



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

23 October 1991

Wednesday, 23 October 1991

Interim Planning (Amendment) Bill (No 2) 1991	4115
Children's Services (Amendment) Bill (No 3) 1991	4120
Citizen-initiated referendums	4121
Crimes (Amendment) Bill (No 6) 1991	4125
Legislative Assembly (Members' Staff) (Amendment) Bill 1991	4125
Questions without notice:	
City area lease - resumption	4150
Government employee statistics	4150
Totalcare Industries	4152
Demolition of house at Manuka	4152
Hackett Primary School	4153
Hospital redevelopment project	4154
Public hospital beds	4154
Bruce Stadium - lease by Canberra Raiders	4155
Draft Territory Plan	4156
After hours crisis service	4157
Royal Canberra Hospital	4159
Rail service	4160
National Crime Authority legislation	4160
Corporal punishment - non-government schools	4161
Jindalee Nursing Home - staffing	4162
Draft Territory Plan	4163
Rail service	4164
Hospital redevelopment project : Public hospital beds	4165
Hackett Primary School	4165
Papers	4165
Ambulance Service	4166
NRMA - disbursement of excess premium payments (Matter of public importance)	4168
Personal explanation	4187
Land (Planning and Environment) Bill 1991	4187
Papers	4203
Operation Manna - publication of documents	4203
Ambulance Service	4204

23 October 1991

Wednesday, 23 October 1991

MR SPEAKER (Mr Prowse) took the chair at 10.31 am and read the prayer.

INTERIM PLANNING (AMENDMENT) BILL (NO. 2) 1991

MR JENSEN (10.32): I present the Interim Planning (Amendment) Bill (No. 2) 1991. I move:

That this Bill be agreed to in principle.

It is indeed unfortunate that this Bill has had to be brought forward today. However, given the fact that the Government has chosen to delay the introduction of the planning legislation - I emphasise that - indicating that it is not to take effect until 1 July 1992, the Residents Rally has no option but to seek to amend this legislation in the public interest.

The Government has also seen fit in recent months to approve the preparation of a number of variations to the current Territory Plan, almost all of which are development driven and not really related to an overall reassessment of the area affected by the proposed change. These draft variations, or green papers, as they are known, do not include the amount of detail required by the community to make a reasoned comment on the proposed changes. Members may recall that I have complained of this problem a number of times before and have made appropriate submissions to the Territory Planning Authority.

However, a more recent example, which was included in the nine draft variations set out at the beginning of this month, is the recent proposal to amend the plan for an area in Griffith known as the Manuka Centre. This draft variation suggests that a proposal to increase the size of the theatre and construct a multistorey car park will not have an effect on traffic in the area. I venture to suggest that anyone who visits the area as it is currently established would suggest otherwise. By way of contrast, members may recall that, when the draft variation for the Yarralumla Brickworks was prepared, a major part of that document was devoted to an assessment of the various traffic problems that the proposed development may have. This sort of detail has been lacking in recent proposals.

Another variation put forward in the group of nine is a proposal to amend the policy plan for the now vacant Kambah Health Centre in what has been known as the Kambah Centre, to allow a wide variation of uses for that building. Unfortunately, the draft proposal does not indicate that

there has been any assessment of the likely effect such a change in that part of Kambah may have on commercial activities in the centre by the Kambah Village Shopping Centre and the Tuggeranong Town Centre, or vice versa.

It would seem to me that some form of assessment should be prepared on these issues to assist the community in making a considered assessment of the likely effect such a change could have. In this case, my own suggestion would be to conduct a complete review of the future of the centre rather than use the piecemeal approach to planning that seems to be the norm at the moment.

The other problem, of course, is the apparent disdain that the current Executive appears to hold for the work of our committees. For example, it was made very clear that the Planning Committee was considering the proposal for the redevelopment of the Griffith bowling club.

Ms Follett: Forrest, wasn't it?

MR JENSEN: The Forrest bowling club. However, the Government has chosen to go ahead with the variation before the committee has completed its deliberations - in fact, even before the committee has conducted any public hearings on the matter. This Bill will ensure that this does not happen in future.

Mr Wood: We have tabled things to meet your timetable, for heaven's sake. We have been helpful to you in that. Why don't you acknowledge that?

MR JENSEN: Mr Wood says that he has been helpful. I can assure him that the Bill I have put forward today will ensure that this sort of treatment of an Assembly committee by the Executive on planning matters will not be allowed to happen again. A related concern is the current provisions in the interim planning legislation which would allow the Government to ignore a motion of disallowance in whole or part or a variation to the Territory Plan tabled by a member, and that motion would lapse if the member was unable to bring the matter forward for debate in the Assembly.

The disallowance provisions of the recently introduced Land (Planning and Environment) Bill require that if a motion of disallowance is not brought on for debate the proposed variation to the plan automatically lapses. The legislation I have introduced today will apply the same principles for disallowance as the new Bill. Because the Government has chosen to bring forward such a large number of variations in advance of the Territory Plan and has indicated that it does not propose to commence the legislation until 1 July next year, it is appropriate that this legislation obtain a speedy passage.

23 October 1991

I must mention one thing in relation to this matter of disallowance. Mr Wood no doubt will recall, if he casts his eye over the joint report of the planning and environment committees, that a recommendation of that type was put forward by my colleague Dr Kinloch and me.

Mr Wood: It wasn't in your legislation.

MR JENSEN: It was in the recommendation, Mr Wood. It was not my legislation, as you know; it was Mr Kaine's legislation.

Mr Wood: But it wasn't there, was it? You were the Executive Deputy.

Mr Collaery: I raise a point of order, Mr Speaker. Bill introductions are usually heard in relative silence. I do not believe that Mr Jensen has been given a fair go.

MR SPEAKER: I uphold your objection, Mr Collaery. Mr Wood, please desist.

MR JENSEN: It is appropriate that this legislation introduced today obtain a speedy passage.

There is one other factor I should comment on before I refer to the various clauses of the Bill. I am referring, of course, to the use of defined land under the provisions of the interim legislation to reduce the amount of community consultation on later changes to an area identified as defined land. A major concern has been the use of these provisions to set the general principles of development for a large part of the Gungahlin area by way of a variation to the plan for six suburbs, which we are advised will provide over 8,000 new residential units, or approximately four years' worth of new residential blocks, based on current growth rates and projections.

It is the view of the Rally that the community must have some say in the final development conditions that are to apply in an area. It may well be that the Territory Plan will solve some of these problems. However, the plan is not in place and, until it is, it is considered necessary to ensure that legislation that was designed to operate with an improved Territory Plan is not used to sidestep community consultation. The key reason for this Bill being introduced today is the delay by the Government and the indication by the Minister in the Estimates Committee, under questioning, that they would not be bringing in this Bill until 1 July 1992. I repeat that that is why it has been necessary for the Rally to bring forward this Bill today.

The Bill I put forward will put defined land on hold by deleting reference to it from the current interim legislation. It may well be that the problems of developers having to make decisions on proposals which

could be subjected to lengthy delays could be avoided if development conditions for the sale of land of this type can be made available for public consideration and, if necessary, consideration by the Assembly.

It seems to me that it is important for developers finally to get the message that if they want a project to get off the ground there will be a need to sell it to the community and get support before the statutory process is commenced. The days of a developer rolling up on Friday with a plan and the machinery, and saying that he is starting work on Monday and this is what he is going to build, hopefully will be a thing of the past after the new plan and the legislation, with its appeal processes, are finally in operation.

However, it is necessary in this interim period for the residents and members of the Assembly to remain vigilant, to ensure that the odd approval does not slip by, like the ones that were approved as the lights of Federal control of Canberra were being turned out, just as the Assembly took on the task left to it by a succession of Federal governments of both political persuasions. We all know the terrible dump we were sold by being left inadequate resources to service the community, plus a number of well identified run-down assets.

In closing my remarks on this historic Bill, let me refer briefly to some of its provisions. Clause 3 of the Bill includes two other authorities that will be required to provide a report to the Planning Authority to assist in the preparation of a variation to the Territory Plan. The Rally has long been unhappy with the degree of information provided by government agencies in response to a draft variation or the provision of information in the draft proposal put out for public consultation. I have made those comments previously in letters to the Territory Planning Authority, at the time when the various draft positions were put forward. I refer specifically to the variation for central Monash.

This clause and the related clause 6 require reports, with reasons for recommendations, to be submitted to the Planning Authority and included in the draft variations, and then provided to the Assembly and an Assembly committee. The days of no comment will be a memory, and agencies will be required to say why they believe that there will be no traffic problems or need for a school and why they have come to those conclusions. The community and the Assembly will be in a much better position to make an informed judgment on these decisions and the reasons for it.

Clause 7 is the one that will require the Executive - and I believe that this is the key - to ensure that all the relevant papers, including comments by the Planning Authority in response to community comments, are provided to an Assembly committee for examination and report. The Bill also ensures that the Executive cannot finalise the

23 October 1991

variation process until they have received the report of the committee. That is not what has been happening. It is likely that, if all the homework is done and the residents and the community are fully consulted at the outset, more often than not a letter advising that there are no problems will be the normal response from the committee.

However, an executive, particularly one from a minority government, that ignores a well reasoned recommendation from an Assembly committee may well rue the day. Of course, we can only speculate as to why the Forrest decision was made, despite considerable opposition from the residents and the Heritage Committee and before the Planning Committee had held even one public hearing on the issue. We may need to ask ourselves who is driving the development proposals, especially as a well-known Labor identity is known to be a lobbyist for the development. It is to avoid these sorts of concerns that the Rally has continued to argue for a genuinely open planning and development system. Justice must not only be done but be seen to be done.

The explanatory memorandum for the Bill clearly shows what the disallowance provisions are and, as I said, they are the same as is proposed for the new legislation. I have used the words from the explanatory memorandum to that Bill for my explanation, and I give credit for that. As I have already indicated, this move was strongly recommended by my colleague Dr Kinloch and me in our additional comments on the draft planning legislation in the joint committees report.

It is at this point that I note the comments made by the Scrutiny of Bills Committee about the lack of explanatory memorandums for private members' business. Frankly, Mr Speaker, we do not have the resources the Government has, and it was necessary for me to finalise this document myself last night in time for it to be tabled today. This is an issue the Assembly must come to grips with if we are to continue to produce thoughtful legislation.

The final clause of the Bill will ensure that any variation to the Territory Plan before the Assembly that has not been finalised before the commencement of this Bill will fall within the disallowance provisions of the Bill. This should ensure that the Assembly and its committees will have ample opportunity to deal with and debate the large number of variations to the Territory Plan that have been put forward in advance of the Territory Plan and the new legislation.

I commend the Bill to the Assembly and trust that it will be brought forward quickly for finalisation. I conclude my remarks by formally thanking officers who have provided invaluable assistance to me and other private members in preparing legislation for the Assembly.

I now seek leave to present an explanatory memorandum to the Bill.

Leave granted.

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning) (10.46): Mr Speaker, I move:

That the debate be now adjourned.

This Bill is substantially an indictment of Mr Jensen's activities earlier.

MR SPEAKER: Order!

Question resolved in the affirmative.

CHILDREN'S SERVICES (AMENDMENT) BILL (NO. 3) 1991

MR COLLAERY (10.46): Mr Speaker, I present the Children's Services (Amendment) Bill (No. 3) 1991. I move:

That this Bill be agreed to in principle.

The Residents Rally is pleased to introduce the Children's Services (Amendment) Bill (No. 3) 1991 in National Children's Week. This amendment to the Children's Services Act 1986 proposes that it be an offence to involve children of tender years - under the age of eight - in door-to-door soliciting. Community surveys and crime statistics show all too tragically the vulnerability of young children, particularly infants, in the community. Their vulnerability is increased when they are allowed to go about alone, or sometimes accompanied by a child of the same age, selling raffle tickets and seeking subscriptions door to door.

If the community wants to focus on the protection of children in Children's Week, it needs to look carefully at this Bill. We have much less concern about organised doorknocking arrangements properly supervised, such as the Scouting movement Job Week and so forth. But, at the vulnerable ages of four, five, six and seven years, the community may wish to consider placing a positive injunction on parents and guardians and other authorities who might expose these children to physical danger.

We propose to leave the Bill open for debate until the December sittings. As it is Children's Week, we hope that the matter will receive a proper community debate, and the Rally, as ever, will be guided by that reaction. We will not, therefore, ram this Bill through. It creates a new offence of involving children in situations which, effectively, make them vulnerable. Members may wish to

23 October 1991

amend the Bill to be quite specific about the types of situations. They may wish to amend it to make it apply to door-to-door activities only. Whatever amendments they seek, they should reflect the balance of the community viewpoint.

Our adult generation has a positive duty to protect children. That is the message of Children's Week and of the International Declaration of the Rights of the Child, to which we subscribe. If this law saves even one child from harm it will be worthwhile; it is unlikely that innocent people could possibly be punished under such a law. This is a law which is likely to lie on the statute books more as a matter of resolving constant debates in school parents and friends and citizens groups about whether a raffle should be conducted and whether younger primary age children should be involved in it. It is a common debate in school communities and there are often views expressed on both sides.

Passage of this law might provide a positive indication of the views of the legislature, if we do get to one, on this important issue. The legislature might be able to assist the community to set a benchmark for this type of activity to protect children. I do not for one moment suggest that the type of activity itself is improper. It may involve an effort in good conscience, for the good of the community, without sufficient thought as to the vulnerability of infants who become involved in lonely doorknocking activities. We doubt that a mere code of conduct or a publicity campaign will suffice, given the cultural depth of this practice in our community. It may be easier for this legislature to take the issue in hand and set a benchmark, if we can get adequate community reaction to the Bill.

I will not go any further, other than to commend this exposure Bill for community debate in the context of Children's Week and to remind all members that we need to take positive steps, and they can include new law-making, to extend protection for young children. As members are aware, this Bill is part of a package we have brought down in recent weeks dealing with the protection of children. I commend the Bill to the house.

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

CITIZEN-INITIATED REFERENDUMS

MR PROWSE (10.51): Mr Deputy Speaker, I move:

That the Assembly is of the opinion that action be taken to prepare legislation to enable electors of the Territory to initiate referendums on proposed laws by petition signed by at least 5% of the total number of electors.

This motion seeks to debate the desirability of including in this Assembly's procedural processes a facility to permit citizen-initiated referenda. I hereby present the draft of a proposed Bill and I seek leave to table this document.

Leave granted.

MR PROWSE: The purpose of this Bill is to enable electors of the ACT to have the opportunity of exercising a constructive and positive role and to enhance the concept of individual and collective responsibility. This Bill provides for matters of community concern to be presented to the Legislative Assembly following a broad and representative expression of concern in the community and to give the electorate a say on the issues at the ballot-box. The provisions of the Bill ensure that the cost of this initiative is kept to a minimum. Electoral rolls, readily obtained from the Electoral Commissioner, provide the basic rolls. The cost is also negligible when a poll is held on the same day as a Territory election.

The proposal has met with approval and support from both sides of the political spectrum throughout Australia. Academics have found it refreshing, and people of commonsense have supported it. This Bill will provide an opportunity for all electors with a genuine interest in improving our system of government to make valuable contributions to the common good. Those who wish to see an enhancement of our democratic process have welcomed this proposal as practical, feasible and desirable.

This Bill does not seek to change radically our present governing systems. It does not seek to remove the right of parliament to legislate. It does not seek to remove the incentive of elected members to show initiative. It does not seek to slow or impede the legislative processes. It does not seek to drive divisions between parliamentarians and electors. It does not seek to damage our system of representative democracy. It does not seek to be able to remove individuals from office.

The Bill does seek to enhance the accurate representation of governments. It does seek to remove the undue influence that non-elected individuals or groups may have over parliament. It does have a genuine desire to see parliament take the initiative in legislation. It does seek to improve political awareness within the community and to increase community involvement in the decision making process. It does seek to achieve a better working relationship between electors and Assembly members.

It does seek to make decision making of parliament both easier and more representative. It does allow for a greater input of ideas from the community. It does help to make the community responsible for its decisions. It does encourage debate, thereby airing points of view that

23 October 1991

otherwise may never be aired. It does remove the energy-sapping, time-wasting and heated pressure of non-genuine groups and non-genuine issues from the parliamentary processes.

Most importantly, this Bill provides the checks and balances usually provided by an upper house. This citizen-initiated referendum facility provides house of review checks on government action at a significantly lower - in fact, infinitesimal - cost than establishing an upper house of parliament, which would not be acceptable to the ACT electors. In short, the provisions of the Bill enable the community to express its concerns on matters with broad representative support.

The provisions of the Bill will enable the government to make decisions knowing whether or not there is a substantial and representative mandate from the community on matters of expressed concern. In this way the process enhances the betterment of the entire community. The community should have control of a mechanism to guide the government back on track if it should deviate too far from the purpose for which it was elected, particularly if that deviation was caused by minority pressure groups or non-elected power brokers who may desire to bring unreasonable self-serving pressure to bear on members of parliament, or who may attempt by various means to manipulate parliament. The provisions of the Bill reflect the desire in the community to have a greater input into decisions than is presently available.

I shall outline how the provisions would work. Should an individual or organisation feel that a change should be made to a proposed law or an existing law, they must be able to address that belief. With legal assistance where necessary, they draft a petition, gather 400 bona fide signatures of voters from the electoral roll and present this petition to the Speaker for registration. Twelve petitioners are then appointed as custodians and promoters of that petition. The initiative petition then circulates for signature by bona fide electors. A minimum of 5 per cent of electors of the Territory is required.

The Bill provides a maximum permitted period of 12 months to gather these signatures. During this time, monthly returns are made to the Speaker to enable the success or otherwise of the collection to be demonstrated. This provision allows the public and MLAs alike to assess the popularity of the petition issue. This assessment may well lead to parliament addressing the issue before the referendum is to be held - a fact which would avoid the referendum and enhance the democratic and parliamentary process. Signed petition forms are checked and marked off against the electoral roll, with the safeguard of local scrutineers. This keeps costs to a minimum.

When the Speaker is satisfied that the required number of electors has been obtained, the Speaker presents the petition to the Assembly. The petition then is deemed to be a call for a referendum on that issue. When the MLAs are informed of the call for a referendum, the Assembly may act on its contents in such manner as it sees fit. This action may satisfy the petitioners' concerns. Where the parliament does not address the concerns in such a way as to satisfy the expressed concerns, a proposal addressing those concerns will be submitted to the electors at the next ensuing election or poll and a writ will be issued for the referendum poll to proceed.

A referendum of the electors will be held within six months, unless the petitioners request that the poll be deferred for a period of not more than a further six months. This action enables several matters to be heard at the same time and makes the individual cost of holding a referendum much lower. The government is not responsible for the publication of the for and against arguments but may put its case if it so desires. Equally, any or every organisation or individual may do likewise. The time between the petition's presentation and the holding of the ballot at election or poll time will be well used for open debate and comment. This will allow the community to become aware of the facts from all sides of the argument.

Next, the result of the referendum shall be determined by the support of a simple majority of the electors of the Territory. The proposed law approved by the electors is then presented to the Chief Minister for assent. Provision is also made for holding emergency referenda between elections. The same requirements apply for this action as above, except that a higher percentage would be required to call it - for example, I have suggested 8 per cent of the valid votes cast at the last election. This is a safety valve and is to ensure the holding of a poll within six months of a petition so qualifying. The government of the day is encouraged to make use of referenda on issues of concern on its own initiative.

In general, the Bill provides an avenue for the community to express its collective interests and concerns and to tap the collective wisdom of the community. The question to appear on an initiative petition asks whether electors wish to have a vote on a subject matter. The Speaker checks the provisions of the Bill and provides an atmosphere for consultation, and proposals clearly seen as having merit will most likely be acted on by the legislature.

It is expected that the majority of petitions with demonstrated merit will be the subject of appropriate legislative or administrative action and will be withdrawn because of this appropriate action. This, of course, will be the true measure of the success of this proposal. There is no restriction on parliament preventing it from placing

23 October 1991

an alternative proposal or proposals to the electors. The Bill promotes an atmosphere of continuing consultation, parliamentary debate, and inquiry by parliamentary committees should the parliament so desire. The provision for the withdrawal and amalgamation of petitions is to avoid unnecessary duplication.

I commend this Bill for your consideration and approval, and for the positiveness and responsibility it will promote within the community. A very stabilising feature of the initiative and referendum process is that the fate of the government does not depend on its outcome. It falls to this parliament to have the privilege of supporting this legislation of vital interest to the community and to take the initiative on its passing into law in the ACT, providing a lead for every other State and Territory in Australia.

I present this draft Bill, seeking an atmosphere of sincere and genuine discussion, both in this house and in the community at large.

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

CRIMES (AMENDMENT) BILL (NO. 6) 1991

MR COLLAERY: Pursuant to standing order 128, I fix the next day of sitting for the presentation of this Bill.

LEGISLATIVE ASSEMBLY (MEMBERS' STAFF) (AMENDMENT) BILL 1991

Debate resumed from 7 August 1991, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

MR DUBY (11.03): This Bill has been a matter of some contention in the Assembly for some time, as I am sure all members are aware. In general, the realpolitik of the situation is that Mr Collaery and his colleagues, including me, are of the opinion that there are insufficient votes in the Assembly to be able to pass this legislation as is. Might I say at the outset that in principle I support the aim Mr Collaery has initiated with this Bill, namely, that there should be a more equitable and even spread of resources available to non-government members of the Assembly. However, I am not so sure that the proposed amendment to the LA(MS) Act, as outlined in this legislation, would achieve that.

Mr Collaery has indicated that he is willing to have the debate on this matter adjourned to a later date so that, in consultation with all members of the Assembly, he may be able to find a more acceptable and politic formula for the problem that has hounded the Assembly for some time. Accordingly, I do not wish today to comment any further on the legislation. Perhaps we will hear comments from some other members of the Assembly prior to adjournment of this matter.

MR BERRY (Minister for Health and Minister for Sport) (11.05): This amendment to the Legislative Assembly (Members' Staff) Act has been proposed in the wake of the fall of the Alliance Government. I suspect that there is some spite in the amendment because it is very clearly aimed at the Leader of the Opposition, it seems to me, on personality grounds, and his staff. There is one important feature we have to address right now in relation to this matter. This Assembly has about three months to go, and this legislation can be seen to be coming up now for only one of two very negative reasons on the part of the Residents Rally: One, it is to lay the boot into the staff of the Leader of the Opposition; two, it is merely grandstanding.

Mr Jensen: It is equality, Wayne. That is what it is called.

MR BERRY: I hear Mr Jensen cry out about equality. It is amazing that their concerns about equality were not expressed before the Alliance Government fell apart. Suddenly they are crying out for equality. If you are fair dinkum, Mr Jensen, you would have looked at the situation of equality prior to the falling apart of the Alliance Government. You know, and your party knows, that things were not based on an equal footing in those times. You had nothing to say about the Leader of the Opposition when you were in the Alliance Government, nor were you concerned about the inequality of the salaries provided to other members. So, let us stop kidding ourselves.

With three months to go, the Residents Rally members have tried to buy off members of this Assembly with a handsome looking salary package for members' staff. It looks pretty handsome, but when you work it out it boils down to a net \$1,183 buy-off for three months of the Assembly. Nobody is going to disgrace himself or herself by clawing hold of \$1,000 in the final moments of this term of the Assembly.

In my view, satisfactory provisions are already made for Assembly members. For example, ordinary members of the Assembly have a salary cap of \$42,265. Leaders of parties receive a salary package for staff of \$49,505. That is a recognition that leaders of parties and single Independents have a responsibility to provide an independent office and

23 October 1991

to manage an office, and that recognition is adequately served. Mr Collaery, in the early days of change following the collapse of the Alliance Government, screamed about the absence of staff for himself. He asked Labor to investigate the matter, and we undertook to do that.

Mr Jensen: Which you did not do.

MR BERRY: Hang on a minute. Here is Norm chattering again. Why would we bother? Whilst we had said that we were prepared to review the situation, you went off and introduced your LA(MS) Amendment Bill. Why would we do it with a gun at our head? No chance, Norm. If you want to play games, you are going to have to play them the hard way. We are prepared to play a straight bat, but you people are not.

This issue deserves a decision which preserves the status quo. It would be silly in the extreme for us to be making these changes at this time merely to serve some sort of personality vendetta which does not deserve the attention of this Assembly. Changes have occurred in this Assembly between groups and parties. We now have eight distinct groups in this Assembly. I am told, and I fear, that there may be more. That is a little hard to predict. If that were to occur, would it mean that we would need another arrangement to cover these sorts of situations in the final three months of this Assembly?

What Mr Collaery has proposed has its own inequities. It does not recognise the additional responsibilities in terms of the dollars that are required by single members. When Labor came to office following the collapse of the Alliance Government, we recognised the inequities and we moved quickly to fix them. Mr Stevenson, who is not here at the moment, was receiving a higher salary allowance for his staff than some other members of the Assembly. That was remedied by the Chief Minister, and Mr Collaery got paid more. But he wants more again. With three months to go, it is just about getting his greedy little hands and feet into the trough, and to settle some old scores. We are not going to have a part of that. We are about providing some stability.

