



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

13 October 1992

## Tuesday, 13 October 1992

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**MADAM SPEAKER** (Ms McRae) took the chair at 2.30 pm and read the prayer.

### **PETITION**

**The Clerk:** The following petition has been lodged for presentation:

By **Mr Humphries**, from 72 residents, requesting that the Assembly prohibit the availability of all X-rated material and the possession of child pornography.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

### **X-Rated Material, Pornography and Violence**

*The petition read as follows:*

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of the undersigned citizens and residents of Australia draws to the attention of the Assembly the fact that the availability of mail order X-rated material and goods from the Territory has caused Australia to surpass the highest world statistics for sexual crimes.

Your petitioners therefore request the Assembly to:

- prohibit the availability of all X-rated material from the 1983 Ordinance
- prohibit the POSSESSION of child pornography by amending the 1983 Ordinance
- prohibit considerable violence and all forms of sexual violence in the 1983 Ordinance.

Petition received.

### **QUESTIONS WITHOUT NOTICE**

#### **ACTION - Expenditure Cuts**

**MR KAINE:** I would like to address a question to Mr Berry as Minister for Industrial Relations. Mr Berry, would you give the Assembly an assurance that you totally support the decisions and positive action taken by your colleague Mr Connolly to cut unnecessary expenditure in the operation of ACTION buses?

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**MR BERRY:** This is a political question that requires a political answer. One of the things that gall the members opposite is the united Government. We are as one when it comes to dealing with the issues which the Government confronts from time to time - not like the members opposite, where sometimes we have six individual agendas. Of course, we also stay on the job when a job needs to be done. That was not the case with opposition members in recent days when the important process of the Estimates Committee was more or less abandoned by the Liberals. Mr De Domenico took off overseas, Mr Kaine had a little rest, and on at least one occasion - - -

**Mr Cornwell:** What about Mrs Carnell and Mr Cornwell?

**MR BERRY:** Well, Mr Cornwell, indeed; thank you for raising that. He even went to see, I think, one of the Federal Liberal politicians speak, instead of dealing with some Estimates Committee work, as I recall. What really galls the Liberals opposite is the unity of the Labor Government. This Government is one that is united in dealing with the issues which have arisen as a result of our budget, and we will continue to be united in dealing with those issues.

**MR KAINÉ:** I ask a supplementary question, Madam Speaker. Clearly, Minister, your support exists only on the floor. My supplementary question is: Why did you leave the room just before the vote was taken in your council meeting with which they bludgeoned Mr Connolly and censured him for the action that he was taking in this matter? Was that unity too?

**MR BERRY:** It is very clear that this is a political question that requires a political answer. As I said to you in my earlier answer, we are a united government, and we will continue to be united. If you want to find out all the details and to participate in the Labor Party process, I suggest that you join it.

### **Emergency Rescue Services**

**MS ELLIS:** My question is directed to the Minister for Urban Services and Attorney-General. Is the Minister concerned about rivalry between the emergency services, and what action is he taking?

**MR CONNOLLY:** Yes, Ms Ellis, I am very concerned. Members would be aware of an incident on Sunday which received considerable publicity. It appeared from media reports that there was rivalry and that correct procedures were not followed. I required both the Chief Police Officer and the Fire Commissioner to provide me with a full written report on what happened on Sunday, which was to be on my desk by the opening of business this morning.

The result of that report was that the police clearly failed to follow procedures. There is a police standing instruction which says that when road rescue is required, or is likely to be required, the police communications room is required to advise both services - that is, it is required to advise the fire rescue unit and the police rescue unit. That failed to occur on Sunday afternoon. The Acting Chief Police Officer, Mr Stoll, has accepted on the chin the fact that his service failed to comply with guidelines. He has given me an assurance that that will not recur. He has taken it upon himself to deal, within internal police procedures, with those persons who clearly disobeyed the written instruction that the fire service be advised. There was a failure to follow procedures. That has been remedied by swift government action.

### **Park and Ride Spaces**

**MR STEVENSON:** My question is to Mr Connolly. The Minister will be aware of concerns about a lack of park and ride spaces at Woden. Firstly, I commend the initiative that allows drivers to park in free car parks at Woden, Belconnen and Tuggeranong and then catch a bus to and from the city. While I realise that the park and ride spaces have been doubled at Woden since the introduction of the scheme about a year ago, would Mr Connolly indicate two things? First, what is the estimate of the number of spaces that will be required at Woden, considering current increases? Secondly, what is being done to further increase the number of spaces at Woden?

**MR CONNOLLY:** I thank Mr Stevenson for his question. Park and ride clearly has been a success. We have been, through park and ride, directing a number of motorists who otherwise would have been coming into the city by private motor vehicle transport onto the public transport system, with a consequent significant saving to the ACT community and a significant environmental benefit. Park and ride has been so successful at Woden that the original allocation has had to be doubled and we are currently experiencing some difficulties. Mr Stevenson is correct in pointing that out to us.

We do have something of a problem in allocating park and ride spaces at Woden in that a number of people who have purchased the park and ride tickets are not regularly utilising them. That means that an observer could think that there are underused spaces which we should be on-selling. In fact, they are purchased spaces which are not being used every day. We are monitoring the situation and it is likely that we will need yet another expansion of the Woden park and ride facility, which would represent almost a trebling of the original allocation. This means that the program is very successful.

### **Department of Education and Training - Secretary**

**MR CORNWELL:** Madam Speaker, my question is to the Chief Minister in her capacity as Minister responsible for public service matters. I refer the Chief Minister to her reply to the Leader of the Opposition's question without notice on Wednesday, 16 September, concerning the process of selecting the new Secretary of the Department of Education and Training. Ms Follett, you replied that Ms Vardon was recommended for the position. Thank you for nodding agreement with what I said. Will you clarify this reply by indicating whether the independent selection committee recommended Ms Vardon as the most meritorious candidate?

**MS FOLLETT:** Madam Speaker, I can certainly say that the independent selection panel recommended Ms Vardon.

**MR CORNWELL:** Madam Speaker, that was not my question. I will repeat my question. Her original reply was that Ms Vardon was recommended for the position. Will she clarify that, please, by indicating whether the independent selection committee recommended Ms Vardon as the most meritorious candidate?

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**MS FOLLETT:** Madam Speaker, I believe that it is appropriate that such selection processes be accompanied by a degree of confidentiality. I do not think that most members would argue with that. The decision made by the Government was in accordance with the recommendations made by the independent selection committee, and I think that - - -

**Mr Kaine:** With some qualification.

**MS FOLLETT:** Madam Speaker, as I say, I believe it to be appropriate, having set up an open and independent process, that the people who took part in that process are entitled to a degree of confidentiality. I do not wish, on the floor of this Assembly, Madam Speaker, to canvass the cases of other candidates. I do not think that that is appropriate. I repeat that the decision made by the Government was in accordance with the independent selection panel's recommendations.

### **Open Space**

**MS SZUTY:** Madam Speaker, my question without notice is to the Minister for the Environment, Land and Planning, Mr Wood. In response to a letter from the Belconnen Community Council the Minister has said that "current planning standards allow 2.4 hectares of open space per 1,000 head of population". The Minister's letter had been written in response to Belconnen Community Council's concerns about the current redevelopment of the former Page Primary School site. On page 29 of the draft Territory Plan report, it states that current guidelines for open space are four hectares per 1,000 head of population. My question to the Minister is, therefore: What is the current standard provision regarding open space for Canberra's suburbs? Is it 2.4 or four hectares per 1,000 head of population?

**MR WOOD:** Madam Speaker, the provision of open space as a proportion of the total amount of land has a history. In some measure that may vary as time goes by. Today there is a view that what has been provided in the past has been very generous. Further to that, sometimes there is a dispute as to what is included as open space - whether it is road verges, nature strips and various other parcels of land. I note the two figures that you have given. I will undertake to look at the documents, check the history, and come back with a definitive answer for you.

### **Australian National Training Authority**

**MR LAMONT:** My question is to the Minister for Education and Training. Bearing in mind, Minister, your recent comments about the ganging up of the States on the ACT to prevent the establishment of the Australian National Training Authority office here, would you elaborate further on the reasons for the failure of the States to agree to the establishment of this office in the ACT?

**MR WOOD:** Madam Speaker, I have some difficulty in doing that, because the reasons have really eluded me. I am disappointed at the decision and the way the decision was taken. I can find no logical explanation for the office of ANTA going to Brisbane. I might indicate that, at the outset, my proposal to the State and Federal Ministers - this was some weeks ago now - was that we should

establish the criteria to determine where that office should go. For example, we should ask the question: What is the strategic value of having ANTA in one place or another? There were a number of other criteria that I believe should have been determined before making any decision. The decision should then have reflected those criteria. I was as unsuccessful with that as with the end result. The ACT got one vote, and that of course was mine. I am sorry that it was done in that way.

I am even more sorry about the attitudes displayed towards the ACT. I am sure my ministerial colleagues and former Ministers in this Assembly find nothing new in that. I find quite alarming the degree of mistrust and dislike for the ACT, and the level of resentment. I think that resentment is based on misperceptions of the ACT. This Government, indeed, this parliament, I think, has a long way to go yet to correct those misperceptions. The views expressed must remain confidential. I am not going to indicate what was actually said in the meeting. The views expressed do not indicate that there is any great future for the ACT any time something comes up before a ministerial council. The Ministers for vocational education, employment and training were the Ministers involved in this decision.

### **Health Services Consultant**

**MRS CARNELL:** My question is to the Minister for Health, Mr Berry. Noting that Anne Austin and Associates have been employed as consultants in the hospital redevelopment, may I say, for over \$113,000 last year, is Ms Austin occupying the position of Acting General Manager (Corporate) as a consultant or as a regular officer of the ACT Government Service?

**MR BERRY:** Rather than speak on individuals within the public service, I would prefer to take some advice on the exact employment status of Ms Austin before I reply, Madam Speaker.

**Mr Kaine:** You do not want to answer the question.

**MR BERRY:** I am happy to.

### **Vietnam Veterans Commemoration**

**MRS GRASSBY:** My question is to the Chief Minister. Can the Chief Minister advise the Assembly on the impact on the ACT of the recent visit of the Vietnam veterans for the unveiling of the memorial? What assistance did the ACT Government provide for the events and for tourism in Canberra?

**MS FOLLETT:** I thank Mrs Grassby for the question. At this point I would have to say that the impact of that wonderful weekend on our economy as a whole cannot be accurately evaluated; but it will be, because there is, in fact, a survey going on in conjunction with Floriade to assess the economic impact of that whole period. The Vietnam veterans weekend will obviously show up in that.

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A preliminary estimate has been made that some \$4m was directly injected into the ACT economy as a result of the Vietnam veterans commemoration weekend. That is certainly a very worthwhile contribution indeed. It does not take into account, of course, the long-term effects that such a weekend will have on the ACT. We had, I believe, an unprecedented number of visitors here, and the fact is that the ACT in general coped extremely well with that large number of visitors. I have been advised that all accommodation in the ACT was booked out, and that accommodation had to be sought in nearby towns. There was a very greatly increased level of activity in restaurants and other visitor facilities, and other attractions in the ACT had very large crowds at them over the weekend as well. So, Madam Speaker, quite clearly, the weekend had a very positive impact on our economy.

I would also like to say that a large number of agencies, both Commonwealth and ACT, provided support and assistance over the weekend, and I would like to pay tribute to their efforts. I think that they did a sterling job. They include the Commonwealth departments of Veterans Affairs and Defence, and, not the least, of course, our own agencies, our own police force, our Urban Services people, and all of the ACT workers who were active in making sure that that weekend was as successful as it was.

### **Department of Urban Services - Reports**

**MR WESTENDE:** I can assure the members opposite that whilst I have been away I have not been idle. My question is directed to the Minister for Urban Services. Can the Minister indicate why there have been so many reports produced in the running of Urban Services? These reports were shown to be inconsistent in the Estimates Committee hearings, and the report that was regarded as accurate was the draft annual report which was eventually received only a few days before the hearing on Urban Services. The draft annual report of Urban Services states, on page 53, that during the year the necessity for the integration of the annual report and corporate and budgetary planning processes was emphasised. Is this still the objective, and why was it not achieved for this year's Estimates Committee?

**MR CONNOLLY:** I was not going to take this issue on; but I have to say that it is a bit rich for members to absent themselves during the Estimates Committee, for whatever reason, and however justified, and then come in and ask a first question on alleged discrepancies during the Estimates Committee, when they were not even there, Madam Speaker. The Opposition, which rants and raves about secrecy and privacy in government, when it has its one opportunity in the year to cross-examine public servants and get to the bottom of the issue, shoots through. I had the extraordinary experience during the Urban Services portfolio review of having the pleasure of the company of only Mr Cornwell and Mrs Carnell. The Leader of the Opposition was nowhere to be seen, nor were other opposition members.

**Mr Kaine:** I raise a point of order, Madam Speaker. That is a total misrepresentation. To say that I have not been on the scene during the Estimates Committee is a total misrepresentation. I want it withdrawn.

**Mr Berry:** I think there is an imputation there.

**MADAM SPEAKER:** Excuse me, Mr Berry! Mr Connolly, I do believe that you did not say - - -

**MR CONNOLLY:** Madam Speaker, what I said was that during my day at the Estimates Committee the Leader of the Opposition was nowhere to be seen, and he was nowhere to be seen.

**Mr Kaine:** That is exactly right. I have a shadow Minister whose responsibility it is.

**MR CONNOLLY:** Yes, and he was nowhere to be seen either.

**Mr Kaine:** That is okay. If you want to say that, that is a different thing.

**MADAM SPEAKER:** Order! I believe that the matter has now been clarified. Would you continue, Mr Connolly.

**MR CONNOLLY:** On the merits of the matter, the annual report of Urban Services was not prepared in as timely a manner as either Mr Turner or I would have liked. The Chief Minister has given a clear directive to her Ministers and agencies that this be improved in the future, and we will comply with that. There are some particular problems, given the extraordinary breadth of the coverage of the Urban Services portfolio and the different accounting methodologies that apply from program to program - - -

**Mr Cornwell:** Indeed, Mr Connolly.

**MR CONNOLLY:** Mr Cornwell, who was assiduously present throughout, acknowledges that. We will do better next year. That is the reason for the problem and, as was explained to members who were present, the matter is under consideration and will be remedied.

### **Immunisation Program**

**MS ELLIS:** Madam Speaker, my question is directed to the Deputy Chief Minister in his capacity as Minister for Health. Does the ACT have the highest rate of fully immunised children in Australia?

