DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

22 October 1992

Thursday, 22 October 1992

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Thursday, 22 October 1992

The Assembly met at 10.32 am.

ABSENCE OF SPEAKER

The Clerk: Members, I have to inform you that the Speaker is temporarily delayed this morning.

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

> That Mrs Grassby take the chair as Acting Speaker.

MADAM ACTING SPEAKER (Mrs Grassby) took the chair at 10.32 am and read the prayer.

WORKERS' COMPENSATION SUPPLEMENTATION FUND (AMENDMENT) BILL 1992

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.32): I present the Workers' Compensation Supplementation Fund (Amendment) Bill 1992.

Title read by Clerk.

MR BERRY: I move:

> That this Bill be agreed to in principle.

Madam Acting Speaker, in 1980 the Workers' Compensation Supplementation Fund Act established a system under which workers' rights to compensation would be protected if an insurance company went into liquidation. When this occurs, the Act provides for the manager of the Workers Compensation Supplementation Fund to step in and handle any workers compensation claims currently in action with the insurer concerned and also any future claims on that company. Currently, the fund manager is looking after claims for the Palmdale/AGCI and Bishopsgate Insurance companies, which went into liquidation in the early 1980s, and the National Employers Mutual Workers' Compensation Company, which folded in 1990.

Money to pay the claims is raised by a surcharge on workers compensation policies issued by all insurers in the ACT. It is collected by insurers on behalf of the fund and then forwarded to the fund manager. However, a surcharge has not been imposed since 30 June 1986 because funds already raised by the surcharge, plus money recovered by liquidators on behalf of the fund, have accumulated to provide a sufficient pool of money to cover known liabilities. The fund manager engages one of the local insurers, who is an approved insurer for the purposes of the Workers' Compensation Act, to handle day-to-day matters concerning claims. The fund manager is empowered under the Act to pay claims and costs incurred in the settlement of the claims.

However, there is currently no legislative provision to allow the Government to recover from the fund costs incurred by the Government in staffing the fund manager's position. Up to now these costs, though modest in themselves, have been borne as a charge on the budget and therefore by the general ACT community. It is appropriate that these staffing costs be recovered from the fund. The proposal is consistent with arrangements which currently exist with bodies like the Building and Construction Industry Long Service Leave Board under which staffing costs are recovered by the Government. The costs of running a scheme should be fully paid from funds raised to finance the scheme. This Bill will enable salary and other costs associated with staffing the position of fund manager to be recovered by the Territory Government. I commend the Bill to the Assembly and present the explanatory memorandum for the Bill.

Debate (on motion by **Mr De Domenico**) adjourned.

PESTICIDES (AMENDMENT) BILL 1992

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.36): Madam Acting Speaker, I present the Pesticides (Amendment) Bill 1992.

Title read by Clerk.

MR WOOD: I move:

> That this Bill be agreed to in principle.

This Bill amends the Pesticides Act 1989 to overcome difficulties associated with the issue of notices about dealing with pesticides. Section 45 of the Act requires the Registrar of Pesticides to publish any notice about dealing with a pesticide in a daily newspaper on at least three occasions during a period of two consecutive weeks. Section 47(1) of the Act deals with the form of the notice issued by the registrar and requires the notice to specify each distinguishing name under which the pesticide is supplied and has been registered. At present there are 1,300 pesticides registered for use in the ACT. A general notice would need to list all of these pesticides and would be time consuming and extremely costly to publish.

The proposed Bill will amend the Pesticides Act 1989 to allow the registrar to issue notices in relation to dealing with pesticides in the ACT without incurring excessive costs. Specifically, the amendment will allow the registrar to publish a notice only once in the *Gazette* and the newspaper, and will allow notices about dealing with pesticides to simply specify the class or classes of pesticides, but will include the location and time at which a listing of each distinguishing name of the specified class or classes of pesticides may be inspected. The amendment will simplify the present onerous and unwieldy notification process, making it less costly while not reducing its effectiveness. Madam Speaker, I present the explanatory memorandum for the Bill.

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

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Reference - Casino Premium

MS SZUTY (10.39): Madam Speaker, I move:

That the Standing Committee on Planning, Development and Infrastructure:

(1) Investigate and report on recommendations to the Assembly on the possible use of the $19m casino premium, having regard to:

(a) the report of the Select Committee on Cultural Activities and Facilities, June 1991; and

(b) the ACT Government's stated objective to commit the funds to cultural and heritage facilities.

(2) The Committee to report to the Legislative Assembly by 10 December 1992.

Madam Speaker, the establishment of the Canberra casino and the $19m premium which has been paid to the ACT Government presents us with an opportunity to spend the money on behalf of the Territory intelligently, sensibly and sensitively. I believe that the best way to achieve this is through an open community consultation process which invites our community to put forward their ideas and proposals for funding. Such a process builds a cohesive community, one which works together to best further the interests of our city in the future. Already several proposals have been put forward in the public arena for consideration. The Canberra Business Council has endorsed the redevelopment of the Canberra Theatre Centre; Senator Bob McMullan has proposed an art gallery to meet the needs of the ACT and region; and Domenic Mico has suggested providing arts facilities in Tuggeranong. An open consultation process will draw out these suggestions already brought forward and enable the most appropriate decision to be made in the end.

Madam Speaker, I now wish to turn my attention to the inquiry itself. I have asked that the matter be referred to the Assembly's Planning, Development and Infrastructure Committee. The committee's first term of reference includes the criterion of infrastructure and capital works, which enables this inquiry to be included in the Planning, Development and Infrastructure Committee's program. There would also have been some merit in referring the matter to the Assembly's Social Policy Committee. However, I am aware that the Social Policy Committee is fully occupied at present finalising its inquiry into aged accommodation and support services.

I have asked that the Planning, Development and Infrastructure Committee take into consideration two factors: Firstly, the report of the First Legislative Assembly's Select Committee on Cultural Activities and Facilities, finalised in June 1991. This comprehensive report produced an impressive array of recommendations, many of which can be seriously considered now in the light of the funds which have become available. Secondly, the ACT Government's stated objective to commit the funds to cultural and heritage facilities will be taken into account. The theme of the committee's inquiry will thus be established and will

appropriately focus the community's attention on the task at hand. Finally, Madam Speaker, I have asked that the committee report to the Assembly on its findings by Thursday, 10 December 1992, thus enabling the ACT Government to meet its timetable for the announcement of a decision before the end of the year. Madam Speaker, I commend the motion to the Assembly.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.42): Madam Speaker, the Government supports this proposal. We do so on the ground that it should provide some update on the views that were widely and clearly established during the course of the Select Committee on Cultural Facilities and Activities. I would remind the house that the report of that committee is still very new. It was tabled here in this Assembly on the first day of the new Government, the last day of the Alliance Government, and that was in June 1991. It is not long ago; so it is still very much a current report.

Ms Szuty makes a fair point that this will provide an opportunity for people to express their ideas. I prefer to see it as an updating of ideas, because that committee carried on its task for, I think, about 18 months. There is not an arts group or a related group in Canberra, I think, that we did not approach. You should go back into the submissions to that inquiry. They are extensive and most of them are excellent; so I believe that the work of the PDI Committee on this matter has been fairly substantially covered. Certainly, the views we had were wide ranging. The committee is also to take note of the Labor Party's commitment which was in our election policy. I am sure that the Assembly is well aware of that.

A further factor in this is the work of the Cultural Council. A little time ago I had advice from the Cultural Council which established, as they saw it, the principles which should be used as the Government came to its decision. I had spoken to the council about this matter. They were aware of the Government's policy and the history of it, and they came forward with that proposal which, as it were, gave guidelines for the Government as decisions were taken. I have also, in the light of this motion and other events, asked the council to give me more detail as to their views on the use of the casino premium, and they will do so by the date I have given them, 1 December. The Cultural Council is the body that we established to provide advice to the Government on matters cultural. It has been working very well and I will certainly respect in the future, as I have in the past, the advice they give me.

Madam Speaker, I think there is one other point I should make, and it goes back to the whole casino debate from the time it was first launched, rather optimistically I think, from the Federal Parliament. The attraction that was presented to make the casino more appealing to some people who may have had reservations about it was that it would provide for cultural facilities, and they were to be across the road at the Theatre Centre. In the event, the select committee, as it assessed the needs of Canberra, determined that the original proposal for a massive theatre complex was simply unsustainable. The premium was not going to deliver that amount of money anyway. Further, the ACT community, by its record of attendances, had shown that we would seldom fill a 2,000-seat theatre and that maybe the greater need was for a smaller theatre. I would refer you to both reports of the select committee, because there was an interim report on that matter specifically.

This is an important question. It is one of continuing interest to the ACT because we are getting this immediate bonus from the casino additional to the long-term benefits that will flow. I look forward to the response that is forthcoming.

MR MOORE (10.46): Madam Speaker, it is with pleasure that I rise to support this motion. I too am very conscious of the significant report of the Select Committee on Cultural Activities and Facilities that Mr Wood chaired. That committee brought down an excellent report. To go over that work would be inappropriate; to use that work again would be appropriate. It is also important for us to recall that there was a committee report on the casino itself. All the issues to do with a casino were presented to this Assembly. Whilst the report contained a series of dissenting comments, perhaps the Assembly benefited in many ways from those.

I note that Ms Szuty has set Thursday, 10 December 1992, as the time for the Planning, Development and Infrastructure Committee to report. In setting such a very tight reporting date it is clear that the intention here is not to redo the work that has already been done, but rather just to assess how the money is likely to be spent and to provide an extra input for the Assembly and for the Government as to the best ways for that money to be distributed for the benefit of Canberra. To hear the Minister respond in such a positive way reflects positively on him and on his Government. A government that is receptive to such ideas and to such an approach, I think, will move forward very positively.

I must say that I do find it a contrast to the response of Mr Berry to the report from the Select Committee on Drugs the other day, but I think enough has been said in this chamber on that issue. Here we have a very positive response. I think this is the opportunity to provide for the people of Canberra an insight into how this money is to be spent for the benefit of all.

MS SZUTY (10.49), in reply: Madam Speaker, I thank members for their contributions in speaking on this motion.

Mr Moore: Did you note that the Liberals did not speak?

MS SZUTY: Yes, I did note that the Liberals did not speak on it; but I guess that they will have the opportunity during the deliberations of the Planning, Development and Infrastructure Committee to put forward their point of view. Mr Wood quite rightly drew the Assembly's attention to the very extensive report finalised by the First Assembly's Select Committee on Cultural Activities and Facilities. Indeed, it would be foolish for the Planning, Development and Infrastructure Committee to go over that ground again. As Mr Moore emphasised in his remarks, the committee has the opportunity to draw on the extensive work of that First Assembly's select committee. Obviously, the short timeframe will mean that we will not go into those issues in a great deal of depth.

The other important point that Mr Wood raised is the work of the ACT Cultural Council. I was delighted to hear that they have been involved in establishing principles and criteria for the spending of the $19m which the Government has been given by the operators of the casino in the ACT. I am sure that the Planning, Development and Infrastructure Committee would look forward to hearing their views, which will come before us by 1 December 1992. I thank members for their support of this motion.