Mr Collaery: I raise a point of order, Mr Speaker. Mr Berry and Mr Kaine find this amusing. I do not have my feet or hands in the trough. There is an imputation there. I ask that Mr Berry withdraw it. There is a personal imputation and I resent it.

MR BERRY: No, you certainly do not, because we are not going to let you.

Mr Collaery: Mr Speaker, if you are going to keep this debate in order, I ask that you stop him at this stage.

MR SPEAKER: Mr Berry, I ask you to withdraw that. Imputations on a personal basis - - -

MR BERRY: Mr Speaker, I did not say that he had his hands and feet in the trough; I said that he was trying to get them in there.

MR SPEAKER: Order! That is the same thing. I ask you to withdraw it.

MR BERRY: I will withdraw that and apologise to those members whom it might have offended. This legislation does not deserve the attention of the Assembly at this stage. The hidden agenda is shown by the salary cap equalisation proposal. What a flippant approach to funding arrangements for Assembly members' staff. Mr Collaery treats this place like a bit of a football team.

Mr Kaine: It sounds a bit like the Raiders.

MR BERRY: It sounds as though Mr Collaery is trying to raid the Assembly pockets. That is not on at this stage of proceedings. I do not think that what he is up to is fair dinkum. It does not deserve the support of members of this Assembly, and the amendment proposed by Mr Collaery deserves to be defeated by 14 votes to three.

MR JENSEN (11.13): The Bill put forward today by my colleague Mr Collaery is an important one for the good government of the ACT because it will ensure that all members in the Assembly are provided with sufficient resources to enable them to do their job. Frankly, that is what this is about - providing adequate representation for the people of Canberra. The job of a parliamentarian is to represent the people and, with sufficient resources, especially staff, to assist them in research, to examine government legislation and contribute to the debate.

In the case of the ACT Legislative Assembly, with a minority government and the group of people we have on the opposition benches, excluding you, Mr Speaker, the Liberal Party has three members on the floor of the Assembly - exactly the same number of members as the Residents Rally. That, Mr Speaker, is the difference. You will note that the proposal being put forward is not for an increase in any shape or form in the amount of money provided for the support of members' staff; it is for an equalisation.

I heard Mr Berry make some snide comments in relation to the use of the term "salary cap". That term has been used over the last 2 years by all members of this Assembly in relation to the amount of money allocated to each member for staffing. It has always been acknowledged that members of the Assembly are entitled to employ as many people as they can within the amount of money allocated to them by the Chief Minister. That is what we mean when we refer to a salary cap. It is an appropriate term, it is used by this Assembly, and it is well known by all members.

23 October 1991

It is very interesting that Ms Follett had already set the scene for the proposals I suspect she is going to have in relation to the provision of staffing for members of the Assembly. In accordance with your past rulings, Mr Speaker, in relation to members being acknowledged as representing parties, when Mrs Nolan's party is registered, when Mr DUBY's party is registered, when Ms Maher's party is registered, the Government will have to find the money if they are to continue with the proposal they started of providing leaders of parties with a certain amount of money - \$49,505 on the old figures - for staff.

Mrs Nolan: Mr DUBY already gets it.

MR JENSEN: Okay, Mr DUBY gets it; that is two. That is still \$14,000 the Government is going to have to find, over and above the amount of money that is currently allocated for staffing. Is Ms Follett, as the Chief Minister, going to do that if she is to maintain the salary arrangements for members' staff that she has already established? I will watch that with interest. Let me set one thing straight: This proposal I have put forward would solve that problem and ensure that additional money would not have to be found.

There is a need to enable any member of the Assembly to maintain contact with the electorate and represent their views and concerns. That really is what parliamentary representation is all about. Members and their staffs know full well the amount of information that flows across our desks on a daily basis and requires action. Ministers are provided with the support of their departments, as well as a larger number of personal staff. That is how it should be, especially with the large portfolio responsibilities of our Ministers.

Members of our small Assembly spend many hours on committees and, while we do have the committee staff to assist us in that role, we have nothing like the staff that committees have in the Federal Parliament. Mr Speaker, I have lost count of the number of committees I have been on since I have been in the Assembly, but at the moment I am on three standing committees. That requires me to undertake a certain amount of research if I am to do my job satisfactorily as a member of this Assembly.

It is also incumbent on members, particularly members of a forward-thinking organisation such as the Residents Rally, to put forward legislation. That legislation has to be prepared. Mr Berry is smirking over there. He should note the amount of legislation that has been brought forward in this place, prepared by a group of three members. He should note the amount of work that has gone into that.

Let me continue with this theme by giving an example of our own parliament. Since the Auditor-General was appointed, eight reports have been produced. This goes back to committee responsibilities. Members of the Public Accounts

Committee, assisted by the secretary and a research assistant, have to consider and report to the Assembly on each one of these. That is a lot of research. Peter Wilenski, in an article entitled "Can parliament cope?" from *Parliament & Bureaucracy*, addresses the workload of members and their ability effectively to scrutinise administrations, suggesting that more committees are required, and this, of course, means more staff.

However, in the ACT it is a case of making do with what we have. We must consider an increase in the level of staff to enable members to carry out their duties, particularly in relation to committee work. I suggest that the proposal put forward by my colleague Mr Collaery provides for equality of service to members. In fact, it is interesting that the proposal put forward would ensure that each member has exactly the same resources. Those groups or organisations that have more than one member, as has happened in the past, have been able to pool some of those funds to enable them to provide a general support base for the group. Each member has been entitled to an individual staff member and then some support is provided to the rest of the group.

For the Leader of the Opposition, who leads only three members of this Assembly, to have a staff allocation which I am advised is \$146,268, on the old figures, when my colleague Mr Collaery, who also leads three members on the floor of this Assembly, has an allocation of \$49,505, is totally inequitable. As was indicated at the time of the change of government, that is why the proposal was put forward to reallocate resources. All I have done is rejig the figures to ensure that Mrs Grassby, as a non-executive member of this Assembly, would get exactly the same staff allocation as other members. That is quite appropriate, and that is why it has been calculated in this way.

Mrs Grassby: On your figures, Norm, I got nothing; I just disappeared.

MR JENSEN: Mrs Grassby, you are there - "Members by seven". Can you count?

Mrs Grassby: You put me back afterwards, did you? I gather that the first time you forgot that I existed.

MR JENSEN: I certainly did. Whether Mrs Grassby was there or not did not make any difference because the calculations were based on another number.

MR SPEAKER: Order! Mr Collaery, please do not reach into the public gallery or speak across the chamber barrier.

MR JENSEN: Thank you, Mr Speaker. That is an interesting ruling. We will have to check that one out.

MR SPEAKER: You can see that it is there, Mr Jensen.

23 October 1991

MR JENSEN: You have been reading the green book again, have you, Mr Speaker?

There is nothing more to be said on this. All I am suggesting is that the proposal put forward by my colleague, with my support, provides for equality in the provision of assistance and staffing to the members of this Assembly so that they can carry out their duties. I will be very disappointed if, at the end of the day, the Assembly chooses not to take that view.

It could be argued that one of the reasons why both of the major parties are not too keen to support this proposal is that they are concerned about the ability of the Residents Rally to give them a caning at the next election. With appropriate resources, they might find themselves being given a bit of a fright.

Mrs Grassby: What, your brains beaten out by a feather?

MR JENSEN: We will not talk about empty vessels, Mrs Grassby. There has been a very productive group of people within the Residents Rally to provide representation for the people of Canberra. That is what we are here for. We have no agenda outside the ACT. Our agenda is solely to serve the people of Canberra. That is why we are here, and that is why we are seeking equality in the provision of staffing to non-executive members and non-office-holders.

MR HUMPHRIES (11.23): Mr Speaker, as one of the innumerable people in this place through whose hands the role of Opposition Leader has passed, I suppose I am entitled to comment in this debate.

Mr Wood: Only three.

MR HUMPHRIES: There are four of us, actually.

Mr Stefaniak: Craig was there for six hours.

MR HUMPHRIES: Yes, we must not forget him. I certainly cannot support the legislation. I firmly believe that there is an important role for both an opposition and an opposition leader, and I would like to explain why. Obviously, this role has grown up in response to the Westminster system of government. It is a concept that does not exist, to my knowledge, in any formal sense in other systems, such as the United States system, for example. There is no such thing as an opposition even in the United States. Of course, there is no Westminster system in the United States - at least not in the same sense as it applies here.

The reason we have an opposition leader is that we have a head of government, be it a prime minister or a chief minister or a premier, who sits in a parliament and who derives his or her authority from the majority of members, or at least a substantial number of members, in a

parliament and who is faced in a parliament by an alternative government. I will come back to that in a moment. The institution of opposition leader, therefore, is very much a parliamentary one. It is one of long lineage - at least 100 years in this country and I suspect much longer than that in the United Kingdom and elsewhere - and it therefore has a number of features that would be very difficult to separate from our present form of government in the ACT.

Obviously, certain accoutrements go with the role of opposition leader, and in this case those accoutrements relate particularly to staff. Those accoutrements allow a focus on the role of that position, and in particular on the opposition that that position represents to the government's policies and practices between elections. An opposition is vitally important in order to keep a government on its toes. As far as possible, it is in the interests of the community to have opposition focused and speaking if not with one voice then at least with a certain amount of authority because it represents a particular position within the ACT or within a particular parliament. The point I make is that there is value in having a single or primary spokesman for those opposed to the government rather than have that role spread out among a number of people in a parliament.

The fact that in any parliament there are minor parties, and there are a number of such parliaments today in this country, means that what was once an exclusive right is no longer exclusive; that is, it is shared among a number of organisations and parties. Whether that is good or bad remains to be seen. I suspect that the ACT has provided the only example in Australian history of minor parties participating in direct government. Our constituency and others will have a chance to judge that experiment when the time comes. In our case, it will be in February. The point, of course, is that the primary role traditionally has been of an opposition.

I emphasise that there is a misconception held by some people in this house. The opposition is not those members who are not in government. That is not formally the opposition. The opposition is the largest party not in government. Whether that is an appropriate way of choosing an opposition or not I do not comment on, but I do say that it is the traditional way. It is the way in which oppositions have been designated for many years. There have been exceptions. For example, there was an occasion in the 1940s when the Leader of the National Party was the Leader of the Opposition in the Federal Parliament, for some reason which I do not have at hand.

Mr Berry: Who was it?

Mrs Nolan: It was Page.

23 October 1991

MR HUMPHRIES: Earle Page, I am informed by my friends and colleagues, was that opposition leader, even though he led a party that was not the largest of the parties not in government. However, that was anomalous, and for the most part that role has been automatically designated according to the number of seats that a particular party has had in opposition.

The other important point in having an opposition leader is that it is a role which carries with it the uncrowned role of alternative government. The opposition is the alternative government to the government which actually sits on the treasury bench. In that sense, I think we can say with some confidence that in this place at least it is very much the Liberal Party that forms the alternative government. I know that those opposite will disagree with me, and I am quite happy to accept their ridicule between now and February. But I take some little notice of opinion polls, and in the last poll the Liberal Party commanded the support of some 30 per cent of the electors of the Territory and the Residents Rally commanded about 2 per cent. That might have been an exaggeration; I do not know.

I am not trying to put the Residents Rally down. They have a role to play, but they do not have a role to play as the alternative government. I am not going to pretend that it was not good for the Territory to have a period of non-Labor government in which the Residents Rally played a role - a very important and welcome role, at least for most of the time. I will not say that that was not the case; but I will say that it is unrealistic of the Residents Rally or any other party that sits on my right to expect that it might be in a position to form a government after the next election. I think that is exceedingly unlikely.

I see that members in this debate have spoken to a document which sets out proposed allocations of staffing resources as between the various non-government parties. Mr Berry has a copy at the moment, for example. I do not believe that we have seen that on this side of the chamber, or at least in this part of the chamber. I think it is a little unrealistic to expect that we can debate new allocations without having seen them, at least as far as the Opposition Liberal Party is concerned. I thank Mr Moore for providing me with a copy of this document. It does seem to provide an extensive redistribution of resources. I pass it on to the Opposition Leader.

However, my comments remain that it is unrealistic to expect that any decision in this Assembly, particularly in its dying days, could legitimately abolish the role and the office of Opposition Leader. It was almost abolished in late June this year for a few hours, but I am pleased that the Assembly reversed that decision. It is an institution that will remain for as long as there is an ACT Legislative Assembly.

I cannot support the legislation. I am quite happy to support giving better resources to the Opposition and to the other parties not in government. That is a matter I think we could debate at any stage and at any time, but it is not the matter that is being debated today. Clearly, we are debating the concept of doing away with, or negating, the role of the Leader of the Opposition, and that is something I could not support.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.33): The Government considers Mr Collaery's amendment to the Legislative Assembly (Members' Staff) Act to be fundamentally flawed. Firstly, the amendment, by purportedly flattening the playing field, or providing what Mr Jensen says is equality, fails to recognise that there is a sound basis for preserving the capacity to treat members differently. The Leader of the Opposition does occupy a particular, special role in the Westminster system of parliamentary democracy as the leader of the alternative government, and that does impose additional responsibility requiring additional research and staff. As I gaze across the chamber at a solid phalanx of leaders of the opposition, I note that it is unusual in any chamber to see three one-time leaders of the opposition lined up in a row like this. That is one of the other peculiarities of this Assembly.

Mr Kaine: Not the longest serving one, Mr Connolly.

MR CONNOLLY: Mr Kaine says that the one that is important is the serving one, and that may well be the case. It is appropriate for this Assembly to recognise that the role of Leader of the Opposition, as Mr Humphries said, is a recognised and appropriate role in the Assembly. It is not simply the leader of all those members who are not members of the government. It is the leader of the party or group of parties that purport to form the alternative government.

There are some members in this chamber who have been members or supporters of no government. Mr Moore and Mr Stevenson throughout have stood apart from being lined-up supporters of any government. That is to say, they have acted as Independents throughout. On the other hand, we have members of other parties. As Mr Berry said, it is hard to keep track of the number of parties in the Assembly on any given day. I think we are agreed that it is currently eight, but we are always awaiting new developments as we open the newspaper and listen to the morning radio.

The Leader of the Opposition, the leader of the largest party, does have a special responsibility, and it is appropriate that that be reflected in additional staff support. The Chief Minister and Treasurer, in her letter to the Speaker on 13 June outlining members' interim staffing arrangements, acknowledged those differing roles between the Leader of the Opposition and Independent members or leaders of minor parties.

23 October 1991

At this point I have to pause to reflect upon Mr Collaery's position in the whole matter. The Government is thoroughly confused on this issue. On the one hand, Mr Collaery, in his speech introducing the legislation, railed against the Government for treating him on the same basis as Mr Moore, pointing to his - Mr Collaery's - responsibilities in supervising his two brother MLAs and performing a role as a party leader. On the other hand, he is sponsoring legislation which cements him into being treated on the same basis as Mr Moore or Mr Stevenson or any other Assembly backbencher who does not have the responsibility of leading the Opposition.

This rather contradictory position means that the Government has great difficulty in treating this amendment seriously. The amendment, if passed by this Assembly, would be remarkably inflexible. Some members may well wish to negotiate with the Chief Minister with a view to the application of a staffing arrangement that other members may not wish to have applied to them. For example, a member may, within the salary cap, wish to have a particular staffing mix that other members may find inappropriate. Mr Collaery's amendment would preclude such an arrangement. Its inflexibility is undesirable.

The Government views this as little other than a stunt built upon statements by Mr Collaery in recent weeks constantly grizzling about the lack of resources. Taking away the appropriate distinction and appropriate recognition of the role of Leader of the Opposition would have this Assembly stand in a different position from any other assembly or legislature in Australia that is modelled on the Westminster system. It is therefore unnecessary and silly, and the Government does not support it.

DR KINLOCH (11.37): First of all, could I accept much that Mr Humphries says in theory and, in some parts of the world and in some legislatures, in historical practice. But in historical terms, several points need to be made. We would not disagree about this, I am sure; but I just want to make a point about the United States. Although it is not a Westminster system, and I accept that, within both the Senate and the House of Representatives there are majority and minority leaders. To be sure, there is no executive and counterexecutive. Indeed, the failed candidate in a presidential election really has no role, except within his own party, for the subsequent four years. He has no place, usually. If it had been Geraldine Ferraro, she would have had no place in the government system.

I am not sure that we should be looking at that system at all, but I would like to ponder on the Westminster tradition. It is discussed in this place and in the public as though it is some kind of concrete-set-in-stone system. It is a very recent system. It dates really, in the forms in which we find it in Australia, only from the reign of Queen Victoria. In the eighteenth century and early

nineteenth century, it was essentially in the hands of the Crown. The Crown chose the Prime Minister. Of course, as we all know - and I will not go into it - eventually, in the reign of Queen Victoria, especially with the changed modernity of political life after the Great Reform Bill of 1832, and again in 1867, you got the creation of what we now call the Westminster system.

There is nothing sacred about it. It is not a sanctified system. It does not have constitutional authority. It has grown up only as a result of precedent. In any case, this Assembly is itself. We are unique. We are ourselves. We are the Legislative Assembly for the Australian Capital Territory. We are not created in the mould of the Westminster system. There are unfortunate aspects of the way we have grown up, even in the physicality of how we have been placed here, which seems to assume that we have government and opposition. Personally, I regret that this should be so for this small Assembly for a city of 300,000 people. It is not necessarily appropriate.

But, if we move away from the theory of the Westminster system or the historical background of it to the practice of this system in this Assembly, then let us face the reality that as long as it is possible to maintain a highly democratic election system - and that is to be decided, is it not, in February - if we select the Hare-Clark proportional representation system it is likely that this Assembly will continue to have a number of parties. It will not have one party on the one hand and one party on the other hand. Some people here would like to see that. I do not think that is likely. I would think that kind of system, in a place like the ACT, would produce a range of parties. I believe that I am trying to analyse this and not make political points.

So, in practice I do not accept that three people, or four if you include the Speaker, can fully be seen as an opposition or an alternative government. I recognise it in theory, but look around you; it is not so in practice. In practice we have a range of groups here, some of which are essentially equal. So, what we are talking about here is trying to recognise the reality of the particular form of governmental system we have in this house and arrange things equitably amongst us. I would want to stress that that is what should be done.

As for being an opposition, and again I only reflect on it in an historical way, let us consider this: When it came to the land tax, for example, there was one party which unitedly opposed the Government. The Residents Rally voted against the Government. All three of us did. In the case of the supposed Opposition, one voted yes, one voted no, and one walked out of the chamber in order not to vote.

23 October 1991

So, I want to argue that we have here, in this corner of the room, three people combined together who do indeed represent an opposition. We are not an opposition for the sake of being an opposition. We are happy to coalesce with those who put forward good Bills, whether in those chairs over there or those chairs here. We are happy to cooperate. Indeed, we have seen a lot of that cooperation this week, have we not? In that respect I pay tribute to Mr Connolly and Mr Collaery for working together on a whole number of Bills. I do want to say that, as I see it here, sitting here in a place of observation, what I see is an effective opposition with these three people here. I hope that another group will become a more effective opposition and we will work together in that way, but I do ask that there be equity for the opposition that exists here.

MR MOORE (11.43): Mr Speaker, if we were to vote in favour of Mr Collaery's Bill I believe that we would be taking a very short-term view for just a couple of months in order to change the system that operates in this Assembly. I think there would be some sense in adopting some of the ideas, at least to a certain extent, that Mr Collaery has suggested, if there was more time to go, if we were at the beginning of an Assembly with the type of make-up we have now.

I find it ironic that this Bill has been brought on at a time when Mr Collaery is no longer the deputy leader of a government, at a time when there is a personal interest as far as this goes. I can understand that, of course. Finding himself on the crossbench and finding that it is not so easy to keep up with all the legislation with a limited number of staff is a great motivation to follow this sort of thing through.

Mr Speaker, to support this Bill, however, would be to say that the arrangements that we have in a normal Westminster system are inappropriate not just for this Assembly but for the Assemblies that follow. It may well be that early next year those of us who are re-elected to this Assembly may determine that that is an appropriate approach or that there be an appropriate redistribution of the way that money is distributed in support of members' staff. That will be the appropriate time to consider this.

I believe that it is appropriate, at this stage, to take a longer-term view and to leave things at the status quo until we get an opportunity to see what is the more likely make-up of this Assembly after the next election. It seems to me that there will not be the same distribution of members and parties that we currently have, although none of us can predict exactly what is going to happen. So, I think it is appropriate that we wait until that time.

Mr Speaker, I also think it is important, at this stage, for members to try to retain as much stability as we possibly can. There is, of course, a temptation I see. The salary cap equalisation proposal that Mr Jensen kindly

prepared and gave to me some days ago would provide, in my case, an increase in salaries of some \$4,000 or \$5,000 over a full year. I think, like all of us, that that would be very easy to use. I could use it most effectively.

I know that in the Federal Parliament, for example, Independent members are allocated an extra staff member because of the need to read so much legislation which, in parties, gets divided among the people who have the responsibility. I think that there is some argument that would apply right across this Assembly. Even where you have a party of three or four people there is a tremendous amount of legislation that any individual member has to read and to be across, compared with what is read and dealt with in the Federal Parliament. Our duties are different, and perhaps our staffing should be different as well; but at this stage I think it is not appropriate to increase staff or to redistribute staff.

MRS NOLAN (11.47): Mr Speaker, I think it is an appropriate time to quote an old Chinese proverb I read in the paper this morning. It was quoted in the paper by, I think, the Deputy Premier of Western Australia. The proverb is, "He who never changes his opinion never corrects his mistakes". I think that is a fairly appropriate proverb in relation to this discussion today.

While I agree with much of what Mr Collaery has had to say, there are some anomalies in relation to the staffing for non-government members. I do not think this is the appropriate forum for that to be discussed and debated, and I will not be supporting the legislation that is currently before the house.

MR STEFANIAK (11.48): Just briefly, Mr Speaker, I am interested to hear what members have to say. There is much in what my colleague Mr Humphries, and indeed, surprisingly, someone we do not agree with very often, Mr Moore, have had to say. As some members have said, one does have to look at the circumstances of this Bill. I think Mr Moore indicated that this might have been more relevant if it had come up earlier in the piece - perhaps, indeed, when Mr Collaery was the Deputy Chief Minister. But we are 3 months out from an election. The Assembly will stop sitting on 17 December and I really wonder whether this is the way to go.

There is a convention in Australian parliaments - the Westminster system - and, like it or not, we are part of the Westminster system. There is a defined government, there is a defined opposition, and certain things flow from that. I cannot see that changing greatly in the years to come in Assembly politics in Canberra, or, indeed, throughout Australia.

23 October 1991

I think it is relevant to note, however, when talking about entitlements and workloads, that as Mr Moore says, and as Mr Humphries highlights, this Assembly is different. There are only 17 of us. Even when you do get a significant party group, such as the Labor Party or the Liberal Party, you still have only four or five members who still have a large amount of legislation, if you are in opposition, to look at. It is interesting to note that in the Federal Parliament the one Independent has been given an extra staff member because of the vast amount of legislation there.

I do not think this Bill is the right way to go. There are other means to which members have alluded and which Mr Collaery could follow in relation to additional staffing entitlements to cope with the workload and the particular make-up of this Assembly. I wonder whether, in fact, we are just too far down the track in this Assembly for that. We may well be. But that perhaps is something that should be looked at in the very early days of the Second Assembly, if it is not looked at immediately.

There could well be, in the next Assembly and in future Assemblies, a number of groupings like we have in this one. I imagine that there will be fewer next time than in this one, but there could well be a number of groupings and consideration does have to be given to ensuring that members, all members, have the ability to do their jobs properly. That might mean some additional resources being given to the more minor parties, to ensure that they can do their legitimate role properly. Mr Collaery's Bill is not, I think, an appropriate one - certainly not at this time.

MR STEVENSON (11.51): Yes, I think it is inequitable for whichever Leader of the Opposition we have at the time to have the level of funds that is available. I have mentioned before in this Assembly that no person holding the title of Leader of the Opposition ever led me, or ever represented me, and hardly ever consulted with me. So, any suggestion that we had, first of all, a leader of - - -

Mr Berry: Does that suggest that you are out of step with everybody else?

MR STEVENSON: Mr Berry suggests that I am out of step with everybody else. Well, I would not necessarily say "everybody else". I presume that there are some people in here who understand exactly what government is, and also understand that in Australia we do not have that.

I think we should look at what the constitutional requirements are in Australia. We have a monarchical system which has, as government, the Crown in both houses. Mr Prowse, in presenting his Bill on citizens referenda earlier, said quite rightly that it would act as a house of review. Indeed it would. In all parliaments in Australia except that in Queensland, which is a sad situation, we have a house of review. That was the correct system that was introduced to Australia. It should have been upheld.