**MR BERRY:** Yes, it is true that, according to ABS statistics, the Australian Capital Territory has the highest percentage of children fully immunised - 64.3 per cent, according to an article in the *Courier-Mail*. I think it is interesting that praises are being sung in other States instead of the Canberra-bashing that is often complained about. At least the successes of our public system are well regarded in other places.

I have to say, Madam Speaker, that, whilst the public health system in the ACT can take much of the credit for this high level of immunisation amongst our community, it has not been without some pain inflicted by the Liberal Party during the lead-up to the election. I recall all of the misinformation that was spread, particularly by Mrs Carnell, about the immunisation program in our public health system. What an outrage it is for these people to scream about a very successful program in the public health system which has ensured that many of our children - - -

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**Mrs Carnell:** And unnecessary expenses on fridges.

**MR BERRY:** She interjects, "Unnecessary expenses on fridges". This is the \$40,000 fridge that she complained about at the Tuggeranong Health Centre - the health centre that they could not even find. They did not even know where it was. She got that wrong too. The \$40,000 fridge turned into a range of specialised fridges at \$5,000 each. She could not even get that right. She could not get the location of the health centre right. All they wanted to do was to condemn that very successful public enterprise.

**Mr Kaine:** I can see that this is another political question that you are going to deal with in a political way.

**MR BERRY:** Well, you interject.

**Mr Kaine:** I did not interject.

**MR BERRY:** You could have fooled me.

**Mr Kaine:** Except to tell you that it is a political question and that you will answer in a political way.

**MADAM SPEAKER:** Order!

**MR BERRY:** Madam Speaker, it is good to see the praises of Canberra's very successful public health system being sung elsewhere. It would be a great pity if the Liberals were to continue with their condemnation of the public system in the ACT. That is quite often the case. They talk it down rather than talking it up. They are very negative about a process which provides top quality services for the ACT. It is a service which, under a Labor government, will continue to have a focus on social justice. We will ensure that the interests of the people of the ACT are foremost, rather than the interests of others.

### **Over-award Payments**

**MR DE DOMENICO:** Madam Speaker, my question without notice is to the Minister for Industrial Relations, Mr Berry. Does the Minister agree with his Federal colleague Senator Peter Cook that any future over-award payments should be entertained only under enterprise or workplace agreements? If he does agree, will he immediately instigate an inquiry into over-award payments in the ACT Government Service and its instrumentalities? If not, why not?

**MR BERRY:** This shows the ignorance of the Liberals in industrial relations. Mr De Domenico talks about over-award payments, I am sure, in the private sector context, and then talks about what occurs in paid rates awards.

**Mr De Domenico:** No, all contexts. Do you agree with him or don't you?

**MR BERRY:** You do not even seem to understand the difference between minimum rates and paid rates awards. You do not seem to understand the difference in the two principles. Go away; have a look at the school books first. When you understand the difference between minimum rates and paid rates awards, come back in and put the question to me again.

**Mr De Domenico:** Madam Speaker, as a matter of procedure, I suppose, may I ask the question again because I did not get an answer?

**MADAM SPEAKER:** Try it as a supplementary question, Mr De Domenico. I will see.

**MR DE DOMENICO:** As a supplementary question: Does he agree with Senator Cook or does he not? If he does agree, will he instigate an inquiry to make sure that no over-award payments are given in the ACT, unless under proper circumstances?

**MR BERRY:** Over-award payments, Madam Speaker, are part of some private sector areas.

**Mr De Domenico:** And some government areas.

**MR BERRY:** In paid rates awards there are no over-award payments. I think what you are referring to are illegal payments. You really have to come in here with a better understanding of the industrial relations process. I have said before in this place, I think in response to a question that was very similar, that managers in the public sector have the responsibility of managing the way paid rates awards are applied to employees in the public sector. It is their job to ensure that payments are made in accordance with those awards, the awards of the Industrial Relations Commission. Where there is dispute between managers and employees, there is a process available in the Industrial Relations Commission to settle those sorts of issues. If Mr De Domenico has the goods, let us see them. Lay them on the table. If you are not - - -

**Mr De Domenico:** I just asked whether you agreed with your Federal colleague; that is all.

**MR BERRY:** You tried to draw a comparison between something that Senator Cook is saying and something which obviously applies to the private sector, to a great degree.

**Mr De Domenico:** Are you sure of that?

**MR BERRY:** You are talking about over-award payments. If you do your school work properly you will probably find out that it does. Go away and do it again. Come back and ask the question again when you have better information. I am telling you that, as far as paid rates awards are concerned, in the government sector in the ACT, the managers have the responsibility to manage them. Where disputes arise in relation to payments, they will be settled in an appropriate forum, that is, the Industrial Relations Commission.

### **Department of Education and Training - Secretary**

**MR KAINE:** I would like to address a question to the Minister for Education. It has to do with the appointment of the secretary of this department. Minister, will you tell us how many education chief executives, both in the States and at the Commonwealth level, were approached to provide professional advice on the merit of the candidates for appointment to that position, particularly in connection with the person who has been appointed?

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**MR WOOD:** Madam Speaker, I am rather bemused by the need for this questioning. I cannot imagine what the background is. I did indicate, to either Mr Kaine or Mr Cornwell - one or the other - some of the background to this, and I cannot understand the reason for their questioning. I cannot understand the reason for continued questioning on this.

As the Chief Minister says, the process was completely open and above board. There is no doubt about that. We acted entirely within the framework of the recommendations that were made by the selection panel. There is no question of that. In the course of the panel's deliberations a number of contacts were made. Referees were approached and, I understand, people beyond referees, in order to ensure accurate information to Cabinet as we deliberated on the information given to us and made our decision. I was informed of these. To the best of my knowledge, two directors-general of education were part of the process. One was the chair of the panel and another, I believe, was approached by way of seeking out information. I do not know what further you want me to say. If you publicly or privately express your concerns to me, perhaps I can alleviate them.

**MR Kaine:** I ask a supplementary question. Minister, you just said, "It was an open process". Yet both you and the Chief Minister decline to answer questions about it. My supplementary question is: Will you give us an assurance that the Chief Minister will not; that the person appointed was, in fact, the preferred candidate recommended to the Cabinet by the selection panel?

**Ms Follett:** Oh, come on!

**MR Kaine:** Madam Speaker, these are perfectly valid questions and there is no reason for them not to answer.

**MR WOOD:** Madam Speaker, the facts in respect of the open nature of it are these - - -

**Mr Kaine:** Just answer my question.

**MR WOOD:** You asked a question relating to this. Think back to what you asked. You will remember that you asked whether it was open.

**Mr Kaine:** No. I said that you said that it was open. Leading from that, I asked you a question, and I would like you to answer the question.

**MR WOOD:** The open nature of it is that the position was advertised in national newspapers. Expressions of interest were further sought. A panel was set up in the usual way. Interviews were held.

**Mr Kaine:** I want to know whether their recommendation was adopted, and you will not answer the question.

**Mr Berry:** I raise a point of order, Madam Speaker. The Leader of the Opposition has interjected repeatedly while the Minister attempts to answer the question. I would call on you to ask him to sit  
- - -

**Mr Kaine:** He will not answer the question, any more than the Chief Minister, and you know it.

**Mr Berry:** There he goes again.

**MADAM SPEAKER:** Order, Mr Kaine!

**Mr Berry:** He needs to be sat down and kept quiet for a little while. Do not get so heated.

**Mr Kaine:** I do not need his advice, Madam Speaker, and I would ask you to protect me from this man.

**Mr Berry:** You do need it and you should take it.

**MADAM SPEAKER:** Mr Kaine, Mr Wood has the floor.

**MR WOOD:** The Leader of the Opposition is wrong in his assumptions. It is always dangerous to make assumptions. He is making an assumption which is quite wrong. He said, "Was the recommendation of the panel the one that you accepted?". That is an incorrect assumption, Mr Kaine.

**Mr Kaine:** Were there several recommendations?

**MR WOOD:** Well, you may now speculate.

**Mr Kaine:** No, I do not want to speculate. I want you to answer the question.

**MADAM SPEAKER:** Order!

**MR WOOD:** The Chief Minister has said a number of times, and I will say it again, that the panel came back to us with documents, and the decision that the Government made was a decision entirely within the recommendations, the advice, that we received from that panel - entirely and properly within it.

**Mr Kaine:** First advice or second advice?

**MR WOOD:** I will answer that interjection. There was no first advice; there was no preferred nominee; there was no second advice. The panel came back in the manner that I requested that it do in an appropriate form, and it was the Government that made the decision in the context of the information that we received from them. If you believe otherwise, you are making assumptions that are quite malicious and unwarranted.

**Ms Follett:** I ask that further questions be placed on the notice paper.

### **Woden Valley Hospital - Psychiatric Beds**

**MR BERRY:** Madam Speaker, on 9 September Mrs Carnell asked a question in relation to psychiatric beds at the Woden Valley Hospital. I table an answer to that question.

## Open Space

**MR WOOD:** Madam Speaker, during question time today Ms Szuty asked me about the difference between 2.4 hectares of open space per 1,000 population and four hectares per 1,000 population in different documents. I am advised that four hectares per 1,000 people relates to town centres and 2.4 hectares per 1,000 relates to the urban areas, the populated areas beyond the town centres.

## PERSONAL EXPLANATION

**MR CORNWELL:** Madam Speaker, I claim to have been misrepresented. I seek leave to make a personal explanation.

Leave granted.

**MR CORNWELL:** Madam Speaker, at the beginning of question time Mr Berry suggested that I had neglected my duties here in attending the Estimates Committee by going and listening to one of my Federal colleagues. This, in fact, is not correct. Last Thursday, 8 October, during the lunch hour, I attended the National Press Club to hear the next Industrial Relations Minister in the next government, that is, the Hewson Federal Government and the Industrial Relations Minister to be, Mr John Howard - somebody that Mr Berry could possibly listen to, too, to some advantage. I did attend that, as I say, in the lunch hour. I returned to the Assembly in time for the Urban Services estimates, which, your factional opponent Mr Connolly has admitted, I assiduously attended and was present for.

However, I did, Madam Speaker, miss a short five or ten minutes when Mr Berry had to come back to the Estimates Committee meeting on Health to correct mistakes he had made during the original estimates hearing when he said that the waiting list, I understand, for hospitals had fallen when, in fact, it had risen. I certainly missed that. Mrs Carnell was present. She is the health spokesman, and she was quite capable of looking after that matter. I wish to correct the suggestion that perhaps I had neglected my duties here.

## SUBORDINATE LEGISLATION

### Papers

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

*The schedule read as follows:*

Credit Act - Declaration No. 148 of 1992 (S167, 25 September 1992).

Electricity and Water Act - Canberra Sewerage and Water Supply Regulations (Amendment) - No. 18 of 1992 (S173, 2 October 1992).

Housing Assistance Act -

Variation to Public Rental Housing Assistance Program - No. 152 of 1992 (S171, 1 October 1992).

Variation to Rent Relief Program - No. 151 of 1992 (S171, 1 October 1992).

- Land (Planning and Environment) Act - Land (Planning and Environment) Regulations (Amendment) - No. 19 of 1992 (S173, 2 October 1992).
- Motor Traffic Act - Motor Traffic Regulations (Amendment) - No. 17 of 1992 (S165, 22 September 1992).
- Public Place Names Act - Determinations -  
No. 149 of 1992 (S168, 28 September 1992).  
No. 128 of 1992 (S175, 6 October 1992).
- Taxation (Administration) Act - Determination for the purposes of the *Financial Institutions Duty Act 1987* - Determination No. 154 of 1992 (S179, 12 October 1992).

**LAND (PLANNING AND ENVIRONMENT) ACT LEASES  
Papers**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members, I present leases granted pursuant to the Land (Planning and Environment) Act 1991, in accordance with the circulated list.

*The list read as follows:*

Land (Planning and Environment) Act - Leases, together with executive statements -

- Braddon, section 22, blocks 6 and 9.  
Hackett, section 18, block 3.  
Hall, section 3, block 10.  
Holder, section 37, block 22.  
Kaleen, section 28, block 56.  
Lyneham, section 86, block 21.  
Narrabundah, section 36, blocks 5 to 7, inclusive.  
Page, section 11, blocks 21 to 25, inclusive.  
Richardson -  
section 437, blocks 8 to 13, inclusive.  
section 438, blocks 16 to 30, inclusive.  
section 440, blocks 9 to 11, inclusive; 19 to 25, inclusive.  
section 455, blocks 1 to 6, inclusive.  
section 456, blocks 5 to 11, inclusive; 12 and 13.  
section 457, blocks 2 to 7, inclusive.  
section 458, blocks 1 to 4, inclusive; 12 to 17, inclusive; 18 and 19; 22 to 27, inclusive.  
section 459, blocks 12 to 18, inclusive.  
section 460, blocks 4 to 6, inclusive.  
section 469, blocks 1 to 5, inclusive.  
section 470, blocks 4 to 8, inclusive.  
section 472, blocks 10 to 17, inclusive.  
section 473, blocks 21 to 25, inclusive.  
section 475, blocks 8 to 28, inclusive.  
section 486, blocks 4 to 14, inclusive.  
section 487, blocks 15 to 25, inclusive; 30 to 35 inclusive.  
Theodore, section 615, blocks 3 and 18.  
Watson, section 21, block 6.

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**MR WOOD:** I wonder why we need to do this.

**Mr Kaine:** Do you read them all before we discuss them?

**MR WOOD:** I expect you to go through them all.

**MADAM SPEAKER:** Order!

### **LEAVE OF ABSENCE TO MEMBER**

Motion (by **Ms Szuty**) agreed to:

That leave of absence be given to Mr Moore for this sitting.

### **ROAD RESCUE SERVICES** **Discussion of Matter of Public Importance**

**MADAM SPEAKER:** I have received letters from Mr Lamont and Mr Moore proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mr Moore be submitted to the Assembly, namely:

The failure of the Labor Government to resolve the continuing conflicts and excessive expenditure in relation to road rescue services.

**MS SZUTY (3.08):** Madam Speaker, the page 2 story from this morning's *Canberra Times* on the fatal accident in McKellar on Sunday will cause ACT residents more than a little fear and distress. If the community feels that we cannot rely on the professionalism of road rescue services, how then will they feel confident about what happens at accident scenes? The example quoted in the *Canberra Times* shows just how far relations between the two principal road accident response groups have deteriorated. There appears to be no end to the animosity existing between Fire Brigade and police rescue officers, to the point where they will argue publicly at the scene of a fatality.