Question resolved in the affirmative.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE
Report on New Capital Works Program 1992-93

Debate resumed from 15 October 1992, on motion by **Mr Lamont**:

That the report be noted.

MS FOLLETT (Chief Minister and Treasurer) (10.50): Madam Speaker, I table the Government's response to the report of the Standing Committee on Planning, Development and Infrastructure on the new capital works program for 1992-93. The 1992-93 capital works program was referred to the Assembly standing committee on 21 May 1992 for inquiry and report by early August 1992. The committee received written submissions from groups representing a wide range of community views. These included the ACT Council of Social Service, the Australian Federation of Construction Contractors, the Master Builders Construction and Housing Association and the Youth Affairs Network of the ACT. The committee also questioned officials from relevant ACT government agencies over three half-days of public hearings. On behalf of the Government I would like to thank the committee for their report.

The report covers issues of significant importance to the ACT community. The inquiry undertaken by the committee has provided an opportunity for the Government to listen to concerns expressed, both by the committee itself and by community groups, on issues which directly affect the whole community. In all, the committee made nine recommendations ranging across issues from the size of the capital works program to consideration of improved community consultation and project delivery.

I would like to comment on specific recommendations and expand on the Government's tabled response. The committee recommended that the Government consider a modest expansion of the draft works program to help alleviate the effects of the current recession. The Government shares the committee's concerns regarding employment levels in the ACT and the need to promote economic growth. Accordingly, the Government has acted promptly to take what steps it can to tackle the unacceptable rate of unemployment in the ACT and to stimulate the local economy. Spending on public sector capital works this year will increase by $33m to $219m. This is an 18 per cent increase over 1991-92 expenditure. The additional funding includes the impact of the accelerated capital works program announced in February. Overall, the ACT public sector capital works program in 1992-93 will support employment for 3,400 persons.

As recommended by the committee, the Government is continuing discussions with the Commonwealth in relation to the refurbishment of the old Parliament House and the Museum of Australia project. Since the committee's report was made, the Commonwealth has also announced significant new capital works for the ACT. Foremost amongst these works is the York Park project, estimated to cost $187m and create 1,500 jobs. The impact of these additional Commonwealth measures will be significant in 1992-93 and 1993-94.

Given the large impact of these Commonwealth works, the Government believes that a further expansion of the program at this stage would not be appropriate. However, the forward design program ensures that any future expansion of the program remains a feasible option. As a demonstration of this foresight, the Government has placed the Lanyon High School project on the forward design program. The Government will keep the total size of the program in future years under review, having regard to the matters raised by the committee. Madam Speaker, the committee identified the urban landscape environment, refurbishment of community centres, and schools maintenance and playground upgrading as areas of priority should additional funding be available. I would like to impress on members of the Assembly that the Government has an ongoing commitment to such projects and will have regard to the committee's findings in the development of future capital works programs.

Madam Speaker, I should note that capital works spending is not the only means of creating employment. The Government has also introduced a range of other budget initiatives designed to encourage job growth. These include the establishment of a further 100 Jobskills places, a new Tourism Development Unit to help stimulate activity in that industry, increased employment and training grants, and the Youth Conservation Corps. The Government supports the committee's recommendation regarding the need for full and complete information to be provided to the committee. Public consultation undertaken in respect of projects will be reflected in the briefing material provided to the committee. As I have previously stated, the inquiry forms an important stage of the consultation process in that the public can provide comments on particular proposals and priorities.

The committee also expressed concern at the short amount of time it had to consider the capital works program this year. It recommended that there be a minimum period of 10 weeks between the date of referral of the program to the committee and the date upon which it is required to report to the Assembly. The Government agrees that a longer time for deliberation by the committee is desirable to permit a thorough examination and assessment of projects in the capital works program. This would also facilitate the committee's consideration of more general issues associated with the program. The Government also agrees with the committee that there is a need for a better cost-benefit assessment of projects in the capital works program. We propose that, beginning with the 1993-94 program, major projects over $1m should have an assessment of costs and benefits wherever practicable. The $1m threshold will avoid excessive administrative expenses for smaller projects.

The Government also supports the recommendation of the committee that further consideration be given to the issue of project delivery and the capital works process. The recommendation focused on four issues, including the size of construction contracts; performance rating of contractors; routine use of contractors with high managerial, financial and technical performance ratings; and the use of alternative delivery methods. A review of present arrangements will be undertaken by the Department of Urban Services and Treasury, in consultation with client agencies, to ensure that the committee's concerns are properly addressed. Madam Speaker, I thank the committee for their examination of the 1992-93 program and commend the Government response to the Assembly.

Question resolved in the affirmative.

FAIR TRADING BILL 1992
Detail Stage

Debate resumed from 21 October 1992.

Clauses 1 to 5, by leave, taken together, and agreed to.

Clause 6

MR DE DOMENICO (10.58): Madam Speaker, I move:

> Page 6, subclause (3), line 24, omit the subclause.

This amendment was recommended by the Scrutiny of Bills Committee. The explanatory memorandum does not mention that subclause 6(3) reverses the onus of proof, so that in any proceedings relating to this law there is a rebuttable presumption that a person is a consumer. As a result, a defendant can, for example, be placed in the position of having to prove factual matters that are not necessarily within his or her knowledge.

Madam Speaker, the Commonwealth Trade Practices Act definition of "consumer" contains a provision similar to subclause (3), but the effect of the rebuttable presumption in the Trade Practices Act is reduced by the earlier subsections of that provision. The proposed definition of "consumer" in this Bill replaces the existing definition of "consumer" in the Consumer Affairs Act. However, the current Consumer Affairs Act definition does not contain the rebuttable presumption. Madam Speaker, I am thankful to Mr Connolly and Mr Charge for the information provided to us. The briefing we were given was fantastic.

Madam Speaker, clause 6 contains a simpler definition of "consumer" than that in the Trade Practices Act. It more closely resembles the equivalent provisions in the New South Wales and Northern Territory fair trading legislation. The definitions of "consumer" in the New South Wales and Northern Territory legislation do not contain the rebuttable presumption. However, the Northern Territory legislation has included it in a separate provision in exactly the same terms as subclause (3).

Madam Speaker, it is not clear from a reading of definition section 4B of the Trade Practices Act exactly how the earlier subsections reduce the effect of the rebuttable presumption. The practical effect of this provision, which is purely evidentiary, is to give the plaintiff a strategic advantage at the start of proceedings. Madam Speaker, this advantage may be lessened during the interlocutory stages as a result of discovery and other pre-trial interrogatories. As plaintiffs are just as likely to be corporations as individuals, the procedural advantages in reversing the onus of proof may in fact be illusory. Therefore, Madam Speaker, the Liberal Party is moving this amendment. It may be politic for the Minister to take the advice of some of his advisers and accept this amendment. The Minister has said that he is not prepared to do that, but the Liberal Party believes that he should. Madam Speaker, I commend the amendment to the house.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.01): Madam Speaker, as Mr De Domenico indicated, this amendment was flagged by the Scrutiny of Bills Committee, which quite properly drew the house's attention to the fact that there is a reversal of the onus of proof in clause 6. Normally in these matters my advisers look at what the Scrutiny of Bills Committee has to say, because we always take the committee's advice on legislation very seriously. Later I will be moving some amendments, which have been circulated, in response to the committee's recommendations.

The material that Mr De Domenico put before the house is not unfamiliar to me, because it covers essentially the briefing that my advisers prepared for me and that I showed to Mr De Domenico, as he acknowledged. This is a lineball case, Madam Speaker. As Mr De Domenico indicated, it is correct to say that there is a reversal of the onus of proof here. As was said, it is a purely evidentiary provision and it is designed to give the plaintiff a strategic advantage. It may be lessened during the later stages of proceedings because the defendant can always prove this. However, on balance, it was a lineball. My advisers said, "You may wish to do this", and provided me with a draft amendment that the Government could move if it wished to. The Government did not wish to move that amendment, though I was quite happy to give that advice and indeed the draft amendment to Mr De Domenico.

It is a very close call, Madam Speaker; but on balance our view is that this is a provision which gives a minor - and in some cases illusory - advantage to the consumer at the commencement of proceedings. The reversal of the onus of proof provisions says, "If you launch an action under this section, we assume that you are a consumer and thus able to bring the action. If the defendant says that you are not a consumer, the defendant will have to prove that". Repealing the clause, as Mr De Domenico is proposing, would mean that when an action is launched the defendant could say, "I put you to the proof that you are a consumer", and the consumer would have to go through the additional legal process of proving that they fit within the definition.

Given that this provision gives a marginal - and in some cases illusory - advantage at the early stage of proceedings to the consumer, I think it is an appropriate provision to retain. The Scrutiny of Bills Committee was quite right in drawing attention to the fact that it reverses the onus of proof. In general, we ought to be wary of such provisions. But, if there is a good reason for the provision, I think it is sensible to keep it in the Bill. I argue that giving a certain advantage to consumers is helpful. The advice notes, as Mr De Domenico said, state:

> As plaintiffs are just as likely to be corporations as individuals, the procedural advantages in reversing the onus of proof may be illusory.

I think it is a good thing that a corporation or a trader may sometimes be able to bring an action under this legislation for the reasons we went through yesterday in the in-principle debate - it allows the fair trader to keep honest his more ruthless competitors who are undercutting the Act, ripping off consumers, but also disadvantaging, in commercial terms, the fair and honest trader. That, we

would all agree, is a bad thing. Again, there is an advantage to that person in not having to go through the early stages of proving that he is in fact a consumer. On balance, while it is fair to say that the subclause is a reversal of the onus of proof, I think it is one which serves some benefit, however minor.

MR HUMPHRIES (11.04): Madam Speaker, I have to support the position taken by my colleague Mr De Domenico and indicate that this Assembly should, only in the most serious circumstances, consider reversing the onus of proof. When the Minister said that it was a lineball decision, I do not know whether he meant that it was lineball as to whether it was more efficacious or not to have a reversal of the onus of proof. But in my opinion the line, in that sense, should fall not on whether it is more or less advantageous to one or other party in a proceeding but rather on whether it is absolutely essential or not that that reversal occur because of the nature of the circumstances in which it might be applied. In other words, it is a very serious matter to ask a defendant in proceedings - a person who is, by common law, innocent until proven guilty - to suspend that presumption and to prove that certain elements of the charge are, in fact, not the case. My party in particular views a reversal of the onus of proof in any circumstance with a great deal of scepticism.

Madam Speaker, I really do not believe that the Government has discharged the very serious onus on them to establish a case for reversal of onus of proof. It just has not occurred in this case. It is not just so-called consumers - it might be, as the Minister points out, companies - who might be benefited by this reversal of onus of proof. Of course, it is the party conducting proceedings of any kind; it is the plaintiff. In fact, it could be the Trade Practices Commission. I really see no reason why the Trade Practices Commission should be given an advantage by removing the presumption that permeates the whole of our common law that a person is entitled to have a matter proved against him or her on the balance of probabilities.