Mr Connolly: You want another house here, do you? Abolish this one and have two.

MR STEVENSON: Mr Connolly says, "Do you want another house here?". Well, only if it was controlled by people who represented the constitutional law and the majority expressed will of the people who wanted to abolish it. They could abolish this one and then abolish themselves, as they did in the upper house in Queensland. What they would do if they did represent the people, unlike in Queensland when they abolished themselves, is not take a huge financial package for doing so. I think that was an appalling situation.

Mr Stefaniak: Did they do that in Queensland?

MR STEVENSON: Yes, they abolished the upper house; but they were very, very well paid off for doing it. While we have this Assembly that is unwanted, unnecessary, unconstitutional and extremely expensive, in terms of the funds used to run it, it should be representative of the people. Unfortunately, it is not particularly representative of the people. Every member of this Assembly has been elected by Canberrans for some reason or another.

Mr Duby: Almost every member.

MR STEVENSON: I am sorry; I do take the point, Mr Duby. Almost every member of this parliament has been elected. Of course, Mr Connolly came in when Mr Whalan went out, saying that the pay of an MLA was not sufficient. Rightly or wrongly, the members here were elected to do something. It would seem fair, if there is money paid to members and their staff, that it be spread equitably to allow them to best support the constituents. We have a situation where the Liberal Party that had four members, then five members, and now four members - - -

Mr Kaine: When are you going to join and make it five?

MR STEVENSON: Well, it is an interesting point. When there was a no-confidence motion moved against the Chief Minister, I was spoken to by senior people within the Liberal Party and the business community. They said, "Would you support the Liberal Party?". I think I mentioned something along these lines: "I support Liberal policies quite strongly; if only the Liberal Party members supported them as well". I support the individual rights. I notice that the Leader of the Opposition and the Leader of the Opposition past but one look at each other. Let me give you a classic example: Sodium silico-fluoride being added to the water supply has little - - -

Mrs Grassby: Relevance, relevance.

23 October 1991

MR STEVENSON: What more relevance could we have, Mr Prowse, as you of all people would know?

MR SPEAKER: Please stick to the debate.

Mr Kaine: We happen to have a policy on it. Don't you like that policy?

MR STEVENSON: It is what I talk about. It is the principles, the Liberal Party principles that stand for individual rights, that stand for real government. I would not leave the Labor Party out of this. At some time in the past they did as well. I think we would all benefit by studying the early Liberal Party principles and the early Labor Party principles. The early Labor Party principles were brought to our minds earlier today when Mr Prowse spoke of citizens referenda. After all, the Labor Party supported the right of citizens to have a - - -

MR SPEAKER: Order! Mr Stevenson, I draw you back to the debate.

MR STEVENSON: Mr Speaker, please. Nobody said anything - - -

MR SPEAKER: I did.

MR STEVENSON: So, indeed, the Labor Party had as a major objective of its policy the right of citizens to have a say.

MR SPEAKER: Order, Mr Stevenson! You misunderstood - on purpose, I believe. Please come back to the debate before the chamber.

MR STEVENSON: The debate is to do with government and the LA(MS) Bill. It is lambs being led to the slaughter, is it not? There are some inequities. One of them is that members of this Assembly should have the right to use the budget that they are allocated for staff as best they can. You have enough money as an Independent member, as a single member, to pay for a staff member to look after the office functions. That includes answering the telephone and carrying out the numerous and extensive administrative functions that are required of any office - certainly more so in a member's office than a lot of others. There is the money to pay for someone to do that.

However, there is not sufficient money to pay for someone to look after the role of adviser and researcher. There is about half the amount of money for that. What happens is that you either get someone you are not paying correctly or get people who come and go or, if you like, work in a consultant capacity. That has been the situation with my office. People have had to come and go because there is not sufficient money to pay them properly.

One of the agreements that we had between all non-Labor members in this Assembly was to introduce the right of any member to pay consultants if that was what they felt was going to allow them to best represent the people of Canberra, their constituents. That was agreed upon by 12 members of this Assembly, but unfortunately it was never introduced. It is unfortunate that Mr Collaery, in introducing this particular amendment, did not include the right of all members in this Assembly to choose to use their budget to hire consultants.

They may from time to time need legal advice in drafting Bills. Also mentioned in this Assembly this morning was the difficulty of getting legal drafting support. So, it would be opportune, at different times, for members to have the right to hire legal drafting assistance. There are many other areas. Accountancy qualifications would be very useful. There are many who could rightly be called a consultant; yet, unfortunately, members do not have that opportunity to best represent their constituents in that way.

As for the specific amount of money paid to individual representatives in the parliament, I think there has been talk throughout the history of this parliament about a committee of the whole. Would not government work far better if we really understood what government means? Government does not mean - and I have made this point again and again, and will continue to make it - the party that controls the Assembly. It never has in Australia and I doubt that it ever legally will. I grant that many people have been taught that we have a government and an opposition, but I challenge them to show me where the constitutional law of Australia sets up that system. I make this challenge again and openly to all members.

To refer to the ACT Legislative Assembly as "my Government" is an absurdity when you look at the constitutional requirements of government. It is not Rosemary Follett's Government. It was not Trevor Kaine's Government. It was not anybody's government in this Assembly. If it was not unconstitutional it would be the people's government, and it would not just include the number of people who, because of some system, were able to exercise control, be they nine members in the Assembly, which would be a majority, or fewer. It is a point that should be understood, rather than just blindly thinking that the current system that has been pushed onto us by political parties in Australia is actually a sound system.

It is not a sound system. I think the actions of what has happened in this Assembly shows that. Many members in this Assembly have excellent qualifications and abilities. Every one of us has knowledge in certain areas, has heavily researched some areas, and could speak well and validly on different aspects. Yet, though we can speak in this Assembly, most of us know that that does not necessarily mean anything. What is important is what is happening at the moment - the lobbying.

23 October 1991

Lobbying is going on among various members about what will happen to this amendment Bill. It does happen that members are lobbied on the floor of this Assembly. But all too often the lobbying, if there is any, is done well before members come down to this Assembly and engage in what is laughingly called "debate". A debate should be a situation where every member is prepared to listen, to examine; to impartially examine what has been said; to look searchingly at the evidence presented by every member in this house. I suggest that that is the key to true government in Australia.

We should return to the situation where every member of parliament who is elected by constituents actually represents the constituents, actually has some conscience, rather than blindly doing as they are told by political parties set up outside the Constitution of Australia for no other reason than to control the votes of elected members of parliament. Members should represent the law and should represent their constituents. We have gone a long way in this country, but few people understand the true role of government.

I well understand why some people smile at this rather unusual idea, for many members perhaps. It is because we do not get taught our constitutional heritage in Australia. Our children are not being taught this. It is not being taught in our law schools. We have a situation that usually teaches legal positivism. That suggests that if a parliament so decrees they supposedly are sovereign and that is the way it will be. That simply is not correct and does not accord with the Constitution of Australia.

MR KAINÉ (Leader of the Opposition) (12.06): Mr Speaker, I think it is very sad that we have wasted over an hour of private members' business this morning debating this subject that should never have been brought to the house. What we are talking about here is the availability of resources to members of the Assembly. Why do we have to waste over an hour of private members' time? When you look at the business paper and the matters that are on there, Mr Collaery, I think, would assert that much of the business that he has put on there is important. We have wasted our time. We have talked about leaders of the opposition, party leaders, Westminster systems. They are all totally irrelevant to the argument. When you get down to it - - -

Mr Stevenson: Mr Humphries, I thought, spoke for some time on these principles.

MR SPEAKER: Order!

MR KAINE: It is all interesting material. But what has it contributed to the effective operation of this place? Absolutely nothing. The subject that we are talking about, Mr Speaker, is the availability of resources. Mr Collaery says that he has not got enough. Mr Stevenson says that he has not got enough. Dr Kinloch says that he has not got enough. I say that I have not got enough; I could use more resources. Every one of us could use more resources. It is a purely relative thing. What Mr Collaery is saying is that he has less than me; therefore, he should take some of mine. That is not the solution to the problem. That is not the solution to Mr Collaery's problem. If he has not enough resources, he should argue for more, not attempt to take them away from somebody else.

The place to do that is not on the floor of this house. We could have sat around in the conference room on the fifth floor, out of session, and argued the point with the Government and with the Speaker about how much money is available for staff resources and whether there is a better way of allocating that. But, no, we waste over an hour of our private members' time.

Mr Jensen: Why didn't you organise it? You are the so-called Leader of the Opposition with all that extra staff. God! You could not lead a horse to water.

MR KAINE: Now I hear Mr Jensen.

MR SPEAKER: Order!

MR KAINE: Mr Stevenson said that he had not had an opportunity to discuss this matter with any Leader of the Opposition. He is probably right. But then Mr Stevenson has never walked into my office as Leader of the Opposition and asked to talk about it, and neither has Mr Jensen. Never has Mr Collaery or Mr Jensen in the last three months walked into my office and said, "I want you, as Leader of the Opposition, to represent my case on this issue". They have not been in my office; not one of them.

Mr Jensen: Because we know that we would be shown the door.

Mr Stevenson: There has been more than one time that I have asked the Liberal Party to represent certain things - not with a great deal of success, I might add.

MR SPEAKER: Order, Mr Stevenson!

MR KAINE: Mr Jensen, you know that that is not true. If you had come to me and asked me to represent you as Leader of the Opposition, I would have done so. That is my job. I understand my responsibilities and I accept them. But you and the Rally want to have your cake and you want to eat it. You want to sit on the crossbenches. You asserted

23 October 1991

that you put yourself up on the crossbenches. That was your assertion, not mine. You sit yourselves on the crossbenches and then you say: "But when it comes to resources allocation, we want to be part of the Opposition". You cannot have it both ways. If you want to be part of the Opposition and if you want me to represent you in that capacity, all you have to do is say so. But do not sit down there on the crossbenches, deliberately put yourselves there, and then say: "We want some of the resources of the Leader of the Opposition".

I just come back to the point, Mr Speaker: I think it is tragic that this matter that has nothing to do with the legislative process of this Assembly, which contributes nothing to the way this place works or will work and contributes nothing to the good name of the members of this Assembly, has taken up so much private members' time at the expense of important business. It could have been, and it should have been, dealt with elsewhere.

If Mr Collaery was really serious about allocating the money, why did he not give me a copy of that before this debate this morning? I did not know that it existed until I saw Mr Berry with a copy and I saw Mr Jensen with a copy. Mr Jensen talks about my not taking up the cudgels for them. He never presented that piece of paper to me as Leader of the Opposition.

Mr Jensen: It would be a waste of time, Trevor, and you know it.

MR KAINÉ: Well, it is a waste of time doing it the way you have done it, because you have not got my support. If you want my support, come and talk to me, Mr Jensen. Do not try to kick me in the head on the floor of the house, because you will not win that way. I repeat that you have added nothing, absolutely nothing, to the good name of this Assembly by wasting this amount of time on this issue which is essentially a case of: "I have not got it and you cannot have it either". That is what this debate is about. Let us be clear about that.

Mr Jensen: Do some representation.

MR KAINÉ: There are ways of resolving that issue if you had wanted to resolve it. I submit that you probably did not want to resolve it. What you wanted was a debate on the floor of the house so that you could say your piece about resources allocation. Well, there are other ways of doing that and I offer you an invitation now. If you want me to act as Leader of the Opposition on your behalf, come and knock on my door. You have done it over the last 17 months. Why will you not do it now?

Motion (by **Ms Maher**) put:

That the debate be now adjourned.

The Assembly voted -

AYES, 7

Mr Collaery
Mr Duby
Mr Jensen
Dr Kinloch
Ms Maher
Mrs Nolan
Mr Stevenson

NOES, 10

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

Question so resolved in the negative.

MR COLLAERY (12.13), in reply: Mr Speaker, I thank members for contributing to this debate. It was, contrary to what my colleague Mr Kaine said, a very important debate. It set on the record a number of assertions and matters which are very important to those members on this side of the house who are not part of the Liberal or Labor parties. I exclude from that Mr Moore, whose satellite is threatening at the moment to run into the stratosphere of the Liberal-Labor Party and land. He is so close to them on most issues. For the rest of us, it is most important to have had that vote. I thank Ms Maher for calling for the adjournment and I thank my colleagues for assisting to bring out even further the Liberal-Labor coalition in this house.

Mr Speaker, there are some fundamental flaws in Mr Humphries' argument. They were adequately elucidated by my colleague Dr Kinloch, and I will not go further. An opposition is what it is in name. I suggest that most of the people who observe these proceedings know where the opposition lies. They know how the Liberal Party came to be elected by the Labor Party to lead the opposition. They know that. So does the Canberra public. You have only to look in the column "On Page Three" today to see the more extreme manifestations of that.

Mr Speaker, the Legislative Assembly (Members' Staff) Act provides that all members, including executive members, may employ staff under Part III in accordance with conditions set by the Chief Minister. Office-holders in the Act are defined as being the Ministers and the Speaker, and they may employ additional staff under Part II of the Act. But, by section 4, the Chief Minister may determine that a member who has special parliamentary duties should be treated as an office-holder and should also be entitled to employ extra staff under Part II.

23 October 1991

What the amendment sought to do was to achieve a base understanding of equity. I was open to any amendment that commended itself to any member of this Assembly who wanted to support equity - equity of any sort. There is certainly no private agenda on my part against Mr Kaine; certainly not in this debate. The amendment sought, I remind members, relates to section 4 of the parent Act, the Legislative Assembly (Members' Staff) Act, and that says that the Chief Minister may, by writing, determine that, having regard to the parliamentary duties of a member of the Assembly, the member ought to be empowered to employ staff under this Act. I remind members that it is within the power of the Chief Minister to determine that you cannot have any staff.

So, the operative words of that section are the empowerment of members of the Assembly to employ staff under the Act. Any capricious exercise of that power may negate the intention of the Act, which is to empower all members to employ staff. When the Chief Minister sets monetary limitations on the extent to which a member can employ staff, the Chief Minister in effect determines, having regard to our parliamentary duties, what level of staff assistance the member ought to be empowered to employ. So, in effect, the act by the Chief Minister of the day of setting the monetary limit is an integral aspect of the Chief Minister applying his or her mind to the question of parliamentary duties.

If the Labor Party feels some angst about the way they were treated when they were in opposition, I stand here now and apologise for not putting my mind to it when I was Deputy Chief Minister. I was not aware that they shared the feeling of ill-treatment that I do. I am not sure what they felt at the time, but I am not aware of their coming to the government of the day. I apologise for the fact that, whilst we were in government, there may have been members, who were dissatisfied in the manner that I am. To that extent, I accept that there may be an inconsistency in my approach. I put that on the record.

The fact of the matter is that it is extremely difficult for all members to contribute adequately to the functions of this Assembly at any time. It is a difficult task. There is a lot of work. Our parliamentarians work extremely hard, almost without exception. Whatever their agenda, they work extremely hard, and the public should know that. This is not a squalid dispute about money or, as the former Chief Minister thinks, my trying to grab some of his cake. If the Chief Minister, Rosemary Follett, had not made an allocation to the so-called Leader of the Opposition, we might have all combined to ask her to make a determination for all of us.

For a whole variety of reasons accountable to this Assembly, this Bill will not be supported. It will fail, and I accept the verdict of this Assembly. I have stood in court on many occasions and lost cases, occasionally where I thought it was an injustice. I believe that you will, in the majority today, do an injustice; but I can walk out of the court or tribunal or assembly and accept that, and I will. I will abide by it because, as you all well know, the act of throwing the Bill out today will prevent it from being reintroduced for a year.

Ms Follett: Six months.

MR COLLAERY: Six months. I commend some thought to that by the Liberal Party, particularly, because they gamble everything on being the majority number in this Assembly after the next election. Perhaps there could have been a little forethought in these matters.

Mr Speaker, for your part, you are charged with assisting and developing the interests of members; but I do accept that our Assembly is very small and the role of a Speaker is perilous and extremely difficult. As you are well aware, Mr Speaker, you have a deliberative vote. You have a voting role in the Assembly and maybe one day, when we can recast the Federal legislation that governs us, we can make it easier for you to exercise a casting vote in circumstances where you would not compromise any party affiliations you or any future Speaker may have. I accept the difficult position you are in.

I do not intend in this debate to rail against anyone personally. I do not think it will advantage the house.

Mr Berry: You are not doing so bad so far.

MR COLLAERY: I think there are some here on the floor today who are going to vote against the Bill who know in their hearts that they are doing an injustice. You are doing an injustice, and you know it. I am not going to try to identify who you are. It is simply unfair to give a party leader, who has no more MLAs than I have, a vastly greater sum of money, and it is more unfair in the light of his performance and his contribution to the life of this Assembly and the interests of the Territory. I will go no further.

It is self-evident that the Labor Party have put their money on a crumbling stable, and so be it. I thought they were pretty good at choosing their horses; but it is not such a good one this time, I suggest. It has well and truly exemplified the continuing life of the duopoly in this Assembly. So be it. So be the vote. Certainly it will, of course, give us more of a clarion call to our own

23 October 1991

arms, to our view, at least for the Residents Rally. We will press on with trying to get justice and we will press on to represent the community interest. Our Bill program will survive. We will not be able to provide sufficient explanatory memoranda. Our research will be curtailed. But we will expand our program in the November session and we will seek to produce real change and set the agenda for the next election. The Labor Party's approach to this issue is part of their coalition with the Liberal Party, and I trust that it will work against them at the next election.

I thank those who have supported the Bill in principle and I want to conclude by reading something from Andrew Barton Paterson. It is *A Bushman's Song*, the one that starts, "I am travelling down the Castlereagh"; but I will cut it short. I say this in relation to party machines and those who vote in that context. He wrote:

It was shift, boys, shift, for there wasn't the slightest doubt
It was time to make a shift with the leprosy about.
So I saddled up my horses, and I whistled to my dog,
And I left his scabby station at the old jig-jog.

I went to Illawarra, where my brother's got a farm,
He has to ask his landlord's leave before he lifts his arm;
The landlord owns the country-side - man, woman, dog, and cat -

I am talking about duopoly, of course -

They haven't the cheek to dare to speak without they touch their hat.

...

So, it's shift, boys, shift, for there isn't the slightest doubt
We've got to make a shift to the stations further out -

I am referring to the move to Independents there, and I am referring to some of you who are making a conscienceless vote -

The packhorse runs behind us, for he follows like a dog,
And we cross a lot of country at the old jig-jog.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 5

Mr Collaery
Mr Duby
Mr Jensen
Dr Kinloch
Mr Stevenson

NOES, 12

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

Question so resolved in the negative.

Sitting suspended from 12.25 to 2.30 pm

QUESTIONS WITHOUT NOTICE

City Area Lease - Resumption

MR KAINE: I would like to address a question to Mr Wood, as Minister for the Environment, Land and Planning. Mr Wood, have negotiations leading to the resumption of the lease on section 52 in the city been completed yet? If so, under what conditions and, if not, what is delaying the decision on that matter?

MR WOOD: Mr Speaker, the negotiations have not been completed, I suppose basically because there is no agreement at this stage between the parties in the negotiations. It is a matter that Cabinet has considered on a number of occasions. We have a firm view. That view is being conveyed to the other party. I expect that negotiations will continue. I do not want to say too much, because we are in that negotiating period.

Government Employee Statistics

MR DUBY: Mr Speaker, my question is also directed to Mr Wood. It concerns answers given in the Estimates Committee, not particularly about his department, but particularly about the number of government employees - - -

23 October 1991

MR SPEAKER: Order, Mr Duby! I have a problem that we seem to be getting into the habit of asking questions that are really relevant to the Estimates Committee and should be asked of the chairman of that committee once its report is brought down.

Mr Collaery: On a point of order, Mr Speaker: The Estimates Committee is a forum for eliciting information upon which members may question the Government, surely.

MR SPEAKER: Yes, you are absolutely correct, Mr Collaery. The committee is still deliberating and it will bring down a report. And until that - - -

Mr Collaery: But that does not disable this Assembly, Mr Speaker - speaking to a point of order.

MR DUBY: My question is not about any answer given by Mr Wood to the Estimates Committee. It is about a statement made in the Estimates Committee that the Government has no idea of the number of employees that it actually has. I believe that that statement was made quite categorically. My question to Mr Wood - and of course I am giving notice to the other Ministers; I am going to ask the same question of them, as time goes on - is: Would he be able to enlighten us as to the actual number of people employed within his departmental responsibilities? In particular, I am interested in the number of employees within the Department of Education and the number of employees within the Department of the Environment, Land and Planning.

MR WOOD: I will make use of two papers here. In the Department of the Environment, Land and Planning the total number of employees is 1,257. The total number of employees in the Department of Education and the Arts - and of course these are predominantly teachers - is 5,939. We look after them very well too, I might say, and I believe that they also provide good value for the money we pay them.

MR DUBY: My supplementary question is: How did Mr Wood know that I was going to ask the question?

MR WOOD: I did not know that you were going to ask the question, but you would not be surprised to know that the Government was aware that these sorts of questions could well be asked. I indicate that you may ask questions concerning the other departments today, if you like, and you will get an answer.

Totalcare Industries

MR STEVENSON: My question of Mr Connolly relates to urban affairs. It concerns the maintenance centre at Mitchell, now called Totalcare Industries. I believe that the centre has recently been corporatised and has about one year to become financially viable, and I believe that there are some concerns among staff members there as to the future of that particular centre. I wonder whether Mr Connolly would be good enough to inform the Assembly.

MR CONNOLLY: I thank Mr Stevenson for his question. In fact, the Totalcare centre at Mitchell has not been corporatised, although the Labor Government will be considering proposals to move it along to a more corporate form in keeping with the recommendations of a Labor Party examination. Totalcare operates on a commercial basis. It has a core function of servicing the hospitals, but it has an excellent commercial laundry operation and a commercial incinerator operation which in fact is technically in advance of anything available in New South Wales.

It currently services clients from as far afield as Sydney and Melbourne. There is enormous potential for it to increase its commercial clientele. It will be competing directly with other commercial linen operations in particular; so, the unanimous view of the Australian Labor Party was that it was an appropriate body to be moved onto a more commercial footing. As opposed to a monopoly supplier of an essential service such as ACTEW for whom there is no competitor in the supply of services, Mitchell operates on a competitive basis with the private sector. It is an efficient organisation; it is doing very well. It returned a dividend to government this year, as indeed did all of the government business enterprises, and I am sure that it will have a viable long-term future.

Demolition of House at Manuka

MR JENSEN: Mr Speaker, my question is directed to Mr Wood in his capacity as Minister for the Environment, Land and Planning. I refer the Minister to an answer to a supplementary question I asked on 15 October in relation to the demolition at No. 18 Bougainville Street, Manuka. I asked for details of the approvals for the demolition and certificates of the unsoundness of the building. His answer, and I quote from page 12 of the proof *Hansard*, was:

This information, I would expect, is quite freely available, and I will facilitate the release of whatever information is there.

My question is: When is the Minister proposing to make that information available to me in response to that question?

23 October 1991

MR WOOD: Mr Speaker, I have seen some information come through to me. I believe that I have signed it off to go to you, Mr Jensen. I will check precisely what has happened and make sure that it is in your hands, hopefully, by the end of the day.

Hackett Primary School

MR HUMPHRIES: Mr Speaker, my question is addressed to the Minister for Education, Mr Wood. It concerns the Minister's announcement that Hackett Primary School will not reopen - an announcement which is, with respect, totally inconsistent with a decision earlier this year to reopen any school that requested it. I remind the Minister that last year there were 148 enrolments at Hackett, 146 at Lyons and 170 at Cook. If the Minister did not base his decision on demographics, can he tell the Assembly on what grounds he has made the decision not to reopen Hackett Primary School?

MR WOOD: Mr Speaker, the decision we have made is entirely consistent with what we have said over a long period. We have said - I know it well because I have said it often - that we will open those schools if the community seek us to do so. It is clear from the response that we had from the Hackett community that they do not seek us to do that. Something like 2,000 forms, very carefully done by the community association, were sent out to the residents. The response was low - something like 200, which in itself says something.

The breakdown of that response indicates that there was very, very little support from people in that community for the school to be reopened. It was quite clear that the community did not seek the reopening of that school. Had it been otherwise, had the school come back to us with a clear statement, we would have acknowledged that. The enrolments that were indicated to us were just about 30 - 31, I think. That made it quite clear that there is not the support in the community to maintain that school. I regret that. Had you not intervened and arbitrarily closed that school last year, the situation could well have been different.

MR HUMPHRIES: I ask a supplementary question. Could the Minister outline why the procedure he has just indicated in respect of the Hackett school was not employed in the case of the Cook or Lyons school? Secondly, will he table a summary of the responses received to the questionnaire completed by Hackett residents?