At this point I wish to convey to the relatives of the man who was killed in that accident and all others involved my heartfelt sympathy and my embarrassment that such a tragedy was marred by such rivalry. The question can be asked: What has caused this situation? Further, why cannot a satisfactory solution be found to the dilemma of having two rescue services in a city the size of Canberra? An agreement was struck to separate the ACT into two zones, north side and south side, in 1991, after a tripartite arrangement which had existed between 1980 and 1983 was deemed to be too problematic, and subsequent arrangements fell through. Since that time an uneasy truce has existed, at least publicly, and, despite the occasional complication, the services have been seen to respect that arrangement.

The Attorney-General, earlier this year, extended that arrangement, with a proviso that the first unit capable of reaching an accident should be the first to respond, regardless of the imaginary north-south divide. It appears that this is not providing the solution required by police and Fire Brigade officers, if

Sunday's example of a public argument about who should have been called is any indication of present relations. I cannot stress strongly enough how appalled I am to hear that an argument took place at the scene. Despite their differences, both rescue services should be aware of how their public argument undermines the public's confidence in the provision of their services. I can only hope that the *Canberra Times* report is overstated.

During the Estimates Committee hearings members heard that the Fire Commissioner and the Police Commissioner are sorting out the difficulties that exist between the two services. Whatever is happening at this level, it is obviously not being reflected at service delivery level, which would help resolve what is recognised by all as a mess. In the past 10 years this dispute has erupted from time to time and, despite happy smiling faces pictured in the press signing interservice agreements, it appears that the spectre of divided responsibility will not go away.

I have had representations from the Australian Federal Police Association on this issue and I feel that an adversarial approach has now been ingrained into the two services. I have yet to hear from the United Firefighters Union of Australia, ACT branch. However, I have noted a higher level of activity within the past few months, with demonstrations of rescue procedures and yesterday's launch of "trauma bears" to be given out to children at accident scenes. All this activity tells me that things are far from satisfactory and desperately need to be resolved.

This brings me, by a fairly circuitous route, to the central point of today's matter of public importance debate - the failure of the Government to grasp the nettle and make real, lasting and meaningful decisions about how ACT emergency services are to operate. In all the talk that has gone on in the past few months there has been only talk of those involved sorting out the problem. If I can use an analogy, that would be like telling a couple going through a particularly nasty property settlement to sort it out themselves. We do not ask such people to do this, because we recognise the inherent complications of such situations and the inability of the people directly involved to view such divisions impartially.

So, too, the services involved here are fighting over their territory - what they both see as their right to have an involvement in road rescue. One, the police force, has a legislative imperative to investigate crime scenes and uses this in defence of its stance in this argument. However, because it has been party to several agreements over the years that recognised its attendance at road rescue scenes, the fire service feels that it also has an inherent right to be there and to be actively involved at these accident scenes.

Undoubtedly, the Minister feels that he has done as much as he can do to resolve this dispute. After all, the men and women involved are all professionals. But, if the reports from Sunday's fatality are in any way correct, that professionalism obviously breaks down under certain circumstances. The situation appears to be more complicated than just a north-south divide issue. If it is not, then that must be reinforced to all parties involved. But in the longer term it will not be enough to have told the Fire Brigade and police rescue units to go away and sort it out themselves. Apparently, several years of that remedy has not worked. The imperative now is to find a workable solution - a rescue service that is not driven by service loyalty and that recognises the job to be done and responds. Accordingly, this is what the people of Canberra expect, they are paying for and want.

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The matter of public importance before us also mentions the excessive expenditure on road rescue services and apparent duplication of services and equipment. The question needs to be asked: What level of emergency services does the ACT need? Would a single coordinated service provide a better response in road rescue situations than the separated services? While the ACT branch of the Australian Federal Police Association quotes two reports, by Major-General R.A. Grey and R.E. Rooks, which appear to have given the police primary responsibility for road rescue, what other reports should we be looking at for models on which to base rescue services in Canberra?

The Minister has further articulated today what happened at the accident scene in McKellar. Despite the glaring problems with demarcation disputes, the road rescue service in the ACT appears at most times to operate successfully. I am not criticising the people who are involved and who are devoted to their careers. Obviously, that same commitment to their jobs has given them a bias on the issue of who should have charge of road rescue in the ACT, and both have arguments to support their cases. Like the feuding couple of my earlier example, the two services need counselling and support, and perhaps in the end an independent and agreed decision.

I think the ACT to date has reached the stage where earlier efforts in counselling and support and easing through the process of settling the question of who has primary responsibility for road rescue are achieving little; nor are blanket directives to get on with the job and put aside the rivalries. What is needed is a solution which includes a quantifying of the problem, a rationalising of the services if that is needed, and a coordination agenda that brings the police and Fire Brigade officers together to work towards the same goal - the saving of more lives on our roads, not the fighting over who should have been called first.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.16): This matter of public importance obviously flows from the concern raised in the media this morning and the *Canberra Times* editorial concerning duplication on road rescue, but I think it highlights that there are two issues. There is the underlying issue of how we best provide this service and the particular incident on Sunday.

This Government is not in the business of defending the indefensible, and as soon as I became aware of the allegations relating to Sunday's incident I called for full written reports from the directors of both services. I insisted that they be on my desk by the opening of business this morning. They were; and it was clear, as I indicated in question time, that police procedures had not been followed. The police were quite frank to me in that. The Acting Chief Police Officer has copped that on the chin. He accepts that what happened was unacceptable, both to government and to the broader community. He has taken upon himself the responsibility of sorting that out within the police service, which is right and proper, and has given me an assurance that it will not recur. So, in the particular incident a clear instruction that the fire service be advised of road accidents on the north side and, since my intervention in September, of a secondary response capability - an indication that in every case one service notify the other - had not been followed. That was indefensible and unacceptable, and I am advised by the senior police officer that it will not recur.

That leaves us with the underlying issue of how we best provide community resources here. We have heard a fair bit of political bleating on this. Mr Moore in the past has made this an issue and has said, "Shock, horror; there is waste and duplication", but he has been totally unable to provide a better system. Mrs Carnell was on the media last evening again, bleating about this, but without even going close to providing an alternative. Let me set out the Government's objectives on this. The first thing that must be said is that this is not an area where we are savings directed. This is a government which is committed to providing a more efficient ACT administration, all Ministers approving that; but in relation to lives, in relation to rescue services, we are concerned primarily with providing the best service to the ACT community, not looking only for dollar efficiencies.

We have, as was acknowledged by Ms Szuty, two very highly trained professional services in the ACT. Mr Moore is fond of saying that there is duplication; but I would have to say that at the Estimates Committee, where he had the opportunity to test not just me as Minister but the relevant senior officers of the police and the fire service, he was quite unable to come good on his claim of duplication. The facts are, Madam Speaker, that we have two services which must have a capacity for, amongst other things, road rescue, and it is sensible to use both services in that capability.

Let me take first the fire service. Ms Szuty referred to a number of representations from the Australian Federal Police Association. The AFP Association view is, quite clearly, that the police should have sole responsibility here and the fire service should concentrate on fighting fires. Madam Speaker, our fire service fights fires very well. This community is a community which, through good planning and good building standards, is fortunate in that it does not have that many fires. Nonetheless, we need a fire service with certain response times. There are Australian standards for response times to fires. I am sure that neither Ms Szuty nor the Opposition would suggest that we should fall under those standards. So, we need to have a fire service essentially as a form of insurance. That means that for most of the time the fire service, by definition, is not putting out fires. That is a quite happy result, one would have thought. So, one should be utilising those highly trained professionals for other purposes.

Given modern building standards and given standards of safety and protection, in both commercial and private buildings, the fire service needs to have training capacity in certain rescue techniques. Every fire tanker is equipped, Madam Speaker, with jaws-of-life equipment - the hydraulic cutting equipment which is obviously useful for road rescue, but which also has utilisation, for example, in cutting through burglar protection on houses or commercial premises, cutting through other security devices, and generally getting to the seat of a fire. Given the risk of flammable material and given the risk of chemical materials that the fire service has prime responsibility for, every fire officer has a level of rescue training. It would be foolish of us, as a community, to say, "We have this trained resource and we have equipped every tanker at each of our eight fire stations, which we must maintain with rescue capability; but we will not use them". The community would be properly annoyed at a government which said, "We have this trained resource sitting there, but we will not use them". So, the argument from the AFP Association that the fire service should be right out of road rescue is, on any view, unsustainable.

So, what is an alternative view? There is an alternative view held by some in the fire service that the police should be totally excluded from the road rescue role and it should be totally a fire service role. Madam Speaker, that tends to ignore the other roles of the rescue squad. The AFP rescue squad has responsibility for cliff rescue, building rescue, river rescue, industrial rescue, domestic rescue, snow rescue, bush search and rescue, disaster victim identification, animal rescue, natural disasters, aircraft emergencies and underwater search and rescue. I am just reading through their list of specific areas. They also have clear roles and responsibility in particularly dangerous situations - hostage situations and potential suicide situations. You need to have a police capacity that is trained in that rescue role. So, you need a police response which has the rescue equipment and which has the training. Again, would we not be foolish, as a community, if we said, "We have that resource, but we will not use it for road rescue"?

As a matter of fact, the police rescue squad spends a very small proportion of its time on road rescue. I might add that these are the sorts of details that one would have thought that members who were particularly concerned with this matter may have probed for at the Estimates Committee, but they did not; so I will give them to members in this forum. During the 1991-92 financial year road accident rescues represented only some 14 per cent of the tasks allocated to the AFP rescue squad. The squad attended a total of 1,354 tasks during the fiscal year and, of those, 130 were related to major vehicle accidents and 34 to minor vehicle accidents. I do not have with me an equivalent breakdown of the fire service response, but it would be very similar. Road rescue is not the major response of the fire service, but it is an important adjunct.

The cost of the AFP rescue squad, Madam Speaker, the all-up cost, was \$622,000 in 1991-92. Given that only some 14 per cent of that is allocated to road rescue work and given that we need the capacity anyway, I think it is clear that there are no particular savings to be achieved in avoiding this so-called duplication. The cost of the Fire Brigade comes out of the Fire and Emergency Services program. The overall cost of that program is some \$10m-plus. But, again, we have a resource which must be in place to provide community protection and which sensibly should be utilised for other purposes when they are not out there actually putting out fires.

We have two trained professional organisations, both able to serve the community. After repeated Estimates Committee opportunities, no member of the Opposition or the Independent groups has been able to come up with any sensible method whereby we could avoid duplication.

**Mr Wood:** It is easy to take a run.

**MR CONNOLLY:** As Mr Wood says, it is easy to cast cheap shots, particularly when you have an editorial written for you to give you your main ammunition. What this Government has done in relation to road rescue is to grasp the nettle. We inherited the north-south divide from the Alliance. That was an agreement signed between Mr Duby and Mr Collaery. We said that that was overly rigid. We said that it was foolish for us as a community to have a rigid north-south divide. It was clearly unacceptable to the community to have a Liberal Alliance regime which said that if there was a motor vehicle accident outside the Greenway Fire Station the trained professional fire crew should stand idly by and watch a trapped victim while waiting for the police truck to arrive from Weston.

We said that that was foolish and rigid and we have provided that there be a first response capability so that, on either side of the lake, while one service has prime responsibility the other service provides a backup.

That does depend on a level of goodwill and two disciplined services that comply with their directions. The direction that each service advise the other has been clearly given. In one instance we have evidence that those directions were not followed. The Chief Police Officer has acknowledged that that was unacceptable. As a government, I find that unacceptable, as would all members. The Chief Police Officer is dealing with that. I am confident that the flexibility that was introduced into the system by this Labor Government, from an overly rigid Alliance system, will provide a better service for the Canberra community; and we are talking here about a quality service, not only about dollar savings.

**MR WESTENDE (3.26):** Madam Speaker, it is most important, I think, that we emphasise that the health and welfare of persons concerned in and involved in accidents is the first consideration. Taking into account the explanation that the Minister has just given and not knowing the entire background, it is not my duty to take sides with either the police or the Fire Brigade. But one must question, as the Minister has done, whether we should have the duplication of equipment and the associated heavy costs.

Madam Speaker, on all the issues that I have addressed since becoming a member of the Assembly I have advocated a commonsense approach. It is the way I have run business and it is the way the Government must run its business. The Fire and Emergency Services area could not be a better case in point. This is an area where people's lives are at stake and there can be no room for imprecision of procedures, ineffective communications channels, untrained emergency personnel or, indeed, lack of sufficient funding to produce the level of service necessary. These are areas that must be addressed and, if I heard the Minister correctly, they are being addressed, as a matter of urgency, particularly when it requires the cooperation of the AFP, the Fire Brigade and the Ambulance Service.

The only way that these services can work together effectively is through the preparation of clear and precise guidelines and procedures. Agreements and general understandings on matters that require very decisive and precise responses are not enough. There can be no room for subjective judgment or opinion. There can certainly be no room for rivalry between various emergency services, whoever they may be. If there are any impediments in the management of handling emergency situations, they should be dealt with as a matter of urgency. This should be done, taking into consideration the concerns of each of the emergency services; but where there are areas of disagreement the Government simply must exercise leadership and power and implement firm procedures. This is simply a matter of Mr Connolly putting his two heads together. All he needs to do is make a decision and stick by it. It should be made known that any departure from those procedures would be taken very seriously.

The procedural side of things is only part of the story. We have to be very sure that our emergency services personnel are properly trained to handle the diversity of emergency situations that arise. This means that all the emergency services personnel have to be equally trained and be equally effective and

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efficient, and indicates the need for one efficient service rather than various services. There is no point in having various services jointly responsible for delivering an emergency service if one is perhaps more trained than the other. I am not saying that this is the case; but the question must be asked and, more importantly, answered. There must be equally qualified backup personnel.

The matter of vehicles and equipment, I think, has already been addressed. I think that even the Minister is aware that there is some duplication of equipment and associated cost. We would like to be sure that we have appropriate equipment and that it is properly maintained. I realise that this presents significant budgetary implications, but if only one service was provided you could maybe save some money rather than spend money. The equipment has to be adequate and be able to respond to the kinds of emergencies that arise, especially where they can create a serious problem.

**MRS CARNELL (3.31):** This, obviously, as everybody has rightly said, is a serious issue. I think there is lots of common ground between both sides of the house, and on the part of the many interested parties. It is an issue that has been going for a very long time. As we would all be aware, it has a long history. In the early 1980s there was lots of movement on it; but in December 1986 there was a joint ministerial directive in relation to road rescue and hazardous material spillage from the Hon. Mick Young, a friend of many on the opposite side, and the Hon. Gordon Scholes, and I think they had it fairly right at that stage. The underlying principles of the directive were that the AFP have responsibility for the scene of the accident, to see that the rescue is carried out appropriately; that in carrying out this responsibility the Government required the AFP to use community resources, including those of the Fire Brigade, as effectively and efficiently as possible; and that the police and the Fire Brigade were to collaborate on the preparation of a hazardous material spillage plan, under the chairmanship of the Fire Brigade. That was an amazingly sensible approach, I thought.

