government firmly believed. I am sure it is what the first Follett Government firmly believed when it adopted the idea of a principal hospital in the Woden Valley. Not only has it the chance to improve the general quality of health care in the ACT by consolidating services on a single central site, but it possesses a number of very exciting features in their own right, representing for the most part innovations, quite substantial innovations, in health care in this Territory.

I am referring particularly here to the establishment of a birthing centre and a hospice, to the creation of a 24-hour mental health crisis service, and to the relocation to more appropriate sites of some other services in the Territory, notably the Jindalee Nursing Home and the QEII Home for mothers and babies. That is very important, Mr Speaker. It would be unfortunate for the Territory if that process did not have the chance to produce those enormous benefits to the Territory.

It is also worth noting that during this period the ACT attended its first meeting of the Australian Health Ministers Conference. That was in June 1990 in Brisbane. I was privileged to represent the ACT for the very first time at ministerial level at that meeting. It cannot be underestimated how important the process is whereby the ACT takes its place in the range of communities in this country and talks about the issues of health and health provision at the highest possible level. That was an important occasion, I think, for this Territory.

It is also worth noting, Mr Speaker, that, despite the many problems the Territory faces in funding senses, we were able to achieve a quite significant extension and expansion of services available to territorians. These services are listed on page 3 of the report. They are: An extension of the Women's Health Service to include an extra social worker; the extension of the Migrant Health Service so that non-English speaking clients can obtain education and information services, as well as interpreter services; the strengthening of the Child Abuse Assessment Clinic at RCH North; the development of a 24-hour Mental Health Crisis Service, to which I have already referred; the provision of a group house at Lyneham for young people with intellectual disabilities; and the replacement and upgrading of outdated equipment in public hospitals. All those things have been going on all the time and, of course, continue to go on each year as we identify new areas of need.

The fifth area of great personal pride to me has been the area of reform in tobacco law. The Territory took up and finally implemented in that year a package of legislation designed to provide the toughest anti-tobacco regime in the whole country. We, as a result of the Tobacco (Amendment) Bill of earlier last year, were able to provide for the effective banning of advertising of tobacco products in the Territory, greater restriction on sales to minors and encouragement to minors not to take up smoking, and, of course, the establishment of the Health Promotion Fund as a way of replacing tobacco sponsorships and of positively encouraging research and promotion of health in this Territory.

That is a matter of great pride not just for me but for all those who have been involved in the development of that package. Finally, I was pleased to be involved in the beginning of the corporatisation of the Mitchell Health Services Supply Centre, an important step towards making that white elephant productive and useful to the Territory in a way which it has not been since its establishment more than 10 years ago.

However, all those positive things should not be seen to suggest that there is only good news on the horizon. There are a number of ongoing problems in health referred to in this report, which we have to deal with in the not too distant future. Briefly, they include the registration of professions in the Territory and the question of whether new professions or professional areas ought to be admitted to the present list of those registered; and the question of whether AIDS is a notifiable disease and the way in which the Territory handles the whole question of dealing with those who are either infected with AIDS or might be in a particular occupation or position where their exposure to AIDS should be regularly tested for.

10 September 1991

Another is the structure of community nursing, and nursing more generally - a matter that has been in the Industrial Relations Commission even today, I understand. Another question is the distribution of health centres in the Territory, deciding how we provide health centres and what the nature of the service in those centres should be. How do we justify the fact that some areas of Canberra have something like three or four times the number of health centres per head of population that other areas have? How do we shape and adapt the ongoing role of women's health services in Canberra? For example, should the ACT take up, and, if so, in what form, the national breast cancer screening project? Finally, a very important issue, I believe, and one which will simply not go away, is whether the ACT is to proceed with a school of clinical medicine, whether we are to go down the path of providing for educating doctors in the Territory.

Obviously, Mr Speaker, the future of health services generally is going to be characterised most predominantly by the question of cost. How do we balance on the one hand the rising cost of health services against tightening revenues? We have to accept that each service provided in our hospitals will probably tend to get more expensive rather than less expensive. As medicine finds newer and better ways of dealing with illness, we face additional costs, and in the present atmosphere of a recession it will be very difficult to contain those costs and to encourage people to ensure that they make some provision of their own towards the cost of those services. Naturally, Mr Speaker, that will represent an ongoing balancing act which governments will have to be extremely adept at handling.