MR WOOD: Yes, indeed. And you might well have expanded your question to ask why it was not the same as was employed in the amalgamation of the two high schools in Weston Creek, because that was something different again.

The answer is a simple one: When I was determining what should be done in Weston Creek, I considered a range of options; that is, the way I should approach the community was not clearly to be one path or another. In the end, in the case of the former Holder High School that you closed, I took a particular path. I could as easily have taken another path, but I did not.

When I had discussions with the community association at Hackett, it was keen to take the running on this matter. I gave it some careful thought and said, "That is an appropriate way to go".

Mr Humphries: It was not for Cook or Lyons, was it?

MR WOOD: And with Cook and Lyons, yes indeed. Let me come to that. The indication from the community over a very long period - as you would well know - was of sufficient emphasis and clarity to make it quite clear that those two schools should be reopened and were quite sustainable. Indeed, that has been clearly shown with the number of enrolments so far and the anticipated enrolments for next year.

Hospital Redevelopment Project : Public Hospital Beds

MR COLLAERY: My question is directed to the Minister for Health, Mr Berry. I ask Mr Berry, firstly, whether he has a functional plan for the hospital redevelopment project. I wish the answer to be yes or no. If yes, will he release it to the public, or at least the members of this Assembly? Secondly, does he have, or has he seen, or has he been briefed on, the bed requirements projections for the public hospital system through to the year 2000 and, if so, does he agree that the projections that he has show the bed requirements being a total of 1,259 at the year 2000?

MR BERRY: The question is a long and detailed one. I will take that one on notice, Mr Speaker.

MR COLLAERY: I have a supplementary question, Mr Speaker.

MR SPEAKER: I do not believe that it is possible to have a supplementary question when you have not been given an answer to the first one, Mr Collaery.

MR COLLAERY: I want to supplement the Minister's answer, Mr Speaker. I wish to supplement his answer that he wishes to take the question on notice.

MR SPEAKER: Please proceed.

MR COLLAERY: Will you also, Mr Minister, take on notice my supplementary question?

23 October 1991

Mr Berry: On a point of order, Mr Speaker: Supplementary questions have to do with the answer to the substantive question. He is wasting our time.

MR COLLAERY: I wish to add to it, Mr Speaker.

Mr Berry: He will have a chance to ask a supplementary question when I answer the first one.

MR SPEAKER: Order! We are wasting more time with the debate than if I allowed him to ask the question. Please proceed, Mr Collaery. I think you are close to being out of order.

MR COLLAERY: Thank you, Mr Speaker. My supplementary question is: Does the fact that you have to take this on notice reveal that you do not have a clue about what you are doing?

MR BERRY: I treat that with the contempt it deserves, Mr Speaker.

Bruce Stadium - Lease by Canberra Raiders

MRS NOLAN: Mr Speaker, my question is addressed to Mr Berry in his capacity as Minister for Sport, and it is with reference to the Bruce Stadium. Mr Berry, are you aware that the salary pay-outs committee decided by a majority that the salary cap for the Canberra Raiders for the season 1992 would be increased to \$1.5m, subject to certain conditions? One of those conditions was that satisfactory arrangements be made with the ACT Government for the ongoing use of the Bruce Stadium. Have those arrangements been completed? If not, when will they be completed, and is it likely that the club will lose their salary cap?

MR BERRY: The Bruce Stadium issue, of course, is an issue that has had to be dealt with by this Government because of the failure of the former Government - - -

Mr Kaine: Because of the bodgie contract entered into by your Government last time round.

MR SPEAKER: Order! Please proceed, Mr Berry.

MR BERRY: As I was saying, Mr Speaker, it is because of the failure of the Alliance Government to deal with the problem. There was an exclamation from the former Chief Minister in relation to that matter; but, of course, he has to bear the responsibility for it because he was then the Treasurer and responsible for the management of the Government that he headed. The next person to wear some of this responsibility is Mr Collaery, because Mr Collaery

failed to negotiate a satisfactory agreement for the contract at the Bruce Stadium. I am pleased to say that, after a long period of waiting under the previous Government, I have taken early steps to - mind you, I have to say that I do not have any - - -

Mr Jensen: That is what you said last time, Wayne. You said that a month ago.

MR SPEAKER: Order! Please proceed, Mr Berry.

MR BERRY: The salary cap for the Raiders is not my ministerial responsibility and I will not respond to that matter. I will, however, respond at length on the Bruce Stadium. I have taken early steps to arrange payment by the Raiders of the debt to the ACT Government. I have already held discussions - on Wednesday, 4 September - with representatives from the New South Wales Rugby League, the Raiders and the Queanbeyan United Football Club. They were discussions about the way in which the Government would recover the money which was outstanding to the previous Government, and I am currently arranging to discuss that with my Cabinet colleagues.

This situation matches many of the messes which have been left for this Government to rectify. Take one example - Mr Humphries puts his face in his hands, and so he ought to - health.

Mr Humphries: You cannot keep blaming us forever, Wayne.

MR BERRY: We can keep blaming you for quite some time yet because you wear the responsibility for failing to do anything about it. The Government is dealing with the issue of Bruce Stadium. It will continue to negotiate with the parties to settle this issue. It is a matter for discussion between the parties, and there will be further consultation on the issue.

MRS NOLAN: I ask a supplementary question. My question was: Have these arrangements been completed? If not, when will they be completed?

MR BERRY: I gave the answer.

Draft Territory Plan

MR MOORE: My question is addressed to Mr Wood as Minister for Planning. What is the Government doing to ensure that copies of the draft Territory Plan are available to interested community groups; and, if interested bona fide community groups wish to obtain copies of the draft Territory Plan, will those copies be made available at no cost?

23 October 1991

MR WOOD: Mr Speaker, I think members would be aware that the draft Territory Plan is being widely advertised. It can be seen in various shopping centres around the town. Inspection copies have been placed in the eight district libraries. Copies have also been lodged with a number of other libraries, such as the National Library and the university libraries.

If people wish to acquire copies of the draft plan, and the written statement, these will be on sale at a purchase price of \$10, and the accompanying planning report will also be available at a price of \$10. I think that is a reasonable price to ask. The Planning Authority is obviously spending a good deal of money in its necessary commitment to consult the ACT community, and I think that price is quite reasonable.

MR MOORE: I ask a supplementary question for the purpose of clarification. My understanding is that community groups such as the Belconnen Community Council, the Conservation Council and residents associations will not have access to copies of the Territory Plan at no cost. Can you clarify that?

MR WOOD: I will check that out for you, Mr Moore. I do not have that information. They may have to pay for copies, but they are obviously important groups in the community. Let me give the matter some consideration.

After Hours Crisis Service

MRS GRASSBY: My question is directed to Mr Berry, the Minister for Health. Are the claims that the Minister is going to cut the after hours crisis service true?

MR BERRY: No.

MRS GRASSBY: I have a supplementary question. Do the statements by Mr Humphries have an impact on the Mental Health Act?

MR BERRY: This supplementary question requires a detailed answer. Of course, what in effect has happened in relation to this matter is that the Liberals have targeted the mentally ill at a most inappropriate time. It is a great shame that what the former Minister has done will impact on the provision of services for the mentally ill.

Allegations by the Liberal health spokesman of cuts to the after hours crisis service constitute what I would describe as a sick campaign designed to frighten people with mental illness. Under Labor, there will be no cuts to the 24-hour crisis service. The crisis service is being evaluated under a review set up in April this year when Mr Humphries was Minister, and it is gross hypocrisy, Mr Speaker, for Mr Humphries to now attack that review.

Mr Humphries: I raise a point of order. Mr Speaker, you have ruled in the past that "gross hypocrisy" - and "hypocrisy" generally - is a phrase that is not parliamentary. I would ask you to ask Mr Berry to withdraw it.

MR SPEAKER: Yes, I would ask you to withdraw that, Mr Berry.

Mrs Grassby: You have ruled it in before.

MR SPEAKER: I will review the *Hansard*. I was speaking to the Clerk at the time. Mr Berry, would you just repeat what the exact words you said were? Can you tell me what you actually said?

MR BERRY: You have ruled "hypocrisy" in before, Mr Speaker.

MR SPEAKER: I will review the *Hansard*. Please proceed, Mr Berry.

MR BERRY: It is appalling that Mr Humphries chooses Mental Health Week to launch a campaign to undermine mental health services in the Territory. Labor, of course, as we all know - Mr Humphries knows; all of the members here know - has had a longstanding commitment to provide better mental health services and we will not stand by and allow this unscrupulous attack on the mentally ill. What Labor has always been about, as Mr Humphries will vividly recall, is the provision of better services to the mentally ill.

We know that when Mr Humphries took over government from Labor there was a budget allocation for the provision of services to the mentally ill which was never spent because Mr Humphries said that it was not enough. That was a bit of a joke. Later on Mr Humphries folded in front of pressure to provide a 24-hour crisis service. Mr Humphries has to be congratulated on that. That was a good move, and it was welcomed.

There has always been a question in the ACT about the level of funding for mental health services. That will confront various governments, as it will confront this one from time to time, and we will rise to the challenge. But I will not stand by and cop campaigns, cheap campaigns, which undermine confidence in the provision of mental health services in the Territory. This campaign was completely unnecessary. A service is being provided in the ACT to the mentally ill. It is a new service. It is necessary that the service quality and quantity be reviewed from time to time. That was recognised by the former Minister and a review was commenced.

23 October 1991

We are prepared to let that review run and look at all aspects of the delivery of mental health services, not just a couple; and where there is a need for improvements and change, then that issue will be addressed. It is early days for Mr Humphries to jump in now and attack the review, which he set up. I think that that is a disgraceful thing for him to do and an irresponsible thing for a former Minister, and I think he thinks a prospective Minister, of any political party to be involved in. It is a disgraceful move.

Royal Canberra Hospital

DR KINLOCH: My question is addressed to Mr Berry as Minister for Health. I recognise that he may well not be able to put his finger on this particular one. Therefore, I hope that he will investigate it. Information has been given to the Rally that earlier this month a party of four allegedly unescorted businessmen, some of them with cameras, undertook an inspection of the Royal Canberra Hospital buildings. Would this indicate that, amongst the options being examined for the Acton facilities, the Government is considering the sale of all or some of the buildings currently comprising the Royal Canberra Hospital?

MR BERRY: Here we go again. This is another one of the furphies which are targeted by the Rally to try to get a bit of notoriety.

Dr Kinloch: On a point of order, Mr Speaker: I totally resent the idea that I am asking questions in order to get notoriety. I am asking a straight question. I expect a straight answer.

MR SPEAKER: Order! I call Mr Berry.

MR BERRY: This is another stunt. A statement has been made by the Government in relation to the Acton site. Dr Kinloch has heard it. He should have recorded it somewhere and recalled it when necessary. A range of services will be provided on the Acton site. The Acton site will remain in public ownership. It will consist of public health facilities.

There is a planning study under way at the moment that I think started on 14 October. It will run for some weeks, and at the end of the day the Government will make some decision about the nature of the facilities provided on that site and the use of the existing buildings. For the Residents Rally to start this sort of scaremongering is just over the top. We have just about had enough, and so has the rest of the community.

Rail Service

MR DUBY: My question is directed to Mr Connolly, the Minister for transport. Mr Connolly, my office has been approached by a constituent who is an employee of the New South Wales State Rail Authority. This constituent informs me that he has been advised that the rail service to Canberra is to cease in February next year and be replaced by a Countrylink bus service of seven or eight buses per day. Can the Minister either confirm or deny that information that the New South Wales State Rail Authority will cease all passenger train services to Canberra in February of next year and replace such services with a further expansion of the Countrylink bus services?

MR CONNOLLY: I am confident that by February of next year the Carr Labor Government will undertake a total review of the cutbacks to the rural train service in New South Wales that the Greiner Government - the model of hacking and slashing that was the inspiration of the former Alliance - has implemented. I am not aware, Mr Duby, of any more concrete, specific plans by that current short-lived, infamous Greiner Government to cut back further on services to the ACT; but I will certainly investigate that and advise you more fully as soon as possible.

National Crime Authority Legislation

MR COLLAERY: My question is directed to Mr Connolly in his role as Attorney-General. Mr Connolly, this morning on ABC radio you were quoted as saying, among other things, these words:

There is question time and a very important Bill relating to the National Crime Authority was adjourned last night and that may come up again ... today.

I ask you, Mr Connolly: Did you instruct any official of your department, or any responsible official, to have that Bill listed for debate this afternoon; and, if not, as I am confident that you did not, did you not again shoot off your mouth without knowing the facts of the matter?

MR CONNOLLY: This strange member was obsessive yesterday that I should be away from Canberra today. We can see the reasons for that. One was that he hoped that my absence would help the numbers on that extraordinary Bill this morning.

MR SPEAKER: Order! Mr Connolly, relevance please.

Mr Collaery: Answer the question.

23 October 1991

MR CONNOLLY: I am answering the question. If the member would like to give me in writing the answer that he wants, I will give it. He was obsessive that I should not be here today.

Mr Jensen: Mr Speaker, I raise a point of order. I think the relevant standing order is 118(b). I believe that the Minister is seeking to debate the question. I think he should get on with an answer.

MR SPEAKER: I would direct your attention to the question, Mr Connolly.

MR CONNOLLY: I find it impossible to give an answer when I am interjected on within about five seconds of getting into the answer.

MR SPEAKER: If you address the question you will not be interjected on, Mr Connolly.

MR CONNOLLY: I find that hard to accept. I was trying to give an answer. I will try to give a straightforward answer. Yes, I did say what I was alleged to have said. Yes, debate on that Bill was adjourned last night. There are a number of important reasons why I should be here today, not travelling as Mr Collaery apparently wanted me to be. The party that was kicking up a stink yesterday about my not travelling pulls on an MPI against me today. So, there is a certain inconsistency. That is probably why they wanted me out of town.

Mr Collaery: On a point of order, Mr Speaker: I asked whether he said that the National Crime Authority legislation may come up for debate this afternoon. He is the responsible Minister.

MR SPEAKER: Order! This is a personal explanation; it is not a point of order.

Mr Collaery: No, the question, Mr Speaker - he is not answering it - is: Did he instruct any officials, anyone, to put it on the agenda? It is a simple question.

MR SPEAKER: Mr Connolly, do you wish to take that further?

MR CONNOLLY: The Bill is on the notice paper.

Corporal Punishment - Non-Government Schools

MR MOORE: My question is directed to Ms Follett as Chief Minister. I refer to page 12, recommendation 33, of the ACT Government's response to the report of the National Committee on Violence which you tabled yesterday. That recommendation states:

Corporal punishment in all schools, public and private, should be prohibited by law.

The response by the ACT Government is that corporal punishment is prohibited in public schools but not in private schools. Clearly, the issue of violence goes across both sectors of education. What action are you now going to take to respond to the recommendation on violence and the use of corporal punishment in private schools? I am quite happy, by the way, Chief Minister, if you wish to pass that question to Mr Wood.

MS FOLLETT: I thank Mr Moore for that concession. It is a matter that concerns the Minister for Education, and I think I will ask him to respond to the question.

MR WOOD: Let me reaffirm that corporal punishment is prohibited in government schools. Most non-government schools, to my knowledge, do not allow corporal punishment. They all discourage corporal punishment. But I cannot say emphatically that there is no corporal punishment in all non-government schools. I am informed that they are moving to that position. I will discuss with them a very rapid move to that position so that, say, by the beginning of next year there will be no corporal punishment in those schools. Bear in mind, of course, that we do not have any legislative control over those schools.

Jindalee Nursing Home - Staffing

MR HUMPHRIES: Mr Speaker, my question is directed to the Minister for Health. In the light of the trenchant criticism Mr Berry made of the Alliance Government's staffing policies with respect to Jindalee Nursing Home, will he explain specifically how his staffing policies for that home now differ from those of the Alliance Government?

MR BERRY: The issue of staffing within ACT Board of Health facilities is one which is, of course, of concern to Labor in the context of our most recent budget. Staffing arrangements, in the light of that budget, will be the subject of very detailed and open negotiations and consultation with relevant unions as we move towards a better and more efficient health system.

That means that the process of dealing with the budget is a complex one and one that it will take some time to work through. At the end of the day, the board have said they will deliver the Government's budget. The staffing issue, of course, is central to delivering the budget, and that is a matter which has to be dealt with in the way that I have outlined. That is where we stand apart from the former Government. We have an entirely different approach to dealing with staffing matters in health facilities - and all other facilities, for that matter.

23 October 1991

Mr Humphries asked me what the difference was, and I am going through the process of telling him, giving him a little bit of a lesson in consultation and industrial relations. My response to his question deals with those issues for which Labor is famous - that is, getting on with the trade union movement, getting on with delivering better services to the people of Australia, and getting on with more efficient management in our hospital system - something which the former Government could not come to grips with.

They are the fundamental differences between Labor and the Liberal Opposition. We will be dealing with staffing issues as they come up in the budget context, and we will be dealing with them in the way that I have outlined. That is where we are different from the Alliance.

MR HUMPHRIES: I ask the Minister a supplementary question. Does he have any policy at all for the staffing of nursing homes run by the ACT Government other than, "We will talk to the unions"?

MR BERRY: We certainly do have a policy on staffing for nursing homes in the ACT, but it is not one of confrontation. It is certainly not a staffing policy which is based on the crazy industrial relations ideas which were announced today in a press release from the office of Mr Humphries, the ACT Deputy Liberal Leader. The Liberals want to go back into the 1890s with their industrial relations policies. They want to turn back the clock.

Labor is not going to do that anywhere across its administration. Labor will deliver its staffing levels, at a rate consistent with the budget requirements, and we will do it in a sensible industrial relations environment. At the end of the day we will secure broad agreement from the trade union movement, and we will deliver better health services as a result.

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

Draft Territory Plan

MR WOOD: Mr Speaker, I indicate to Mr Moore, in response to his question earlier, that the Planning Authority will give two copies of the documents I mentioned to the peak bodies of the non-profit groups he asked about.

Rail Service

MR CONNOLLY: In question time today Mr Duby asked a question about proposals to alter the rail service to Queanbeyan. I undertook to provide additional information on that. I have checked with my departmental officers. They were given an undertaking by the secretary of the New South Wales Ministry of Transport as late as last week that the ACT Government would be advised before any decision to change the services was made. No such advice has been received.

We have attempted today to contact the secretary of the New South Wales Transport Ministry. Unfortunately, due to the industrial problems in New South Wales, provoked by the industrial laws that Mr Humphries is now embracing, it is not possible to contact anyone in the New South Wales Transport Ministry. But, as we are presently advised, there is no change of plan. An undertaking has been given by the secretary of the New South Wales Ministry of Transport to advise my officers if there is to be a change. We have not received any such advice.

MR DUBY: I have a supplementary question as a result of that response.

MR SPEAKER: Order! It is a Minister's reply. You must seek leave if you wish to make any comment, Mr Duby.

MR DUBY: It is a question. I am perfectly entitled to ask a supplementary question, surely.

MR SPEAKER: Mr Duby, question time has concluded.

MR DUBY: I seek leave to ask a supplementary question.

Leave granted.

MR DUBY: Mr Connolly was suitably chastened yesterday, and he was trying to be very helpful in question time today. I think that should be appreciated and acted upon. Given the fact that basically Mr Connolly is responsible, if he did not know, would he also be able to assure the Assembly on a future occasion that the new Explorer train services, which New South Wales Minister Baird announced in March of this year in Queanbeyan would be commencing in 1992, will definitely be commencing in 1992, and that there will be no delay and no hold-up whatsoever to commuter train services between Sydney and Canberra?

MR CONNOLLY: I have given the answer. We have been given an assurance by the secretary of the New South Wales Ministry of Transport that should there be any change to the existing policies, announced policies, we will be informed. We have not been so informed.

Hospital Redevelopment Project : Public Hospital Beds

MR BERRY: Earlier Mr Collaery asked a question regarding the functional plan for the hospital redevelopment project. I have not seen the functional plan, but I will see it in due course. When I do see it, I will make some decisions about what will happen to it in the future. I can give no more advice in that respect. However, I should say that the functional plan that Mr Collaery is talking about is a functional plan that was the subject of some controversy during the term of the Alliance Government and I never once heard Mr Collaery calling for it then. It is a matter which he has left for Labor to deal with, and we will deal with it most appropriately.

On projected hospital bed numbers: The number of 1,250, I think, was mentioned by Mr Collaery. That is one of a range of projections which I have heard of. There are ongoing evaluations about those sorts of figures at both national and local levels. I think that answers the question, Mr Speaker.

Hackett Primary School

MR WOOD: Mr Humphries asked me to table a document about the Hackett survey. I do so. I note that the number of survey forms that went out was 1,200.

PAPERS

MR WOOD (Minister for Education and the Arts and Minister for the Environment, Land and Planning): For the information of members, I table the ACT Institute of Technical and Further Education annual report 1990, including the report on the TAFE component of the ACT Teaching Service, pursuant to the Teaching Service Act 1972.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): For the information of members, I table the ACT Electricity and Water annual report 1990-91, pursuant to section 79A of the Electricity and Water Act 1988, and the Department of Justice and Community Services annual report 1990-91, together with annual reports from the Community Law Reform Committee, the Children's Services Council, the Parole Board of the ACT, the administration of the Credit Act, the administration of the Sale of Motor Vehicles Act, the Bookmakers Licensing Committee and the Racecourse Development Fund.

AMBULANCE SERVICE

MR HUMPHRIES (3.11): I seek leave to make a statement to the Assembly concerning the ACT Ambulance Service.

Leave not granted.

MR HUMPHRIES: I move:

That so much of standing and temporary orders be suspended as would prevent Mr Humphries from making a statement concerning the ACT Ambulance Service.

I have given notice of this statement to the Government and, I think, to a number of other members around the chamber. It concerns an incident which I believe needs to be aired. I did clearly indicate to Mr Berry yesterday that I was going to make a statement. Events yesterday concerning a Minister's misconduct, shall we say, resulted in - - -

Mr Connolly: Point of order!

MR HUMPHRIES: I withdraw "misconduct", Mr Speaker. His admonition for misleading the Assembly, if he prefers that, prevented that from happening yesterday. The Government clearly had notice of this statement, and I believe that it is appropriate for me to make it here. I know that the Government is sensitive about issues such as this. It would rather not hear what is going on in the Ambulance Service; but the fact is that it needs to, and I intend to get the concurrence of the Assembly to make that statement.

MR BERRY (Deputy Chief Minister) (3.13): The Government, of course, has a very busy legislative program to deal with. Mr Humphries gave notice yesterday that he would be seeking leave of the Assembly to proceed in the manner which he has suggested today. Yesterday, Mr Speaker, the Government would not have granted leave because it would have interfered with the Government's process of dealing with its legislative program. The same applies today. The Government will not grant leave. It wants to get on with its legislative program.

There is no point in dealing with these private members' matters which are not even on the notice paper. If Mr Humphries wants to be serious about bringing on matters about the ACT Ambulance Service or any other matter within his shadow portfolio, he can ask questions in the Assembly,

23 October 1991

which is something that he has not been prone to do over recent days in relation to health matters or the Ambulance Service, or he can try to bring on substantive motions, indeed legislation, under private members' business - something which he has not bothered to do in relation to this matter. It is a joke for Mr Humphries to suggest that this is a matter of such urgency as would require a suspension of standing orders that would interfere with the Government's legislative program.

If members opposite want to play around in this way, then they have to expect that the business of the Government will go on well into the night when the need arises. Mr Humphries is playing games. He should be serious about the matter. If he wanted to bring the matter on today, he ought to have consulted with the Government today and discussed the need to bring the matter on today. He did not do that, and the Government will not be supporting the motion to suspend standing orders. He can raise the matter in private members' business next week or in question time tomorrow.

MR COLLAERY (3.15): We have a great deal of sympathy for Mr Humphries in what he is attempting to do, but at the same time - - -

Mr Berry: We do not know what he is attempting to do.

MR COLLAERY: You would do well to keep quiet, Mr Berry, for a moment. At the same time there is an MPI listed. People have come to hear the debate on this MPI. They are in the public gallery. I think, on the balance of public convenience, we should proceed to the MPI. Bearing in mind the fact that Mr Kaine made great play this morning about not being told about something, I need to say that our party Whip, Mr Jensen, was not aware of this. There may have been some communication problem.

I do not want to take any points off Mr Humphries on this matter; but, given the media time plans and the fact that there is a matter of extreme public importance ready to be debated, I believe that we should proceed to the MPI. We might entertain Mr Humphries' request later in the day, but perhaps the same arguments may apply then also. An important planning debate which we have all known about for weeks is coming up today. The problem is simply a matter of communication. Of course, if we had the Opposition led in any way, we would have known where we were; but we do not.

Question resolved in the negative.

N.R.M.A. - DISBURSEMENT OF EXCESS PREMIUM PAYMENTS
Discussion of Matter of Public Importance

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

The failure of the Follett Government to consult properly with the people of the ACT on the recovery and disbursement of the excess premium payments approved by the National Roads and Motorists Association.