Since then we have had lots and lots of movement, not the least being that the Fire Brigade became more involved in upgrading their road accident equipment quite substantially. In 1989 the ACT disaster plan was revised. Again it was not an unrealistic approach. The AFP were responsible for rescue, excluding fire rescue, and assisted the Fire Brigade with hazardous material spillage. The ACT Fire Brigade was responsible for hazardous material spillage and building search and rescue involving fire and the threat of fire. Again, that was a very sensible approach.

Since then there have been numbers of discussion papers and reports on both sides. The ACT Priorities Review Board recommendations were of great interest, as were a great deal of its other recommendations. It said:

The Board recommends that:

to achieve maximum rationalisation of resources and effective coordination and cooperation, emergency service agencies be amalgamated to the full extent possible; beyond that, formal cooperation arrangements be established.

Who could say anything more definitive than that? But still we have a situation where we have two forces, fully equipped and very well trained, to service, I understand, somewhere in the vicinity of 26 accidents last year.

The great problem we have is that we must take into account shift work and whatever. As I am sure everybody who has had any experience in first aid would know, theory is one thing but practice is what it is all about. You can learn for years and years how to do it, but unless you do it and do it regularly your training is of very little use. I am sure that, if any of us here were unfortunate enough to be involved in or to have our families involved in a road accident, we would want somebody who did not just have the theory but had the practical knowledge that goes with having done the job regularly. If we have 26 accidents a year it is important that we have a small number of people involved, people who therefore have experience.

I am not suggesting for a moment that that should be the AFP or the Fire Brigade. What I am suggesting, as a casual observer, is that training 13 people and giving them experience and so on is substantially easier and more effective than training 230. Equally, I could easily be wrong on this, but anybody looking at those figures would assume that to be the case. You would also assume that it is inappropriate in Canberra, in a small city, with 26 accidents last year - and that is 26 too many - to have two fully equipped services. Therefore, it would seem appropriate right now to make a decision on who does the job, on who has the absolute responsibility for doing the job, and then take into account what the Priorities Review Board said and appropriately organise cooperation between the two services. Obviously, it cannot be in the hands of one group or the other. Obviously, when an accident happens two minutes from a fire station, we are not going to let the people bleed, as was suggested. Obviously, there must be cooperation between the services; but you must give one service the absolute authority. You must have somebody in charge. If you do not, you end up with the problems you saw on Sunday.

**MR STEVENSON (3.36):** First of all, I think I should declare an interest in this debate. My father was a fireman. Perhaps, as I was a policeman, that balances the issue.

There are some clear issues that we should look at. The first is that we do not need police rescue or Fire Brigade units necessarily tearing to accidents to rescue people from them. One of the major requirements at any accident, as Mrs Carnell mentioned, is to look after the physical well-being of the person. It is not a good idea to start ripping a car apart or to start moving a patient before you know what is wrong with them. That requires medical help first. So, basically, what we are waiting for at an accident is qualified and competent medical personnel to say, "Yes, it is okay at this time to rescue the person from the accident". Granted, it is a good idea to get there early if you need to keep other vehicles or the crowd away, or whatever.

The second point is that rescue is a specialty. The more practice you have at it, the more experienced you are, the better you will be. A police rescue unit of 13 full-time members would be better trained than all members of the Fire Brigade.

**Mr Berry:** You are doing it like the Liberals. You want to lock in concrete the division. Hopeless! All just for a few votes.

**MR STEVENSON:** Mr Berry says that I would want to lock in concrete the division, and then mentions that it is all for a few votes. Why is it that Labor members in particular think, when you start making logical statements about issues, that it has to be taken to be some sort of a political thing?

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What I said holds true. It makes more sense; a small, specially trained unit has a greater opportunity to become good at what they do. If you divide the units, everyone gets less training. If you train everybody in the police force, or everybody in the Fire Brigade, or any other service, you will guarantee that you do not have specialists. I have been trained in the police force and have an understanding about specialties within the police force. It was said by Mr Connolly that, basically, the duplication of the services is not really going to be a money problem. That simply does not make any sense. Naturally enough, if you have two services working in the same area and seemingly responsible for the same area, one to the north of Canberra and one to the south of Canberra, it is going to cost more money. Any statement to the contrary is obviously illogical, and one would wonder why someone would make it.

There is one major factor that I have not heard mentioned yet. When we have accidents there is usually a legal concern. That may not be the major thing that you are trying to handle at the time; you are trying to look after the safety of people involved in accidents and in the surrounding environment. But there comes a time, with most accidents, when you need people to give evidence about what happened. It is obvious that police are well trained in the giving of evidence.

**Mrs Grassby:** So are firemen. They have to give evidence, too, in court. You are saying that the police are and that the firemen are not.

**MR STEVENSON:** Mrs Grassby said, "So are firemen". I think it is fairly obvious that police do a lot more work in courts and are far more trained in the giving of evidence than are Fire Brigade officers. The number of Fire Brigade officers that would go to court - - -

**Mrs Grassby:** I would not like to bet you on that one.

**MR STEVENSON:** Yes, I would be happy to bet you on that. How much do you want to make it? I do not hear a reply. I think the reason for no reply is obvious. It is an absurdity.

**MADAM SPEAKER:** I think the reason is that you should be addressing your remarks to the Chair, Mr Stevenson. I would ask you to do that.

**MR STEVENSON:** I absolutely agree, Madam Speaker. Perhaps Mrs Grassby should not be interjecting while I am speaking. There is always an opportunity to mention both sides, not just one. Police are trained to give evidence. Coroners investigating serious accidents want to know exactly what happened. On occasions I have been told that because people were not trained in the giving of evidence the evidence was not able to be given as it should have been. That, unfortunately, can happen if people are not trained in this area.

We have to look at costs, but mainly we need to worry about the safety of people. But would this not come down to how well trained the rescue teams are? If we split up training among different services and all members of a service, does that not reduce the specialty training? It is like police SWAT teams. Obviously enough, they are specialists. If you try to train everybody, they are not going to get the specialist training and they are also not going to have the experience. The moment you start to put different units into rescue work you divide the experience. Look at how many Fire Brigade officers and how many police

officers over a period of a year get the practical experience which is necessary to be good at these things. The more people you train, the more you give responsibility to, the less specialised ability you are going to have. I think it was important to bring that up in this debate. I think it is equally obvious that it has not been resolved. There are important questions that remain. We all understand that, while physical safety is paramount, specialty training is important, and it may not be best to break that up between two services.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.44): This issue has all the hallmarks of a classic demarcation dispute, the resolution of which is not served by taking one particular side or the other in the course of this debate. There is a lot of history in this rescue area. Some may remember the early days in Sydney. I first recall the cliff rescue squad under a fellow called Sergeant Tyson. It was involved in rescue and the service grew by one degree or another from that point for the New South Wales Police.

In those days the fire services were fairly well dominated by the insurance companies around this country. They were more interested in fire insurance savings than they were in other aspects of services which fire brigades might provide to the community. As time passed there were different developments in other States and in other countries. In Western Australia, I am informed, the fire service, in the urban areas anyway, dealt with these sorts of things. In Victoria, in the metropolitan area of Melbourne, the fire service dealt with them. In some other States, such as New South Wales, the police were involved in them. There has been the development of these services in the ACT which other members spoke of earlier.

It does no good, Madam Speaker, in these sorts of debates to come out and sing the praises of one side or the other. Resolution of the difficulties has to be sorted out in the management context. Mr Connolly has indicated that he has taken steps to change the way that these services are being delivered in the ACT with a view to resolution of the conflict, unlike the approach of the former Liberal Alliance Government which locked conflict in place and set it in concrete. Their agenda was largely decided upon by the recommendations of the Priorities Review Board report which Mrs Carnell referred to. The Labor Government's approach to these matters will be quite different. We are about trying to resolve the difficulties between the parties and making good use of resources which have long been available to both services. You cannot ignore history in setting out to resolve this particular dispute. There are entrenched views and I think I heard some of them being talked about here today.

There is one other aspect of services that might be provided to road accident victims which has not been mentioned here today. The Ambulance Service has been pretty well overlooked. These days they are dependent on the provision of support services by the fire service and the police service in the performance of their duties to the community. This is not only about rescuing from torn motor vehicles people who are injured; it is also about cutting vehicles up and that sort of stuff. The Ambulance Service also depends on these services for assistance to ambulance officers at the scene. They handle equipment and those sorts of things - lifting and helping generally at accident scenes. It is very important in the industrial relations context that we develop a cooperative model which has the full support of all of the players.

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We cannot ignore the fact that there are three industrial unions involved in this process - the Transport Workers Union in relation to the ambulance officers, the United Firefighters Union in relation to the firefighters, and the Australian Federal Police Association in relation to police. They have differing views about how these services are provided. I think that what Mr Connolly has done thus far will lead to better cooperation, particularly between the firefighters and police, as time passes. At the same - - -

**Mr Stevenson:** It is getting worse.

**MR BERRY:** Mr Stevenson says that it is getting worse. Mr Stevenson has not been here for long. He is a Johnny-come-lately.

**Mr Connolly:** He could have asked this at the Estimates Committee.

**MR BERRY:** Yes, Mr Stevenson could have asked this at the Estimates Committee, too, but he did not bother to turn up. It gets worse because of the incident which occurred at the weekend and which was widely reported, and which Mr Connolly has fixed. It has been sorted out in relation to the police. One would hope that that incident would not occur again. That was a breakdown in procedures.

**Mr Stevenson:** You have not handled the fact that it is getting worse.

**MR BERRY:** Mr Stevenson says that it is getting worse. I am surprised that he has been here long enough to notice. He spends a fair bit of time in warmer climes instead of being - - -

**Mr Stevenson:** You still have not answered the question. It is getting worse.

**MR BERRY:** Mr Stevenson, it is not getting worse; it is getting better. It will always be better under Labor. It is getting better because there is more cooperation now than has been the case since self-government. Leave aside the history that was created for us by other politicians. Since self-government there is more cooperation between the services than there ever has been. That has been promoted, particularly in these last periods of a Labor government, by a positive approach to industrial relations and by trying to have the parties come to grips with the difficulties between them.

In relation to the ambulance officers, I am pleased to report that there is a generally high level of cooperation between them and the other two services, and we intend to promote that further. There have been some discussions under way between the managers and the Transport Workers Union and the United Firefighters Union in relation to the provision of better and more efficient services. One of the first things being talked about is the co-location of communications facilities. It is quite apparent that both services could benefit by co-location of communications services. It would promote better relationships between those two services. One would hope that they will continually examine more cooperative arrangements with a view to providing better services to the community as time passes.

As Mr Connolly has said, we have chosen not to use the budget-driven approach to this, because of the demarcation implications which might arise if one were to do so. It really has to be, in many ways, a bottom up process whereby people examine the difficulties. In a climate created by the Federal Labor Government,

people now accept that they have to do things differently and to do things more smartly. People in that industrial relations environment are more creative about the way they deliver services to the community and there is a clear understanding that we are in a period of change. That approach has been created.

The incident which was reported in the *Canberra Times* recently was unfortunate, but I think Mr Stevenson is wrong to say that the situation is getting worse. In fact it is much better now because there is a very clear direction from the Government and that will create an atmosphere of better cooperation. It has been working up to this point. That is not to say that any plan that is put in place does not occasionally have a minor breakdown, as occurred in the case of the event that was recently reported. Madam Speaker, I think we are moving along the correct path. We are promoting cooperation between the services with a view to better utilisation of personnel and equipment in the provision of very important services which are required by the people of the ACT, and we intend to continue to sponsor that approach.

**MR KAINE** (Leader of the Opposition) (3.54): I think this is an historic moment. Members present might savour it. I agree with what Mr Berry just said. This is probably the only time in the life of this Assembly that I will be able to say that.

**Mr Lamont:** That is only because you have been away for a week and you have not had time to make anything up yet.

**MR KAINE:** I correct you, Mr Lamont; I have not been away for a week. I know that you missed me intensely while I was away, but I was not away for a week. Had I so chosen, I could have attended the Estimates Committee meetings on Thursday and Friday. I had people well versed and well qualified to do that, and I did not do so. Do not misunderstand that because I was not at the Estimates Committee I was not here. That would be incorrect.

To come back to the subject at hand, Madam Speaker, Mr Berry said - this is the thing with which I totally agree - that what we are talking about is a demarcation dispute. Nobody, as far as I am aware, is challenging the professionalism - whether they are firemen, whether they are police, or whether they are ambulance officers - of the people who attend and take care of accidents. I have not heard anybody challenge that and say that these people are not totally professional in what they do, and they serve the community well. All that has been reported in the last couple of days is a little tiff between two groups of people, both of whom think that they are the professionals and both of whom think that they ought to be able to take care of this particular problem, whatever it is. It is not a bad thing that they feel thoroughly professional and that each of them believe that they are best qualified to do the job. Perhaps it is great that we have two different organisations to do that. That is what it is about.

We are indeed in the middle of an evolutionary process. It is only a couple of years ago that the Alliance Government put into place the arrangements that exist today. Before that it was a free-for-all. It was a competition as to who got there first. We thought that we needed something better than that. In hindsight, it is not the best possible arrangement. You cannot argue that. It cannot be said to be the best possible arrangement when you still have groups of professional people arguing with each other about who is going to deliver the service. So, we still do not have the best solution.

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The thing that concerns me about this is the lack of response. Mr Connolly is usually very decisive. I commented earlier today on the decisive action that he is taking in connection with ACTION buses to get the costs under control, and the fact that the Deputy Chief Minister does not support him in that; but he is very decisive, and I congratulate him for that. But here we have a case where something needs to be done quickly to resolve the differences that exist between these different bodies of professional people and the Minister is saying, "Well, hang on a bit; let us have a couple of reports". It is uncharacteristic of Mr Connolly, because he has it within his power to rectify this.

Mrs Carnell mentioned that, ideally, if we had one single service that delivered all of these services at accidents it would be great. I do not know whether it is possible to do that, because police officers, members of the fire service and ambulance officers each have their own area of expertise. Perhaps you cannot combine them into a single organisation. Perhaps you can, and maybe that is what we should be addressing. Is it possible to establish a single rescue service with all of these people brought into it? They could be rotated through it in some fashion; they do not all have to cease being policemen or firemen. If you establish a rescue service, you can ask for volunteers: Who wants to be a member of this for a two-year, three-year, or five-year period? When you have done your time, you go back to being a policeman or do whatever you want to do. Maybe that is the arrangement; I do not know.