Mr Speaker, I want to say something about the people who served both me and my predecessor and my successor in health. Those people, the senior officers in particular - I do not exclude others in the health services, but I am talking particularly about the senior officers in health - have done, I believe, in the last couple of years, a tremendous job in managing a process of tremendous change. I would not hesitate to describe the job of restructuring health services with the hospital redevelopment in this Territory as a mammoth task, a task requiring tremendous talent and energy, and it has been provided unfailingly by those in the senior levels of our health administration. I believe that those people, despite frequent denigration, deserve to be acknowledged for their tremendous dedication to that basic task of improving the quality of health services in this city.

I believe, Mr Speaker, that we have a bright future because we start from a better position than most of the States, but it will not be achieved unless we face squarely the problems that our Territory has inherited and look to the future of health services by consolidating and managing better and more cheaply the services that we have inherited.

MR KAINE (Leader of the Opposition) (10.21): I will be brief, but I would like to echo some of Mr Humphries' comments and to express my concern that it takes so long for these documents to come to us. There is a wealth of information in here and if it were available to us earlier we, in our management role, if you like, of oversighting what happens in some of our organisations, could have an influence on events sometimes perhaps before they get out of hand.

I want to draw attention to a couple of matters. I notice, for example, on page 103, where the report talks about the statement of activity in financial terms, that the order of magnitude of change from 1989 to 1990 is quite significant. Revenue increased from \$222m in 1989 to \$292m in 1990. When you think about that, that is a very significant order of change. If we had seen this sort of information earlier, I submit that some of the unhappy events in terms of management within the organisation might have become apparent a lot earlier than they did. You must appreciate the order of magnitude of change and the strains that that order of magnitude of change put on management.

I think it is significant also that at page 97 there is an Auditor-General's report for the year 1989-90. It happens to be dated 19 March 1991, which is really quite recently. The Auditor-General comments there on the inadequacy of the financial systems. Had we known that in June/July 1990 instead of March 1991, it would have sounded some alarm bells. First of all, the Auditor-General's report was not written until 1991 and, of course, most of us would not have seen it until it was published in this document. So, I think that these documents are very important, and it is important that they be delivered to the Assembly early rather than late.

There are other pieces of information here that I think are most useful. For example, the final page, appendix H, gives detail of the Department of Health's staff. A quick analysis of that shows that for every three health care staff directly delivering health services in our system there are two administrative staff. That seems to me to be a very high ratio. I notice that in that administrative and support staff there are 158 administrative and clerical staff in a corporate management area. There are another 35, or there were then, in policy planning, whatever that means.

So, there are nearly 200 people involved in corporate management and policy planning, or there were in 1990. When you look at what happened in the health delivery system in 1990-91 you have to wonder what on earth they were all doing. When you see this information, and it must have been available to them much more readily than it was available to us, it should have been causing the alarm bells to ring in some respects.

10 September 1991

I have a couple of other minor comments. I note on page 137 that the Abortion Counselling Service is worth three times as much a year as the Pregnancy Support Service, which seems to me to be a strange order of priorities. Approximately \$30,000 went to the Abortion Counselling Service in that year and \$11,000 to the Pregnancy Support Service. I would think that we ought to be having a look at that balance between the two priorities.

I was going to comment on the photographs, just as Mr Humphries did. I was going to point out that the three photographs of Mr Humphries show him either with babies or with teddy bears. Those of Mr Berry show him with a different class of person. Perhaps that shows that Mr Humphries was more soft and cuddly than Mr Berry during his period of ministry.

MR BERRY (Minister for Health and Minister for Sport) (10.26), in reply: I have to deal with the last comment first. It is quite unlikely that the *Canberra Times* will carry a report of me cuddling Gary, even though it might go with your recommendation, Trevor.