DR KINLOCH (3.16): The facts on this matter of public importance are simply these: We put it in yesterday; Mr Stevenson won the ballot yesterday; we put it in again today in the normal process of business; and here we are. These matters of public importance are traditionally couched in terms which attack the government of the day. If we were not saddled with this inappropriate albatross of a system which puts government against opposition, I would prefer to couch this MPI in different terms from those stated on the paper. I accept that the actual terms are as they appear on the paper; but I would prefer, if we had a better overall system of government, to say, "Our failure" - that is, the failure of all of us, in every party group, Labor, Liberal, Residents Rally, everybody - "to consult properly vis-a-vis the excess premium payments which have been accumulated by the NRMA".

I especially commend Mr Collaery for helping all of us to face up to this matter, which I understand has been on a number of agendas for a long time. But, given that it is the present Government that has the responsibility for this, I now ask the Government not to keep this matter behind closed doors, but to share with us in planning how most effectively to use whatever funds we are able to gather from the NRMA. I ask that the Government keep in touch with all of us in this matter, not only about the recovery of funds but also about their disbursement. My particular responsibility here, and the matter that I want to concentrate on, concerns the latter question; that is, the disbursement.

Before doing so, let me stress that we are not in the business of castigating or criticising the NRMA. Indeed, I want to thank the representatives of the NRMA, especially Mr Burnside, for their help to me in this matter. Rather, we should congratulate the NRMA on being able to accumulate this huge surplus amount. We should be grateful for a situation which has improved very dramatically. Apparently, in years past, for every 100 premiums there was one claim. Now we are down to 0.5 per 100. That is part of the background of the situation we are in. I leave that matter to others.

23 October 1991

How much are we really talking about here? Is it really \$40m, \$50m or \$60m? As I understand it, half the amount is to be regarded as a cushion against future claims, as a result of which there will be no increase, in the immediate future, in NRMA premiums. I think we can be grateful for that. Everybody here, I am sure, is a payer of premiums to the NRMA. I congratulate the NRMA for having a surplus which can be returned to us in this way; that is, the basic amount of \$140 per annum will therefore remain for some time to come. We should all be pleased about that.

But this leaves an amount at present not fully and finally specified - unless the Government can inform us of this - of at least \$10m. Let us hope that the Government will negotiate strongly to make it more than that. As I understand it, from a statement by Mr Connolly - which was helpful, I thought - there will be some kind of trust fund with trustees, and out of that trust fund will come payments of various kinds for various projects. I would like to concentrate on these projects. May I therefore say to the Government that I am looking on this MPI as a chance for me to consult with the Government, and to suggest to the Government what some of those projects could be.

I would like to stress projects related to that scourge of the roads and of safe driving - alcohol. I would like to focus on that particular problem. I recognise that there are other ones. One could also talk about the problem of drugs. I understand from the NRMA that the police breathalyser program has been especially helpful in bringing us down from one per 100 to 0.5 per 100, and there have been strong publicity campaigns along such lines as "Drink, but don't drive". I recognise that that is too simplistic, and that the improvement in our accident rates is a very complex thing; but I am particularly picking out this area of alcohol.

So, given that that is the case, I would like to urge projects of this kind. For example, there is the possibility of the lessening of grief and bereavement counselling in the ACT. I would like to see expanded specialist grief and bereavement counselling, and that would seem to me to be one area where we could use funds that have come from the NRMA. I recognise that that is a relatively small matter. I also hope that from these funds will come expanded after hours emergency services related to road accidents.

I am very glad to see one suggestion from the NRMA related to a child protection program for the education of the community. I understand that these programs are stronger in some places than in others. I welcome the thought of the possibility of a special education program for children in Tuggeranong. These programs exist elsewhere, but I

gather that Tuggeranong is the area that is least catered for. Of course, there should be expanded special rehabilitation services for those disabled by accidents, and again I am assuming that a lot of those accidents are the result of the kinds of problems related to alcohol.

I want to concentrate, in my short time on this matter, on one particular area that the trustees of this fund could usefully look at, and that is the question of proclaimed places. I know that the entire ALP Labor Government is interested in and concerned about this question of proclaimed places. I would like to argue that one group in the community that puts us all at risk is alcoholics, or near alcoholics - people who are troubled by alcohol - who, when so troubled, often drive and endanger the rest of the community. There are many things that ought to be done in that regard. So, if I could move in one direction only - and I leave it to others to suggest what programs they might like to argue for in relation to the money that will come to us through the NRMA - I would like it to be this one.

At the moment we have Ainslie Village; and in Ainslie Village there are about 250 people with a range of problems, certainly not limited to problems of alcoholism; there are other problems. But I was very aware of - and quite shocked in some ways to see - some of the things that are necessarily taken on by Ainslie Village, including one hostel area of people dying from alcoholism. There is another hostel area for young people, and there are alcohol related problems in connection with those young people.

In talking to the people at Ainslie Village, both management and staff, it was my impression that they had one particular request. It was not to expand their own facilities; that was not the plea that they were making. They were making a plea for help in trying to reach the problems of alcoholism in the place where that occurs. For example, the request was made for a proclaimed place, or proclaimed places, for alcoholics in Civic - and not only in Civic; there are other parts of Canberra where there are particular problems.

So, I would want strongly to argue this afternoon that the Government do its best to create as large a fund as possible; keep us in touch on that trust fund and on its trustees, and ask for our advice and help in connection with those trustees; and ask the entire Assembly to be involved with projects that can be related to this trust fund. In particular, the one that I am putting forward - and I hope that everyone will put their own forward - is a proclaimed place, or places, for 6, 8, 10, 12 or 14 people, preferably in the - - -

Mr Berry: You have a short memory.

23 October 1991

DR KINLOCH: I have already said, when you were out of the chamber, Mr Berry, that I recognised the ALP's concern in this matter. I want to stress it here and press it here because here we have a place where funds can come from. I would suggest that, at this point of crisis when some of our citizens are in particular trouble - I am not being judgmental about this - this could be a very useful area and an appropriate area where the kinds of funds that have been accumulated by the NRMA from all us - we are the ones who first gave those funds - could be applied so that that kind of trouble can be reached.

I think it is not enough to have a proclaimed place or proclaimed places. That is only fishing people out of the water. All you are doing in proclaimed places is saying, "Here, each night, at least there is somewhere where people who are wandering in an alcoholic haze in the middle of our community can go to be showered, given a bed and a meal, taken care of, and taken, if you like, away from the possibility of creating damage to the rest of society and to themselves". But I would think that, beyond that, an even better use of the kinds of moneys that will be in this trust fund would be to see whether much more can be done to move from merely looking after people in a shelter-type situation to helping all those people who are involved with alcohol problems, whether picked up by the police or otherwise, and to move towards restoring their lives in a positive way.

I think it would be a great thing for the NRMA in the ACT - and something to suggest to the NRMA elsewhere; for example, in New South Wales - if we could move towards this kind of facility where people could be taken from proclaimed places and given a chance to go to halfway houses or to alcoholic detoxification units. At the moment, although there are such programs, I would want to argue that the programs are not sufficient. I hope that, in due course, the outcome of the use of this kind of money in this kind of way is that we go not merely from one per 100 to 0.5 per 100 but even further.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.29): I noted that Dr Kinloch, in his opening remarks, said that he was constrained by the forms of the house in the way that he structured this MPI and that perhaps it could have been better phrased. Indeed it could, because the view of this house should not be to discuss the alleged "failure of the Follett Government to consult properly with the people of the ACT on the recovery and disbursement of the excess premium payments", as it says on the daily program. Rather, it should be to commend the Labor Government on so swiftly drawing to a conclusion - and a successful conclusion - negotiations with the NRMA to bring back to the Canberra motorists what has been excess profit. These negotiations have well and truly brought home the bacon to the Canberra motorists.

A lot of misconception has been bandied about with regard to this sum of money - \$40m is the figure most often referred to. There is a real danger that this will be seen as the ACT's salvation for its economic problems and that, for every project or every good idea that we would like to embark upon if we had the money, instead of saying, as we used to, that the Commonwealth should pay for it, we will now say that the NRMA should pay for it. This money is not the Government's to deal with as though it were consolidated revenue. It is money that has been collected over the last eight years or so from ACT motorists.

That has occurred because in the early 1980s, when third-party insurance in the ACT was operated by a number of companies, there was a disturbing trend in third-party insurance in this Territory. The trend was that claim frequencies were rapidly increasing and the level of claim was rapidly increasing, and a number of companies took the commercial decision to get out of the market. They took that decision because their projections were such that they thought that the market would be unprofitable and that third-party insurance would not be a good business to be in.

It must be stressed that third-party insurance, like any other form of insurance, is a business; there is almost a sense of gambling in it. An insurance underwriter takes on a risk and calculates a premium. If they get it right, they will make a modest profit; if they get it wrong, they will make a loss. Sometimes, if they are lucky and get it wrong, they will make a larger profit, and that is essentially what has happened here. But the profit that accrues is, quite clearly, lawfully, the profit of the insurer.

When the NRMA was left as the sole insurer in the ACT in the early 1980s, its projections were probably similar to those of other companies that had made the commercial decision to get out, and they were that we were in a time of difficulty for third-party insurance, with rising claim numbers and rising dollar figures per individual claim. Due to a number of factors, those projections were not to be realised. The factors were gone through briefly by Dr Kinloch. They principally involved the improvement in road safety throughout this Territory, as throughout the rest of Australia, as a result of, among other things, random breath testing; and also a concerted effort by the NRMA, as the sole insurer in the Territory, to crack down on fraudulent claims which involved both fake accidents and bloating the claims on individual accidents.

As a result, whereas the projections in the early 1980s were for increased numbers of claims and an increased dollar pay-out per claim, in fact, the number of claims has somewhat declined - the claims frequency has shown an actual drop from an index of 100 in 1983 to about 60 now, so that is a quite substantial drop, a drop of over one-third - and the size of individual claims, after a peak in 1984, has pretty well returned to where it was in 1983.

23 October 1991

So, the projections of very difficult times for insurers have not occurred, as a result of both increased road safety, for which governments can take credit, and better practices in relation to fraudulent claims, for which essentially the NRMA can take credit.

So, this has happened despite advice to government on the appropriate level of premium, and it was advice that came to government, it must be said, from a community committee. There has been for many years a third-party insurance premium advisory committee in this Territory, which has been chaired for many years by Mr Barry Reid. It has a number of community representatives on it, including Mr De Domenico, who I notice is seeking public office in the Territory for the Liberal Party. It also has some NRMA representatives and some government representatives. That committee over the years has looked at what should be an economic premium. But, because of the reduction in the number of claims and the holding steady of the pay-out per claim, those projections have been shown to be incorrect, and the NRMA has made a quite substantial profit.

Unique amongst business enterprises, the NRMA brought this profit to the attention of ACT authorities, and offered up negotiations to enter into a profit share arrangement. That first occurred in 1989, and this was brought to the attention of my predecessor Mrs Grassby. She set in train a process of negotiation. Like a lot of things, it started with action under the previous Labor Government; then there was a period of perhaps little happening; and now it is being brought to a successful conclusion.

Be that as it may, the point remains that after the 1980s - referred to by commentators as the decade of greed; the era of Wall Street characterised by "greed is good", and "profit is the ultimate ambition of a commercial enterprise" - uniquely, the NRMA has come to government and said, "We have made far more profit out of Territory motorists than we expected, and we are prepared to negotiate with you about putting some of that profit back, not into the pockets of government, not into Consolidated Revenue, but to the motorists".

We would all recall the period in the late 1980s when it seemed that the boom was endless, when corporate profits from year to year were announced at record levels and when banks, manufacturers and insurance companies were all announcing record profits. I do not recall one single solitary instance of a company proudly announcing its record profit and then offering to put some of that money back into the pockets of the community; back into the pockets of the people from whom that profit was made.

So, the NRMA must be congratulated for entering into this initiative. The talks have been fruitful, and we were able to announce a week or so ago what the Government is proposing to do. What the Government is proposing to do, with the NRMA, is indeed, as I announced at the time, good

news for the ACT motorist. We have \$20m that will be coming on stream in the fairly near future. The proposal is that \$10m of that money will be held in a fund to keep third-party premiums low. So, the Canberra motorists, who perhaps can rightly grumble that, as it has turned out, they did pay too much over an eight- or nine-year period - although that was not apparent at the time - will see that the premium that they will pay will be held well below the economic premium.

In the ACT, of course, we are bombarded with advertising that is directed to the New South Wales market, and we see the various claims about how good one company or the other is at undercutting premiums now that there is an open market for third-party insurance in New South Wales. But Canberra motorists should remember that they are now paying \$140, while their cousins in Queanbeyan are paying about \$220, or more, plus a \$40 slug for past losses on the New South Wales system. That \$140 is presently \$50-odd less than what the economic premium should be. We will be able to hold that, certainly for next year and hopefully for years to come, below the economic premium.

What that will mean next year, when the economic premium probably should be in the order of \$200, is that every motorist, when they pay their third-party insurance at the time of registering their car, in effect, will be getting a cheque for \$60 from the NRMA, because what they pay on their third-party insurance will be in the order of \$60 less than the real cost of that insurance. This money is being used to defray the real cost and to allow ACT motorists to enjoy a substantial advantage in terms of third-party premiums. That is good news for the motorist. That is the result of successful negotiations between the NRMA and the Government.

An announcement has also been made of a trust fund, for which we are, at the moment, looking at a lump sum of \$10m. That \$10m and the other \$10m take us to \$20m, which is about half of the expected profit share amount; and we would expect, in future years, to perhaps do it again. That \$10m that will start the trust fund will be used, we would hope, for a range of projects of benefit to, in particular, the Canberra motorists - because they are the people who paid it in the first instance - but also to the Canberra community generally, but with, I would expect, a motorist theme, because that is where the money came from.

We will be having a board of trustees to administer that money. It will be independent of government. It is not, as I keep stressing, consolidated revenue. There will be two representatives from the NRMA, there will be two representatives from the ACT Government and there will be an independent chair. I would expect that those trustees would be open to suggestions from members of the community or community groups as to where some of that money could go.

23 October 1991

Some suggestions have already been made, such as those that Dr Kinloch referred to, which are really modelled on some of the programs in which the NRMA is already involved in this community. I think the NRMA presently runs a scheme with the Child Accident Prevention Foundation involving the provision of child safety capsules. That sort of thing could be expanded. Perhaps a child cycle safety helmet scheme or those sorts of things could be developed. There is a whole range of activities, and I am not going to canvass all of them now.

I need to stress that when this story first broke there were media statements that really were suggesting that everything we always wanted could be brought about with this money. I think that reached the high-water mark in a letter to the *Canberra Times* in which somebody suggested that we really did not need the ACT Government because we could do everything with this NRMA money. At the outset, the total amount that we are talking about might be something in the order of \$40m, which is less than 4 per cent of one year's Territory budget. Yet there was this sort of wild expectation that had been beaten up in some sections of the community that this was manna from heaven that would solve everybody's problems. Well, it will not.

It is obviously a significant benefit to the community. It is obviously good news to the community that we have reached this agreement with the NRMA, and for some years there will be a direct and tangible benefit to every one of us when third-party insurance and registration time comes around, because we will see that there is a subsidy in each year's third-party premium. This trust fund can also continue, we would expect, for some years to produce projects of real benefit to the Canberra community.

But that is really what it is. It is not something that is going to solve budgetary problems across the Territory, and it is irresponsible in the extreme, I would say, for any members who are now aware of the full facts of this matter to suggest out in the community that we can use it for this or that program that really ought to be budget funded, and that we can somehow use this money to top up budget cuts or supplement funding for problems that any ACT government will face, with a decline in the Commonwealth revenue base to this Territory.

One point needs to be stressed yet again, and that is that this money was the NRMA's. As soon as this issue was raised with the Government back in 1989 when Mrs Grassby was Minister, the opinion of the Government Solicitor was sought as to the legal status of this money; that is, whether the Government had any claim on the money and whether we could simply say to the NRMA, "Thank you very much. We will have a cheque to Consolidated Revenue". After some considerable consideration, the Government Solicitor responded on 21 May 1990 - that was in the time of the Alliance Government - and I will read the short answer:

My short answer is that the profits belong to the NRMA.

So, there is no doubt that this money - any surplus profit - belonged to the NRMA, just as if, I should say, the miscalculation had gone the other way. Had there been a year in which the number of claims rapidly escalated and the quantum of damages rapidly escalated, any loss would clearly be the NRMA's, just as it would be any other insurance company's.

It is a business. In this case the business, due to a range of factors, was remarkably profitable and record profits were posted, as they were for a number of commercial enterprises, throughout the 1980s. But, uniquely, this insurance company was prepared to come to the Canberra community and say, "We really think we want to enter into an agreement with you to put that money back into the community". I commend the NRMA for that. The Government Solicitor's opinion makes it abundantly clear that that is the case; that the money was the NRMA's.

There were some statements made, around the time of the Estimates Committee hearings, that the Government had been dragging the chain on this issue and that we should have just legislated to get the money. That is simply stuff and nonsense. The money was the NRMA's, lawfully. There is no way that the ACT Government could do anything to force that money to be paid over. We could not pass legislation to somehow appropriate that \$40m. Members would be aware that paragraph 23(1)(a) of what is effectively our constitution, the Australian Capital Territory (Self-Government) Act 1988, provides that the ACT Assembly has no power to make laws with respect to the acquisition of property other than on just terms.

This so-called excess profit was clearly the property of the NRMA, according to the Government Solicitor. If there was any proposal to pass legislation in this place to say to the NRMA, "You hand that money over to the Government; it is going into Consolidated Revenue", such a law would clearly be beyond the Assembly's power, because it would be an acquisition of property without compensation. The NRMA, obviously, has not wanted to get to that position. It has all along been open.

The negotiations occurred for a short period under the first Labor Government; they then continued through the period of the Alliance Government; and they were brought to a successful conclusion a couple of weeks ago when Mr Corrigan, the chief of NRMA Insurance from Sydney, and I were able to announce to the Canberra community that there had been an amicable resolution and that a pay-out to the motorists, to the citizens of Canberra, would begin shortly, based upon a long-term defraying of the third-party premiums that people will have to pay and a trust fund for projects to benefit the motorist. That trust fund

23 October 1991

will be independently administered by the board of trustees, with government and company representatives and an independent chair. There will be ample opportunity for consultation throughout that process.

Rather than considering an MPI purporting to condemn the Follett Government for an alleged failure, we should be considering an MPI congratulating and commending the Follett Government for successful negotiations with an insurance company that was prepared to return profits to the community - negotiations that have been carried out in a good spirit and that have, as I said before, brought home the bacon in terms of a successful result for the Canberra community.

MR STEFANIAK (3.46): Firstly, I think a couple of people or organisations should be commended here. I would commend Dr Kinloch and the Residents Rally for bringing on this MPI, because this is a matter of public importance, more so perhaps for what exactly has happened rather than the context of the MPI. There are a couple of things that Mr Connolly said which I would certainly agree with. It is rather rare these days to see a company, a corporate body, give money back because it has made a windfall profit which it itself has stated was, in fact, an overpayment. It is a big profit; it is \$40m, made in Canberra.

I am sure all members of this house would join in commending the NRMA for their actions in this regard and disclosing that they have a windfall \$40m overpayment which they want to have ploughed back into the community - the community which they serve so very well. So, I think there should be lots of bouquets in this particular MPI to the NRMA for their actions, and I certainly commend them for their most responsible actions in this regard.

Dr Kinloch: Hear, hear!

MR STEFANIAK: I note that my friend Dr Kinloch wholeheartedly endorses that. Mr Connolly also has talked of one of the big problems in the 1980s, and that, indeed, was corporate greed. I forget the name of the fellow in the film who said, "Greed is good". Greed is not good; greed, in fact, is evil. There has to be responsibility as well, and the NRMA has certainly stood out in terms of being very responsible in relation to ploughing this money back into the community.

The Alliance Government was certainly notified of this; I understand that it was back in about April of this year. And now it seems that some steps are being taken, finally, by this Government and also by the NRMA, in relation to this windfall, to plough it back into the community. There is, I think, some merit in some of the statements made by Dr Kinloch in his MPI speech, in terms of where and how this money should be used. Perhaps his criticism of the

Follett Government is not totally astray, because there are some very important areas where I think this money can be used and perhaps where the NRMA itself would like it to be used.

This money basically relates to a windfall profit as a result of overpayments in relation to the third-party premiums. So far, \$10m is to be invested and the interest is to be used - and that is very commendable and sensible. An amount of \$10m is to go to defraying third-party costs. Mr Connolly has indicated, I think reasonably properly, how that can be used and that certainly will be a boon to the ACT motorist. And it has yet to be decided how to deal with an amount of \$20m.

There are a number of things I would suggest, by way of constructive suggestion, as to how this windfall money can be used for the benefit of the ACT, for the benefit of road safety and, indeed, for the benefit of the various types of insurance policies that the NRMA provides to ACT residents. Firstly, on the question of road safety, I think it has been painfully obvious for all to see, over the last month, that Mr Connolly and the Labor Government have made an awful hash of the police budget.

Regardless of the rights or wrongs of that budget - regardless of the \$1.2m cut and regardless of whether or not money was siphoned off to other areas when the Grants Commission gave it specifically with a view to its being used for the police budget - there is some scope, certainly in future years, for ACT governments, in conjunction with the NRMA, and indeed for the trust account that Mr Connolly states is being set up, to use that money very, very wisely for purposes for which the NRMA and the community itself would be happy - purposes which make maximum use of that money and which are akin to the purposes for which the NRMA would wish it to be used.

There are a number of areas in which the NRMA, and indeed the police, have an interest and involvement which could in fact be funded from this fund. Neighbourhood Watch is one that springs to mind. I understand that the NRMA is probably the biggest household contents insurer and property insurer in the ACT at present - if not the biggest, certainly one of the biggest. It has significant input into the Neighbourhood Watch program. That program has been very successful. It can be made to be more successful.

It is essential that the police have input into Neighbourhood Watch; it is essential that they be seen at Neighbourhood Watch meetings. The people concerned with Neighbourhood Watch expect that. Neighbourhood Watch would lose a lot of impetus if the police were not seen to be actively involved in that. Indeed, their involvement is something that these funds, and the interest on these funds, could be used to sponsor.

23 October 1991

Of course, an effective Neighbourhood Watch affects premiums, because if we have fewer burglaries we will have fewer pay-outs by insurance companies as a result of burglaries, the premiums will be less and the costs will be less. Everyone benefits as a result of that. So, that is certainly a most worthy area for continued sponsorship, and perhaps for increased sponsorship from this fund, to ensure that any costs involved in the police participation in that program are totally defrayed.

There are other areas that could be looked at, such as road safety, which also touch on police involvement and which could be further funded by the fund. That is something I would commend to the trust, to this current Government and to the NRMA. The ACT does not have too bad a traffic record; hence the fact that there is this \$40m overpayment which is now being correctly and very commendably ploughed back into the ACT community by the NRMA. That is happening because we have a reasonably good traffic record. That, of course, can be attributed, in no small part, to the diligence of the traffic branch of the Australian Federal Police and also the effect of such other squads as the anti-theft squad and the motor squad, which deals with stolen cars.

To people who know anything about crime, it is a pretty well-known fact that a lot of traffic accidents are caused by stolen cars, and the fact that those squads are fairly effective lessens the incidence of stolen cars, firstly, being stolen and, secondly, showing up in the incidence of accidents in the Territory. So, even those squads become relevant in that regard.

Another area relating to traffic control, and to decreasing the number of accidents, injuries and fatalities as a result of traffic accidents, concerns education programs - programs to teach young drivers, particularly in schools. Indeed, some of the money could be used to ensure, firstly, that young drivers are taught in schools and, secondly, that they are given the necessary lessons and educative programs, at the right age, before they get out on the road in their own car, to become responsible drivers, or at least as responsible as one could hope for.

Again, one of the best ways of doing that is having a police officer experienced in traffic matters going around the schools and giving such training. Again, with our tight budgetary constraints, that is possibly another area where the police could be utilised, at no cost to themselves but out of this trust fund, to really help bring home the message of safe driving.

So, I would certainly commend to the trustees of the trust fund which Mr Connolly intends to set up, to the Government and indeed to the NRMA that some of the interest on the moneys that will be invested could well be used to fund activities utilising the Australian Federal Police,

especially in relation to traffic safety areas that the NRMA wants to have this money ploughed back into. As Dr Kinloch suggests, the Government has not consulted terribly well in relation to this. It is early days yet. They can rectify that, in regard to this windfall which the ACT community has, courtesy of the most responsible attitude by the NRMA. As Mr Connolly said, they did not have to do it, but they did - and top bouquets to them for that.