But there has to be a better solution than what we have now. I acknowledge that, and I would like to see something decisive being done in order to sort out the mess. That is not a good word; it is not a mess. There are misunderstandings; there are perhaps professional jealousies as to who is doing what and when and how. That has to be resolved in the interests of the community. It has to be resolved, firstly, because of the people who are involved in these accidents. We do not want ever to get to the point where an injured person does not get the right treatment because there is a dispute. That would be a tragedy and it is something that the community cannot afford.

We also need to do it because we need to get the best value for our dollar. In today's world you cannot afford to duplicate resources. I see these rescue trucks being driven around, one yellow and one blue. They both look much the same. Presumably, they both provide the same service. Yet we have one of each, or two or three of each, I presume. I do not know how many of each we have. It does raise this question in our minds: Are we using our money to the best advantage? Are we delivering the best service at the cheapest price to the community? I do not know the answer to that question either. But those are the sorts of questions that we should be addressing. I would be much happier if I saw Mr Connolly acting in his usual decisive manner and saying, "This is our strategy; this is what we are going to do and we are going to have this fixed inside three months".

**Mr Lamont:** Done that.

**MR Kaine:** You have not done that, Mr Lamont. I have seen no such statement. If you can produce one, perhaps you will give it to me later and I will withdraw. I have not seen any such statement from Mr Connolly saying decisively, "This is what we, the Government, intend to do to fix this problem". If I saw that from Mr Connolly I, for one, would be perfectly happy, as I am sure that the members

of the community would be. Every one of us is likely to end up a victim in a smashed vehicle somewhere at some time, and we would all feel much happier and much more secure if we heard Mr Connolly make a positive statement like that.

**Mr Berry:** Remind me never to get into a car with you.

**MR KAINE:** I do not get into accidents, except through somebody else's fault. Every day in the week people get into accidents because of somebody else's action and not their own. None of us is immune from that. I repeat: I would feel much more secure, and I am sure most people in the community would feel much more secure, if they knew that something positive was being done to remove the possibility of conflict, to remove the possibility of confusion, and to remove any doubt about where responsibility lies, and who should do what and when. If Mr Connolly can do that, I will commend him again, as I have already.

**MADAM SPEAKER:** The discussion has now concluded.

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -  
STANDING COMMITTEE  
Report and Statement**

**MRS GRASSBY:** Madam Speaker, I present report No. 14 of 1992 of the Standing Committee on the Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the report.

Leave granted.

**MRS GRASSBY:** Report No. 14 contains the committee's comments on two Bills, 10 pieces of subordinate legislation and five government responses. I commend the report to the Assembly.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -  
STANDING COMMITTEE  
Report on Draft Variations to the Territory Plan**

**MR LAMONT (4.02):** I present report No. 6 of 1992 of the Standing Committee on Planning, Development and Infrastructure on the following draft variations to the Territory Plan: Yarralumla, section 66, blocks 3, 17 and 18; Narrabundah, section 100, part of block 13; Fyshwick, section 39, block 7; Mitchell, section 47, part of block 1, and section 44, part of block 2; Gungahlin, part of block 9; O'Malley, section 34, block 9; Conder, section 129, blocks 14, 17 and 18, and section 275, block 20, together with the minutes of proceedings. This report was provided to the Speaker for circulation on Tuesday, 5 October 1992, pursuant to the resolution of appointment. I move:

That the report be noted.

Madam Speaker, in tabling this report of the Planning, Development and Infrastructure Committee I think it is important that I draw the attention of the Assembly to a number of issues concerning these variations. I will deal first with Yarralumla. Yarralumla, section 66, blocks 13, 17 and 18, is an area previously

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owned by the Catholic Church which has been sold to the Uniting Church. The Uniting Church will continue to operate it as a religious institution, but there will be some residential and additional activity occurring on this block. Such activity will not, in the view of the committee, interrupt the amenity of the suburb of Yarralumla. Therefore, the committee unanimously endorsed the proposed variation.

In relation to Narrabundah, section 100, part of block 13, this area is commonly referred to as the golf course area. The Capital Golf Course occupies a large tract of land in Narrabundah. The proposed variation, on the western end of that golf course, seeks to allow for medium density dwellings to be erected on that site. The committee was concerned that an indicative plan prepared and submitted by the proponents of this development looked somewhat crowded when you take into account the proposed landscaping for the area. The committee has asked - and that is all it has done - that the Planning Authority forward to members of the committee the landscaping and siting plan for this area once it has been provided to the Planning Authority by the proponent. Nevertheless, Madam Speaker, the committee has endorsed the variation as sought.

The third one is in Fyshwick, section 39, block 7, and is a proposal by Compucat Pty Ltd to acquire by direct sale a block of land in Fyshwick. Compucat is one of the success stories in industry in the ACT. It has expanded its operation to such an extent that it needs significantly enlarged premises to continue to grow and to expand its business, not only here in the ACT but overseas. This variation allows for professional offices to be erected on this site, along with the factory-type services that Compucat will need to undertake its existing business. The professional offices would be used by draftspersons, salespersons, et cetera. The committee, in considering this, unanimously agreed to the variation because of the nature of premises in the vicinity of this area and also because of the very significant contribution that this expanding company is making to the economy in the ACT.

The Mitchell variation, section 47, and the Gungahlin variation, block 9, and the parts of that that are involved, are basically to allow for warehousing to be erected. The committee was concerned that there is a rather large stand of wattle trees that faces onto Dacre Street and has sought, if possible, for that stand of trees to be retained in any future development. Madam Speaker, the O'Malley variation, section 34, block 9, changes that area from the current planning requirement for medium density housing to single block sale and will allow for approximately the same number of dwellings to be erected on the site. There is to be a road constructed by the proponents which will then be handed to the Territory and become a public road. The last variation that is on the table today is Conder, sections 129 and 275. We are proposing that that be allowed to be varied from existing standard residential to medium density. Assurances have been given in relation to the retention of trees, et cetera, which were originally of some concern on that site. We believe that our views will be taken account of by the proponents when they formally submit their proposals for these sites.

This is the first time that this committee has dealt with a number of the types of variations outlined today. I wish to compliment the members of the committee on the way in which they expeditiously undertook their duties. I also wish to place on public record and to publicly welcome the new secretary of the Planning, Development and Infrastructure Committee, Mr Rod Power, and to thank him for his assistance in providing those reports this afternoon.

**MS SZUTY** (4.09): Madam Speaker, I wish to comment briefly on the Planning, Development and Infrastructure Committee's report tabled by the committee's presiding member, Mr David Lamont. The issue I wish to comment on is the question of what is and what is not an indicative proposal. Indicative proposals for development are generally useful for members of the Planning Committee because they show us in general terms what proposed developments will look like. However, I wish to draw the Assembly's attention to the indicative proposal for the draft variation to section 100, part of block 13, part of the Capital Golf Course site, which will enable medium density housing to be established there.

The drawing provided to the committee indicates that 120 or more two- or three-bedroom units are to be built. The drawing also includes substantial landscaping to be incorporated into the development. Consultants R.J. Nairn and Partners Pty Ltd refer in a letter to Mr Bryan Dowling and Associates, dated 6 December 1991, to 85 two-bedroom and 80 three-bedroom units proposed to be built. The question that the Planning Committee addressed during its deliberations was: If 165 two- and three-bedroom units are proposed to be built on the site, what will happen to the landscaping provisions indicated in the indicative proposal? The question ultimately becomes: What is an "indicative proposal"? The *Greater Oxford Dictionary* defines "indicative" in various ways including "that indicates, points out, or directs; that hints or suggests". Obviously, a great deal of interpretation could be placed on just what "indicative proposal" means.

The Planning, Development and Infrastructure Committee has noted that consideration needs to be given to the proposed medium density development to be sited on the Capital Golf Course and that a continuing interest will be maintained. I endorse this course of action while drawing the Assembly's attention to the question of what is and what is not an indicative proposal as illustrated in this instance.

Question resolved in the affirmative.

**LAND (PLANNING AND ENVIRONMENT) ACT - VARIATIONS TO THE TERRITORY  
PLAN  
Papers**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, in the way that we do things these days - there is a bit of repetition here - I present, for the information of members, variations to the Territory Plan for Yarralumla, section 66, blocks 3, 17 and 18; Narrabundah, section 100, block 13, part thereof; Fyshwick, section 39, block 7; Mitchell, section 47, part of block 1, and section 44, part of block 2; Gungahlin, part of block 9; O'Malley, section 34, block 9; and Conder, section 129, blocks 14, 17 and 18, and section 275, block 20, pursuant to section 29 of the Land (Planning and Environment) Act 1991. In accordance with the provisions of the Act, these variations are tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required.

**Mr Kaine:** How long do we have in which to disallow the lot, five days?

**MR WOOD:** Enough time.

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## OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1992

Debate resumed from 13 August 1992, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

**MR DE DOMENICO** (4.12): Madam Speaker, let me say from the outset that the Liberal Party supports, along with other motherhood statements that we hear from time to time from various people in various places, the concept of a safe and healthy workplace. Let us get that on the record, lest we are accused of shoving workers out into the cold and not considering their welfare. Having said that, though, Madam Speaker, the Liberal Party will not be supporting this amendment introduced by Mr Berry.

There seems to be an incessant need by the ALP Government to regulate anything and everything that moves. This inclination to regulation has dramatically increased the cost of doing business in the ACT. There can be no doubt about that. The latest proposed amendment to the Occupational Health and Safety Act is a case in point.

**Mr Berry**: Tony, your nose is growing longer.

**MR DE DOMENICO**: I will disregard those stupid comments coming from Mr Berry, especially. The amendment, if successful, Madam Speaker, will serve absolutely no purpose at all in improving the safety of ACT workers. All it does, in fact, is create another layer of unwanted regulation by requiring the formation of designated work groups in workplaces with 10 or more employees. Previously it was 20 or more employees.

Mr Berry does not provide any real substantiation for the amendment, beyond stating a cost reduction in premiums and a supposed reduction in accidents since the introduction of the principal legislation. The most potent point in his speech involved a gas explosion in Turkey. I did not realise, Madam Speaker, that Turkey was covered by the current Act. Perhaps Mr Berry knows something that I do not. Someone might want to comment on that last statement. I am not saying that because it is the first thing that comes off the top of my head. I will quote from this letter from the Insurance Council of Australia, a body representing all the insurance companies. There are some 13 or 14 private sector insurers competing for the workers compensation premium in the ACT.

**Mr Lamont**: Didn't you represent them in the past?

**MR DE DOMENICO**: I did, Mr Lamont, for many years represent the insurance industry. At least you may recall that and perhaps acknowledge that I know what I am talking about. Thank you for that interjection, by the way. I met with the Insurance Council of Australia and said, "Listen, is it true that your workers compensation premiums are a result of all sorts of things?". I did not recall that, after having represented them for many years. Anyway, I quote, Madam Speaker. This letter says:

I refer to our meeting on 4 September 1992 regarding occupational health and safety and firstly point out that we are unable to correlate complete details regarding premiums and claims and/or any reduction of these after the inclusion of the Occupational Health and Safety Act.

What Mr Berry purported to be able to do, the insurance industry was not able to do - nor was anybody else. The letter goes on to say:

However, on 1 March 1991 -

the date is very important -

it was agreed by the Insurance Council of Australia to cut the gazette rates across the board by 20 per cent after pressure from the -

wait for it -

Liberal Party Government at that time.

In other words, after negotiations with the Liberal Party Government at the time the insurance industry decided, across the board, to cut rates by 20 per cent. That was done by the insurance industry in cooperation with the Liberal Party. The letter continues:

Along with this, competition within the industry for workers compensation, based on loss ratios, again reducing premiums. These occurred around the time of the commencement of the Occupational Health and Safety Act.

For Mr Berry to come into this house and say that the Occupational Health and Safety Act that he introduced two or three years ago was the prime motivating factor in reducing accidents in the workplace is untrue.

Madam Speaker, we have shown now that Mr Berry's rationale is faulty. "Faulty" is a good word to use. Surely a rudimentary correlation does not, in itself, entail causation. More importantly, Madam Speaker, Mr Berry in no way can prove to the Assembly that workplaces not presently required by the Act to set up designated work groups have a higher incidence of accidents than those workplaces which are obliged to have designated work groups and therefore should warrant this cumbersome legislation. There were no figures to suggest that if you have fewer than 20 in your work force you are more prone to industrial accidents than if you have more than 20. There was nothing, no figures at all; yet we need this regulatory thing. Mr Berry, in fact, knows that it is not the case.

If one is a logical thinker one therefore tends to think that there may be a hidden agenda. I am not saying that, but there may be a hidden agenda. Mr Berry will disagree because he has never had a hidden agenda in his mind, ever. The hidden agenda may be, for example, to increase union coverage, Madam Speaker. Perhaps the hidden agenda is to increase union coverage within the hospitality and retail sectors under the guise of occupational health and safety. In fact, Mr Berry, in his introductory speech, suggests that he is particularly targeting the retail and hospitality sectors.

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**Mrs Carnell:** A particular area with very low union coverage.

**MR DE DOMENICO:** That is right. These sectors are targeted because of their traditionally low union membership rates. There is a fact of life about that.

**Mr Lamont:** Which hat are you talking with today, Kate? The part-time job as the pharmacist or the MLA?

**MADAM SPEAKER:** Order, please!

**MR DE DOMENICO:** Could you protect me from that lower form of life on the other side of the house?

**MADAM SPEAKER:** Steady, Mr De Domenico.

**Mr Berry:** I think that is an imputation that ought to be withdrawn.

**MADAM SPEAKER:** We will allow Mr De Domenico to proceed, please, with a bit of order.

**Mr Lamont:** I would also, on a point of order, seek the withdrawal of his last comment, Madam Speaker.

**MR DE DOMENICO:** Which one?

**MADAM SPEAKER:** I believe that "lower form of life" is a little unparliamentary, Mr De Domenico. I would ask you to withdraw that, please.

**MR DE DOMENICO:** Madam Speaker, if it upsets Mr Lamont, I withdraw it.

**MADAM SPEAKER:** Thank you, Mr De Domenico.

**MR DE DOMENICO:** I do not believe that it is unparliamentary, but I withdraw anyway. Mr Keating can say "sleazebag", but "lower form of life" is out. Anyway, so be it. I will use some other words. The hidden agenda, Madam Speaker, is to increase union coverage in the hospitality and retail sectors under the guise of occupational health and safety. These sectors are targeted because of their traditionally low union membership rates.