One of the great difficulties for the hospital system, its managers, various health professionals and other workers has been the lack of stability within the ACT Government since self-government, and this gives me an opportunity to give a plug for single member electorates and stability. I will not labour that point for too long, other than to say that I did overlook saying, when responding to Dr Kinloch's questions in relation to the Northern Territory earlier in the sitting, that Northern Territory Government members seem happy with single member electorates. I am sure that the Labor Party would be content with them as well, and so would any of the Liberal members or any other member elected under that sort of electoral system.

To get back to the issue of health, stability has been a real problem for the management of health in the ACT. Of course, that has affected many of the services that it would have delivered - not through any fault of the people within the system, but because of the absence of stability and the change in direction by the two governments which were involved in the government of the Territory during the period to which this report refers.

On the one hand you had a Labor Government with a strong commitment to social justice and a strong desire to focus on the public delivery of health. The Alliance Government, of course, had swung the other way and was swinging the focus to the provision of services through the private sector, at great expense to the community of the ACT. It would have been the community that would have borne the cost of those sorts of changes in direction for health in the Territory.

Mr Collaery: You ratted on Royal Canberra Hospital.

MR BERRY: It is with some pain that I recall how the Residents Rally members of the Alliance Government walked away from Royal Canberra Hospital very early in the piece and allowed it to close. They facilitated its closure by the Alliance Government and facilitated the fast-tracking of its closure. I suspect that the Residents Rally - in fact, you could nearly bet on it - will turn around again. They turn from one course to another at such speed that it is a wonder that they are not too dizzy to enter this chamber.

We have had some difficulties with the provision of health services in the Territory through the changes of government and the changes of focus, but I think it most important that I mention the difficulties in financial management within the hospital system. It is notable that Mr Humphries did not make much mention of that. It is most notable that Mr Kaine has had a lapse of memory about the financial management in the hospital system. Had he a better memory, he would have recalled that when Labor was thrown out of office we left with the incoming government a report which pointed out difficulties in financial management in the hospital system.

It was more than a year later before the Alliance Government was prompted into any course of action on the subject. In fact, the situation had become much worse because of inaction by the Alliance Government. That, of course, has left Labor, in turn, a legacy with which it will have to deal when it comes to the provision of hospital services in the Territory. That is one that we will not run away from, but it has made it more difficult.

We are fortunate in this country that we have a universal health care system, established by the Federal Labor Government, in the form of Medicare. I am sure that if we did not have a universal health care system in this country our health system would not be in as good a condition as it is, subject of course to the frailties of the system which have developed in recent years through the instability of government in the Territory and the changes in focus. We would not have had as good a system as is available to territorians without Medicare. It is a great joy to me to see the endurance of that system and, of course, the endurance of the Hawke Labor Government, which has it as one of the feathers in its cap.

In relation to matters raised by the Auditor-General on the report's financial statements and the financial management problems of the Board of Health, which, as I pointed out, we inherited from the former Government, they are now being closely monitored and processes have been put in train to address the issues. One of the things that have happened is that there has been an appointment of a new Chief Executive Officer, which has been widely publicised.

Mr Kaine: Which was set in train by the Alliance Government, I might add.

10 September 1991

MR BERRY: Mr Kaine says that it was set in train by the Alliance Government. What the Alliance Government did was to scapegoat a former Chief Executive Officer to cover up its own tracks. Now, is he serious about that? The process which Labor inherited resulted in the selection of a candidate to fill the vacant position and I was pleased to announce that Ms Biscoe has taken on that job. She is very highly qualified and I am sure she will do well with the support of this Government.

Mr Humphries: More than Mr Bissett?

MR BERRY: Mr Humphries says, "More than Mr Bissett?". Mr Humphries has to accept that Labor would not have used Mr Bissett as a scapegoat, as the former Government did. We were left with a vacancy and it had to be filled. It was filled with a good candidate who will perform well.

Mr Speaker, advertisements have been placed for the position of General Manager of the hospital system, and subsequent to that the position of Chief Finance Officer will be filled. They are some of the things that are being done to deal with the inheritance from the former conservative Alliance Government. What we will have to do as well is to keep ourselves informed and briefed on the financial operations of the board. We will have to keep ourselves abreast of them. It is the board's responsibility, as the management authority under the Act, to deal with the management of the hospital system, subject, of course, to direction by the Minister as it might arise.