That windfall can be used most appropriately and most productively, because we are talking big bickies here. Apart from the \$2m subsidy, Mr Connolly - and I know that you Labor people are not terribly good at economics - if you invest the other \$20m plus the \$10m, you will get at least \$3m and maybe \$4m in interest per year, and those moneys can certainly be very well used. In fact, the schemes I have suggested probably amount to only about half a million dollars. So, certainly, there is a lot of scope there for this money to be well and truly used, and you should certainly consult with the relevant people in the community, as Dr Kinloch and the Rally suggest, in relation to that. Thanks once again to the NRMA. Certainly, a lot of good use can be made of this windfall.

MR COLLAERY (3.56): I have some brief comments to make. The MPI, as I read it, is about consultation. I endorse all that members have said about the processes that led the NRMA to identify excess profits and about the manner in which the NRMA have quite properly approached the Government and the issue. I do not want to leave on the record, however, that the NRMA is the only benevolent company in this country. I can think of Fletcher Jones and others that have a system of returning profits either to employees or to shareholders. Be that as it may, there is no debate here about the NRMA's motives and actions.

What the MPI seeks to do is to throw up a very interesting parallel with the way in which the Labor Government to some extent, and certainly Mr Moore to a great extent, have been attacking us for making a policing agreement without consulting the people. We hear nothing from Labor's satellite this afternoon when a similar issue arises. The Government and the NRMA have got together without consulting the ACT people. Without the Government making a ministerial statement or bringing on a debate in this Assembly, and without there being any adequate system of public consultation, the Government and the NRMA have made a decision. As the joint press release says, "ACT Government and NRMA agree on profit sharing".

That has an element of a patronising approach to consultative government. It does not fit with what Chief Minister Follett said she would deliver to the people of the ACT; but, of course, we have learnt, much to our disappointment, about the way in which the Follett Government treats consultation.

23 October 1991

The fact is that this money is not, as Mr Connolly said it was, a matter beyond the reach of government. I do not want to start a legal debate here; but, of course, the ACT (Self-Government) Act talks about just terms - it does not talk about compensation. Anyone who has had experience with resumptions over the years knows that "just terms" relates to parties coming to an agreement. It is not the case, as Mr Connolly implies it is, that you take X million off the NRMA and have to give it X million back. It is no such thing. It is a matter of just terms. "Just terms" may quite easily encompass legislation to retrospectively reset premiums and allow a recovery.

Were we in North America, class actions - which the Labor Party as a party endorses - would permit recovery action by a group of concerned motorists. Those types of actions have succeeded in the United States, and they may well be starting to succeed in this country in cases under the Trade Practices Act and in other Federal Court jurisdictions. It is not as simplistically blissfully clear as our young Attorney indicates. There are significant issues, including legal issues, that I am not going to mention today - issues that the NRMA would be well aware of - that would have clearly indicated to the NRMA that it should take a proactive role in this affair and not allow a ginger group - they have had some experience with ginger groups in the past few years - to take this issue up. They have handled it quite properly in that context and they have come quite straightforwardly to government.

Mr Speaker, the blissful, self-congratulatory speech by Mr Connolly typifies the sort of smugness about the way in which the deal has been done. I can remember Mr Connolly's face in the Estimates Committee when he was clearly hit, as Mr Stefaniak will recall, by something about which he had very little recall or possible knowledge. The amount was somewhere between \$40m and \$80m, he said that day. He now imports into his speech, with a soft and informative touch, legal opinion stretching back a long way. It is all very well to have the wisdom of hindsight. As an opposition, we have put a bomb under this Minister's tail and got him going to resolve the issue.

The issue came before the Alliance Government in a budget context in April. It is fatuous of Mr Connolly to say that money is irrelevant to any budget; that the NRMA money is irrelevant to a budget. If you look at budget paper No. 4, you will see a long list of trust accounts, private moneys, held and managed by the Government: The Bruce Stadium Trust Account; the Health Promotion Fund Trust Account, which was cruelly abolished before it had even had a chance to get out of adolescence; and a variety of other trust accounts, such as the Motor Vehicle Dealers Compensation Fund Trust Account. That is money that belongs somewhere else, but governments handle it. It would have been quite easy for Ms Follett to have included these moneys and to have negotiated herself into a situation to provide more budget information and have more community impact.

I am saying that there has not been consultation and that there has not been an adequate thinking through of the processes in the handling of the approach by the NRMA. I hasten to say that this matter came to the attention of the Alliance Cabinet in April of this year. Mr Connolly talks about announcing to the public how this money will be spent. Again, this is Big Brother talking. What Mr Connolly is saying is that there will be \$10m in a trust fund to be spent on projects enhancing motoring safety. What did the community have to say about restricting it to projects enhancing motoring safety?

Since 1981 many hundreds - thousands, perhaps - of motorists have gone off the roads or left the Territory. You can equally argue that there are a group of people in the community who will get an immoderate windfall. They will be the current and new motorists - our youngsters, our children who have been licensed in the last year or two. The fact is that there should have been some consultation on how this \$10m fund would be quarantined, what the parameters for it would be. Laudable though projects which enhance motoring safety may be - and perhaps the community may have agreed to restricting expenditure to that - we have not had consultation from the Government that promises consultation.

Mr Connolly, when he suddenly became aware of this money in the Estimates Committee, raced through this process without further consultation with the members of this Assembly, on this side of the house at least, and without consultation with the community, particularly members of the community who no longer drive. What about all the aged people who have surrendered their licences but did pay premiums for the last three or four years? Might they not have wanted to say something about the expenditure of this money? Might they not have wanted to know how it should be done, how the trust fund should be managed? Would it not have been far more consultative to have said to the NRMA, "We will appoint a community consultative body and you, NRMA, deal with them, you work that up"?

That is a process we have used in the past in resolving a whole range of issues involving government and private industry. We do use consultative groups. We appoint quite a number of boards and advisory committees. No attempt was made to do it in this case, until after the funds had been identified and quarantined to motoring safety. On the positive side, the matter has been resolved quickly, and I am pleased that the money has been brought within the public purview. But I stress to the members of the house that this is a significant example of non-consultation once again.

23 October 1991

MRS GRASSBY (4.04): I rise to speak in this debate and to support the Minister, Mr Connolly. The NRMA matter came up when I was the Minister for Housing and Urban Services. At that stage we were in the process of negotiating with the NRMA. Mr Collaery says that the money in question belongs to the people in Canberra. That is not quite correct. The money was collected by the NRMA and it was the NRMA's money. As Mr Connolly said, they have done something which it is very rare for a company to do. In the world we live in today, we all know about the Bonds and the other people who many people have lost money with.

The NRMA have said, rightly, that this money is an overcharge and that it has accrued for many good reasons. For instance, there have been fewer motor vehicle accidents in Canberra. I was looking at some very interesting figures today. The ACT has the second largest number of people under 20 in Australia, with 33.2 per cent. The Northern Territory has 36.98 per cent. The accumulation of insurance premiums in the ACT reflects not only the fact that people here have good roads but also the obviously very good program to teach road safety to young people in our schools.

We all know that because of road accident statistics insurance companies do not like to insure the cars of people under 25; thus the premiums for people in this age group are quite enormous. Because of many good things that have happened in Canberra and despite the large number of young people here, we have been able to keep accident rates and insurance claims down. I congratulate, in part, the NRMA. Part of their program is to educate road users and to teach people to be better drivers. The ACT Government has also done a very good job. As a Minister I started a program - and it has been carried on through our schools - to teach people, before they get their drivers licences, to take care on the road.

How this money will be shared has been negotiated by Mr Connolly with the NRMA. I congratulate him on the result. In the climate that we live in today, profits are never handed back to the people. Someone makes sure that they stay with the wealthy. I have been in the retail industry, and we all know that in the retail industry your profit margin is marked up to account for shoplifting. You know that there is going to be a certain amount of shoplifting a year in the business, so you account for it.

Suppose it were to happen that David Jones, Grace Bros or any other large store all of a sudden found that, for some very good reason - goodness knows what - the amount of shoplifting in their store had gone down. I ask whether they would go round to all of us who buy there and say, "Look, shoplifting has gone down and we have made this much profit. You have bought with us, so we are going to give back to you all this extra money that we made because

people have not been shoplifting so much. It is all our profit". I would like to say, "Like something else"; but I know that I would be told to withdraw. They certainly would not give it back to you; they would keep the profits. The NRMA has negotiated with us.

It has been said that we should give the money back to the motorists. It has been going on for 10 years. How would you find half the motorists? By the time you did find them, the money would be used up in the administrative costs of trying to find the people it belonged to. I am quite sure that some of those people have gone to a much better place than here - that is, to a better place in another world - and do not have to put up with this. Of course, there are others who have moved on to other cities. So, I am quite sure that it would be very difficult to find these people to give them back their money.

The NRMA have negotiated with the Government on measures that the motorist will appreciate and gain from. If we have lower third-party insurance premiums than New South Wales, many people may flock to live in the ACT. That would help us a lot. We would definitely have 12 seats in the Legislative Assembly. I believe that Rosemary Follett had a dream the other night that we won 12 seats, with only 11 candidates, and she did not know what to do. I could probably thank the NRMA for that too, but I am not quite sure.

Mr Kaine: It was a nightmare.

MRS GRASSBY: No, it was not a nightmare; it was a wonderful dream. She woke up and broke out a bottle of champagne, had a drink and rang us all up. We felt very satisfied because Rosemary's dreams usually come true.

MR SPEAKER: Relevance, please, Mrs Grassby.

MRS GRASSBY: I am being very relevant. I am only thanking the NRMA for the fact that, because they have negotiated with our Government and they have done the right thing with the \$40m, so many people are going to flock here and vote Labor. That is all I am saying, Mr Speaker.

Ms Follett: That makes sense.

MRS GRASSBY: Of course it makes sense. I think that we are very fortunate that we do have an insurance company that has done the right thing by the people of Canberra. It has done the right thing by the Government in Canberra and has said, "Look, this is the sort of money that is left over because of all the very good things that have happened in Canberra". Our roads are better, we make sure that we train drivers and Canberra people have a higher intelligence and try harder to avoid accidents. I would like to put the lower accident rate down to that. We do have much more intelligent people in the ACT. That is why we will have 12 Labor Party members in the Assembly next time.

23 October 1991

I really congratulate the NRMA on what they have done. I am not too sure whether there would be too many companies with similar sorts of profits that would come forward and say, "You have all been very good and done the right thing. Now we are going to give you this money back". I am quite sure that in the corporate world that would never happen. We all watched *Wall Street* and know what it is all about - greed, greed, greed. But it is very nice to be able to say to the people in Canberra that we do have - - -

Mr Kaine: I did not watch it.

MRS GRASSBY: I will make sure that I get you a copy. The NRMA have done the right thing by the people of Canberra. I think they should be congratulated. It should not be thought that this money belongs to everybody in Canberra. It does not. It certainly does not belong to the people who have never registered cars and have never paid third-party insurance here, and it certainly does not belong to people who have just arrived here and have just paid third-party insurance. It really belongs to the motorists. There is no way we could possibly track down all those motorists.

I think what is going to be done is a very sensible solution. I was the Minister when this matter first came up; but, unfortunately, through some silly accident I am no longer the Minister. Of course, the work has been carried on, and I am glad to see that my partner here, Mr Connolly, has done very much the right thing. The people of Canberra are really going to benefit from his negotiations with the NRMA.

MR BERRY (Minister for Health and Minister for Sport) (4.12): Mr Speaker, I rise just to address the sentiments of the matter of public importance which was put to this Assembly by Dr Kinloch. It refers to "the failure of the Follett Government to consult properly with the people of the ACT". That is an undue accusation and it merely reflects that the Residents Rally is just a nark in this Assembly. They have failed to congratulate the Government on carrying through a good job for the people of the ACT in conjunction with the National Roads and Motorists Association. For the Residents Rally to take the line that they have in the words expressed in the matter of public importance does them no credit.

Mr Collaery: You do not like opposition.

MR BERRY: Mr Collaery refers to opposition. If Mr Collaery ever makes it back into this place, I am sure he will have something to do with opposition; but it will not be anything that will concern the Labor Party. We will be able to contend with it quite easily, as we have done in the past. One of the issues which make it so easy for Labor to deal with people such as those who have been attracted to the parliamentary wing of the Residents Rally party - - -

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

MR BERRY: One of the issues is the way that we can deal with the Rally in relation to these sorts of matters. It was the Residents Rally Minister in the Alliance Government who failed to deliver the goods. How dare the Rally complain about the Follett Government's views on consultation when it is not the Follett Government's money. It is the National Roads and Motorists Association's money, not ours.

I think the job that Mr Connolly has done in consultation with the National Roads and Motorists Association has been creditable. We cannot take all the credit. The NRMA is going to take some of that too, because it is their money. Those are the issues which have been left aside in a political attack by the Residents Rally for Canberra, as they call themselves. They rally for themselves, not for anybody else. At the end of the day, the people of the ACT will recognise that this is just a phoney matter of public importance. I heard Dr Kinloch talking about the prescribed places. I quickly referred to *Hansard* to check what Dr Kinloch did in relation to that matter when it was before the house, and I found out that Dr Kinloch was not even here when the vote came up. So I wondered how sincere he was about that matter. Indeed, it is something that the Labor Party is committed to. Nine voted against six on this side of the house to prevent that from happening.

My expectation was that there might be some consistency from the Alliance members opposite when they went into opposition. Clearly, my expectation was wrong. They have changed their colours again. I do not mind. One would expect that they would oppose the legislation again; so one does not bring things forward just to be beaten around the head. We have things to do. We want to get important legislation through. I can assure you, Mr Speaker, that, given the opportunity and a sympathetic house, the legislation which provides for prescribed places as referred to by Dr Kinloch will be passed; but we will not do it with the sort of rabble that is in this place under the name of the Residents Rally.

There could have been no expectation that that legislation would have succeeded, Mr Speaker - based on the behaviour of the former government members opposite. The Residents Rally oppose it; Dr Kinloch did not even bother staying in the Assembly when the matter was voted on. So, that exposes the phoney nature of this matter of public importance. It is important to the people of the ACT that this matter be dealt with properly. It is being dealt with properly. I think the debate has shown that it is being dealt with properly, and I think the Residents Rally have been plainly shown up.

MR SPEAKER: Order! The time for this discussion has expired.

23 October 1991

PERSONAL EXPLANATION

DR KINLOCH: Mr Speaker, I feel that I have been misrepresented.

MR SPEAKER: Please proceed.

DR KINLOCH: I feel that all 17 of us have been misrepresented. If you look around the chamber at the moment, many people are not here. Often people are not here. They are almost all doing useful things. Although Mr Berry has been rather gentle today, in keeping with his call on all of us to be gentle, nevertheless he has demeaned all members of the Assembly.

LAND (PLANNING AND ENVIRONMENT) BILL 1991

[COGNATE MOTION, BILL AND REPORT:

PROPOSED ENVIRONMENTAL ADVISORY COUNCIL
HERITAGE OBJECTS BILL 1991
PLANNING, DEVELOPMENT AND INFRASTRUCTURE AND CONSERVATION,
HERITAGE AND ENVIRONMENT - STANDING COMMITTEES - JOINT REPORT ON
PLANNING LEGISLATION]

Debate resumed from 19 September 1991, on motion by **Mr Wood:**

That this Bill be agreed to in principle.

MR SPEAKER: Pursuant to the order of the Assembly of 22 November 1989, this order of the day will be debated concurrently with order of the day No. 17, private members' business, relating to the proposed environmental advisory council. Is it the wish of the Assembly to debate this order of the day concurrently with the Heritage Objects Bill 1991 and the Planning, Development and Infrastructure Standing Committee and Conservation, Heritage and Environment Standing Committee joint report on planning legislation? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2, executive business; order of the day No. 1, Assembly business; and order of the day No. 17, private members' business.

MR Kaine (Leader of the Opposition) (4.19): Mr Speaker, this is some of the important business that was just alluded to. It is rather interesting that there are nine people in the Assembly who think that this is important business. It is some of the important business to which Dr Kinloch alluded.

Mr Speaker, we have before us today what I think can truly be described as landmark legislation. The Liberal Party agrees with the greater part of it, at least in principle, and that is what we are talking about today. That agreement follows from the fact that the legislation was developed almost entirely under the Alliance Government, despite the Labor Party's claim to ownership of it. It was developed under the Alliance Government; the community consultation was conducted under the Alliance Government; and it was put together in its final form by the Alliance Government.

All that has happened since then is that Labor has put its ideological comb through it and taken out a few things that they did not like. Let us be quite clear, though, that it is Alliance Government legislation, essentially, and that is why we Liberals, in general, agree with the Bill.

One of the aspects of it which clearly carries the hallmark of the Alliance Government is the fact that it is a single Bill. It was first produced by the bureaucracy as five Bills. I very much suspect that that was because they were the riding instructions that were given to them by the Labor Government when it was in office last time. I had to arrange that it be consolidated into a single Bill and I think that the content of it is, very broadly, Alliance Government content.

Mr Speaker, Mr Wood has pointed out that this Bill is extraordinary in the Australian context, and I agree with him entirely. It is innovative legislation which will, like the Alliance Government's other legislation, the Weapons Act, become a model for others to follow. This legislation properly vests the ultimate powers and authority for planning in the Legislative Assembly. It provides clearly defined processes for land management, for development proposals, and for appeals, and it will result in greater certainty in terms of both the process and the outcomes of the process.

It sets time scales within which actions must be taken by the Planning Authority, by the Minister, by the Executive, and even by the Legislative Assembly itself. In other words, once something gets into the system, it simply cannot be shelved; it simply cannot be set aside, because there are statutory time limits within which action must follow. I am sure there are plenty of people out there who will be grateful for that.

I think that the important thing about this legislation, Mr Speaker, is that it and the new Territory Plan, which we will see tomorrow, establish a new baseline for land management in the ACT. What we have done is to shred out the old systems; to do away with the accumulated dross that stemmed from decades of NCDC control; to get rid of some of the unnecessarily bureaucratic processes that have evolved over the decades; and to introduce certainty and flexibility where previously there has been very little flexibility and certainly no certainty of outcome.

23 October 1991

We have to note, I think, however, that immediately we pass this legislation and immediately we adopt the Territory Plan, which I guess is not too far into the future, a new process of change will begin. Planning and the plan are dynamic things. They are not going to remain static. So, we will see a new process of change; but that process of change will begin from a better and clearer baseline than we have had before. We will at least know where we are starting from. That baseline, as I have said before, will itself provide a much better process and a much better system than we have had in the past.

Mr Speaker, I think there is an important principle inherent in the legislation that needs to be understood. Mr Wood made reference to it in his speech. It is that lease applications and development applications which accord with the Territory Plan will not be subject to public notification and third-party appeal processes. That is the basic change which is going to make the system in the future so much simpler, so much better and so much more certain for people involved in it. This will ensure greater certainty and it is consistent, Mr Speaker, with the fact that the Territory Plan and this legislation are a product of this Assembly. They are not a product of the bureaucracy; they are a product of this Assembly and they can be changed only with the approval of this Assembly. That is a major aspect of the new legislation and the new plan that people need to understand.

The simplification of the appeals process is also an important element of this new approach. The leasing process will, of course, be open, and it will be subject to scrutiny in appeals. Those appeals will be dealt with by the Administrative Appeals Tribunal, not by the Supreme Court. Then, they will be handled more quickly and they will be handled at a much reduced cost than has been experienced in the past. In practice, I am certain that people will feel much more comfortable working within an administrative appeals process than they have been in the past working through a legal process. I am sure it must be quite daunting to people out there in the suburbs lodging an appeal to have to confront the processes of the Supreme Court - that is, if they felt they had the resources to be able to go through that process in the first place.

I guess it is no news to Mr Wood that there are some aspects, a few aspects, of the Bill which are unclear to me or about which I have some concern. I will take these matters up with the Minister over the next few days, because we will not be proceeding to the detail debate stage for, I guess, about three weeks now. So, we have time to pursue those matters. I have had preliminary discussions with the Minister and I have told him that where I have a disagreement with the Bill I will discuss it with him, and I will.

There is one particular aspect of the Bill about which I am most concerned and which I want to deal with at some length now. Specifically, it is clause 171, which relates to leases other than residential or rural leases; in other words, it relates to commercial leases. I know that some members opposite will accuse me later of bringing an ideological argument into this thing; that Liberal and Labor are ideologically opposed on the matter of commercial leases, and that I am turning the thing into a political fight. I want to make it clear that I am not, and I will explain why.

Clause 171 introduces matters that concern me in terms of the future development of Canberra. If we look at clause 171, there are four elements of it that concern me. Subclause 171(a) has a 30-year provision. If you are within 30 years of the expiry of your lease you may do certain things. I do not know what is sacrosanct about 30 years and why anybody would feel more comfortable renegotiating a lease at 25 years than they would at 35 or 40 years. The things that determine whether somebody seeks to extend a lease have nothing to do with that sort of a time scale.

Business decisions that are made in connection with commercial leases at any time during the life of the lease may well cause the lessee to say, "This business decision that I am going to make that is going to involve a massive expenditure on my part warrants a longer lease than that which remains", and it does not matter whether it is 15 years, 25 years or 40 years. The investment has to be amortised over a few years of trading. I do not understand why we have opted for a 30-year provision. Perhaps the Minister can explain that later on in the debate.

The two elements of clause 171 that concern me much more are subclauses 171(d) and (e), because they introduce matter that is quite different from what is contained elsewhere in the Bill. Let me read subclause 171(d) so that we have it quite clear. It says:

Where ...

- (d) the Executive does not propose to allow the land to be used for a purpose other than that for which it is presently leased;

What is the meaning of that and why is it introduced as a constraint against granting a further lease? The Government, the Executive, can do something about changing the lease at any time that it likes, so why are we writing in a prescriptive provision in clause 171 relating only to commercial leases this question about whether the Executive proposes or does not propose to allow the land to be used for a purpose other than that for which it is presently used? It seems to me to be totally extraneous material and

23 October 1991

raises real questions about whether it was written in there simply to give the Government a lever that it can use at any future time where it considers that it may not want to extend a lease.

Subclause 171(e) is the same. It says:

Where ...

(e) any prescribed requirements for the grant of the further lease applied for are satisfied;

What prescribed requirements? Why are there going to be prescribed requirements for the grant of a further particular lease? They are matters that leave the whole intent of the Bill open.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

LAND (PLANNING AND ENVIRONMENT) BILL 1991

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Debate resumed.

MR KAINE: What these provisions do, Mr Speaker, is take out of this Bill the very certainty that is provided everywhere else in it. When you go through the Bill, as I said before, it provides for certainty of process and certainty of outcome, except for these two subprovisions that relate to commercial leases and that must raise in the mind of any commercial lessee just what the Government has in its mind when it puts in these two fairly vaguely described prescriptions. This removes the very certainty that the Bill elsewhere provides for.

How can anyone considering putting additional personal resources into improving Canberra through the processes of their business have any confidence in the system when these two subclauses of the Bill introduce so many qualifications and uncertainties into what otherwise is a certain and unqualified process? I make the point that nowhere else in the Bill can I find any such ambiguities, or any such qualification on what a person can do with their lease.

The fourth point, Mr Speaker, I think is obvious. In subclause 171(g) the Bill says:

Where ...

(g) the lessee pays the determined fee;

This was the major difference between the Liberals and others when we first drafted this Bill, because we said that the wording should be "Where the lessee pays the determined administrative fee". So, quite clearly, the Liberals cannot agree with that particular point because it again remains open. What fee is going to be payable? Is it going to be 100 per cent of the unimproved capital value, or 200 per cent, or 300 per cent? How can a businessman know with any degree of certainty whether he should make an investment, or whether he should not?

So, that particular clause seems to me to introduce an uncertainty, an almost ideological content. In fairness to the Labor Party, at no place else in the Bill can I find where it has done that. If we are not careful, that clause alone will lead to an exodus of capital and private sector entrepreneurs from the ACT.

The uncertainty, Mr Temporary Deputy Speaker, is exacerbated when one refers to the accompanying paper called "Draft Proposals for Regulations and Disallowable Instruments". In paragraph 13 of what are, I presume, intended to be explanatory and amplifying remarks, it states:

Paragraph 171(c) -

that is paragraph 171(c) of the Bill -

provides for the identification of additional requirements through regulation. However, it is not proposed at this stage to specify by regulation additional requirements for the grant of a further lease.

In other words, we are putting constraints on commercial lessees, and we are not even going to tell them what they are. We are not going to put out any regulation on the matter. The question is: How is the Government going to tell the commercial world what they mean by that paragraph;

23 October 1991

when are they going to do it; and what are the qualifications going to be? It concerns me because that whole clause seems to be based on a statement that the Minister made in his speech at page 8 when he said:

It is apparent to the Government that there is a strong view in parts of the community -

I emphasise that -

that commercial and residential lease renewals should not be treated on the same basis.