I exaggerated slightly by talking about being innocent until proven guilty, but that is not an uncommon trait for anybody in this house. So, I can be forgiven for that, I am sure. Even in civil proceedings, that reversal is a matter of great concern. I think we should abandon the presumption that the plaintiff has to prove his or her case comprehensively before a court on the balance of probabilities only in the most exceptional circumstances. Quite frankly, Madam Speaker, those exceptional circumstances are not made out in this case. That is why the Scrutiny Bills of Committee recommended that the matter be re-examined and why I believe that we need to take the matter up and pass the amendment which Mr De Domenico has proposed here today.

MS ELLIS (11.08): Madam Speaker, I rise very briefly to endorse the words of my colleague Mr Connolly. I think it appropriate and proper that if we are going to lean towards a side we should always lean towards the consumer. Any definition should support the consumer. In this debate we need to note the Federal Opposition's apparent motives in the consumer affairs debate. It is apparent to my learned colleagues in the Federal Parliament that the post of Minister for Consumer Affairs will be abolished in a Hewson government. We need to enforce even more our belief in the consumer in this world, and I endorse thoroughly the words of my colleague Mr Connolly.

Question put:

That the amendment (**Mr De Domenico's**) be agreed to.

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

Mr Lamont: Madam Speaker, I advise that Mrs Grassby is paired with Mr Cornwell, who is absent today.

The Assembly voted -

AYES, 6	*NOES, 9*
Mrs Carnell	Mr Berry
Mr De Domenico	Mr Connolly
Mr Humphries	Ms Ellis
Mr Kaine	Ms Follett
Mr Stevenson	Mr Lamont
Mr Westende	Ms McRae
	Mr Moore
	Ms Szuty
	Mr Wood

Question so resolved in the negative.

Clause agreed to.
Clauses 7 to 12, by leave, taken together, and agreed to.
Clause 13

MR STEVENSON (11.11): Madam Speaker, I move:

Page 9, subclause (3), line 28, omit the subclause.

I believe that subclause 13(3) is unnecessary. It says that a supplier of goods or services is not guilty just because a consumer institutes legal proceedings or makes a complaint against him. Common law obviously holds that anyone is innocent until proven guilty, so subclause (3) is superfluous.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.12): Madam Speaker, as we said at the outset of the debate, this is a Bill which essentially is putting into ACT law many of the provisions that are currently in force in the ACT under Commonwealth law, under the Trade Practices Act. While Mr Humphries made a point in principle about that, suggesting that we were going against the general trend of uniformity, I think it was the view of the house at the end of the day that we are putting ourselves in exactly the same position as all the other States with State or Territory based trade practices, fair trading, consumer protection legislation.

During the debate, in answering a point of Mr Stevenson's in relation to the clarity or otherwise of the Bill, I indicated that the explanatory memorandum to this Bill was quite comprehensive and cross-referenced very clearly equivalent Trade Practices Act sections. I draw members' attention to clause 13, which is the clause under consideration, in the explanatory memorandum. There is a clear

cross-reference to section 52A of the Trade Practices Act. We are here mirroring provisions of the Federal Trade Practices Act which have worked well in trade and commerce throughout Australia and which traders are familiar with because they have been the law. Therefore, the Government will be opposing Mr Stevenson's amendment.

MR STEVENSON (11.13): I thank the Attorney-General for his comments. He mentioned that traders are familiar with these provisions. I believe that the vast majority of traders in Canberra are absolutely not familiar with much of the Trade Practices Act or much of this Bill, and certainly this particular clause. Although it is a nice idea to say that we should do it in the same way as the Federal legislation does it, I think we should be more concerned about traders in the ACT. This is a very difficult Bill to understand. If we went out and asked various traders what different clauses in it meant, I think the vast majority of them would not have a clue. So, I think it is incumbent on us to make it as simple as possible. I feel that this subclause is not necessary. My amendment is not a matter of great import, just a matter of clarity.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.14): Madam Speaker, I will take a moment to speak a second time on this amendment. I will say one thing in respect of all the amendments that Mr Stevenson proposes to move and some criticisms that I suspect may come from the Opposition in relation to the old quickstep - fast-fast, slow-slow. Are we too fast? Are we too slow? Mr Kaine is not making political capital out of our being too fast, according to a press release reported in the *Canberra Times* this morning. This legislation, in the form now before the house, which Mr Stevenson is saying is confusing and has not been properly explained, was tabled in August of last year.

Despite the view that this legislation is too complex, that people do not understand it and that people have not had a chance to be consulted on it - a view which I can sense - it has been on the table and in the public domain since August of last year. It has been circulated to the business community in this Territory since August of last year. These criticisms that Mr Stevenson is coming up with and his raft of amendments have not been brought to the Government's attention by the business community, who have had this legislation for 14 months.

We are sometimes told that we should have a 30-day rule, a 60-day rule, or some other rule, depending on who is writing the press release, in order to give people adequate time to look at legislation. But this Bill has been out for public debate and consideration for 14 months. Any suggestion that it is all too confusing, that people have not had a chance to understand what it is and that they have not had a chance to be consulted is really hollow nonsense. These provisions mirror Commonwealth law and they provide certainty in commerce. I urge that they be supported.

MRS GRASSBY (11.16): I agree with the Attorney-General. Having been a businesswoman in the past, I know that the majority of business people are honest and want to do the right thing. They would be much happier to have a law under which they know what the right thing is, because it would put them in a much better light than those who do not act correctly in business and do not treat business clients fairly. I feel that the honest business people out there - and there are many of them; the majority of them are honest - would welcome a fair trading law that they understand.

MR DE DOMENICO (11.17): Madam Speaker, I rise very quickly to say that what Mr Connolly was getting hot under the collar about was the fact that Mr Humphries had personally not had the time to have a look at Mr Stevenson's amendments, not Mr Connolly's Bill. So, before Mr Connolly stands up and gets onto his high horse, talking about press releases that Mr Kaine had allegedly put out this morning - he has not put one out - - -

Mr Connolly: No; I was talking about yesterday's. The story is in this morning's *Canberra Times*.

MR DE DOMENICO: He is now talking about yesterday. Mr Connolly, please, before you stand up and say things, get your facts straight.

MR HUMPHRIES (11.18): Madam Speaker, I think Mr De Domenico has explained the confusion which no doubt led to Mr Connolly's outburst a moment ago. It is true that Mr Stevenson has circulated a number of amendments. I am prepared to give him the benefit of the doubt and to look very carefully at what he has to say. I would certainly like to have some of the issues that he has raised answered. I realise that the Minister has already spoken twice, but I am happy to give him leave to speak a third time. Perhaps it is because it is late in the week and I - - -

Mr Lamont: You are a bit tired.

MR HUMPHRIES: I am a bit tired, yes. I have a bit of jetlag left.

Mrs Grassby: No; it is getting engaged that does it.

MR HUMPHRIES: That could be it too. Madam Speaker, I still do not understand the purpose of subclause (3) of clause 13. We are talking here about making it clear that a person is not guilty of an offence by reason of the fact that they are charged with that offence. That is a perfectly good point to make, and I think it is a point that we would all endorse wholeheartedly. But Mr Stevenson makes the point, and it seems to me to be a reasonably good point, that that is an assumption which permeates all laws we pass - no-one is guilty of an offence, or nobody can have a case found against them, by reason only of the fact that a charge is brought against them. So, why is it necessary to have subclause (3)?

Mr Berry: Liberals vote with Stevenson against fair trading laws.

MR HUMPHRIES: Talk about emotionalism. We are asking a question. If Mr Connolly can explain the answer to this question, I will be very happy to support the Government's position and vote against Mr Stevenson's amendment. But I do not understand why it is that we repeat here that someone is not guilty of an offence because of their being charged with it. I wonder whether Mr Berry can tell us the answer. No, Mr Berry does not know the answer. He is just flying on trust. I am happy to give the Attorney leave to speak again on this matter. I think he would understand what is going on. I am happy to hear his explanation.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.20): The answer is that we are here taking an equivalent provision, section 52A, from the Commonwealth Trade Practices Act, which is currently the law in this Territory and has worked comfortably here for its duration. I am just getting my advisers to find the precise subsection equivalent of the relevant subclause of clause 13. The answer here - as it will be, I suspect, to most of Mr Stevenson's many amendments - is that we are picking up equivalents. Mr Stevenson may argue that we have not had time to consider his amendments. He has had 14 months to raise objections with me as Minister or with the department. He proposed a raft of amendments a day or two days ago, and then says, "We have to delay debate. People have not had a chance to properly consider these". That is a fairly hollow claim.

The equivalent Commonwealth provision is subsection 52A(3), which has exactly the same effect as our subclause (3) which it is proposed be deleted.

Mr Humphries: But why is it there?

MR CONNOLLY: The notation here says:

> [It] makes it clear that the mere instituting of legal proceedings is not to be regarded as unconscionable conduct.

It is part of the corpus of trade practices law that has existed in this Territory and in the Commonwealth since section 52A was first enacted in 1986. Madam Speaker, I make another point while I am on my feet. Ms Ellis made reference to the Liberal Party wanting to abolish the position of Federal Minister for Consumer Affairs, and there was much ranting and raving from opposite. The House of Representatives *Hansard* of 14 October 1992 records Mr Reith interjecting on Jeannette McHugh:

> We will not need a Minister for Consumer Affairs under us.

So says Mr Peter Reith, the current Deputy Leader of the Liberal Party. There is the Liberal Party abolishing the position of Minister for Consumer Affairs. There will not be a separate Minister for Consumer Affairs. What there will be, no doubt, is what there was for a period during the Fraser Government - a sort of Minister for business. The consumer interest will be subsumed.

Mr De Domenico: And consumer affairs.

MR CONNOLLY: There it is in *Hansard*. You were all squawking about it - - -

Mrs Carnell: You mean that we are saving taxpayers' money by not having to have another Minister?

Mr De Domenico: No, we are just going to get rid of Jeannette McHugh.

MR CONNOLLY: You are abolishing the position of Minister for Consumer Affairs, which I think says a lot about the Liberal Party's attitude to consumer affairs.

MR HUMPHRIES (11.23): Madam Speaker, I will ignore the irrelevant diatribe about what Federal colleagues are supposed to be saying or not saying. But I will say, Madam Speaker, that I am a little bit concerned about the Government's inability to explain something here that is really quite fundamental. The Minister says that subclause 13(3) is in the Bill because it is in the Federal Act. But he has not explained yet why it is in the Federal Act, and that is an important point I want to make.

If we were to pass legislation which was going to be a part of a uniform scheme across the whole of Australia, yes, I would accept the case for not making any changes to the legislation and leaving it intact as we inherited it from the Commonwealth. But the Minister has made it clear in his in-principle speech that that is not what he is going to do. This is going to be patriated trade practices legislation. It is going to be legislation which is peculiar to the ACT, which under this arrangement is now indigenous to the ACT, and which we will be amending. It therefore opens up, it seems to me, the whole question of whether any particular clause in the legislation is appropriate. We therefore have to ask: What is the reason? What is the purpose for each particular provision? I think we ought to know why subclause (3) is there. Why do we need to restate an item to protect a person charged under this Act when surely there would be a presumption in their favour, even without it being stated in the legislation?

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.24): Madam Speaker, the reasoning here, which is in a memorandum which Mr Humphries was given a copy of or was shown this morning - I think you did take a copy of that - - -

Mr Humphries: Yes, I did, thank you.