In relation to the financial report, I am told that this year's is at least on track as far as the timing is concerned. I expect to receive it, according to my advice - and I say that cautiously - by the end of the month, or in about a month. So, we are hoping to have an earlier response in relation to the report than has been the case in the past, and we look forward to seeing better results for health in the future.

Question resolved in the affirmative.

ADJOURNMENT

Royal Blind Society Week

MR BERRY (Deputy Chief Minister) (10.36): Mr Speaker, I move:

That the Assembly do now adjourn.

One issue that I would like to speak on tonight, Mr Speaker, is Royal Blind Society Week, which is from 9 to 13 September. I would like to draw the attention of members to an important health related event currently being promoted in Canberra to assist the blind and visually impaired. This week is, as I have said, Royal Blind Society Week.

Each year the Royal Blind Society sets aside one week to raise community awareness of problems that blind and visually impaired people have in coping with life in a society that is entirely oriented to visual acuity. As well as taking the opportunity to raise funds for the work of the society, this year they have a special aim and have designated Friday the 13th as White Step Day. This promotion, Mr Speaker, simply involves the painting of the edges of entrance steps to public and other buildings white. While many building owners already do this, the society is seeking the cooperation of government bodies, and shopping centres particularly, to provide this simple facility for the visually impaired.

The society has contact with 400 blind and visually impaired people in the ACT and estimates that there are as many again with severe visual impairment that they do not know about. Recently I spoke at the annual meeting of the national better health program and their State organising committees, at which a number of speakers spoke on programs addressed at improving community health. The ACT Government has allocated many thousands of dollars through the Health Promotion Fund towards promoting a healthier community; but here is one small enterprise, Mr Speaker, which can be embraced by many organisations and which will assist a disadvantaged section of the community to make daily life that much safer.

Essentially, it costs no more than the price of a can of paint, but it will assist many people to walk on the streets with more confidence. ACT Health's early intervention team, in the Special Services Branch, liaises with the Royal Blind Society on those cases in children aged 0 to 3 years where there are indications of visual impairment and the society's expertise is relevant. This society also uses the team's facilities for testing children. The early intervention team also works closely with the Department of Education teachers who teach visually impaired children.

10 September 1991

Blindness, Mr Speaker, is probably one of the most feared conditions of the normally sighted. If it were not for the advances of modern medicine in identifying conditions in the young that lead to blindness, and the advances in diagnosis and technology, many of us would be looking for white steps, sadly. Friday the 13th also is the day when the Royal Blind Society will be seeking donations from the community for their work. So, Mr Speaker, I would urge members, where it is possible for them to do so, to support the white step program of the Royal Blind Society. If there is ongoing support for the program, we can look forward to a better deal for those who have their sight impaired.

Question resolved in the affirmative.

Assembly adjourned at 10.40 pm

10 September 1991

Blank page.

ANSWERS TO QUESTIONS
MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 438

Forestry Industry

Mr Humphries - asked the Minister for Urban Services:

- (1) What is the Executives policy on publicly owned forestry operations in the ACT.
- (2) How much land in the ACT is currently under afforestation.
- (3) What is the maximum possible area that could be devoted to the forestry industry in the ACT.
- (4) What private forestry companies operate in the ACT and in what operations are they involved.
- (5) What economic potential could be provided to the ACT by increased forestry operations.
- (6) What is the value of publicly owned forestry plantations in the ACT.

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

- (1) The past policy has been to manage the commercial softwood plantations to maximise the long term return on assets employed while providing other community benefits compatible with the commercial operation. ACT Forests and its operations are under review. The recommendations of the review team will be taken into account in developing future policy on publicly owned forestry operations.
- (2) Commercial softwood afforestation in the ACT now totals 16000 hectares net. A further 190 hectares of eucalypt plantation for fuelled production has been planted.
- (3) The maximum area that could be planted at present in the ACT for softwood production forests is approximately 16200 hectares net, the area designated for this purpose in the Territory Plan. If planning approval were available, around 4000 hectares more could be planted with softwood. Additional area within the ACT would be suitable for plantations of other species including eucalypts, depending on site conditions and markets. No assessment of this additional area has been made.