Well, Minister, my question is: What about the views of other parts of the community that no doubt hold equally strong views? I am sure that they have expressed them; yet you reject them.

So, Mr Temporary Deputy Speaker, that is the main concern that I have about the Bill. As I have said, there are others which I will take up with the Minister. I think that we need to consider all of the interests that this Bill affects. We have to ensure Canberra's future in terms of its development potential and the possibility that that potential can be realised, very largely, by private enterprise which invests risk capital and takes decisions about its capital. This does not give them any confidence at all, in my view.

I am anxious to hear the views of others in the Assembly in this debate. I am confident that there will be many amendments and that we will have to consider those very carefully in the debate at the detail stage. I will just refer briefly to a couple of those. In one case it is just a very simple word and it has to do with subclause 18(2), which talks about EISs and the like. It says:

At the Authority's written request, or of his or her own motion, the Minister may -

- (a) direct that an Assessment be made; or
- (b) establish a panel to conduct an Inquiry ...

I am quite sure that there will be some people in this community who would say that the Minister ought to, that he should not be allowed to use his discretion; but I will be interested to see whether anybody has any comment on that.

Some people, I know, before the debate proceeds any further, will not like the limitations on appeal rights that this Bill sets into place. There is the constraint that I referred to before, that if it is something that is prescribed in the plan it will not be appealable. I know that there will be people who will not like that and I will be interested to follow the debate on the subject.

To conclude, Mr Temporary Deputy Speaker, there is no question in my mind that this is good legislation. The Labor Party and the Liberals can argue about whose initiative it was and where the good philosophy comes from, and that will make for some good healthy debate. But it is good legislation; it is landmark legislation. It will be a model and, subject to a few differences of view being dealt with and some sort of agreement being reached over the next few days, I am sure that we will have an excellent piece of legislation, accompanied by an excellent Territory Plan in the very near future.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.37): I suppose that at the outset I really should thank Mr Kaine for his temperate remarks on this legislation. They were constructive criticisms from an opposition. Mr Wood is to be commended for the massive task that has been involved in getting this legislation to the stage that it can be now debated at the in-principle stage.

This issue of planning legislation has been really the largest hurdle for the first ACT Assembly to get over. The criticism is widespread in the ACT business community and other sectors of the community that there are major problems with the planning and development process in the ACT. Lack of certainty, excessive rule-making and imprecision in the way to go about getting planning approval are common criticisms, and the challenge for the first Territory Government was to establish a planning and land use regime which would remove the uncertainty and provide an appropriate balance between community and conservation interests and development interests.

The first Labor Government started that process with the instructions, which were made public, as to the format of the legislation and the basic principles, which have not been departed from throughout the period since. Ironically, as we said repeatedly in the period that we were in opposition, it was the Labor Government's alleged failure to have the legislation in its final form and on the table in the first six months of self-government that led the Residents Rally to move against the Government, or at least that is what members said in their speeches when the first Labor Government was brought down. Then, in the 18 months of Alliance Government, there was fitful progress. We saw bits and pieces come out in dribs and drabs.

It has fallen again to a Labor Government to bring the legislation to its finality. Certainly, the departmental officers that have been involved from my department, the legislative draftspeople and the Law Office do need to be commended. The enormous complexity of taking complex ideas in town planning and environmental issues and turning them into legislation has not been easy, but it has been achievable.

23 October 1991

In opposition, Labor was critical of some of the complexity of the original five Bills and then the first consolidation that was drafted. In opposition, we were critical of the complexity. We thought it could be simplified and refined. I think there has been progress. There has been improvement in this final draft; but it remains a piece of legislation, it must be conceded, that is not the easiest for the untrained person to get around. I am sure that over time there can be further improvements.

What the legislation does do is get the essential elements into a single package. The challenge for the Government has been to get the balance between the competing attitudes and values right and to adopt an approach which is in the interests of the community as a whole. I believe that the Labor Government Bill which has been presented by Mr Wood achieves that goal.

One of this Government's principal objectives when proposing the legislation back in 1989 was that the Legislative Assembly should be the ultimate authority for planning in the ACT. This Government has achieved this by introducing a deemed disallowance provision which ensures that, where any member tables a motion to disallow a plan variation or any part of it, it must be debated by the Government or the variation will lapse.

That is modelled on the provision that Labor brought forward as a private member's Bill last year to amend the Subordinate Laws Act. Ironically, when the Alliance Government, to paper over the cracks, to cover the gap because of its failure to have achieved this legislation to this level by then, had to bring in the stopgap measure by way of the Interim Planning Bill, it refused to have that deemed disallowance provision.

We were in the position where, on an issue of vital community significance, such as the fate of the school sites when the Alliance was hell-bent on closing neighbourhood schools, it would have been possible for the Assembly never to have got to properly debate disallowance on that issue. Thus, it would have been possible for a government to use its numbers to prevent it from coming to a point where members had to stand up and be counted and say either, "Yes, we want development on this site" or, "No, we want it to remain as green space".

The importance of the deemed disallowance provision is that members of future Assemblies - individual members of future Assemblies who will, of course, be elected on a single member electorate system - will have to put their hands up and be counted in a vote when there is a disallowance provision. So, it will not be open for any member of this Assembly in the future to duck and dive and avoid being counted on an individual plan variation vote. That is a very important democratic principle.

It was ironic that this morning, Mr Temporary Deputy Speaker, you introduced a private member's Bill to patch up that fault in the Interim Planning Bill which the Alliance Government had introduced. You sought to bring the current legislation, the temporary interim planning legislation, the Alliance legislation, up to scratch, to the model that has been set by the Labor Government in both the Subordinate Laws Act and its unsuccessful amendment last year to the planning Act. When you were the Executive Deputy with responsibility, you were not supportive of Labor's views; but now you have moved to bring it up to the standards set by the Labor Government, and that is a good thing.

Further reinforcing the essential role of the Assembly in the planning process, no plan variation approved by the Executive will come into effect until after it has passed through the Assembly. Members should note that these provisions mean that the ACT Legislative Assembly, and every individual member of it, has a far greater role and power in respect of planning matters than any other Australian State or Commonwealth jurisdiction. That will go a long way to avoiding community concerns that the community interest is not being adequately protected.

Underpinning the role of the Executive and the Assembly are the extensive opportunities provided throughout the legislation for effective participation by the community. With this legislation, the Government has emphasised openness of process. Notably, the steps required for consultation on variations to the Territory Plan are clearly set out in the legislation, and all comments received are open to public scrutiny. The Executive has the power to issue not only general policy directions to the Planning Authority but also specific directions on particular variations.

All background papers relating to consultation on specific plan variations, including any Executive directions, must be tabled in the Assembly. Preliminary environmental assessments must be made available for public scrutiny - this does not happen in other jurisdictions - and public environment reports and environmental impact statements must be prepared in consultation with the community.

The identification and conservation of the ACT's heritage will also be carried out in close consultation with the community, and the Assembly again will be the final arbiter in this important and sensitive area. On an issue of such fundamental community concern as heritage, which members of the Canberra community value highly - being a relatively young city, a relatively new city, we value enormously those old buildings and heritage items that we do have - this legislation not only ensures that they are protected but also ensures that the community has a say in their protection and ensures that the community can have their say in protecting what is best in this Canberra community.

23 October 1991

That carries out the long and consistent theme of the Labor Party in protecting the interests of Canberra and protecting those best features of this Canberra community.

The direct grant of leases must be done in accordance with disallowable criteria. So, again, with disallowance, the Assembly has a role in setting those criteria. Deals cannot be done in back rooms by any future government. It is all open; it is all transparent. In addition, copies of direct grant leases must be tabled in the Assembly within a specified period of their grant. Unless exempt by the Territory Plan, applications to conduct certain activities, called controlled activities, will need to be publicly notified. These include the execution of a variation to a lease, public works and the external design and siting of buildings. These applications will then be open to objections from any person who may be affected by a decision to approve an application.

These objections will be taken into account and, upon notification of a decision, both objectors and applicants will be able to appeal to the AAT if dissatisfied with that decision. That again, Mr Temporary Deputy Speaker, means that there is openness and transparency in the process and the right of members of the community, if they feel that they are going to be adversely affected by a decision, to have their day in court, to go to the AAT and litigate a decision.

The Government is confident that the processes detailed in this Bill are the most enlightened in Australia and will ensure that planning and land management decisions will fully reflect the views and aspirations of our community. It is clear that this is an area that the Canberra community does feel very strongly about. We are all proud of the heritage in Canberra of a planned community.

At the moment there is a lot of debate throughout Australia on better cities and improving the urban environment in which the majority of Australians live. In Canberra we see, in a very concrete way and also in a very grassed and treed way, the advantages of a planned urban environment, the way in which Australians living in cities can still enjoy pleasant open spaces, green spaces. Our national capital urban space system is the envy of the rest of Australia.

This legislation that has been presented by a Labor Government will ensure that we continue to be the envy of all of Australia, and that the planning process in Canberra continues to be of a very high standard, protecting the interests of this community, while at the same time allowing a greater degree of certainty for developers so that there will be continued investment and continued job creation.

I noted that Mr Kaine was critical of certain details of the legislation in respect of an alleged uncertainty for commercial leases. I am sure that when we get to the detail stage Mr Wood will look very carefully at Mr Kaine's proposals, discuss them with his officers, and come back with a very full and detailed response.

A point that occurs to me is that, to the extent that there are criticisms that commercial leases are not adequately protected, I certainly look forward to similar support for protection of commercial lessees when we look at commercial sublessees. The Chief Minister announced in Small Business Week that the Government is proceeding in the consumer affairs field, under the Fair Trading Bill, to produce a rigorous code to protect the interests of small business lessees. Traditionally, big business groups have resisted attempts to provide the small business person, the sublessee, with greater security of tenure and greater protection.

It is ironic that when we debate land use procedures in the ACT, where all anybody has is a lease - nobody is a landlord in the sense that nobody owns the freehold - perhaps certain sectors at the larger end of the business area are terribly concerned about the need for certainty in a commercial lease and the need for protection of the long-term interest of the commercial lessee. I look forward to a similar concern for certainty and the interests of the smaller commercial tenant who is often a sublessee to the larger commercial tenant. I am sure that Mr Kaine will be fully supportive of the Labor Government's protection for the small business person, given his expressed concerns today for the larger business person, the person who holds a commercial lease.

Mr Deputy Speaker, this is an excellent package of legislation. I am proud to be part of a Labor Government that is introducing such an innovative and far-sighted Bill, which will long be a landmark of legislative development in this first Assembly.

MRS GRASSBY (4.51): In 1909 the Yass-Canberra region was chosen as a site for a future capital. Anybody who has ever lived in Canberra or ever visited Canberra would say, no doubt, that it certainly is a beautiful place to put a capital. It is after spending some time in this beautiful city that you realise how beautiful it is. In 1912 Walter Burley Griffin designed a city that was to be both attractive and functional. I was born in the town that Walter Burley Griffin was first given to design, just in case he did not really know what he was doing here, and that was the town of Griffith. He did Griffith and Leeton.

When I first moved here I found it very easy to get around Canberra. People used to say to me, "How can you possibly find your way around Canberra, because it is all circles?". Well, I came from a town that was built exactly the same way. It was the style of Walter Burley Griffin to build

23 October 1991

circles and to lead off from those circles. The reason was that it made them very attractive and also made the traffic easy to move. It was very attractive and functional in the town I came from, as it was in Leeton, and so it is in the city of Canberra.

Over the years Canberra has grown from the desolate wasteland, that it was before we decided that a city should be here, to become one of the most attractive cities in Australia. It is attractive because, as I say, the planning has been well thought out and it has been designed in consultation with people who have an eye for beauty as well as for a functional city. I would say that it would be one of the most attractive cities in the world. This is the city in which we live today and we are very grateful and very pleased to have such a beautiful city.

Mr Deputy Speaker, Griffin produced a plan that allowed the natural aspects of the land to blend with the needs of the people and the government to form a harmonious combination and to become literally a garden city. We have lots of green spaces; we have lots of trees; we can see the beautiful mountains in the background; and we have a very beautiful lake in the centre of the city and two lakes at either end of the city.

Our population continues to grow, and grow it will. We all know this. Canberra is one of the fastest growing cities in Australia. I gave the figures earlier. We have one of the highest concentrations of people under the age of 20, with 33.2 per cent. We are the second highest, next to the Northern Territory with 36.98 per cent. With so many young people, I imagine that we will grow not only through people coming to Canberra. These people will be getting married and having families. So, we will have a natural increase as well as immigration at a level greater than the rest of Australia. That is the way it seems to be.

I remember that when I first came to Canberra they had just built Woden. I remember that we purchased a house at Aranda and, when they used to ask my husband where we lived, he used to say, "Well, you know where Yass is?". They would say, "Yes". He would then say, "Well, we are the last stop before Yass". Well, now we are nearly to Yass. As I said before, Canberra is growing faster than the rest of Australia.

The first Follett Labor Government was concerned that the quality of life for all Canberrans should not be allowed to decline. Everyone in this Assembly would agree with that view, I am sure. We live in a beautiful city and we must not destroy it. We must not pass it on to our children in other than a beautiful state.

To achieve this, in 1989 our Government, the Follett Labor Government, released proposals for community consultation for a planning and land management scheme under the portfolio of Paul Whalan who was then the Minister. I am pleased that this initiative has had results in this legislation.

Mr Deputy Speaker, while it is true that the former Government had some input in this area, I think it is highly appropriate that the second Follett Labor Government is able to introduce this legislation, for it has been the Australian Labor Party in Canberra that has taken most concern over planning in the city. The ACT ALP, at their regular meetings, have spent many hours discussing how to keep this city as beautiful as it is and the way that they want it to be.

The people of Canberra are vitally concerned with the important question of urban development and the environment. The processes for community consultation that have been included in this legislation have helped to make it one of the most advanced pieces of planning legislation in Australia. Nowhere else is this done as much as it is in the ACT, and it has been done under the Follett Labor Government - a government that believes that you must consult with the people. You cannot tell the people what they are going to get; you must ask the people, so that the planners, the Government and the people can work together so that they can achieve what we all want.

We must ensure that Canberra's future growth is orderly and cost-efficient. Excess energy use must be limited and the protection of the local environment must be ensured. We all know how important that is. We have species here that are seen hardly anywhere else in Australia; if they are seen, it is in very few places. We must be sure that we protect those. We must be sure that we protect the green spaces; that we are able to drive and not have the entire area covered by houses and buildings.

Mr Jensen: Listen to it. I don't believe this.

MRS GRASSBY: It is important. We are not the people who wanted to close down the schools and we are not the people who wanted to sell off the schools for housing. We sit opposite members of the former Government who were very happy to close down 20 schools and build housing on all those lovely green spaces.

Mr Berry: Twenty-five schools.

MRS GRASSBY: They could not close them down quickly enough. I am sorry, Mr Deputy Speaker, I did not realise that it was 25. I am not even giving them their right number. They were quite happy to close those down and to do this.

23 October 1991

The questions that face urban planners today are quite different from the concerns of designers such as Walter Burley Griffin. Do you think I could be protected from the rabble on the other side, please, Mr Deputy Speaker.

MR DEPUTY SPEAKER: When they get too unruly and you need protection, I will give it to you. Continue, Mrs Grassby.

Mr Collaery: The hoi polloi.

Mr Jensen: We do not mind being called the hoi polloi.

MRS GRASSBY: No, no; "hoi polloi" is all right. Mr Bill Wood went to a hoi polloi school. "Rabble" is different. You have to get that right.

Mr Collaery: Did he? In Poland?

MRS GRASSBY: Yes, he went to a hoi polloi school. The questions that face urban planners today are quite different from the concerns of designers such as Walter Burley Griffin. When we consider such vital questions as access to the new suburbs, we must always be willing to learn from past mistakes and ensure that future generations do not suffer from our shortsightedness. Mr Deputy Speaker, Canberra in the 1990s is a vastly different place from the Canberra of the 1950s. I came here in 1969. It is a different place from that of the 1960s. One only has to look at the planning of Gungahlin to see that. Needless to say, Canberra in the future will be a very different place from today, and that is what we have to keep in mind. We must remember that social justice and equal access for all our citizens are prime objectives of Labor policy. All Canberrans must have equal access to affordable housing, community facilities and public transport.

Mr Deputy Speaker, I am proud to be a member of the Follett Labor Government and to be associated with the Land (Planning and Environment) Bill because this is the Government that has consulted with the people. This is the Government that has asked the people what they want, has asked the people to work with it and the planners and to talk to them. The people opposite forgot that the people have a say in this city. They will find this out at the next election. It will be well told to them. The people in Canberra will tell them this. They want Canberra left the way it is. If it is to be changed, it is to be changed in the way that it already is. It is to be built according to the beautiful design that it is - a garden city.

I have met many an ambassador who, after being here for about three or four months, has said, "I thought, when I was coming here and not going to Sydney or Melbourne, that I would not like it, but after being to Sydney and Melbourne I realise what a beautiful city I live in. Five minutes and you are out in the bush. A few minutes and you are up in the mountains. You have the beautiful green spaces and wide roads - a well planned city".

We do not have peak hour in this city; we have peak minute. You hear people complain about peak hour. As I say, it is peak minute; it is not peak hour. If planning continues in this way, we will only ever have a peak minute; we will not have a peak hour, no matter how many people are living in Canberra. This is all due to the way you plan your city.

The city is planned so that people can get to where they work, or the workplace is near where they live. This will be done, and it has been done in some areas. We have done it in Tuggeranong. We have moved many of the government departments out to Tuggeranong. When I was a Minister, the parks and conservation people moved out there. They complained very much at first, but now they will tell you that it is one of the most pleasant areas in which to work. They are pleased that they are not working in Civic, as they did before, but are working out in Tuggeranong. The people who have to travel from Belconnen and who still prefer to work with the department say that they do not mind the trip because it is such a delightful trip down the Tuggeranong Parkway.

Again, this is all due to the planning. This is all due to talking to the people, to looking at the plans, and not overdeveloping areas by taking away the green space that we are so fortunate to have. I think we who live in Canberra are very lucky people. I think in many ways we are very spoiled. I do not think we really appreciate what we have, and we do complain a lot. We do not realise that we have a limited amount of money to do things, but if it is spent wisely - it is like every housewife who runs a budget - we can have ice-cream for dessert.

Very few men I know balance very good budgets. Even Mrs Thatcher said that, and she is one of yours. She said that men cannot balance a budget, nor can they run a country. That is why we have a woman Chief Minister. She knows how to balance a budget, and she knows how to run the ACT. She is doing a darn good job of it and I congratulate her. She had a dream the other night that we were going to get 12 candidates up. Her only fear was that we do not have another candidate; we have only 11. I agree with her. We could get even 14 or 15 up. But I am quite sure that we will have 12 here anyway. Rosemary's dreams always come true, she tells me, and I believe her.

The thing is that we have a very good Chief Minister who has balanced the budget. If the money is spent wisely and the planning is done wisely, we will be able to have the beautiful city we have now, the city that we enjoy living in, the city that we find attractive and functional.

Business people enjoy coming here to set up business because it is a functional city and because it is a beautiful city. I remember that we once did a survey about Canberra and asked people what it was that they did not like about Canberra. The only thing they could come up

23 October 1991

with that they did not like about Canberra was the weather in the winter. So, we decided that if the Labor Party could organise to cover the whole of Canberra in the winter and keep it warm we would be in government forever.

Mr Collaery: You kept us snowed for a while; I will give you that.

MRS GRASSBY: We are doing it now; we are keeping you warm now. We will keep on keeping you warm. We are a tender, loving government. We care about the people. We have a tender, loving care about Canberra and we will make sure that the Canberra people are consulted on whatever happens. We will give them the tender, loving care that they deserve. That is why they are going to vote us back in on 15 February. I am sorry; I nearly said 3 February, which is my wedding anniversary - 30 years married. We will be back here in government. We will be able to carry on the third Follett Labor Government.

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

PAPERS

MR MOORE (5.05): Mr Deputy Speaker, in the interest of natural justice, I seek leave to table letters from Gerald Gold which were written in response to accusations made in the house by Dennis Stevenson. I also seek leave to have them incorporated in *Hansard*. The letters are dated 17, 24 and 27 September and 3, 11 and 22 October. They do not include a page which is not legible which was attached to the letter of 11 October.

Leave granted.

Letters incorporated at Appendix 1.

OPERATION MANNA - PUBLICATION OF DOCUMENTS

MR MOORE (5.05): I wish to move that the Assembly authorise the publication of the seven documents headed "Operation Manna", presented by Mr Stevenson on 7 August 1991, to Mr Gerald Gold, 1st Floor, 8 Shelley Street, Richmond North, Victoria.

Leave granted.

MR MOORE: I move:

That this Assembly authorises the publication of the seven documents headed "Operation Manna" presented by Mr Stevenson on 7 August 1991 to Mr Gold of 1st Floor, 8 Shelley Street, Richmond North, 3121.

Mr Stevenson, in tabling these documents, made a series of accusations and I believe that it is appropriate that the person who is named in these accusations, as far as our *Hansard* goes, has the opportunity to read those documents. It is a scurrilous set of documents and nothing is substantiated in it. I believe that it is inappropriate for the documents to be authorised for publication broadly, because we have no idea where they came from - there is no evidence about them - but I think it is appropriate that the person who has been named in the *Hansard* as being included in those have the right to read them.

Question resolved in the affirmative.

AMBULANCE SERVICE

Mr Berry: Mr Deputy Speaker, I move: That the Assembly do now adjourn.

MR DEPUTY SPEAKER: Before you do that, Mr Berry, I understand that Mr Humphries was to be given the call prior to your doing that.

Mr Humphries: Thank you, Mr Deputy Speaker.

Mr Berry: I beg your pardon. The leader of the house was on his feet.

MR DEPUTY SPEAKER: I recognised Mr Humphries and I was advised of that, I think, by the Speaker.

Mr Berry: Mr Deputy Speaker, this is another demonstration of the way you behaved yesterday in relation to the management of this house, and I can tell you - - -

Mr Kaine: Are you threatening the Deputy Speaker?

Mr Berry: Mr Deputy Speaker, I am just informing you that what we expect is quality management from the Chair.

MR DEPUTY SPEAKER: That is what you are getting, thank you, Mr Berry. I call Mr Humphries.

Mr Humphries: I take a point of order, Mr Deputy Speaker. That came very close to a contempt of the Chair.

MR DEPUTY SPEAKER: It did come very close. Mr Berry, I would watch what you are saying.

Mr Berry: It came very close.

MR DEPUTY SPEAKER: Watch what you are saying.

23 October 1991

MR HUMPHRIES (5.09): I seek leave to make a statement concerning the ACT Ambulance Service.

Leave not granted.

MR HUMPHRIES: I move:

That so much of standing and temporary orders be suspended as would prevent Mr Humphries from making a statement concerning the ACT Ambulance Service.

Mr Berry: Are you going to speak to it?

MR DEPUTY SPEAKER: Are you going to speak to it?

MR HUMPHRIES: I have already spoken to this matter, Mr Deputy Speaker. I do not believe that I need to speak again on the matter.

MR COLLAERY (5.09): Mr Deputy Speaker, early in the day I indicated that the Rally had not had notice of this motion. I wish to - - -

Mr Berry: Is there a motion now?

MR COLLAERY: No. I refer to Mr Humphries' intention to move a motion on this matter. I wish to formally apologise to the house. Mr Humphries reminded me that he had mentioned the matter to me yesterday and I had nodded and agreed to it, and I accept his word on it. I had completely forgotten that event. I apologise to the house. I meant no deliberate action to mislead the house when I said that we had not been informed of it.

MR BERRY (Deputy Chief Minister) (5.10): Again, Mr Deputy Speaker, Mr Humphries has not bothered to speak to the Government about this matter. His contempt for the practices of the Assembly is starting to show through. It strikes me that what ought to have happened is that the failed former Minister for Health should have contacted - - -

Mr Humphries: Mr Deputy Speaker, I raise a point of order. Mr Berry is misusing his prerogative to speak on this motion to suspend standing orders. The motion is about whether I may make a statement on the Ambulance Service, not about whether I am a failed former Minister for Health or whatever.

MR DEPUTY SPEAKER: That is a bit of political rhetoric, Mr Humphries. I am not overly concerned about that, but you should come back to the point, Mr Berry. Let us not have too much rhetoric.

MR BERRY: The move to suspend standing orders is, I suspect, merely a stunt, because it has been made clear by the failed former Minister that he is not prepared to consult with the Government about disruption of the business of this house.

Mr Collaery: You were about to adjourn.

Ms Maher: You were expecting to stay here until 6 o'clock.

Ms Follett: Not you, Ms Maher. You can go early, as usual.

Ms Maher: I spend more time here than you, thank you, Ms Follett.

MR DEPUTY SPEAKER: Order!

Mr Wood: You collapsed the debate on the planning legislation.

MR BERRY: Nobody wants to talk about the planning legislation.