MR CONNOLLY: It does set it out.

Mr Stevenson: I raise a point of order, Madam Speaker. I believe that this is the third time that Mr Connolly has spoken. I am happy to agree with leave being given.

MR CONNOLLY: I seek leave. I am sorry, Mr Stevenson.

MADAM SPEAKER: Mr Connolly, you do not need leave. He is the Minister in charge, Mr Stevenson. Just to clear up any confusion, I point out that the Minister in charge may speak as often as he likes; other members need leave to speak more than twice. It was a fine point of order, but it is not upheld.

MR CONNOLLY: The subclause provides that persons will not be taken to have been engaged in unconscionable conduct by reason only that they have brought legal proceedings or referred a claim to arbitration. This is very much protecting business. It is saying that, merely because business is litigating, the litigation itself does not form evidence of engaging in unconscionable or anti-competitive behaviour. You could stretch a long bow and say that because trader A was suing trader B they were trying to force trader B out of the marketplace, and therefore engaging in unconscionable conduct. We are saying that the mere fact of bringing litigation does not of itself give rise to an action. You would have to go much further than that mere fact. That is the reason for the provision. It has been in the Federal Act since 1986. If the provision were removed, it could potentially disadvantage business. From here on I will give specific explanations. I think we have dealt with the general political points.

MR STEVENSON (11.26): Madam Speaker, I seek leave to make a brief statement about the amendment.

Leave granted.

MR STEVENSON: I very clearly said that the amendment was about clarity. Mr Connolly implied that I had talked about delaying debate because people had not had enough time to consider these matters. That was clearly misrepresentative and does nothing for the debate. I did not say that at all. I certainly commend the Government in this case for allowing time for people to look at the legislation.

Mr Connolly: It will not always be 14 months, Dennis.

MR STEVENSON: It does not need to be 14 months. At least two is reasonable, as most people agree. It is important that we do not drag these things into misrepresentative political arguments, but simply stick to the facts. I said that the amendment was a matter of clarity. I said that it was not of major import. To suggest that I am saying that we should delay debate because people have not had enough time to consider the matters is not correct. Such suggestions should not be made. But I thank the Minister, at the third time on his feet, for explaining the point.

Amendment negatived.

Clause agreed to.

Clauses 14 to 26, by leave, taken together, and agreed to.

Clause 27

MR STEVENSON (11.28): Madam Speaker, I move:

> Page 17, subclauses (5) and (6), line 15, omit the subclauses.

Paragraphs (5)(a) and (b) talk about types of businesses that are illegal as pyramid sales organisations. Leaving aside the qualifiers, subclause (5) says that it is an offence for businesses to trade in many ways. That subclause places arbitrary power in the hands of government administrators to determine exactly what the provision means. Subclauses (5) and (6) were simply an attempt to clarify what type of trading qualified under pyramid sales. I think their scope is far too wide. These subclauses are extremely difficult to understand. It seems that they were included as a catch-all provision in case any type of scheme that may be considered a pyramid sales scheme had escaped earlier definitions. I think the subclauses need to be omitted, or we need to understand exactly what they say and what their intention is.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.30): As presently drafted, clause 27 mirrors the Commonwealth trade practices legislation precisely, as do the equivalent sections in New South Wales, South Australia and the Northern Territory. So, we start from the point that the law as presented to the Assembly mirrors the existing ACT law - that is, the Commonwealth Trade Practices Act - and mirrors New South Wales legislation. There is always some sensible

commercial benefit in doing something in the way that it is currently done here and done across the border. It makes for ease of understanding by business. The Victorian legislation is different and more complicated. The Western Australian legislation is a variant of the Trade Practices Act and the Victorian legislation.

The kinds of trading schemes collectively known as pyramid selling are difficult to define, and that is one of the reasons we acknowledge that the definition here is not a model. It is perhaps not the best and clearest definition in any piece of legislation, but it is the one which has worked for many years in this jurisdiction and in New South Wales. Pyramid selling schemes are difficult to pull together. They are inherently unfair because they rely on the availability of an ever expanding universe of participants to ensure that consumers receive the return they are promised on their investment of time and money; that is, you have to keep getting more suckers in at the bottom in order to ensure that people towards the top get their loot. Generally, the attraction of these schemes is that participants primarily offer investment opportunities, memberships, with or without the supply of goods or services. Chain letters are an example of schemes which do not involve goods or services.

The proposed deletion of subclauses (5) and (6) would cause problems. These subclauses are necessary because they define the term "trading scheme" for the purpose of the whole clause. Subclause (5) says that a trading scheme is one in which goods or services, or both, are to be provided by a promoter or promoters and the goods and services in question are to be supplied to or for others under arrangements effected by participants other than the promoters.

Subclause (6) gives subclause (5) a wide operation. In particular, paragraph (a) states that participants include employees or agents. Paragraph (b) states that any arrangements made in connection with carrying on a business are covered, even if they are not evidenced in writing. Paragraph (c) states that references to the supply of goods or services by a person include any arrangements for the provision of goods or services to which that person is a party. Many kinds of network selling - for example, Amway - would be a trading scheme of this kind. However, this kind of network selling is not prohibited under clause 27. This is unless it requires a participant or potential participant to make a payment to or for the benefit of the promoter on the basis that he or she will, in return, receive payment or other benefits for the introduction of other participants. These requirements are set out in subclauses 27(1) and (2).

Madam Speaker, we are dealing here with a provision that has been in place in the Trade Practices Act in identical terms, is in place in New South Wales and other States in identical terms, has proved effective and is designed to combat a very pernicious form of consumer duping - the pyramid selling rorts. The definition is wide in order to ensure that the fish do not slip through the net. It has worked, and I would urge members not to change it.

MR STEVENSON (11.34): Subclauses (5) and (6), if anyone reads them, are practically unintelligible. The statement by the Minister that this definition has proven effective could well be debated. Proven effective for whom? I do not think it could be stated that something as wide as this has proven effective in not only protecting consumers but also protecting businesses. Subclauses (5) and (6) are general provisions; they do not specify. The Minister acknowledges that they are fairly wide. They do not specify instances. They talk about a wide range of methods of trading in a business. As they come within this pyramid selling

clause, they are an offence. To declare a particular practice illegal and then require a trader to prove that it is not is an unfair situation. If the Minister feels that this provision is important, the Bill should specify exactly what it means in language that people can understand. At the moment it does not.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.35): In relation to the understandability of this provision, I point out that Russell Miller, the current president of the Law Society in the ACT, is the author of an annotated Trade Practices Act 1992 that has an extensive commentary on the equivalent section, section 61, of the Commonwealth Trade Practices Act, which is in identical terms to ours. It refers specifically to a Law Book Company text on pyramid selling and advertising regulation by Barnes and Blakeney. It also refers to reported decisions. In the Trade Practices Commission v. Parker - 1990 Australian Trade Practices Reports, page 41 - there was a successful prosecution of a pyramid seller under these provisions. The net is cast wide in order to catch unscrupulous schemes. Mr Stevenson disputes my claim that it is effective. It is effective on the basis that the Trade Practices Commission successfully prosecutes and other States have chosen to adopt identical terms to catch the same evil.

Amendment negatived.

Clause agreed to.

Clause 28

MR STEVENSON (11.36): I move:

> Page 18, subclause (3), line 18, omit the subclause.

Clause 28 subclause (3) makes it an offence for a person to enable another person to use a credit card without written authorisation. That is the simplicity of it. I think it worth while that I read the subclause into the *Hansard*. It is only brief. It says:

> (3) A person shall not take any action that enables another person who has a credit card or a debit card to use the card as a debit card or credit card, as the case may be, except in accordance with a request in writing by the person.

What we must note is the definition of "person" under the Interpretation Act. It includes not only a person but also a corporation or an organisation. This subclause is saying that a person, including a corporation, shall not take any action that enables another person - and that could be an individual - who has a credit card to use the credit card, except in accordance with a request in writing. Regularly in Canberra and all over Australia, organisations or persons take actions by authorising advertising on television and so on - - -

Mr Connolly: You have just read it wrongly. I could very briefly explain what the error is.

MR STEVENSON: Mr Connolly says that I just read it wrongly, but I read out the full subclause and I know full well what the intention of the subclause is. I well understand Mr Connolly not understanding that what I am saying is particularly relevant. He would not have put the subclause in the Bill if he had thought about it. What it says is that a person shall not take any action.

If a person is a corporation and takes action that enables another person who has a credit card to use that credit card - and that action could be by advertising products or services over a phone or via a computer - and the person uses their credit card, except in accordance with a request in writing, that then is an offence.

I will welcome the Attorney-General's explanation. He will probably refer to the explanatory memorandum. Under the heading "Clause 28: Unsolicited credit and debit cards" it says:

> It is unlawful for anyone to send unsolicited debit and/or credit cards to anyone.

That clearly explains what an offence is. However, the clause within the Bill does not. The fact that there is a heading within the Bill that mentions unsolicited credit and debit cards gives no weight of law to the statement that I am trying to get deleted. That statement is that a person - and that could mean a corporation - cannot do anything that encourages another person to use their credit card, unless there is an authorisation in writing. I look forward to the Minister's explanation.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.41): Madam Speaker, Mr Stevenson has misread the effect of subclause (3). It does not say that a person cannot use another person's card without permission. It says:

> A person shall not take any action that enables another person who has a credit card or a debit card to use the card as a debit card or a credit card ...

It ensures that the issuer of a card cannot take any action to convert a credit card into a debit card, or vice versa. Members may be aware that the fantastic plastic can do a range of things. An example of a credit card is Bankcard.

Mr Moore: It should never have fees on it.

MR CONNOLLY: That is another debate. A credit card is a card which allows you to run up credit and have an ongoing account. A debit card is one where there is an instantaneous debt run against you. They are different forms of credit. They have different pricing arrangements and they have different regulatory regimes under both the uniform State credit Acts and Commonwealth regulatory schemes.

This subclause says that an issuing institution cannot change the nature of the card without the permission of the card holder. In effect, it protects consumers who purchase one financial product by ensuring that the financial product they purchase remains as they purchased it and cannot be changed. If it simply said, "A person shall not take any action that enables another person who has a credit card to use the credit card", Mr Stevenson's objection would be valid. But it says:

> A person shall not take any action that enables another person who has a credit card or a debit card to use the card as a debit card or a credit card ...

The reversal of those words has a very real meaning, and the very real meaning is that you cannot change the nature of the card. It is a sensible provision picked up from the equivalent section in the Trade Practices Act, section 63A, and is identical to provisions in New South Wales, South Australia and Western Australia.

MR HUMPHRIES (11.43): Madam Speaker, I accept the interpretation which the Attorney has put on subclause (3). I must say, though, that, when I looked at Mr Stevenson's amendment and I read the clause, I took the same view as he did. I still think the subclause is badly worded. It says:

> ... enables another person who has a credit card or a debit card to use the card as a debit card or a credit card ...

The reversal of those two phrases in the second instance is obviously meant to convey the idea that we are talking about a credit card becoming a debit card, or a debit card becoming a credit card. It would seem to me to be much simpler to say, "A person shall not take action that enables another person who has a credit card to use the card as a debit card, or a person who has a debit card to use it as a credit card". That would make it much simpler.