**Mr Berry:** This is the real reason they are opposing it.

**Mr Lamont:** Yes, that is right.

**MR DE DOMENICO:** No; I have some more. Wait; I have not finished. I have another 13 minutes in which to give reasons why. It is interesting to note that Mr Berry has stated that the hospitality and retail sectors "have rarely been subject to the election of workplace safety delegates". If that is not a reason for introducing the legislation, I do not know what is. In the same breath he pointed out:

Since the introduction of the legislation the union movement has played a major role.

Seeing that the union movement is the only group in this community that he has bothered to consult with, it is no wonder that it plays a major role. It is also important to note that the designated work groups must include an involved union; but it has not been done to involve the union, Mr Berry says. It is time,

Madam Speaker, that the ALP Government treated occupational health and safety as a serious issue and not as an avenue to increase the job security of its mates in the trade union movement. The Liberals have seen through the cynical charade and, as I said before, will not be supporting the amendment.

Madam Speaker, let us take another aspect of the situation. There is no doubt that today, the first day of sitting after the budget situation, we are debating - - -

**Mr Lamont:** After the Estimates Committee.

**MR DE DOMENICO:** After the Estimates Committee; that is right. Thank you, Mr Lamont.

**Mr Berry:** Which you were not here for.

**MR DE DOMENICO:** I was here for part of it, Mr Berry. Anyway, I will ignore all this innuendo. The Government has tabled legislation which will create unemployment. Let us look at that as an issue. I think they are seriously wrong. Let us face it; any government is wrong when its ideological platform overrides commonsense.

The private sector unanimously - "unanimously" is an interesting word, but this is true - rejected the occupational health and safety amendments on 1 October at a meeting attended by Mr Berry. Rejection of the amendments was based on the fact that they would, firstly, impose yet another burden on small business. Might I say, Madam Speaker, that it is the first time in a very long time that even the retail sector of the ACT has shown a negative growth pattern. That is also a fact of life. Anyway, this is a burden on small business. Secondly, it will erode productivity and profitability, detract from employment opportunities and interfere with effective management. That is not me saying that; that is the unanimous view of the private sector in this town.

Last week, as we are all aware, Madam Speaker, unemployment rose in the ACT again, from 7.9 to 8.3 per cent. Like Mr Westende, I have been away, but I am not uninterested in what is going on in this place. I am also now advised, and I know, that youth unemployment in particular went up to 56 per cent. That is an amazing figure. Fifty-six per cent of our youth in the ACT are unemployed, yet we have a Minister coming into this house and quite candidly saying that he is targeting the two industries which employ more youth than any other two industries - the retail industry and the tourism and hospitality industry.

This Bill says quite simply that if you have 10 or more people working for you, whether full time or part time, whether in one place, two places or three places, they are encompassed by this legislation. It is absolutely ridiculous. Let us look at Canberra as a little microcosm within the boundaries of New South Wales. The New South Wales legislation, Madam Speaker, says that a designated work group consists of 20 people. Here is the ACT, sitting in the middle of New South Wales, and we are now reducing it to 10. Logic once again tells me that those industries that do not want to go through this cumbersome and costly exercise might even consider crossing the border into New South Wales, thus once again removing revenue from the ACT.

**Mr Lamont:** Absolute nonsense!

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**MR DE DOMENICO:** Mr Lamont says, "Absolute nonsense", but he does not know. He has not spoken to anybody. Madam Speaker, let us take another example. I try to be balanced whenever I stand up and say anything in this place. Let us have a look at the Queensland experience. Queensland, as we all know, has a Labor government. Their designated work group is not 10. It is not 20. Guess what it is. It is 30.

**Mr Cornwell:** What, in Queensland?

**MR DE DOMENICO:** In Queensland it is 30. We have not heard any stories about sweatshops in Queensland. I should imagine that Mr Goss, being the erudite Premier that he is, and being a good Labor person, would have made sure that that did not happen. So, what we are talking about - - -

**Mr Berry:** Talk about New South Wales.

**MR DE DOMENICO:** In New South Wales it is 20.

**Mr Berry:** That is right; but they have committees, don't they?

**MR DE DOMENICO:** In New South Wales it is 20.

**Mr Berry:** They have committees, though, don't they?

**MR DE DOMENICO:** In New South Wales it is 20.

**Mr Berry:** You do not want to talk about committees.

**MR DE DOMENICO:** Is it 20? You do not want to talk about it being 20. Madam Speaker, I said before that the word "consultation" comes up from time to time. This Government stands up in this Assembly and prides itself on community consultation. A question, a dorothy dixer, was once asked in this place of Mr Berry to this effect: "Listen, is it true that you did not consult with anybody?". Mr Berry stood up and said, "Of course I consulted with people. In fact, I consulted with the Industrial Relations Advisory Council". Let me tell you the form of that consultation. I am quoting from the minutes of the Industrial Relations Advisory Council of 27 May.

**Mr Berry:** What about the Occupational Health and Safety Council?

**MR DE DOMENICO:** I do not know. I do not have the minutes of that meeting. A lot of the members of the Industrial Relations Advisory Council are on that committee as well, and they have representatives.

**Mr Berry:** So, there was wide consultation.

**MR DE DOMENICO:** No, there was not wide consultation. Let us have a look at the minutes. I do not think the minutes would tell lies. I dare say that Mr Berry has had an opportunity of approving the minutes. I quote item 4:

Proposed change to Designated Workgroup provision ...

In introducing this item, the Minister spoke of the Government's concern that the more efficacious provisions of the Occupational Health and Safety Act 1989 applied only to large employers, leaving some 50 per cent of workers without the benefit of workplace health

and safety representative arrangements to oversee their health and safety. The Minister stated that it was the policy of the Government to extend these arrangements to cover a greater portion of the workforce. The reduction of the designated workgroup exemption limit would see the requirement to have designated workgroups extended to employers having between 10 and 20 employees. The Minister drew attention to the ACT's low workers compensation rates and suggested that much credit lay with the ACT's OH and S Act.

We have seen, Madam Speaker, what the industry and the business community think of that statement - that it was not true. It was a false statement. It was not true. The reason why workers compensation premiums fell by 20 per cent was that the industry and the former Liberal Government sat down and negotiated. The industry decided to reduce workers compensation premiums. We know that that is the way it operates, Mr Berry.

**Mr Lamont:** Say that again.

**MR DE DOMENICO:** I will repeat it, Madam Speaker. Mr Lamont obviously does not understand. It was the insurance industry's decision to lower premiums by 20 per cent.

**Mr Lamont:** Before that.

**Mrs Carnell:** In consultation with the Liberal Party.

**MR DE DOMENICO:** In consultation with the Liberal Government.

**Mr Lamont:** You are trying to convince us that the Liberal Government negotiated lower rates with the insurance companies?

**MR DE DOMENICO:** That is right. I am not trying to convince you. I am telling you the facts. You might not want to believe the facts, because you do not like what they say to you; but what they say to you, Mr Lamont - - -

**Mr Lamont:** Didn't you work for the Insurance Council?

**MR DE DOMENICO:** Did you work for the Transport Workers Union?

**Mr Cornwell:** He still does.

**MR DE DOMENICO:** He still does, probably. Where I worked, Madam Speaker, does not believe the facts. The reason why workers compensation premiums came down was that - - -

**Mr Lamont:** Do you still work for them, by the way?

**MR DE DOMENICO:** Madam Speaker, the Liberal Government negotiated the 20 per cent reduction in premiums. The insurance industry and all the private sector are not the only ones that are concerned. Let me also quote from a letter from the Canberra Visitor and Convention Bureau. It says:

... the industry supports the Government in worker safety and health, and applauds all efforts to logically improve those conditions. As most small businesses in the industry have owner/managers working alongside employees in a team situation

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there is a great awareness of health and safety at all times. However the industry believes that the impost of costs against small business brought on by the new amendments will cause further unemployment to occur.

That is not the Insurance Council of Australia; that is the Canberra Visitor and Convention Bureau in a letter to Mr Berry. They are saying, "Listen, he has targeted the tourism industry which employs a lot of young people". We are saying that if these amendments go through it is very likely that there will be fewer people employed in the tourism industry. That is what the industry is saying. It is not only the Canberra Visitor and Convention Bureau, Madam Speaker - - -

**Mr Lamont:** They have been wrong before.

**MR DE DOMENICO:** Thank you, Mr Lamont. It is not just the Canberra Visitor and Convention Bureau; let us look at the Meetings Industry Association of the ACT. The Meetings Industry Association, a very reputable group of people, represents hundreds of small businesses in this town. They say this:

In summary, the Meetings Industry Association of Australia (ACT) Inc opposes this amendment for the following reasons: ...

They give lots of reasons. The first is "lack of appropriate industry consultation". Mr Berry did not talk to the tourism industry. He did not even talk to them. He targeted them in his introductory speech, but did not talk to them. The second reason is "carelessness in drafting associated documents". They were also concerned about the reasons Mr Berry gave as to why these amendments were necessary. Other reasons were:

Doubts on the credibility of "statistics" quoted.

No "Needs Analysis" has been conducted to determine the appropriateness or necessity of this amendment. It imposes an unfairly weighted cost against these smaller businesses.

There is a lack of understanding by the Minister and drafters of the way businesses of this size operate.

Existing requirements under industrial relations awards and action through the courts provides adequate protection to employees in this group.

The inability or unwillingness of the Government to disclose the cost of introducing and enforcing the additional work imposed by this amendment.

The implied imposition of union involvement in the management of these small businesses.

The resulting loss of employment as business seek to come in below the threshold of 10.

I have heard various people say in this place that that is a trite argument. All the businesses that I have spoken to are saying that it is not a trite argument because a further impost on any business at this minute is something that is going to reduce employment. They are the cold, hard facts of life.

**Mrs Carnell:** There is nowhere else for them to go.

**MR DE DOMENICO:** There is nowhere else for them to go, as Mrs Carnell quite rightly says. Perhaps the most telling letter that we have yet received is from a very well-known small businessman in this town, Tony Tammett. He does not mind me quoting it. He wrote a letter to Ms Szuty, in fact, and copied it to all of us. I quote, Madam Speaker:

The ACT Government proposes to amend the Occupational Health Bill ...

At a time of record high unemployment the government's policies seem hell bent on making it more and more difficult for employers to employ staff. The burden of long standing associated costs including payroll tax, holiday leave loading, generous sick leave entitlements, numerous paid public holidays and workers compensation insurance, has recently been further weighed down by the imposition of the "training guarantee" and employer-funded superannuation.

Quite apart from the actual outgoings involved in all these charges (which are considerable) the administrative operation for a small businessman is a nightmare.

He goes on to say:

There is a limit to the capacity of businesses to meet these ever-increasing costs of labour. Many have already reached that limit and gone out of business. For those that remain the obvious priority is to limit staff numbers to the absolute minimum in order to survive.

That is the reality of doing business not just in this town but anywhere. The reality is that at a time of high unemployment we have the Government trying to introduce legislation that is really not necessary. There are no hard, cold facts to say that people with designated work groups of 20 or fewer have any more accidents than those with 20 or more. There are no facts at all. So why are we introducing this legislation? Madam Speaker, the Liberal Party, as I said, will be opposing this legislation. It is unnecessary. It is a further impost on business and, as a result of that, it will cost jobs.

**MS SZUTY (4.31):** Madam Speaker, I support in principle the Occupational Health and Safety (Amendment) Bill 1992 as proposed by the Minister for Industrial Relations, Mr Berry. The Minister, in his speech to introduce the Bill, spoke of the reduction in workplace accidents which has occurred following the introduction of the principal Act, the Occupational Health and Safety Act, in 1989. This piece of legislation has already had an interesting history. It had the honour of being the first piece of legislation introduced into the fledgling First Assembly.

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It was referred to a select committee which recommended a level for designated work groups of 10 employees as a compromise between the union bid for all workplaces to be covered and the business sector calling for designated work groups to be put in place only where there were more than 20 employees.

Interstate the number varies, with New South Wales specifying 20 employees and Queensland 30, as quoted by Mr De Domenico, while South Australia and Victoria have no limit. An amendment put forward by the Liberal Party during the First Assembly was passed by a majority of one after nearly an hour's debate on this one clause. The rest of the Bill had an equally tortuous passage. The arguments put forward then are somewhat the same as now, only perhaps time has lulled people into a sense that legislation once passed should not be changed.

The estimated 750 businesses which employ a staff of between 10 and 20 people that are targeted by the amendment Bill before us today have already benefited to some degree from this improvement, as indeed have all workers in the ACT, through improved knowledge of and compliance with occupational health and safety practices. From figures available from the Occupational Health and Safety Council, there was a drop in lost working hours following the introduction of the legislation, a drop of more than 2,000 working hours lost because of workers compensation claims. If this can be achieved under this legislation with designated work groups in businesses with more than 20 employees, I would expect to see further improvements following the passage of this amendment Bill.

The Government has also claimed a corresponding fall in workers compensation insurance premiums, although it has been expressed to me from several sources that the main contributor to that decrease was the inability of the market to pay premiums at the higher rate. I do feel, however, that a reduced incidence of workers compensation claims will eventually have the effect of pushing the premiums down further. Following on from these gains, the next step is to organise the employees of these smaller businesses into designated work groups in a bid to further improve the record for preventing work-related injury and illness.

The businesses which will be specifically affected by the amendment Bill are the retail, hospitality, and building and construction industries. In retail trades the most common cause of injury is strain or overexertion, followed by tripping over, being hit by objects or hitting parts of their bodies. If occupational health and safety improvements can help reduce these injuries we will have a more efficient workplace, and I feel that this is the achievable aim of this amendment Bill. The same injuries were the most common in labouring trades, particularly among non-apprentices, and similar accidents were the cause of most injuries in the hospitality area.

In reducing the number of employees needed for designated work groups we are under an obligation to ensure that the employers too are informed and are prepared for this change. I do not hold the ideological view that employers are industrial relations devils who, if given the chance, will do their best to abuse their employees' rights. I believe that employers are members of our community who contribute a great deal to the economic, social and business life of Canberra. While in some cases they may have to be dragged unwillingly into wages and conditions agreements, generally goodwill exists towards their staff and they desire to improve working conditions within reason. I also do not believe that employers are industrial relations angels who grant their employees' every

request for improved pay and working conditions. Some employers regard themselves as magnanimous benefactors who know what is in the best interests of their employees at all times, even though their employees' views have not been articulated.

I would like now to turn to the issue of consultation. Unfortunately, the Government in this instance appears to have taken the stance that, as it was an election promise to implement this change, the community as a whole should have been aware of its determination to proceed with the introduction of work groups for workplaces with 10 or more employees. What the Government forgets from time to time is that not everyone voted for Labor in the election and not everyone is familiar with the Labor election platform. It was therefore not surprising to me to hear that the first response from the business sector to this amendment Bill was that it had not been consulted. This is unfortunate, as there had been a high expectation that the community would be consulted on major issues. Mr Berry has made it known that he consulted with the Industrial Relations Advisory Council, or at least mentioned the fact that the change in the threshold number of employees for designated work groups was imminent. It could perhaps be argued that from that time it was indeed up to the representatives on the Industrial Relations Advisory Council to liaise with their constituents and to inform them that the proposed change was to happen soon.