Mr Collaery: You tried to con us into debating it before we had a Territory Plan.

MR DEPUTY SPEAKER: Mr Collaery, order! We do not want this to degenerate into a fight across the chamber over nothing. We are debating a motion as to whether we suspend standing orders. Let us stick to the point. Continue, Mr Berry.

MR BERRY: As I said, the issue is that the Government has not been consulted on this score. Mr Humphries attempted to do the very same thing earlier today. He failed in his move then. He has not since approached the Government to let us know that he would again be seeking leave to suspend standing orders, which I think demonstrates a distinct lack of courage on the part of the failed former Minister. Indeed, it shows that he is prepared to ignore the customs and practices which are usually observed when one seeks to suspend standing orders.

Indeed, Mr Humphries would be, I suspect, the first to complain if he were not given notice about a ministerial statement on a particular matter. Of course, the Government provides that sort of information without complaint. I think Mr Humphries should lay on the table the matter that he has, in order that we can fit it into the day's business. He has the opportunity to raise such matters in private members' business, and he refuses to do so. I suspect that it is because he cannot obtain the acquiescence of his colleagues because of the nature of the matter which is proposed in this instance but - - -

Mr Jensen: So, you know about it now.

23 October 1991

MR BERRY: Mr Deputy Speaker, Mr Jensen mumbles as usual, and says, "You know about it now". I heard from Mr Humphries' own mouth just a moment ago that it was about ambulances. So, yes, I do know that it is about ambulances. I am pleased that Mr Humphries has at last raised an issue which affects health, but I hope that it has more substance to it than many of the other issues that he has raised in this place before.

Mr Humphries: Bed numbers?

MR BERRY: Mr Humphries mutters, "Bed numbers?". That is a very interesting thing. Mr Humphries is so concerned about hospital bed numbers in the ACT that the first decision of the committee of which he is chair was to go to Tasmania.

Mr Kaine: Mr Deputy Speaker, I take a point of order. The subject of the debate at the moment is not bed numbers, although I know that Mr Berry is very touchy about them. The subject of the debate is whether or not to suspend standing orders. Mr Berry is very good at diverting from the subject at hand. He will not answer a question when you ask him one, but he will go on at great length when he has not been asked a question.

MR DEPUTY SPEAKER: Please stick to the subject, Mr Berry. Mr Kaine, I am upholding your point of order.

MR BERRY: My time has expired.

Dr Kinloch: I raise a point of order, Mr Deputy Speaker. My point of order is that I am very close to moving to censure - rather gently, though I am willing to do it - Mr Berry for misleading the house.

Mr Connolly: I take a point of order. Dr Kinloch is making an allegation about misleading. He knows the standing orders. He should not use the word "misleading". Unless he moves a motion of censure, he may not say "misleading".

Dr Kinloch: I am happy to move that Mr Berry has stated that the beds committee, of which Mr Humphries is chairman, has agreed to go to Tasmania, and that is false.

MR DEPUTY SPEAKER: That has nothing to do with this debate, Dr Kinloch.

Dr Kinloch: Mr Berry did say that.

MR DEPUTY SPEAKER: He may have, but that has nothing to do with this debate. I do not think it arose in this debate. Mr Berry had just started to get onto bed numbers when Mr Kaine took a point of order. I pulled Mr Berry back to the subject and upheld the point of order. We are talking about a suspension of standing orders in relation to ambulances, not bed numbers. Mr Kaine is quite correct. It seems that Mr Berry's time has expired, so it is all rather academic now.

MR KAINÉ (Leader of the Opposition) (5.16): Mr Deputy Speaker, I would like to address the motion that is before the house, if I may. It is very interesting that when somebody wants to put some facts before the house Mr Berry does everything in his power to prevent it. This present failed Minister for Health protests too much, I suspect, Mr Deputy Speaker.

What Mr Humphries is aiming to do is to have standing orders suspended. It would have all been over and done with if he had not been forced to take this tack. He wants to put before the house information that the failed Minister will not put before the house. We have been asking him all the questions in the world and he will not give us any information.

It is not true that he did not know that this matter was being brought forward. I heard Mr Humphries discussing this with him earlier today. He did know that it was coming up. He did know yesterday, as well, that Mr Humphries wished to bring it forward. So, it is simply not true that he did not know. I could say that the Minister has misled the house, but I will not. I am assuming that it has escaped his memory. But he did know, and it is simply unreasonable for him to assert that this is something that has been brought on without prior advice; that he did not know that Mr Humphries wished to do this. He did know about it.

Suspension of standing orders ought not to have been necessary. If the failed Minister was not so boorish, he would not have taken the matter up in this fashion and the statement would have been over by now. So, I suspect, Mr Deputy Speaker, that Mr Berry's objection has nothing to do with anything but the fact that he does not want put on the table the information that Mr Humphries is about to put before us. We should suspend the standing orders and we should allow Mr Humphries to get on with it and make his statement.

MR MOORE (5.17): I am very interested to hear what Mr Humphries has to say about ambulances, so I think it is appropriate that the motion be put.

MR DEPUTY SPEAKER: Mr Humphries moved that so much of standing and temporary orders be suspended as would prevent him from making a statement. The question is: That the motion be put.

Mr Moore: I actually said that I think it is time that we put it. I did not move the gag, Mr Deputy Speaker.

Question resolved in the affirmative, with the concurrence of an absolute majority.

MR BERRY (Deputy Chief Minister): Mr Deputy Speaker, I rise in relation to standing order 46. I wish to make a personal explanation.

23 October 1991

MR DEPUTY SPEAKER: Yes, what is that, Mr Berry?

MR BERRY: Mr Kaine, just a moment ago in debate, indicated that I had been aware of what Mr Humphries was about to do this afternoon. Of course, Mr Kaine was wrong. Yesterday a staff member of Mr Humphries', I understand, contacted a staff member of mine and indicated that Mr Humphries would be seeking leave to make a statement in the house on ambulances. That turned out not to be the case. Mr Humphries subsequently - - -

Ms Maher: Why did you object this morning to something you did not know about?

MR DEPUTY SPEAKER: Let him finish, Ms Maher.

MR BERRY: Subsequently, today, Mr Humphries, without contacting me, moved again to suspend standing orders to discuss this matter. It is the issue of leave which concerns me. And, of course, he moved to interrupt government business. I think that is a matter of such weight as to require some consideration. If Mr Humphries was aware that I was concerned about his interference with government business, then I suspect that he should have made the effort to contact me and make suitable arrangements - - -

Mr Kaine: He did. I heard him speak to you about it earlier today.

MR BERRY: Mr Kaine, I do not think that you are expressing the facts as they have occurred.

Mr Kaine: I heard him discuss this with you earlier today. I cannot be more explicit.

MR BERRY: As I have explained to the Assembly, Mr Humphries has raised this issue and has refused to consult, at the contemplative stage or at any other stage, about the ways and means of bringing this matter before the Assembly. There is a lesson to be learnt - - -

Mr Kaine: On a point of order, Mr Deputy Speaker: The Assembly has agreed to suspend standing orders to allow Mr Humphries to make a statement. I think the matter ends there, and Mr Berry is out of order in debating it further.

MR DEPUTY SPEAKER: If he has been misrepresented, he is entitled to say how he has been misrepresented. But be succinct, Mr Berry.

Mr Kaine: He is not making a personal explanation; he is debating the issue.

MR BERRY: No. I have been granted leave to speak.

Mr Humphries: Under standing order 46.

Mr Kaine: Which is for a personal explanation. You claim to have been misrepresented.

MR BERRY: Mr Kaine is correct this time. This is about a personal explanation. It is about ensuring that the Assembly is properly informed about the events which surround this issue.

Mr Jensen: I raise a point of order, Mr Deputy Speaker. I refer you to the final clause of standing order 46, which says:

... but such matters may not be debated.

I suggest that Mr Berry has been debating the issue for about the last three or four minutes.

MR DEPUTY SPEAKER: Mr Berry, just come to the point about how you claim to have been misrepresented.

MR BERRY: I am not debating the issue. I have brought before the Assembly all the matters I wish to bring before it and I am finished on the matter.

MR HUMPHRIES (5.21): I can see that there is considerable sensitivity about these matters. I think we might see why. I thank the Assembly for suspending standing orders to allow me to make this statement.

I rise to bring to the Assembly's attention a very serious matter concerning an officer of the ACT Ambulance Service and the way in which he responded to a cry for help from a resident of this Territory. It also involves the Minister for Health, Mr Berry, and his reluctance to allow public scrutiny of this matter. The incident to which I refer occurred on 16 July this year. At about 11.00 pm on that day, a Canberra solicitor, Mr Peter Harris, rang for an ambulance after his fiancée began to suffer excruciating pains in her head.

Mr Harris did not dial the 000 number but rather the direct ambulance line, 249 8133. He explained to the ambulance officer he contacted that he needed an ambulance and described the condition of his fiancée. He said that his fiancée was unable to get into his car to be taken to hospital. Mr Harris said that he was told, effectively, that the Ambulance Service look after only sick people and not people with headaches. Mr Harris was further advised that Calvary was full and Royal Canberra Hospital was closed, and that the officer was not prepared to dispatch an ambulance. The officer asked whether it was possible to contact a doctor. When Mr Harris was unable to ascertain the name of his fiancée's doctor, the officer provided the name of the locum service.

23 October 1991

Mr Harris has said that at no time did he ever describe or mention a headache or ask for a doctor; he requested an ambulance. His fiancée, Ms Clemens, was taken to Royal Canberra Hospital South the next morning, assessed in accident and emergency and later transferred by ambulance to Royal Canberra Hospital North. Ms Clemens was diagnosed as having an aneurism, which I understand to be a burst blood vessel, in the head and was operated on to locate and alleviate the problem. I understand the condition to be extremely serious and potentially life threatening.

Mr Harris was so disturbed by the response he obtained to his call for help that he sent a letter of complaint by fax to the director of the Ambulance Service and sent copies to members of the Assembly and to the *Canberra Times*. I followed up Mr Harris' letter with a call for an inquiry into the matter. I believe that the Minister for Health, Mr Berry, did announce that day that an internal inquiry would proceed. I later asked Mr Berry to make the report available. This request was refused on the grounds that the name of the officer involved in the incident appeared on the report. Quite frankly, Mr Deputy Speaker, I believe that this was a cop-out, because nothing would have been easier for Mr Berry than to ask to have the officer's name deleted from the report.

On 3 September I wrote to Mr Berry on the matter and asked that Mr Berry release the report, with the name of the officer involved deleted. Fearing that there was some kind of cover-up going on, I also launched a request for all documents relating to this matter under the freedom of information legislation. This request was ultimately successful, and I have since obtained the documents relating to the incident and copies of the two reports of the inquiry conducted into the incident. The name of the officer involved has been deleted from the documents provided to me. I have now had the chance to study the documents in some depth, and I have come to the conclusion that there remain a lot of unanswered questions surrounding this case.

The inquiry report reveals that the officer involved did not follow normal procedures in relation to Mr Harris' request for an ambulance and that an ambulance should have been dispatched. The inquiry was conducted by Mr Peter Macdonald, a senior officer in the Board of Health not involved in the ACT Ambulance Service. His report, produced in two parts that I will table, states:

When a call is received at present it is up to the controller to decide whether or not to send an ambulance, however the universal protocol is that when assistance is requested, then a vehicle is dispatched. In the ACT and other states this is recorded in the vehicle running logs, either a manual system or a Computer Aided Dispatch system.

Mr Macdonald goes on:

In cases where calls are received from any source involving illness, incidents and injury, even if there is no ambulance required the ACTAS directive of 25 June requires that these be written on a Control Room Call Slip and attached to the Communications Officer Report which is produced at the end of each shift.

Mr Macdonald states that at the time of writing "there is no way of knowing whether or not calls were received, what was said or the accuracy of the records of discussion when they are manually recorded". The record of calls is very much left to the officer's discretion and interpretation. As to the exact nature of this incident, Mr Macdonald says:

There is no record of Mr Harris' call being received although clearly it was. There was an internal memo to all staff in the Communications Area which indicates that officers are required to attach a Control Room Call Slip to the Communication Officers Report Form when a call is received and a vehicle is not despatched. Officer ... admitted to Officer McLaren that he was aware of this process but he failed to do so and failed to report the matter until challenged.

Mr Macdonald's report goes on:

The duty of the Communications Officer is to receive and process calls and despatch an Ambulance depending on the priority. Officer ... role was to determine if the case was an emergency and arrange despatch. It was not up to him to decide whether or not to send an Ambulance, if there is any doubt the Duty Superintendent should be consulted. Point 2.3.1. of the procedure manual states that

"A request will be accepted from any person for an ambulance response to an emergency".

Officer ... did not despatch a vehicle nor did he consult with the Duty Superintendent, it appears from our stated policy that the patient should have received the benefit of the doubt. Officer ... has a copy of the manual and is aware of its contents.

I have checked the ACT Ambulance Running Sheet on 16 July; on the south side of Canberra both vehicles 130 and 128 were available from 9.01 pm until the early hours of the next morning. Mr Harris' call at 11.00 pm could have been responded to by either vehicle.

23 October 1991

Mr Macdonald's report goes on to say:

There was nothing unusual going on that evening which would have influenced Officer ... to respond in the way alleged.

Mr Macdonald also states:

The Duty Superintendents were only aware of one call, Mr Harris, not being logged in that evening.

Mr Macdonald goes on:

I asked Officers ... and ... how Officer ... recalled the incident and they advised me that Officer ... appears to have a record which he wrote on 17 July -

that is the day after the incident -

in his personal diary. This is unusual for the Station Officers although is encouraged with the new recruits. Neither Officer was aware of any other incidents being recorded in this way.

As far as I am concerned, Mr Deputy Speaker, this is an extremely serious incident that would require that some action be taken; and, indeed, in fairness to the Minister, some action has been taken. Mr Berry has purchased recording equipment which should go a long way to ensuring that incidents like this do not occur again. The other action that has been taken is that the officer concerned has been counselled.

There are, however, two things that arise out of this episode which cause me concern. The first is the attempt by Mr Berry to cover up this matter by refusing to release the report. Mr Berry, in opposition, made much of the importance of open government. But on coming to office he almost immediately attempted to suppress this report - and little wonder. The report is very damning of the officer involved.

The letter I received from Mr Berry in response to my letter of 18 July also gives cause for concern. Mr Berry's letter of 30 August, well after Mr Berry would have received a copy of the inquiry report, tells me nothing about the fact that the ambulance officer involved did not follow the established procedures and should have dispatched an ambulance.

Instead, the letter, which I will table shortly, states that the officer involved has many years of experience and his recollection of events is that the call for assistance was for a medical officer to attend the residence. Mr Berry's letter gave no indication that procedures had not

been followed and that no record had been kept of the incident. Then there is the press release from the Board of Health which made the incredible statement that there was a discrepancy between what Mr Harris had alleged was said to him and what the officer advised in his report.

There is nothing here to suggest that the officer acted improperly by not dispatching an ambulance. There is no doubt here that the patient in this case should have received the benefit of the doubt. There is nothing here to say that it was not up to the officer to decide whether or not to send an ambulance.

If this is not enough, I have obtained - again through my FOI request - a copy of a letter from Mr Len Withers of the Board of Health to Mr Harris dated 29 July, again well after the inquiry had concluded. This letter repeats much of what was in the letter that was sent to Mr Berry. In fact, most of the paragraphs are identical. There is one major exception, however. In the letter to Mr Harris, one paragraph was deleted by hand from the copy that I received. The paragraph reads:

The Officer involved will be counselled by the Director of the Ambulance Service in regard to providing due care and attention to all calls for assistance in accordance with the Ambulance Service Communications Centre procedures.

The question is: Why did Mr Berry fail to mention the fact that the officer involved had not acted in accordance with the proper procedures? Why did the Board of Health issue a press release which failed to state that the officer involved had failed to follow established procedures? Why is it that Mr Harris was sent a letter from the Board of Health which failed to state that the officer involved had failed to follow established procedures? And who asked that the above paragraph be deleted from the text of the letter?

Did Mr Berry authorise the Board of Health press release? Who engineered this cover-up? Why was the cover-up authorised? What power does the officer involved hold over the Minister or the Board of Health? Why was he protected from public scrutiny when his job clearly involves a very large degree of public confidence? Why is he only being counselled? What would ambulance services in other States have done in incidents such as this?

It is clear, Mr Deputy Speaker, that the officer failed in his duty to provide an ambulance. Not only did he fail to provide an ambulance but he failed to keep a record of the matter and failed to inform his duty superintendent. That is the only logical conclusion that can be drawn from this report. Yet what action has been taken? The officer has been counselled. I believe that the matter needs to be taken further and the officer should, at the very least, be moved to other duties. I call on the Government to ensure that this happens.

23 October 1991

The action of the Minister is a disgrace. His letter to me is a disgrace. The press release from the Minister's department is again a disgrace. The affair is nothing short of a cover-up, and I call on the Minister to give a full and frank explanation of why he did not want the truth to come out. Mr Deputy Speaker, I seek leave to table certain papers.

Leave granted.

MR HUMPHRIES: I table the following papers:

Document headed "Investigation ACT Ambulance Service complaint by Mr Peter Harris" and dated 19 July 1991;

Minute from Mr Peter Macdonald to Mr Len Withers, dated 23 July 1991;

Letter from the Minister, Mr Berry, to me, dated 30 August 1991;

Letter from Mr Len Withers to Mr Peter Harris, dated 29 July 1991; and

Media release issued by the Board of Health on 31 July 1991.

Mr Berry: What about the letter from Peter Macdonald to Mr Withers dated 23 July ? Are you going to table that one too?

MR HUMPHRIES: Yes, that is one of the ones I have just tabled.

MR BERRY (Minister for Health and Minister for Sport): I seek leave to make a short statement.

Leave granted.

MR BERRY: Mr Deputy Speaker, Mr Humphries talks of a cover-up and he talks about the absence of proof - all very emotive terms which set out to attract attention to an issue which is now dead. The inquiry that was conducted into this matter was properly conducted by ambulance management and others in the health system. That inquiry discovered that there was a discrepancy between the allegations of Mr Harris and the response by the ambulance officer concerned. Mr Humphries has selectively taken from correspondence quotes which do not reflect all of the investigations and matters which have been looked at in respect of this incident.

Mr Humphries failed to quote the following from a letter from Mr Peter Macdonald of 23 July 1991:

... the procedure in the ACT at present is flawed due to the following:

. there is no formal record of calls received or the information passed in those calls;

- . the recording is left to the officers discretion and interpretation;
- . there are usually no witnesses to those un-taped calls if they are later disputed.

Mr Humphries was very careful not to mention those words from the letter signed by Mr Macdonald, and of course he was very careful to avoid his own responsibility in this matter - that is, the responsibility to ensure that the Ambulance Service is properly equipped.

This Government has moved quickly to repair the damage that was done to the Ambulance Service, as a result of the absence of proper recording equipment, by providing expensive recording equipment at short notice to ensure, firstly, that members of the community can be sure that their calls are properly recorded and therefore there will be a facility for them to be properly investigated; and, secondly, that ambulance officers can properly protect themselves by way of reference to recorded information in relation to calls for assistance.

Mr Humphries also failed to refer to the comments of Mr Gillard, who was the acting director of the ACT Ambulance Service at the time and the person responsible for management of the Ambulance Service then. He failed to mention Mr Gillard's recommendations, which read as follows:

That the Board of Health issue an immediate media release in an attempt to reassure the public that the Ambulance Service procedures are sound and that the service is reliable.

Of course, it became reliable as a result of Labor's actions. The recommendations continue:

That the Board await a further report from the Service relating to the provision of communication recording equipment.

Ms Follett: Done.

MR BERRY: Done - fixed up by the Labor Government. The recommendations further state:

That you note that the Ambulance Service will review the current standing orders with the purpose of further defining the directions therein, in an attempt to present -

that should read "prevent", I am sure -

a repeat occurrence of a like incident which occurred on 16 July 1991.

23 October 1991

And this is the most important recommendation by this very experienced ambulance officer who was in charge of the Ambulance Service at the time and had knowledge of all of the events surrounding the matter:

That you note that in my opinion, whilst there appears to be a prima facie reason to believe that the Officer may have breached official procedures and therefore he may have failed to fulfil his duties as an Officer employed under the Public Service Act, my judgement is that the matter does not need to proceed further. Officer ... will be counselled in regard to the need for rigid adherence to operational procedures and the need for due care and attention to requests for assistance.

Mr Humphries: Why is this officer so special, Wayne? Why are you protecting him?

MR BERRY: Mr Humphries says, "Why is this officer so special?". I will tell you why officers of the Ambulance Service are so special. They provide a quality service to the people of the ACT, a service which places a great deal of stress on those officers. The mere act of taking an emergency call, for those that have had the experience, is a matter of some stress, and it is necessary for those officers to be under a strict discipline in relation to those matters at all times. What has happened is that the acting director of the Ambulance Service, a responsible and competent officer, has made a judgment in relation to the matter.

Those officers are so special to me that I will not let politicians play around with their future. The matter is one for responsible managers. Individual officers will not be dragged out into the open by irresponsible politicians. This is a management matter and it should be left as it is. It is not up to Ministers to interfere with these sorts of investigations; it is up to responsible managers to deal with them. In my view, the management have properly investigated the matter. As far as I am aware, the officer was counselled in relation to the matter, and management is satisfied that that process was adequate.

For Mr Humphries to now attempt to drag the matter on is irresponsible in the extreme. It will do no good to the Ambulance Service. Already the Ambulance Service has been placed under a great deal of stress because Mr Humphries and his Government failed to provide adequate resources to them. They were placed under a great deal of stress because of the absence of staff to properly man ambulances; they were criticised because they were unable to provide emergency services from time to time - all because of the actions of the failed former Health Minister.

Mr Deputy Speaker, I think it would be criminal for this former Minister to go through that process again. He has to wear the responsibility of those failures in the Ambulance Service. He has to accept that the Labor Government in this Assembly has moved quickly to repair the damage done by the Alliance Government. They are facts of life that we all have to live with. What it boils down to is that this Minister is seeking to castigate an ambulance officer who was - - -

Mr Humphries: You are the Minister actually, Wayne, not me.

MR BERRY: My apologies. You correctly draw that to my attention. At this late stage in the day one can be forgiven for making even large mistakes - and referring to Mr Humphries as the Minister was a major mistake. I withdraw that unequivocally.

Mr Humphries attempts to drag this matter on and do further damage to the Ambulance Service. I, for one, will not be assisting in that regard. I think the matter is a management matter. It has been properly investigated internally by management, as is properly the case in disciplinary matters or matters which could result in disciplinary action. The then acting director of the Ambulance Service was satisfied that everything that could be done was done. The Government has taken all the necessary action to repair the damage done by the former Government. We are still working on that. There is more work to be done, and we will continue to pursue those issues.

MR KAINE (Leader of the Opposition): I seek leave to make a statement on this matter, Mr Deputy Speaker.

Leave granted.

MR KAINE: Mr Deputy Speaker, we have just seen an interesting exercise in evasion. The failed Minister for Health has been hoist with his petard. The issue is not so much what the ambulance officer did or did not do. The question is: Why did the Minister not put the information on the table in question time when he was asked the question? Mr Berry, in his usual evasive fashion, refused to answer the question - to the point where Mr Humphries had to go through FOI procedures to get the very information that the Minister should have made available.

Once Mr Humphries did that, what was Mr Berry's approach? He then produced all the documentation that he should have produced in answer to a question from the floor of the house. Only when he was flushed out and Mr Humphries got the information through other means - only then - did the Minister come along and start quoting extensively from documentation. That is the point at issue.

23 October 1991

This Minister repeatedly refuses to answer questions. He will do anything in his power to avoid answering a question, but this time he has been caught out. This Minister's behaviour is reprehensible. I will not say that it deserves censure, although it probably does. If he would only practise his concept of open government that he talks about, we would not have had to go through this charade today of Mr Humphries having to suspend standing orders to get approval to even make his statement and to table the documentation.

The Minister needs to be put on notice, and I think he has been, that in future in question time he had better answer the questions. If he does not answer them, the information will be obtained and he will find himself here trying to explain how it was that information that is made freely available through the FOI procedures, if one only asks, was not made available to this house by him. That is the point at issue.

I am not too much concerned about what the ambulance officer did or did not do. That is history and the matter presumably has been dealt with as an administrative matter. But it is the Minister who has behaved reprehensibly, and that is the matter that needs to go on the record.

Mr Berry: On a point of order, Mr Deputy Speaker: I think the term "reprehensible" is unparliamentary. There is no evidence of that and I accept no blame for - - -

MR DEPUTY SPEAKER: Just to please you, Mr Berry, I will take advice; but I do not think so. There are so many things which have been said to be unparliamentary but which I do not necessarily agree are. I will take advice on that, Mr Berry.

No, it has not been ruled out of order, and I do not do so.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 5.48 pm