If even lawyers like me are confused, I think there is a case for rewording the subclause to make it a little bit clearer. I do not suggest that we do that today, but I ask that the Minister's officers take that matter away and consider amending the subclause to make it clear.

Mr Connolly: Perhaps through uniform forums, because this is a uniform provision.

MR HUMPHRIES: The Minister raises a question about uniformity again. The whole point of bringing the Trade Practices Act home to the ACT is, as the Minister himself said, to allow us to put our Fair Trading Act into an ACT political and economic environment. We are patriating the legislation. The Minister made it clear yesterday that in due course we are going to make amendments to this legislation which might put it at odds with the Federal Trade Practices Act. That at least is contemplated by the legislation and will certainly be the case when we enact our codes of practice. Uniformity, I would have thought, would be one casualty of this process.

I can say without any hesitation or doubt that in three years' time we will not have an Act which is identical with the Trade Practices Act any more. It will have to be different. If that is the case, let us make improvements. I understand that there is a view that sections of the Trade Practices Act, notwithstanding its fine heritage, are badly worded. I suggest that this particular subclause is one such case. We should, in due course - not today - look at it.

MR STEVENSON (11.45): There are three points I would like to make. Firstly, this is the first time I have heard such an explanation as that given by the Attorney-General, although I did read the explanatory notes. The explanatory notes state:

> It is unlawful for anyone to send unsolicited debit and/or credit cards to anyone.

They mention nothing about what the Attorney-General just said subclause (3) means. The second point I make is that I do not really believe that the explanation just provided by the Attorney-General tells us what the subclause means. The word "or" is particularly relevant. The subclause states:

> A person shall not take any action that enables another person who has a credit card or a debit card -

in other words, if a person has a credit card or a debit card -

> to use the card as a debit card or a credit card ...

It does not matter that the two terms, "debit card" and "credit card", are transposed. There is an "or" in both cases. It says that, if a person has a credit card and they use that credit card, or if they have a debit card and they use that debit card, they come within this provision. My third point is that, if we pass this subclause, I am of the absolute conviction that it will apply exactly as I initially indicated. In other words, it will make it an offence for a corporation to have taken any action that enabled anyone who had a credit card to use the credit card, unless they were given written authorisation.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.47): Madam Speaker, subclause (3) would not have the effect indicated by Mr Stevenson. This provision has been in place in the law in this Territory since 1986. As Commonwealth law, it has not had that effect. The matter has been explained in this debate. So, to the extent that the court might have a doubt, we have made it clear in this debate. It would not have any doubt, because it is in the Commonwealth Act in any event. In order to make the record clear, I say that Mr Stevenson has had the same opportunity as other members of the Assembly have had to get briefings on this legislation. I understand that Mr Stevenson himself had a briefing for about half-an-hour with the relevant officer, and then his staff had a briefing which extended for about another hour-and-a-half.

Mr Stevenson: Three hours in all. It did not clear the matter up.

MR CONNOLLY: You can explain something for as long as you like, but whether it sinks in is another matter.

Question put:

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

The Assembly voted -

AYES, 1	*NOES, 14*
Mr Stevenson	Mr Berry
	Mrs Carnell
	Mr Connolly
	Mr De Domenico
	Ms Ellis
	Ms Follett
	Mr Humphries
	Mr Kaine
	Mr Lamont
	Ms McRae
	Mr Moore
	Ms Szuty
	Mr Westende
	Mr Wood

Question so resolved in the negative.

Clause agreed to.
Clauses 29 and 30, by leave, taken together, and agreed to.
Clause 31

MR STEVENSON (11.52): Madam Speaker, I move:

Page 22, line 3, omit the clause and substitute the following clause:

"**31. (1)** In this section -

'prescribed information provider' means a person who carries on a business of providing information and, without limiting the generality of the foregoing, includes -

(a) the holder of a licence granted under the *Broadcasting Services Act 1992* of the Commonwealth;

(b) a person who is the provider of a broadcasting service under a class licence under that Act;

(c) the holder of a licence continued in force by subsection 5(1) of the *Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992* of the Commonwealth;

(d) the Australian Broadcasting Corporation; and

(e) the Special Broadcasting Services;

'relevant goods or services', in relation to a prescribed information provider, means goods or services of a kind supplied by the prescribed information provider or, where the prescribed information provider is a body corporate, by a body corporate that is related to the prescribed information provider;

'relevant interests in land', in relation to a prescribed information provider, means interests in land, being interests of a kind sold or granted by the prescribed information provider or, where the prescribed information provider is a body corporate, by a body corporate that is related to the prescribed information provider.

"**(2)** Nothing in section 12, 14, 15, 19, 20 or 25 applies to a prescribed publication of matter by a prescribed information provider, other than -

(a) a publication of matter in connection with -

(i)the supply or possible supply of goods or services;

(ii)the sale or grant, or possible sale or grant, of an interest in land;

(iii)the promotion by any means of the supply or use of goods or services; or

(iv)the promotion by any means of the sale or grant of interests in land,

where -

(v)the goods or services were relevant goods or services, or the interests in land were relevant interests in land, as the case may be, in relation to the prescribed information provider; or

(vi)the publication was made on behalf of, or pursuant to a contract, arrangement or understanding with -

(A) a person who supplies goods or services of that kind, or who sells or grants interests in land, being interests of that kind; or

(B) a body corporate that is related to a body corporate that supplies goods or services of that kind, or that sells or grants interests in land, being interests of that kind; or

(b) a publication of an advertisement.

"**(3)** For the purposes of this section, a publication by a prescribed information provider is a prescribed publication if -

(a) in any case - the publication was made by the prescribed information provider in the course of carrying on a business of providing information; or

(b) in the case of a person who is a prescribed information provider by virtue of paragraph (a), (b) or (c) of the definition of 'prescribed information provider' in subsection (3) (whether or not the person is also a prescribed information provider by virtue of another operation of that definition) - the publication was by way of a radio or television broadcast by the prescribed information provider.".

I believe that this amendment would make the clause easier to read. It is a common habit in legislation for the explanation of words or terms used within a clause to appear at the end of the clause, but there is no indication that the definitions come later. That is important. Let me give an example. Someone reading the word "person" in a clause would assume that it meant "person". Yet we find out that it does not mean "person"; it means "person", "corporation", et cetera.

For ease of reading legislation, if a clause uses a term that would not be understood by most people, or many people - that is obviously why we have definitions - the definition of that term should come at the start of the clause, or there should be a notification at the start of the clause that the definition is at the end of the clause. This would make it far easier for anybody reading the legislation to understand it. You can sit down for a couple of hours trying to work out what a particular clause means. If you do not know that terms within the clause are defined at the end of the clause, the clause may not make any sense until you get to the end.

To make the legislation easier to understand, we should do one of two things. We should either make a note that definitions are at the end of clauses - and clauses can be brief or very long - or include the definitions at the start of clauses. People reading a word or phrase would then know that it meant a particular thing. They would more readily understand clauses. I understand the justification for putting definitions at the end. It is current practice. However, I am not so concerned about current practice. I am far more concerned that clauses and legislation be understood by the people they affect and not by lawyers only.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.55): Madam Speaker, there is certainly a lot of sense in Mr Stevenson's statement that you should have a logical order in where definitions go. I accept that as far as it goes. In this piece of legislation we are following the drafting practice that the Commonwealth adopted. Definitions not in the front of a Bill in the interpretation clause are always at the end of specific clauses. I do not think it really matters whether they are always at the end or always at the beginning. We had that discussion with

Mr Humphries about the extent to which this is mirror legislation. But, given that it is legislation closely based on Commonwealth legislation which has the definitions section at the back and in respect of which there is extensive literature, it seems as sensible to put it at the back as at the front.

We have just extensively debated clause 28, which had the definitions at the back. Although Mr Stevenson moved amendments to clause 28, he did not move an amendment to clause 28 to put the definitions at the front. In a Bill of some 50-odd clauses he has chosen to shift the order of the definitions in only one clause, clause 31. I do not think it matters much whether the definitions are at the front or at the back, but the style has to be consistent. We have adopted the style of - I will not say the parent Act - the Act that we are patriating from, and we are keeping definitions at the back. That seems sensible. Let us keep it that way.

MR HUMPHRIES (11.56): Madam Speaker, Mr Stevenson raised a point which really has to be addressed; it will not just go away. The fact is that legislation adopts a particular pattern, and it is a somewhat strange pattern. Definitions applying throughout a whole Act appear at the very front of an Act, usually in section 4 or section 6, and definitions which apply to a part of an Act appear at the beginning of the part. In this Bill, when the definitions appear in a particular clause only, they appear at the end of the clause rather than at the beginning. It is a good point to raise. A lay person is entitled to ask, "Why do they put the definitions at the beginning of an Act and at the beginning of a part, but at the end of a section? Would it not make more sense to do it the other way round?".

The placement of definitions has an impact on the way people read legislation. You pick up a piece of legislation with provisions which perhaps go over several pages and you try to understand what a particular provision says. It either makes no sense at all or conveys a different impression from the one that it should convey because you have not yet reached page 26, on which you find the definition provisions which explain what is going on and put the earlier provisions you read first into a different context.

As a lawyer, my first impression is to say, "No, no, no. This is the way we do it and we are going to keep doing it this way". But Mr Stevenson - and I discussed this with him at length last night - makes a point which, as I said, will not go away. Why is it that the definition provisions go at the end of the clause? It would be more user friendly to put those provisions at the beginning of the clause, not at the end. I know, as Mr Connolly is going to say, that that is the way the Trade Practices Act does it. I repeat my point that we are no longer following what the Trade Practices Act does, because the whole point of making our own Act is that we are going to be able to make different provisions from those in the Trade Practices Act, and presumably better provisions than those in the Trade Practices Act where we feel that is appropriate.

Having said all that, I do not propose to support Mr Stevenson's amendment today, because I believe that - as the Attorney has pointed out - we have already passed other clauses of this Bill with definitions at the end rather than at the beginning. Casting my mind back to other legislation, I think we would be establishing a procedure different from that which is followed in many other pieces of legislation. For whatever value it might have, I am all in favour of consistency. I therefore think that we should approach this matter as a question

of uniform policy rather than of ad hoc decision making on the floor of the Assembly. I intend to raise this matter with my colleagues on the Scrutiny of Bills Committee and ask whether we should not pursue the matter at that level and through channels emanating from that committee. But the fact of life is that Mr Stevenson has a point, and I think we have to pay attention to it and do something about it.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.00): I am glad that Mr Humphries recalled that this is past practice. I was going to unkindly refer Mr Humphries to the Health Services Act of 1990 - a reasonably significant piece of legislation that he had stewardship of, and an equivalent example where you have an interpretation clause at the start of the Act; there are part definitions there at the head of the part, for example, section 49; and the sectional definitions come at the end - subsection 49(5) rather than subsection 49(1). It is the standard ACT drafting practice that has been adopted since self-government. If we are to change it, it is something that the Scrutiny of Bills Committee may want to talk about. I would endorse his remarks that we ought at least to keep to the order that we are currently using, unless we decide to change it overall rather than in the particular.