There are issues about this change to the Occupational Health and Safety Act that concern the small business sector, and many small business proprietors feel that this change could prejudice the viability of some by imposing additional costs upon them during a recession. The Government denies that there will be any significant cost, and, to an extent, that is correct. The cost of training and organising casual relief staff to fill in for work group coordinators on training courses is a financial impost. However, as these courses can be credited against an employer's liability under the Federal Government's training guarantee legislation, provided the payroll is in excess of \$200,000, it is no more than many employers currently have to meet. Further, I do not see the issue of time off to organise meetings for employees in designated work groups as a real sticking point, as I am sure that most employees would keep up some form of contact with each other and would therefore discuss these most important issues without difficulty.

There have been suggestions that the application of the amendment Bill should relate only to businesses with the equivalent of 10 or more full-time employees. However, in my opinion - and the intent appears to be the same in the legislation - an employee is an employee, whether full-time, part-time or casual, and as they have a position in a particular workplace they, too, must be able to have some voice in that workplace's occupational health and safety management.

Training course providers could also look at the flexibility of their timetabling for courses from the point of view of particular employees who could attend sessions only at night, or one day a week, for example. Every effort needs to be made by training course providers to accommodate the needs of employees. I have taken the time to look at the training course offered by the Trades and Labour Council and can see nothing but a high standard of course content, focusing on the needs of employees to identify and report on occupational health and safety concerns. The courses are also open to employers who wish to avail themselves of this type of training, although that will not substitute for training staff.

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We can also lessen the impact of this legislation on small business by urging employers to contact their peak bodies and the occupational health and safety training course providers and to ask for a range of training program timetables to be made available. While some businesses may be able to cope with one staff member being away for a week, others may find this at most impossible, and at least inconvenient, and a training course over several weeks may be needed. As the demand for courses increases with the introduction of this legislation, small businesses involved should all be able to express, and have heard, their needs as to the timetabling of these courses.

I have not given much weight to the argument that some employers have their employees distributed over several venues. Most of these types of businesses would already be covered by the Act under the current provisions, and, even if the different sites produce different occupational health and safety concerns, the staff are still employed by the one employer. Their need for a safe workplace will still have to be met. In reality, I expect that the designated work groups will be established and representatives elected and trained, and then nothing more will happen in most businesses until the elected representative leaves and another is elected by the group, or an occupational health and safety problem is identified. It is then a matter for the elected representative to notify management and have the issue resolved.

What I feel the designated work group structure will do for small business is better identify both the employers' and the employees' responsibilities for workplace safety, for this issue brings into focus two important premises - the duty of care of the employer and the empowerment of employees. It is impossible to have the duty of care invested solely in one person; it must be shared. The best way to achieve this is by openly and responsibly conferring on workers the power to act when they feel that workplace safety is compromised.

I also wish to address employers' concerns over the unionisation of small business. I do not feel that this concern is valid. I believe that workers will not pay union fees unless they see a benefit for themselves in return for this cash investment from often low wages. With the backing of legislation such as the Occupational Health and Safety Act, most workers will have support for their concerns about workplace safety and procedures to follow if they feel aggrieved, with or without the involvement of particular unions.

Finally, I wish to speak on this matter from personal experience. Most members will be aware that before I was elected to this Assembly I held the position of Director of Weston Creek Community Service. As an employer in that role with a staff of 17 employees, I understand the issues involved in the adoption of this amending legislation. My fellow directors of the remaining regional community services were grappling with the consequences of the introduction of the occupational health and safety legislation in 1989. We discussed the formation of designated work groups, the election of occupational health and safety representatives, their training needs and time off from the workplace. As an employer of 17 staff myself, I could see no reason why my own workplace was not required to address these issues in the same way, according to legislative requirements. The empowerment of workplace employees is important for their own recognition of occupational health and safety issues. I believe that the passage of this amendment Bill will appropriately increase that right for approximately 750 workplaces and some 8,500 employees.

**MR STEVENSON (4.43):** I do not agree with the principle of this legislation, along with the vast majority of small businesses within the ACT. The first question that we need to look at and that many people have asked is whether this legislation is needed. The existing occupational health and safety legislation already covers the area. There are requirements for an employer to provide a safe workplace for employees. If an employer fails to abide by these regulations the current laws have stiff penalties. There are also common law rights that require an employer to pay due care to the welfare of employees. There are also rights within many regulations relating to specific trades.

**Mr De Domenico:** Insurance companies also require them before they insure for workers compensation.

**MR STEVENSON:** Mr De Domenico mentions that insurance companies also have certain requirements prior to their insuring employees. All these things are true. The question arises: Where is the need for the legislation? In the ACT small businesses are service oriented. This is something that should be remembered. Many are family businesses. There are very few industrial workplaces, and this raises important questions. Who called for the idea that businesses of between 10 and 20 employees should be required to conform with the proposals in this legislation? Where was the call in the community? What problem is it trying to solve and where is the evidence of that problem? Where is the evidence, the facts and figures, and the detailed explanation of what they mean? If you say that there are fewer accidents, should you not also look at the fact that there are fewer people being employed? Why are there fewer people being employed? In the *Canberra Times* on 4 October 1992 there was an article by Mike Bannon. It was titled "No incentive for employers to create jobs". I quote:

With the recent introduction of the Dawkins-inspired schemes such as the Training Guarantee Charge and the Superannuation Guarantee Charge, the crippling imposts of payroll tax and workers compensation and having to comply with a myriad of industrial-relations laws, very few employers have the desire to take on new staff. This non-exhaustive list of disincentives to employ is simply too great to overcome for many small-business people.

We all know this. Governments cannot create productive work. What they can create and what they should create is an environment where the creators of work, the small business sector, the private sector, have a chance to hire people. This legislation will work against employment in the ACT. What we need to look at - - -

**Mr Berry:** Rubbish! You do not know what you are talking about, Dennis.

**MR STEVENSON:** Mr Berry said that I do not know what I am talking about. Perhaps I could ask Mr Berry and any of the other members who support this legislation, through you, Madam Speaker, how many small businesses they have run. Is that not a valid question?

**Mrs Grassby:** How many have you run?

**MR STEVENSON:** Over half-a-dozen. I suggest that working within a community based area may not be the same thing. How much red tape and how many extra administrative requirements will there be? How much extra time will be taken up not just by the owner but also by the employees?

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How many extra dollars will have to be spent by employers already under incredible attack by government impositions? Let us have a look at what this legislation will do. It relates to all businesses with 10 or more employees. I should make the point that Mr Berry - - -

**Mr Berry:** No, 10 to 20. The ones above 20 already have it.

**MR STEVENSON:** Mr Berry says "10 to 20". Let us look at what Mr Berry said in his presentation speech to this Assembly. I quote:

Simply put, it will extend the coverage of the Act from workplaces with more than 20 employees to workplaces with more than 10 employees.

That is not true. It is 10 or more. There are many people concerned about such serious mistakes being made in this area.

What arrangements will have to be made? First of all, any business of 10 or more employees that is not already covered by the legislation will be required to form designated work groups. The workplace stipulations in the Act will then apply to all of these places where 10 or more people are employed. It matters not whether they are full-time, casual or part-time. There was a suggestion that it does not really matter; if they work there they should be protected by the regulations. But what if they work there for just one day a year? What about a business that a full-time owner-operator runs, with a couple of family members working in it and occasionally some other people? I hear a flurry of comments from the Labor Party saying that these people should be covered.

**Mr Berry:** They are still entitled to a safe workplace.

**MR STEVENSON:** They are entitled to a safe workplace. Let me read some of the statements from workplace owners. I quote:

Nobody is against maximising safety in the workplace, but this legislation is not a practical, cost effective method for very small businesses.

Another said:

We as employers in small business care greatly for our employees and their welfare is utmost in our minds. Nothing adds to our costs and detracts from our efficiency and profitability more than an injured worker.

Nor more than an injured workplace operator, I might suggest. I quote another one:

We in small business do care about our staff, because we work side by side in a hands on situation and our management structure is usually flat. We do recognise the necessity of the safe working environment as we are usually working within that environment.

So, it is not a question of whether or not people have safety; they do. We have not seen a detailed analysis to show anything other than that.

Let us look at some of the other requirements that the working arrangements will include. There is the appointment of health and safety representatives; the procedure to issue provisional improvement notices; the setting up of emergency procedures; the setting up of a health and safety committee. These arrangements can also include heavy fines for contravention, involvement by involved unions in the workplace, additional involvement by the registrar, selection of health and safety representatives by employees, and the training commitments of health and safety representatives and health and safety committee members. The time and costs required for all these things will be borne by small business operators.

I read from the Housing Industry Association letter concerning this matter, dated 9 September 1992. It states:

At a time when the ACT is desperately seeking recovery and growth within the private sector, the proposal to vary the ACT Occupational Health and Safety Bill 1989 to cover 10 or more employees in Designated Work Groups will result in many small businesses in the ACT being pushed beyond their financial limits ...

Unless there is clear evidence that the current provisions for the formation of Designated Work Groups in the ACT is failing to adequately address the need to maintain safe working environments for ACT workers, no amendment to the current provision should be made.

The Canberra Business Council wrote this on 21 August:

The Canberra Business Council is amazed that you have not raised these issues with it prior to the tabling of both amendments to the Bills.

... In regard to the OH and S amendment, it is our contention that the Designated Work Group size need not be lowered from the present size of "more than 20".

... In the Council's opinion the proposed DWG structure and its resulting additional commitments by the employer will inhibit many firms expanding their workforce to 10 or above.

In this current situation of high unemployment, your Government's action will not be tackling the problem - it will be adding to it.

This letter from a small business operator says:

I already properly train/supervise my employees. Because we are small, I cannot afford the extra costs associated with this legislation.

The Motor Trades Association wrote:

No one wishes to see employees placed in any type of work place jeopardy. I believe existing laws covering the responsibility of employers are reasonable.

So does just about everybody in the entire ACT small business sector. What about the consultation with the people that this affects?

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**Mr Berry:** Wide consultation - extensive.

**MR STEVENSON:** Mr Berry says, "Wide consultation - extensive"; yet just about every letter we receive says that they were not consulted. Who is telling the truth? The Motor Trades Association also said:

It is quite a different employment argument for a business employing over twenty staff as against one employing over ten.

Madam Speaker, there is a limit to the capacity of businesses to meet the ever-increasing costs of labour. Many have already reached that limit and no longer exist; they have gone out of business.

When will members in this Assembly, and in other parliaments throughout Australia, realise that to penalise small business for employing people will only result in unemployment? We already have the proof of this in gargantuan unemployment in the ACT and in Australia. Only when these matters are addressed will small business people be able to employ those in Canberra who currently are unemployed. It will not be done by governments creating employment. It will be done only by governments getting out of the area and letting small businesses create the employment. The Chief Minister said:

Our Government is committed to the nurturing of small businesses to get our young people into the workplace.

I suggest that the evidence clearly shows that this is the opposite way to go about it.

**MRS CARNELL (4.57):** I would like to address this issue - - -

**Mr Berry:** Which hat? As president of the Pharmacy Guild? Pharmacist? Small business or part-time job in the Assembly?

**MRS CARNELL:** Actually, I think I can wear both hats through this. I would very much like to wear both hats as the only person in this Assembly who has any experience whatsoever in this particular area.

**Mr Connolly:** Oh, no, Mr Westende - - -

**MRS CARNELL:** Mr Westende has a lot of experience in the bigger workplaces. We are today talking about smaller workplaces. So, whether you like it or not, this is the experience - - -

**Mrs Grassby:** You are not the only person, excuse me.

**MRS CARNELL:** Okay; you can speak next. We have to look at the actual workplaces we are talking about here. We are talking about workplaces with two or three people on the floor at any time. We are talking about retail shops. We are talking about milk bars, small grocery shops, 10 people on their - - -

**Mr Lamont:** Do you employ 10 people?

**Mrs Grassby:** No, of course she does not.

**MADAM SPEAKER:** Order!

**MRS CARNELL:** We are talking about people who have 10 people on their payroll. That does not mean 10 people on the work floor at any time; we are talking about people on the payroll. That means that every little supermarket, with a person on the cash register and somebody stocking the shelves most of their time, will be covered by this. We are talking about doctors' surgeries. We are talking about accountants' offices which regularly will have 10 people on their payroll. That does not mean - may I stress it again - 10 people working at any one time. On the basis that it does not mean 10 people working together, and we are talking about somebody who will be - - -

**Mr Lamont:** There is even more need for a safety rep.

**MRS CARNELL:** When will the safety rep that Mr Lamont talks about interface with the staff? When will these people be able to impart their very extensive knowledge if there are only two or three people there at any time? The only constant person in most of these businesses is the owner-operator. That is the person who is there, usually seven days a week, 12 hours a day, regularly. Quite honestly, is any owner-operator in that circumstance going to place the staff who they rely on to feed their kids - let us be fair - in a dangerous position? The owner-operators are the ones who are in that environment substantially more often than any of their staff. Anybody who even looks at small retail operations, or alternatively the restaurants or all the other small operations that we see in Canberra that will now be covered, would know that it is just ridiculous to suggest that they are dangerous workplaces.

In fact, for the interest of the Assembly - I am sure that Mr Berry will not be even slightly interested - I will give the average figures for accidents. I am talking now about every accident, not just the ones that he reported. These are figures through the pharmacies, 76 small outlets in the ACT. Over the last two years 30 accidents have occurred. The vast percentage of those happened on the way to work or on the way home, and therefore would not be covered. Taking into account the on the way to work and on the way home accidents, that was 0.2 of an accident per year. You are suggesting that small operations should spend a couple of thousand dollars in training a staff member to overcome 0.2 of an accident. If it were possible to overcome 0.2 of an accident I would suggest that maybe we had some point here. But, as I said, the vast percentage of accidents happen on the way to work or on the way home.

**Mr Berry:** That is not true.

**MRS CARNELL:** I have them listed, one by one. Let us look at the sorts of other accidents. We have "Worker fainted and hit head". Quite seriously, I would love to know what could be done to overcome that problem.

**Mr De Domenico:** Teach them not to faint.

**MRS CARNELL:** Teach them not to faint, for sure.

**Mr Connolly:** You may think that is flippant, but it is not for the person who fainted.

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**MRS CARNELL:** I am not being flippant at all. These are what we are really talking about. These are the accidents that really happen in small operations. Here we are, "Pleurisy"; "Slipped and fell". Obviously, that could be very nasty. It was a slippery area. Unfortunately, in this particular circumstance, the person slipped down a step.