(4) None

(5) The question of the economic potential of increased forestry operations is being addressed as part of a current comprehensive review of ACT Forests which is expected to be completed in about two months.

(6) Discussions with the Commonwealth Government as to what valuation, if any, should be placed on publicly owned forest plantations have yet to be completed. Until these discussions have been completed it would be inappropriate for me to make any comment.

3136

10 September 1991

MINISTER FOR URBAN SERVICES

Question No. 458

Government Service - Motor Vehicles

Mr Kaine - asked the Chief Minister on August 1991 -

What control mechanisms are proposed to limit the use of motor vehicles by the ACT Government Service, under the ALP Government.

Mr Connolly - the answer to the Members question is as follows

It is appropriate that I respond to this question as the subject properly belongs to my portfolio rather than that of the Chief Minister.

The responsibilities concerning the use of ACT Government vehicles are set out in two policy documents

"Policy for the management and use of ACT Government 200 series and private plated non-SES self drive vehicles"; and

"Policy for the management and use of ACT Government SES private plated vehicles".

It is the responsibility of the ACT Fleet Manager, as the single manager for the ACT Fleet, and Agency Heads to ensure the provisions contained in the policies are met. In addition, Agency Heads are responsible for ensuring that employees make the the most economical, effective and efficient use of ACT Government Service self-drive vehicles.

Under the policies, the ACT Fleet Manager is to provide reports to the relevant Agency Head and to the Fleet Management Liaison Committee in January and July each year. These reports address utilisation rates, costs of fleet services and effective use of the fleet.

3137

Legislative Assembly Question

Question No. 495

Move-On Power

Mr Stefaniak - asked the Attorney-General:

1. How many times has the move-on power been used by ACT Police during the period of 1 October 1990 to the present.
2. Under what circumstances was it used and how successful was its use.

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

1. During the period 1 October 1990 to 28 August 1991 the ACT Police used the move on power in response to 41 situations involving approximately 570 persons.
2. The circumstances under which the move-on power was used were:

fighting/violence had occurred, apprehension that fighting/violence would re-occur - 37 percent of situations; apprehension that fighting/violence would occur - 29 percent of situations; intimidation of members of the public - 22 percent of situations; and possibility of damage to property - 12 percent of situations.

During the period 1 October 1990 to 28 August 1991, ten persons were arrested for failing to comply with a direction to move on. This figure represents less than two percent of the approximately 570 persons involved in the 41 situations.

3138

10 September 1991

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 525

Urban Services Portfolio - Consultants

Mr Kaine - asked the Minister for Urban Services:

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

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

- (1) In the period from 6 June 1991 to 6 August 1991
 - (a) Nil. (b) See attachment for details.
- (2) See attachment for details.

3139

CITY SERVICES GROUP

CONSULTANT PURPOSE DURATION COST

Management and Technology

Consulting Organisational restructuring 5.5 days \$8500

Hadoron Pty Ltd Review of BIAS (Building

Information Cant of System)