MR HUMPHRIES (12.01): I believe, Madam Speaker, that the *Bible* says that Heaven rejoices at the repentance of a single sinner more than it rejoices at the ministrations of 100 faithful men, or something to that effect.

MR STEVENSON (12.01): The Attorney-General made a most significant statement. He said, "I do not really think it matters whether definitions are at the front or at the end". I absolutely agree, because he is a solicitor. If he were not a lawyer, he would mind where they were because it would be important that he understood it. I have not the slightest doubt that most people, when reading legislation - most ordinary people in life who are affected by these things - if they thought there might be a definition, would look to the front or to the back of an Act where it lists definitions. That is the logical thing to do. That is what we are experienced in doing.

The vast majority of people in business are not particularly experienced in looking at legislation. This Bill affects thousands upon thousands of traders; yet we have a situation where the Attorney-General said, "It does not really matter whether the definitions are at the front or at the end". Mr Humphries, also a lawyer, indicated that it would make more sense perhaps to put them at the front, because it is difficult to understand the particular clause if you do not know - - -

Mr Humphries: I am a freethinking lawyer.

MR STEVENSON: Mr Humphries mentions that he is a freethinking lawyer, and in this case I would agree and not only in this case; there have been other such occasions. When Mr Connolly says, "It does not really matter", he is suggesting that the person can find it anyway. Yet we just went through an earlier clause where the explanatory memorandum did not actually say what the Attorney-General meant when we talk about credit cards. So, even if a person had gone to the explanatory memorandum, that person would not have been able to understand the clause.

We should do anything we can do to clear up legal gobbledegook. We should clear up legal gobbledegook not just to make it easier to understand. These things impinge on business. They impinge on the viability of business. They impinge on employment in business. Indeed, they determine whether or not businesses will keep going. Businesses have been put out of business by legislation similar to this. I refer to one specific instance in New South Wales where a person was told that his business was illegal, and he had to try to prove that it was not. That is not a fair onus of proof, I would suggest.

When legislation is not clearly drawn, lawyers can suggest that it means one thing, while the explanatory memorandum, as we have seen with the credit card, suggests that it means an entirely different thing. What I am saying is that it should be clear. I note that Mr Humphries will refer the matter to the Scrutiny of Bills Committee. In future legislation, when we include definitions in a Bill, we could put them at the start rather than at the end. I look forward to that possibility.

Amendment negatived.

Clause agreed to.

Clauses 32 and 33, by leave, taken together, and agreed to.

Clauses 34 and 35, by leave, taken together

MR STEVENSON (12.06), by leave: I move:

Clause 34, page 24, line 17, after paragraph 34(b), add the following new paragraph: "(c) has been assented to by the Assembly with or without amendments.".

Clause 35, page 24, line 22, at the end of subclause 35(2), add the words "and the assent of the Assembly".

Madam Speaker, I might mention why I hopped to my feet when you mentioned clause 31. We tend to whip along. Mr Connolly made a point before about the definitions at the end, saying that I had already let one go by in clause 28. I had an amendment, but we shot by so fast that I missed that one. He made a good point.

Clauses 34 and 35 talk about codes of practice and allow codes of practice to be approved by a Minister. My proposed amendments require that such codes also receive the direct approval of the Assembly. I well understand that gazetted matters can be disallowed by the Assembly. Indeed, the Minister gives a list of matters that are being gazetted and that could be disallowed. However, I make the point - I think it is a highly valid one - that something like a code of practice that can regulate an entire industry should be the type of matter that is presented to the Assembly in the same way that an amendment would be or in the same way that a Bill would be.

I am simply saying that codes of practice are very important in legislation. Rather than have a situation where members must seek disallowance of a particular regulation, it should be a matter that comes before the Assembly, and we should approve the code of practice, amend the code of practice, or disallow the code of practice as we choose. I know that the Minister will say that it is already disallowable; but I make the point that Bills are not, that amendments are not, and I see the same rules for something as important as a code of practice applying in the matter of amendments and Bills.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.09): Madam Speaker, I think that if the code of practice provisions were in just clauses 34 and 35 I could understand Mr Stevenson's point, and I think he would be making a valid point; but I think he has to focus on clause 33 to get the full picture here. Codes of practice are not introduced just like legislation. They are not something that the Minister dreams up as a whim and puts before the Assembly, subject to disallowance, as perhaps one might say a Bill is, although it obviously goes through the Cabinet process.

The unique process here and why these codes of practice differ from any other regulations is not in the manner of their disallowance, which is subject to this Assembly and to the very powerful disallowance provisions of this Assembly - more powerful than any of other State or Territory parliament as a result of an initiative that we took while in opposition. These are different because they must be prepared in accordance with the clause 33 provisions. Any Minister cannot just dream up a code of practice and impose it on industry here. We have very consciously picked provisions which other States have trialled and which require that before the code of practice is made by regulation there be this extensive consultation.

Clause 33 says that the director shall arrange for consultation with, and invite submissions from, industry groups. He is directed to do that. We are really requiring, under clause 33, that the director go out and get this consultation going. That then forms the basis of a code of practice. The Minister gazettes it and the Assembly can disallow it. We are really saying here that codes of practice will be bottom-up documents. They will be documents that come before the Minister before they come to the Assembly from the consultation process with industry. We are not saying that really the Assembly should be dreaming up the codes of practice. We are saying that they ought to come from industry.

I would say to Mr Stevenson and to other members that, when considering the structure of the code of practice, you cannot look at just clauses 34 and 35; you have to bear in mind clause 33. The significant point of this is that it requires, mandates, a process of consultation with industry, and the code of practice procedure is a procedure which presupposes a level of cooperation between consumers and industry and the bureau before a Minister introduces a code. The Assembly always has the final say and can repeal it, but the provisions that we have in clause 33 require that consultative process. In effect, Mr Stevenson's amendments would give the Assembly the power without a consultative process to enact these codes. I think that our provision, modelled on, as I say, the New South Wales provision, is a more sensible one.

MR STEVENSON (12.12): Mr Connolly says that my amendments, if agreed to, would give the Assembly the right to handle the entire matter and would supposedly do away with the earlier requirement of the Minister to consult with the industry. That clearly is not correct.

Mr Connolly: But your amendments would not go through the consultation process.

MR STEVENSON: I do not quite understand. The Attorney-General said that my amendments would not go through the consultation process. We are having consultation here, one would think. I am simply leaving in the legislation the earlier directions that the Minister should consult with industry on codes of practice. The fact of including, at the end of all this, a requirement that it be presented to the Assembly for final approval in the same manner as any Bill is, I think, a simple thing.

Mr Connolly said that the Government cannot just dream up a code of practice and impose it on a business. When we look at the Animal Welfare Act, we had the unfortunate situation where the Government introduced legislation that we passed in the Assembly - although not I - and that had the effect of regulating entire industries. The effect of passing particular clauses would be to do things like outlaw racing in Canberra.

Mr Lamont: I take a point of order, Madam Speaker. I suggest that Mr Stevenson is sailing very close to reflecting on the decision of the Assembly.

MADAM SPEAKER: Thank you, Mr Lamont. I would caution you to take that advice, please, Mr Stevenson, and continue. Be aware of that standing order, please.

MR STEVENSON: I am, Madam Speaker. Unfortunately, even though the legislation had the effect that it could prohibit horseracing in the ACT, we were asked to pass it, and it was indicated after a few days that the codes of practice were not going to be introduced until there was consultation with the industry. Unfortunately, the horse industry, the trotting industry, the dog industry, the circus industry, the rodeo industry, the pet industry and the aquarium industry were not consulted in this matter. I do not necessarily hold with the suggestion that everything is fine.

The question I would still ask the Minister is: Why not accept my amendments? He said that the way it is set up at the moment is the best for businesses to have a look at codes of practice, but that is not relevant because my amendment does not delete that requirement. I think it is an absolutely marvellous requirement that politicians should be required, by law, to consult with people. That is a wonderful thing. They often do not consult with people. Nevertheless, the clear question I still have is: Why not? After the Minister looks at various aspects of a code of practice there is some consultation with the industry. Who within the industry is yet to be determined. That is not laid down in black and white. If it is extensive, that is marvellous. If it is not extensive, that is not good. However, whatever it is, why should not this Assembly have the right then to look at this matter as we would any other amendment or Bill? The simple question I leave with the Attorney-General is: Why not?

MR HUMPHRIES (12.16): Madam Speaker, the extent to which the Assembly should have the power to intervene in what is really delegated legislation and the extent to which the Government should be given a free hand to conduct legislation of that kind is always a difficult question. Obviously, in opposition, one likes to have a bigger hand. That, undoubtedly, is why the Labor Party moved the amendment to standing orders in 1990 that Mr Connolly referred to. Perhaps it has had cause to regret that since it came back into office. The Minister shakes his head, but not with much conviction; so I am not sure about that. Madam Speaker, that debate is a debate for another day. In this case the thing that swings our view against supporting the amendment that Mr Stevenson has moved is that we are talking here about agreements that have been reached between the industry or parties in the industry and government.

Mr Stevenson: That is in the lap of the gods.

MR HUMPHRIES: It is not in the lap of the gods; it is in the lap of those who are parties to the negotiations. I think it would be unfortunate if there were to be interposed in this not only the Government's view, as is the case under the legislation, but also the view of the Opposition and other members of the Assembly. That would certainly complicate matters and I think that that would be unfortunate.

There is the power to disallow. That is a vitally important power which has to be availed of on occasions. Generally speaking, for us to get into the business of changing words here and amending this there and otherwise effectively becoming a party to the negotiations, I think, would be unfortunate. If I were in government, which I am sure I will be after the next three years, I would expect to be able to negotiate in those terms with parties to industry and, unless the arrangement was outrageous or it was unacceptable, to have it dealt with, in its entirety, by the Assembly and either disallow it or not disallow it as the case might be.

MR DE DOMENICO (12.19): Yes, for the reasons that Mr Humphries has given and for another very important reason. Unlike the New South Wales legislation, initially, which I believe provided for interim codes - in other words, that the Government could, without negotiating with anybody, regulate through interim codes until such time as those negotiations took place - this piece of legislation, I believe, does compel the Director of Consumer Affairs to negotiate directly with the industry. In other words, I think it is a bit stronger than the initial New South Wales legislation, which gave any government the power to regulate through interim codes. This piece of legislation does not do that. For that reason and the reasons that my colleague Mr Humphries gave, the Liberal Party will not be supporting the amendments.

MR STEVENSON (12.20), by leave: I should refer to subclause 33(2). It states:

> For the purpose of preparing a draft code of practice, the Director shall arrange for consultation with, and invite submissions from, such persons and organisations as, in the opinion of the Director, would have an interest in the terms of the proposed draft code of practice.

All reasonable people would say, "Look, it is perfectly well covered". However, most people in our society believe that members of parliament should also consult with industries prior to introducing legislation. I think the points I made

on the Animal Welfare Bill, and I could make many others on many other Bills, hold absolutely. It is all very well to talk consultation. It is an entirely different thing to actually do it. We find that it is talked about often. I think it unfortunate that the Liberal Party, in this case - in any of the cases - is not prepared to agree with this amendment. It is something that most people in the community would have to agree with. Most people in the business sector would have to agree with it. The fact that we can do it otherwise is not the answer.