**Mr Connolly:** Perhaps the step was dangerous. You should have had a safer step.

**MRS CARNELL:** Perhaps the step was not dangerous. "Tripped on a step ladder"; "Jammed fingers in a drawer". On it goes. "Cut foot when customer dropped bottle on it". Obviously, we are going to make sure that the customers do not do anything nasty. "Dropped a bottle on big toe".

**Mr Connolly:** Are you going to table that document?

**MRS CARNELL:** I am very happy to. That is fine. That is not a problem.

**Mr Lamont:** Mrs Carnell, you might find that somewhat humorous. The workers involved - - -

**MRS CARNELL:** I do not find it somewhat humorous. I am suggesting that this is what really happens in small business. These are the accidents that actually happen - real accidents, not pretend ones. In Mr Berry's tabled document on the reported accidents, the one - - -

**Mr De Domenico:** Whose document?

**MRS CARNELL:** Mr Berry's, the 251 reported accidents. How many of them, Mr Berry, were in businesses that would be covered by your amendment? You do not know. If you do not know, what are you doing it for? Going through them and looking at the ones that could possibly have been in small businesses, we are talking about 20 out of 251. I am taking into account all the ones that could possibly have been in small business - 20 out of 251 - and that is taking into account businesses that are said to be catering, retail, et cetera. They could be any size retail. I have given it a very liberal interpretation. There were 20 out of 251.

Quite honestly, is that any reason to go ahead with this sort of legislation and to take the chance of putting many - and I mean many - young people out of work? If you believe that that is not the case, I will go back to the workplace that I am talking about, the workplace that employs young people to work on Saturday afternoons, on Sunday afternoons, and to handle the new late trading hours. If you people on the opposite side had a business with 12 or 13 casual employees who worked a couple of hours here and a couple of hours there, and if you could save a couple of thousand dollars by giving one person six hours instead of two people three hours, what would you do? I promise you that what will happen is that a number of young people - again it will be young people - will lose their jobs. The other people - - -

**Mr Berry:** Would you do that to your staff?

**MRS CARNELL:** Yes, I would, because at the end of the day I keep operating only if I make a profit and therefore can pay my other staff. That is absolutely true. If you do not make a profit you do not pay your staff. It is quite simple.

Ms Szuty mentioned the training guarantee levy. That is \$200,000 a year. Think of that. We are talking about milk bars with possibly two or three full-timers and a number of casuals. There is no way that their wage bill is \$200,000. There is no way that the vast percentage of people who will be covered by this amendment could be in that bracket. It is new expense, and it is new expense that cannot be afforded by just about everyone. It is also an amendment that has absolutely no figures to back it up. We have no idea of how many accidents, except mine, actually happen in that group; no figures at all. With no figures, no backup, you go down a track of introducing an amendment that will cost small businesses - and we are talking about really small businesses - many thousands of dollars. If that is how you think you create jobs for our young people and our women, I am not surprised at the figures that were released last week.

**Mr Lamont:** Madam Speaker, I move, pursuant to the appropriate standing order, that Mrs Carnell table the document that she has just been quoting from.

**MRS CARNELL:** Fine.

**MADAM SPEAKER:** She sought to do that before. Mrs Carnell needs leave to table the document.

Leave granted.

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

#### **ADJOURNMENT**

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

That the Assembly do now adjourn.

**Assembly adjourned at 5.08 pm**

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**ANSWERS TO QUESTIONS**

**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION 243**

**Woden Valley Hospital - Food Services**

Mrs Carnell - asked the Minister for Health:

In relation to the report *Priorities for Improved Public Sector Management*, made by the Priorities Review Board in May 1990, which noted the lack of cook-chill facilities at Woden Valley Hospital (pp. 156-157)

- (1) What are the Governments estimates of the initial costs of installing cook-chill merry in the kitchen at Woden Valley Hospital.
- (2) What are the Governments estimates of the long run savings that might result by putting in place cook-chill production methods.
- (3) How many people are currently employed in the kitchen at Woden Valley Hospital.
- (4) What are the Governments estimates of labour cost savings from using cook-chill methods at Woden Valley Hospital.
- (5) How many staffing positions dons this amount to.
- (6) If the Government has not considered any estimates of savings from cook-chill methods; why not.
- (7) How many meals per day are currently produced in Woden Valley Hospitals kitchen.
- (8) Have any parts of the catering service been contracted out.
- (9) Could the Minister indicate whether Jindalee Nursing Home uses cook-chill methods.

Mr Berry - the answer to Mrs Carnells question is as follows:

The Priorities Review Board report was an initiative of the Alliance Government and has no standing with the Labor Government.

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Since that time the Labor Government has initiated major restructuring in the Food Services area. The cook-fresh system now in place at Woden Valley Hospital has resulted in savings utilising existing resources with minimal disruption to service delivery.

There have been no recent estimates of the cost of installing any new system as the efficiencies have been achieved through the introduction of the cook-fresh method. However if a cook-chill system was to be installed it would require major capital funding and would be an inevitable disruption to service.

As at July 1992 there were 202 F17E employed within Food Services at Woden Valley hospital, a reduction of 78.87 FTE since June 1990. This was a result of the implementation of structural efficiency principle and amalgamation of both hospitals.

The Woden Valley Hospital produced an average of 3 180 meals per day in 1991/92. This is a reduction over the 198889 figure. This is due to the amalgamation of the two hospitals and the consequent reduction in occupied bed days of over 12% and an increase in day patients of 836 (day patients receive only one meal per day). \_ .

Currently no part of the catering service is contracted out.

Meals for the residents of Jindalee Nursing Home are prepared at Woden Valley Hospital using the cook-fresh process. The Hospital also provides a service to patients, staff, Meals on Wheels and a number of hostels and day centres. Since 198889 a service is no longer provided to Melba, Chapman and John Knight Hostels and with the closure of Royal Canberra Hospital the staff meals have decreased.

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**Question No 267**

**Government Service - Workers Compensation**

MR DE DOMENICO - Asked the Chief Minister upon notice on  
12 August 1992

(1) How many employees in the Government Service are on workers  
compensation.

(2) How many are on the unattached list.

MS FOLLETT - The answer to the members question is as follows

(1) There were 376 employees who received a workers compensation  
payment on the payday of 30 July 1992. This included employees  
who were receiving compensation payments and : s

- were totally incapacitated;
- have commenced a graduated return to work; or
- have returned to duty full-time, but are unable to receive their pre-injury penalties, overtime or  
higher duties allowance.

18 of the 376 employees who were receiving workers compensation on 30 July 1992 were also  
unattached.

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**MINISTER FOR HEALTH  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION 313**

**Woden Valley and Calvary Hospitals - Statistics**

Mrs Carnell - asked the Minister for Health:

1. What was the percentage occupancy rate at Woden Valley Hospital (WVH) each month for the past 12 months.
2. How many staff does WVH have per Occupied Bed Day (OBD).
3. How many administrative and clerical staff were employed per OBD.
4. How many nursing staff were employed per OBD.
5. What is the Average Length of Stay (ALOS) at WVH from January 1992 to June 1992.
6. What is the ALOS at Calvary Hospital from January 1992 to June 1992.

Mr Berry - the answer to Mrs Carnells question is as follows:

1. The percentage occupancy at WVH 1991-92 was:

July 1991 81.7%  
August 1991 83.0%  
September 1991 81.4%  
October 1991 83.3%  
November 1991 87.5%  
December 1991 79.4%  
January 1992 83.8%  
February 1992 88.6%  
March 1992 82.7%  
April 1992 80.4%  
May 1992 84.7%  
June 1992 83.0%

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2, 3 & 4. Number of Staff at Woden Valley Hospital per OBD.

Please note the following figures are calculated using:

- Full Time Equivalent staff numbers as at 30 June 1992.
- Total June OBDs/30 to produce an average daily figure.
- WVH OBDs include Detoxification Unit and RAGS
- WVH staff numbers include Detoxification Unit and excludes non-hospital based

Mental Health staff.

FTE

OBD

FTE per OBD

Total number of staff at Woden Valley Hospital as at  
June 301992.

2527

535

4.7

Total number of clerical/administrative staff as at  
June 301992.

358

535

0.7

Total number of nursing staff as at June 301992

1329

535

25

Source: P1 Saviors Woden valley Hospital. Mediate Ram year coding June 1992.

5 & 6. The ALOS at WVH and Calvary Hospital from January 1992 to June 1992 were:

Month (1992) WVH Calvary

January 5.3 5.5

February 5.0 5.3

March 5.0 5.1

April 4.8 5.8

May 5.1 4.7

June 5.1 5.4

1. Includes Detoxification Unit

2 Excludes Calvary Nursing Home Bells

2573

13 October 1992

**ATTORNEY GENERAL FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 321**

**Prosecutions for Verbal Assault**

MR WESTENDE - Asked the Attorney General upon notice on 15 September 1992:

- 1) Does the Attorney-General agree that the law applies to all citizens irrespective of background and that all persons breaking the law should be prosecuted equally.
- 2) Does a threat constitute a verbal assault and is this punishable by law.
- 3) If so will the Attorney-General assist citizens who have been threatened and who cannot get the police to take action.

MR. CONNOLLY - The answer to the members question is as follows:

- 1) The law does apply to all citizens equally. However, it is appropriate that the law enforcement and prosecution authorities should have discretions as to whether to investigate or to prosecute an offence. These discretions are exercised on the basis of the seriousness of the offence; the characteristics and antecedents of the alleged offender; the circumstances of the offence; the quality of the evidence; and general public interest considerations including the costs and benefits of devoting resources to the particular matter at the expense of other priorities and demands.
- 2 and 3) These questions are too general. If Mr Westende is prepared to supply me with details of the facts giving rise to his questions I will be happy to look into them if that appears warranted.

2574

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 324**

**ACTEW - Essential Services Review Committee**

Mr Westende - asked the Minister for Urban Services:

(i) In relation to Governments urgency in pushing through the Essential Services (Continuity of Supply) Bill 1992 can the Minister advise if the Essential Services Review Committee is now functioning and if applications for assistance are being considered.

(2) Is there any indication of the magnitude of the problem, ie the number of people unable to pay ACTEW accounts.

(3) Does ACTEW inform its clients of the availability of assistance through the Essential Services Review Committee particularly with the issue of its final accounts.

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

(1) I issued a Media Statement on this subject on 18 August 1992. The members of the Essential Services Review Committee were appointed on 14 August 1992 and the operative provisions of the Act came into effect on 19 August 1992. As of close of business 24 September 1992, a total of 53 Applications for Relief had been received by ACTEW and the Committee had heard 16 of these. Three of the 53 had either paid the account or withdrawn their applications prior to the scheduled hearings.

(2) There is no true indication of the number of people unable to pay ACTEW electricity accounts. Since the Act came into effect, ACTEW has delivered between 300 and 400 Disconnection Warning Notices and 53 applications for relief have been received.

(3) As required by the Act, ACTEW gives notice to its clients of the availability of the Review Committee in a Disconnection Warning Notice issued at least 7 days prior to disconnection for non-payment being effected.

2575

13 October 1992

**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 326**

**Lease Purpose Variations - Fyshwick**

Mr Kaine - asked the Minister for the Environment, Land and Planning -

In relation to lease purpose clauses in Fyshwick will the Minister -

- (1) Amend the lease purpose clauses of Fyshwick leases- to admit retailing.
- (2) Structure betterment payments, due as a result of any such amendments, over three years.
- (3) Implement a zoning system in Fyshwick and other non -residential areas to replace lease by lease planning.

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

- (1) The recently introduced Land (Planning and Environment) Act permits any lessee in Canberra, to make application to vary his/her lease. It is important that a Lessee check that the Territory Plan permits the-proposed activity prior to making formal application.

The Fyshwick Policy Plan sets out criteria under which a lessee is able to vary a lease. In Many cases retail is permitted.

- (2) Betterment is required to be paid "up front".

Section 184(b) of the Land (Planning and Environment) Act 1991 provides that the variation of a lease cannot be executed unless:

"Where the variation of the lease would increase the market value of the lease, the lessee has paid the Executive an amount determined by the Executive as prescribed in respect of the increase in value of the lease that would result from the variation."

2576

(3) It was recommended to the Parliamentary Joint Committee on the ACT in 1988 that leases be the principal planning control.

It is current Government policy that the leasehold system be the major planning tool in the ACT.

There is a comprehensive planning policy for Fyshwick which controls changes of lease purpose.

This policy permits limited retail and office development in addition to industrial and service trade uses. The policy was prepared by the NCDC and with some modifications is proposed to be incorporated in the Territory Plan.

I am advised that the ACT Planning Authority has endorsed the leasehold process in the draft Territory Plan.

2577

**MINISTER FOR HOUSING AND COMMUNITY SERVICES  
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NO 345**

**Rental Bonds Office - Appropriation and Expenditure**

MR CORNWELL - Asked the Minister for Housing and Community Services upon notice on 17 September 1992:

In relation to the the Rental Bond Board -

- (1) How much appropriation was provided by the Treasury in (a) 1990-91; and (b) 1991-92 to establish the Board.
- (2) What was the breakdown of the appropriation, ie salaries, furnishings, etc.
- (3) Why were funds to establish the Office provided by Treasury over two financial years.

MR CONNOLLY - The answer to the members question is as follows:

(1) (a) In 1990-91, \$84,881 was spent to establish the Office of Rental Bonds.

(b) In 1991-92, \$444,894 was spent to establish and operate the Office of Rental Bonds.

(a) In 1990-91, the breakdown of the appropriation was as follows:

Salaries \$41,894 Accommodation \$6,504 Other Operating Costs \$36,482 R&M P&E \$0

(b) In 1991-92, the breakdown of the appropriation was as follows:

Salaries \$237,875 Accommodation \$20,624 Other Operating Costs \$86,812 R&M P&E \$99,583

(3) The timing of the passage of the Landlord and Tenant (Amendment) Act 1991 in May of 1991 and the commencement of operations by the Office of Rental Bonds on 26 August 1991 resulted in the expenditure of establishment funds across two financial years. Approximately half of funds expended in the second half of the 1990-91 financial year were directed to salary and associated costs for two officers handling the administrative arrangements associated with the commencement of the Office. The remainder was directed to rent, partial fitout of the Wales Centre office and computer services support. In early 1991-92, funds were directed to the purchase of furniture and other equipment essential for operations and for remaining fitout requirements. The remainder of the appropriation was for salaries and salary-related costs, and for ongoing operational costs.