and workflow analysis 5.25 days \$5250

Hadoron Pty Ltd Workflow analysis 1.25 days \$1250

ACT Government Computing Service • BIAS maintenance 260 hours \$7540

ACT Government Computing Service Microcomputer support 25 days \$3200

Management and Technology _

Consulting Forward planning 1 day \$2500

Ova Arup 5 & 10 year Transport Works

o Program 2 months \$10000

Ova Atop Study to identify bicycle access

to Belconnen Town Centre 1 month \$10000

Computer Training and Consultancy Word processing training 10 days \$6500

PALM Management Client service training 2 days \$2000

Dorothy A Outram Writing skills training 2 days \$1700

Department of Administrative

Services Purchasing skills training 2 days \$3000

Trudy Ainsmith Clinical

Psychologist stress management workshop 1 day \$504

CSIRO Review of Domestic Asbestos

10 September 1991

Removal Program 2 weeks \$26494

B Hoyles Development of Information

Technology Plan 12 months \$65000

Management and Technology

Consulting Preparation of Corporate Plan 6 months \$20000

Access Archaeology Cultural resource survey of

Uriarra/Pierces Creek Forests 2 months \$24000

I Mountford Review of some Cemeteries Trust

functions 20 days \$4493

ACT PUBLIC WORKS AND SERVICES GROUP

Tocumwal Computing Services Network services and PC Lan

support 6 months \$40000

Parity People Unix support and investigation

of Sequence 3 months \$25000

Facilities Management Feasibility study for document

registry 1 month \$11500

Ross Begby and Associates Management changes associated

with Fleet and Workshop reviews 5 months \$20000

ACT FIRE AND EMERGENCY SERVICES GROUP

Computer Power Writing of interview reports 4 days \$

1210

ACTION

Coopers and Lybrand Investigate financial management
information requirements 6 weeks \$46500

CORPORATE DEVELOPMENT GROUP

C Geckeler Guidance to the Future Directions
project in preparation for a
Senior Executive seminar 10 weeks \$55000

ACT ELECTRICITY AND WATER

Auntech Pty Ltd Electricity poles wood species
testing 3 months \$5000

Coopers and Lybrand Business Plan for Scientific
Services, Water Quality and
Investigations 5 weeks \$12500
Facilities Management Strategic Plan development 4 weeks \$20000
Praxa Ltd GDS software on VAX/Network 1 week \$2000

GOVERNMENT SFRVTrVQ GROUP.

R Somerville selection interview scribing
services B hr.

10 September 1991

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 533

**Urban Services Portfolio -
Public Relations Staff**

Mr Kaine - asked the Minister for. Urban Services:

(1) What are the numbers and classification levels of staff engaged in public relations, media, advertising, promotional and related tasks in (a) the Ministers office; (b) the Ministers Department; and (c) each agency, for which the Minister has responsibility.

Mr Connolly

- the answer to the Members question is as follows:

(1) (a) Part of the responsibilities of the Private

Secretary (ASO 6) is to coordinate media releases.

(b) (ACTION) 1 x SOB, 1 x BBC, 1 x ASO 6 and 1 x ASO 4.

(City Services Group) 1 x ASO 6 and 1 x ASO 4.

These 6 positions have public relations, media, advertising, promotional and related tasks specifically nominated as part of their duties. These functions may also be performed by other staff if required as part of a specific project.

(c) (ACT Electricity and Water) 1 x SOB and 1 x ASO 5. Recruitment action is underway for an ASO 3

position., In addition 1 Xmas 6, 2 x ASO 7 and 1 x ASO 2 are designated Customer Advisory staff who assist with public relations projects such as exhibitions and displays.

3143

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 549

**Urban Services Portfolio -
Public Relations Consultants**

Mr Kaine - asked the Minister for Urban services:

(1) What consultants have been or are engaged in public relations, media, advertising, promotional and related tasks in (a) the Ministers office; (b) the Ministers Department; and (c) each agency for which the Minister has responsibility.

Mr Connolly

- the answer to the Members question is as follows:

(1) (a) Nil

(b) (ACTION) Media Marketing Group Pty Ltd
Juliana Madden

(c) (ACT Electricity and Water) Neville Jeffress

3144

10 September 1991

MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 553

Coppins Crossing Road

Mr Kaine - asked the minister for Urban Services:

- (1) Why are streetlights being erected along the Coppins Crossing Road.
- (2) What length of this road is being lighted.
- (3) What is the cost of this lighting.
- (4) How many vehicles use this road on a nightly basis.

Mr Connolly

- the answer to the Members question is as follows:

- (1), (2) and (3) Streetlights are not being erected along Coppins Crossing Road, and no such works have been scheduled in future Capital Works Programs.
- (4) On the basis of a study done in 1988, the average number of vehicles using this road between 6.00pm and 6.00am is 465. This figure is to be reviewed in the near future as part of the ongoing road monitoring process.

3145