I still leave with the Minister the question that has not been answered. Why not? Why should not the Assembly also have the right, as with any amendment or other Bill, to have the matter tabled in the Assembly and debated as a standard practice? The question I leave once again is: Why not?

Question put:

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

The Assembly voted -

AYES, 1	*NOES, 15*
Mr Stevenson	Mr Berry
	Mrs Carnell
	Mr Connolly
	Mr De Domenico
	Ms Ellis
	Ms Follett
	Mrs Grassby
	Mr Humphries
	Mr Kaine
	Mr Lamont
	Ms McRae
	Mr Moore
	Ms Szuty
	Mr Westende
	Mr Wood

Question so resolved in the negative.

Clauses agreed to.
Clauses 36 to 40, by leave, taken together, and agreed to.
Clause 41

MR STEVENSON (12.25), by leave: I move:

Page 27, subclause (2), line 24, after "time", insert "and whether or not the person has prior conviction or convictions of a substantially similar nature".
Page 27, subclause (3), line 28, omit the subclause.

This amendment would delete an unnecessary subclause. Simply put, if we inserted a brief sentence it would save putting in a separate clause. The clause says that, where multiple offences are committed at a similar time and are of

a similar nature, the aggregate fine for those offences is not to exceed the maximum penalty for one such offence. I talk not about that. That is fine. But subclause (3) duplicates subclause (2), except for the situation set out in my amendment. If we adopt my amendment, subclause (3) becomes unnecessary. Why should we have subclauses duplicating other subclauses, apart from tiny matters that do nothing to make the matter more understandable but just add to the size of the Bill? This Bill is 38 pages long. If we can abbreviate it, let us abbreviate it.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.27): Madam Speaker, these penal provisions do mirror the Commonwealth Trade Practices Act provisions. Mr Stevenson laughs, but there are some particular reasons why subclauses (2) and (3) are there. Subclauses (2) and (3), which he wants to bring together, were inserted in section 79 of the Commonwealth Act in 1977 in order to overcome some problems that had become apparent as a result of a prosecution, Hartnell v. Sharp Corporation of Australia Ltd, 1975, 5 ALR, 493, where the court imposed multiple penalties for the same offence. It became apparent then that, as the section stood, it would be theoretically possible, in the case of an ad in a magazine, to bring an action in relation to each separate publication of a magazine where there is a misleading advertisement. That could run into hundreds of thousands of potential prosecutions. So, the separate structuring of the penal provisions in clause 41 mirrors section 79 of the Commonwealth Act.

It is not a simple provision, Mr Stevenson. I will take that point. But your attempt to simplify it, I would suggest, would leave a court somewhat confused and open the possibility of some multiple prosecutions which, as it happened, a Commonwealth Liberal government sought to prevent in its amendments in 1977. Your general point that this is not a simple provision is accepted, but it is a provision which has been the subject of extensive court attention. There are extensive references as to how this section is interpreted in standard texts, such as Miller on the Trade Practices Act, and it does not create the confusion that you suggest. On the contrary, when you go into the history of it, it was designed to avoid some confusion, although, as you say, it may appear as though it in some sense duplicates. It does refer to similar provisions, but it sets out very specific circumstances which a court needs to take into account in sentencing.

MR STEVENSON (12.29): Mr Connolly refers to mirroring other legislation. I would just like to mention what Professor R.D. Eagleson said in a paper entitled "Efficiency in Legal Drafting". In 1988, in "Essays on Legislative Drafting", he said:

> As things stand, the Corporations Law is not even intelligible to the average intelligent specialised corporate lawyer.

This is really the crux of what I talk about. There are many cases where this Bill before the Assembly cannot be agreed upon by different lawyers. The point I make is that the vast majority of it cannot be understood by those people it targets - businesses. When we have a situation in Australia where laws cannot be understood by the people they affect, sooner or later we will reach the stage where somebody may say to a judge, "I did not understand", and the judge will say, "If that is the case, you are not guilty". Corporate lawyers even have trouble working out what it means as well.

Mr Humphries did mention, when I spoke to him a moment ago, that there are a couple of aspects that refer to different areas that I did not pick up in drafting the amendment. I still think it could be better put, but I thank the Attorney-General for his explanation. It mentions paragraph (a) in one subclause but not in another. I seek leave to withdraw the two amendments.

Leave granted.

Amendments withdrawn.

Clause agreed to.

MADAM SPEAKER: I believe that it is the wish of the Assembly to suspend the sitting for lunch. That being so, under temporary order 74 the debate is interrupted and the resumption of the debate on this Bill will be set down as an order of the day for a later hour this day.

Sitting suspended from 12.31 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Cook and Lyons Primary Schools

MR KAINE: Madam Speaker, I would like to address a question to the Chief Minister. Chief Minister, on 21 June last year you told the Assembly that the reopening costs for Cook and Lyons primary schools were in the order of $500,000 and at the time you accepted an interjection from the Minister for Education that there would be an additional $100,000 a year maintenance. Around about the same time - in fact, two days before - Karen Hobson, for the *Canberra Times*, quoted you as saying that it would cost about $500,000 a year to run Cook and Lyons and another $100,000 to maintain current resource levels at all schools until the end of the year. Chief Minister, is it not true that you misled the Assembly and the public by providing details of ongoing annual expenditure when you were asked for details of reopening costs?

MS FOLLETT: Madam Speaker, it is certainly not true that I misled the Assembly or the community on this matter. If Mr Kaine wants to quote that *Hansard* at me, I think that what I actually said was that it was in the order of $500,000 but I did not have the precise figures with me, and I stand by that. Madam Speaker, I think that we have no need to rely on the *Canberra Times* for these figures, for the allocations on this matter have been detailed, along with all of the other new policy matters, in Budget Paper No. 2 in 1991-92. Page 62 is the relevant reference in that budget paper. The allocation was $657,000 in 1991-92, and $532,000 was the full year effect after having made allowance for one-off re-establishment costs for Cook and Lyons schools.

Madam Speaker, I have some further breakdown of those figures which I am sure members might be interested in. The main figure on which I was advised in connection with the reopening costs was that the reopening would cost a similar amount to that allowed as a saving when the Alliance closed those schools, and

that figure was about $520,000. That is what they estimated as their savings once they had closed those schools, in the face of community opposition, of course. That was a full year effect from the closure of those schools. That was certainly reflected in the answer that I gave to Mrs Nolan at that time.

That figure was later refined as we went on through the budget process, and the final figure, $657,000, was developed in conjunction between Treasury and the Department of Education. It is made up as follows: There was that full year effect of savings of $520,000. There was an allowance made also for wage and salary increases which were due at the time. That was $11,600. There were some additional costs of re-establishment and operating some duplications during 1991-92. Those additional costs were up to $126,000. So, that additional cost, Madam Speaker, reflected not just the cost at Lyons and Cook schools but also costs of duplicate running in other schools. So, there were some outside costs as well. I think that was the matter that was reflected in Mr Wood's interjection at the time that I gave that answer on 21 June last year. I certainly stand by the answer that I gave and, as I say, you do not have to rely on the *Canberra Times*. Those figures can be checked out in any number of sources that are available to members.

MR KAINE: I ask a supplementary question, Madam Speaker. I take it from your answer, then, that on 21 June 1991, when you answered that question, you understood that the cost of reopening those schools was $500,000 plus $100,000 maintenance.

Mr Wood: At that stage, yes.

MR KAINE: I am not asking you, Minister. I am asking the Chief Minister.

Mr Wood: You were looking at me.

MR KAINE: I addressed the question to the Chief Minister.

MS FOLLETT: Madam Speaker, I repeat what I said on 21 June; that my understanding at that time was that the costs were of the order of half a million dollars. I said that I did not have the precise figures in front of me. I accepted Mr Wood's interjection that there was $100,000 or so of additional cost requirement. Any analysis of the figures since would bear out that that was what the cost was.

Mr Humphries: I raise a point of order, Madam Speaker. I ask the Chief Minister to table the document from which she has read those figures.

MADAM SPEAKER: You will have to move a motion to that effect, Mr Humphries.

Mr Humphries: Is the Chief Minister not prepared to do that?

Mr Berry: I will be moving that Trevor table what he was referring to as well.

MADAM SPEAKER: Order! The standing orders require that you move a motion, Mr Humphries. Please do so.

Mr Humphries: Usually, Madam Speaker, it is done without a motion. If the Chief Minister is reluctant to do that, I am happy to move the motion.

Ms Follett: I am not.

Mr Humphries: Well, I do not have to move the motion, do I? I am just asking. Would you table it, please?

Mr Kaine: Madam Speaker, I have no difficulty at all with tabling a copy of the question that I asked. There it is. There is no problem at all.

MADAM SPEAKER: Good; thank you. Everyone has tabled their papers; let us proceed. Mr Kaine, you will need leave - - -

Mr Kaine: If the Minister could not understand what I said, I am quite happy to have it tabled.

MADAM SPEAKER: Thank you, Mr Kaine; but you will need leave to do that. Would you seek leave, please?

Mr Kaine: The Minister asked me to do it.

MADAM SPEAKER: I am sorry, Mr Kaine. The standing orders require you to ask for leave. It is not a problem.

Mr Kaine: Tell him to ask for leave. It was his request.

MADAM SPEAKER: Excuse me, Mr Kaine!

Mr Kaine: He does not want me to table it now?

MADAM SPEAKER: We are working under standing orders, Mr Kaine, not Mr Berry's whim or your whim.

Mr Kaine: Well, that is a bit unusual.

MADAM SPEAKER: We will proceed with the next question.

Mr Humphries: Madam Speaker, I did ask whether the documents could be tabled.

MADAM SPEAKER: And I have asked you to move a motion.

MR HUMPHRIES (2.36): In that case, I move:

> That the document quoted from by Ms Follett (Chief Minister) be presented.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (2.36): Madam Speaker, this is a very interesting turn-up because - - -

Mr Moore: I raise a point of order, Madam Speaker. I believe that Mr Humphries did not have leave to move that motion. I would have thought that to move a motion like that he might have needed leave.

MADAM SPEAKER: No, it is without leave. He can move the motion and people can speak to it.

MR BERRY: Thank you, Madam Speaker. As members in this chamber would be aware, Ministers bring with them briefs in relation to the range of matters their portfolios cover. If we are to go through the process of requiring those briefs to be tabled each time, well, so be it; that is fine.

Mr Humphries: It is not each time.

MR BERRY: Well, at any time that a Liberal member opposite so chooses. We will be faced with the cumbersome process, each time anybody refers to a piece of paper in this chamber, of the paper being tabled. I suspect that we will end up with a lot of debate about this. We went through this process some time ago and I talked to Mr De Domenico about this issue. If you want to have Ministers - - -

Mr Kaine: Madam Speaker, I move:

> That the question be now put.

We are in the middle of question time and we do not want a ministerial statement for 15 minutes.

Question put:

> That the question be now put.

The Assembly voted -

AYES, 6	*NOES, 9*
Mrs Carnell	Mr Berry
Mr De Domenico	Mr Connolly
Mr Humphries	Ms Ellis
Mr Kaine	Ms Follett
Mr Moore	Mr Lamont
Mr Westende	Ms McRae
	Mr Stevenson
	Ms Szuty
	Mr Wood

Question so resolved in the negative.

Mr Humphries: Madam Speaker, I seek leave to withdraw the motion.

Leave granted.

Motion withdrawn.

Acton Peninsula - Proposed Construction of Hospice

MS ELLIS: Madam Speaker, my question is directed to the Deputy Chief Minister in his capacity as Minister for Health. The Canberra Business Council claims that the construction of the hospice on Acton Peninsula pre-empts public consultation. Is this true?

MR BERRY: The short answer is no, but there needs to be some detail added to that because the Business Council represents that sector of business which forms its constituency. Labor made a very clear commitment to the establishment of a hospice in the lead-up to the last election and we intend to stick by it. We said that we would retain the Acton Peninsula site as a public health facility, with rehabilitation and aged care services, a convalescent facility, the Queen Elizabeth II home for mothers and babies, and a hospice. We also said that we would establish a chair of community medicine and a chair of rehabilitation and aged care as part of a centre of excellence in aged care on the Acton Peninsula. There are some detailed negotiations going on with Sydney University about the establishment of a clinical medical school in the ACT and I am hopeful that that issue can be resolved shortly.

It has been very clear for a long time what Labor's position is in relation to the Acton Peninsula; so I think it is nonsense for the Business Council to say that there has not been adequate time for consultation. I recall recently being at a meeting which was arranged by the Business Council, and the message that came through to me very clearly was that, unless we agreed with the Business Council, then the position would be that there was inadequate consultation or that there had been no consultation. Unfortunately, as part of any consultative process, there is a chance that people will disagree; but at the end of the day one has to make a judgment about what is appropriate in the light of the political emphasis one might like to put on a particular policy. We have decided on the provision of these particular facilities on that site. I am sorry that the Business Council does not agree with us, but I am sure that the majority of the community do. Those who elected us expect us to deliver on our promises and we intend to work towards that.

Cook and Lyons Primary Schools

MR HUMPHRIES: Madam Speaker, my question is to the Chief Minister. The Chief Minister has told the Assembly this afternoon that she believed, as of 21 June 1991, that the total cost of reopening the Cook and Lyons primary schools was in the order of half a million dollars. Is it not the case that less than seven days before the date on which she was asked that question she had received a letter from her colleague the Minister for Education advising her that the cost of reopening the Cook and Lyons primary schools was, in fact, more in the order of $888,000?

MS FOLLETT: Madam Speaker, I do not have such a letter before me, but I have no reason to doubt that what Mr Humphries says could be so. The fact is, Madam Speaker, that I do not accept - and I do not know of any Treasurer who does - the opening bid by a Minister on any new policy proposal as a fait accompli. What kind of idiocy would that be? All such proposals are scrutinised closely, not just by me but by Treasury as well, and so they ought to be. The Canberra community, I believe, has the right to expect the Government to deliver on its promises in the most economical and cost-effective way possible, and that involves scrutiny of bids. Of course it does.

That anybody could argue that the first bid on a new policy proposal was the complete and accurate and true costing without that sort of analysis seems to me to be the height of naivety and political inexperience. It is a fact, regrettably, Madam Speaker, that many of the bids I have received over the number of budgets I have done have been a little bit generous. Many of the Government's programs and commitments have been fulfilled on somewhat less money than those initial bids might have suggested. It was the case with the reopening of Cook and Lyons schools.

Civic Olympic Pool

MR MOORE: Madam Speaker, my question is much more important than those and it is directed to Mr Connolly. It has to do with the Civic Olympic Pool. The dome was removed rather recently. Mr Connolly, I am wondering what logic is behind the notion of removing the Civic Olympic Pool dome whilst the weather is still cold.

MR CONNOLLY: The wrong Minister. Although the dome was known as the Duby dome, it is no longer part of my portfolio.

MR BERRY: Whilst things are much better under Labor, Madam Speaker, we have not yet worked out a way to control the weather; but we are working very hard on that. We think that the solution might be some time off. When it comes to the dome, a time has been chosen to remove it and that coincides, as I understand it, with the opening, or thereabouts, of the diving pool. If the dome is up and the diving pool is being used, it costs a lot more to supervise all of the people that use the pool. The current understanding is that in the summer months people would rather swim in an open pool.

Mr Moore: It is a question of timing.

MR BERRY: Yes. It is very difficult to work out the right time and a time that pleases everybody. The pool is a heated one and it still would be okay for swimming in the cooler months, but not in the winter, obviously. I do not know how we are going to come to a position which satisfies everybody. I know that the process of removing the dome coincides with the reopening of the diving pool and there are issues of expenditure when it comes to supervising the entire complex. It would take a lot more people, obviously, to supervise two enclosed complexes, which would in effect be the case, rather than one once the dome has been removed.

On the question of timing, I will look into that a little more and see what we can come up with in terms of some sort of temperature scale for various times of the year as to when the dome goes up and down.

Cook and Lyons Primary Schools

MR DE DOMENICO: My question without notice is to the Minister for Education, Mr Wood. Is it the case that, after receiving a cost estimate for reopening Cook and Lyons primary schools, the Minister instructed the then Secretary of the Department of Education, Dr Eric Willmot, to prepare another document which showed reopening costs of less than $500,000? Is it further the case that Dr Willmot told the Minister that he was not prepared to present any financial document which he knew to be false?

MR WOOD: Madam Speaker, this history will be further detailed shortly after question time. To answer your question, and simply to repeat what Ms Follett said, the first bid for reopening Cook and Lyons schools was unsustainable. In the normal course of events the Chief Minister, as I said in this chamber yesterday, said no. I examined the document very carefully with the officers. For example, items were there for a new boiler, painting, carpets and a range of other matters, that I will detail later on, that had nothing to do with reopening a school.

Mr Kaine: Didn't you need them any more? If they needed maintenance, they needed maintenance.

MR WOOD: You obviously were not alert to this long and honourable departmental tradition of putting what you can into bids to see how much you can get out of it. That is why your budget was overblown. We sought, we needed, costs appropriate to reopen those schools and to get them back into the system. We did not need a new boiler to do that. In fact, the boiler is still there and is functioning quite well. We did not need painting. We did not need those items. So, I went back to the secretary of the department - this was part of my further examination of the papers - and said, "Well, you cannot do that. Give me the figure that will get us that school opened, the justifiable figure for doing that". That was the figure that emerged, the figure I gave yesterday, of $657,000.

To put a time line on it, I believe that my letter to the Chief Minister was on 15 June. On 17 June I had further advice from Dr Willmot. I had advice from Dr Willmot, let me repeat, as to how he could do that - surprise, surprise - without those other items. That was the path we followed. The schools were opened. They have been functioning successfully now for over a year and they have been functioning under that budget that we properly established. What you have seen is an example of good government.

MR DE DOMENICO: I have a supplementary question, Madam Speaker. I ask the Minister: Where did the figure of $500,000 come from?

MR WOOD: What figure of $500,000?

Mr Kaine: The one that the Chief Minister is talking about.

MR WOOD: The figure is clear enough. The final figure was $657,000. In the Estimates Committee one of the members still in the Assembly, I think, quoted about $700,000, as we talked in round figures. The all-up cost was $657,000 and that was not ultimately determined for a little while yet. Rosemary Follett said $500,000, plus $100,000 from my interjection. That seems to me to get fairly close, in very round terms, to the figure that was used.

Lower Molonglo Water Quality Control Centre

MR LAMONT: My question is to the Minister for Urban Services. It continues the line of questioning yesterday about thunderboxes and probably the standard of questions from the Opposition this afternoon. I refer to the media reports about effluent and the member for Burrinjuck saying that he intends seeking New South Wales Government advice on what legal action might be possible against the ACT for the bypass of raw sewage at the Lower Molonglo Water Quality Control Centre over the period 17 to 19 October. Could the Minister comment on this and the performance of the Lower Molonglo Water Quality Control Centre?

MR CONNOLLY: Yes, the member for Burrinjuck seems to be taking a cue from Richard Carleton and indulging in a bit of high profile Canberra bashing, stumping his electorate and saying, "Those terrible people in Canberra are pouring raw sewage into your creek and thus causing the algal blooms at the Burrinjuck Dam". The fact is that no raw sewage has gone into the river. There had been a bypass, as I indicated earlier this week. That has been the case every winter since the plant was opened. There have been bypasses. This Labor Government has taken action to prevent that. We are spending some $6m to repair that. I would have thought that Mr Schultz would do better congratulating this Government for spending ACT money to solve the problem in his electorate, rather than issuing these media releases threatening legal action. The plant is conducted by ACTEW under authority from Mr Wood's environmental auditors. They have continued to license the plant and we are rectifying any problems. Our quality of output is far better than the quality of output that flows into Canberra from Queanbeyan.

Health Services Consultant

MRS CARNELL: My question is to Mr Berry, Minister for Health. I did give the Minister some warning that I was going to ask questions on this topic. Ms Annie Austin, who the Minister confirmed last week is contracted to ACT Health to provide senior executive services in his corporate services division, was awarded a Duke of Edinburgh scholarship earlier this year and to take up this scholarship in the United Kingdom she vacated her post in ACT Health for a period of six weeks. I ask the Minister: Is it true that, despite the fact that the contract with Anne Austin and Associates is for the personal services of Ms Austin, the Department of Health paid the consulting firm for Ms Austin's time while she was overseas furthering the best interests of herself and her employer, her employer of course being Anne Austin and Associates?

MR BERRY: It is refreshing to hear from Mrs Carnell on an issue other than pharmacies.

Mrs Carnell: I have not asked a question on that for ages.

MR BERRY: Hardly a day passes when you do not mention it, but that is not surprising. Last week Mrs Carnell asked me a question about Ms Austin and I took it on notice. It is a personnel matter and, as I have explained in this place before, I make sure that these details are checked out properly because they do relate to individuals, and discussion of individuals in this place, of course - - -

Mrs Carnell: That is why I gave you notice.

Mr Humphries: That is why she gave you notice.

MR BERRY: We will come to that in a minute. When she was asked to give notice, she would not give it.

Mr Humphries: It is questions without notice, you know.

MR BERRY: No, no.

MADAM SPEAKER: Order!

MR BERRY: Action was taken to investigate that matter. While that action was under way, Mrs Carnell decided that she wanted to ask another question. It sounds as though Ms Austin might have stood on one of Mrs Carnell's bunions. Action was undertaken to examine the questions that she has raised. Yesterday she asked another question about Ms Austin and I said that I would ask my bureaucrats to look into the personnel details of Ms Austin and - - -

Mr De Domenico: So, by next year you might come up with an answer.

MR BERRY: Mr De Domenico interjects, "Then, by next year you might come up with an answer". Today Mrs Carnell or somebody from her office rang my office and said, "I am going to ask you a question about Annie Austin". So, I said to one of my staff members, "What will this question be about?". I said, "If it is about personnel matters, I am not going to answer them off the floor. I will answer them on the basis of proper inquiry, to ensure not only that the interests of the individual are preserved but that the whole question is fully answered".

We are in the process of examining the issues that were raised, I think it was yesterday, by Mrs Carnell about Ms Austin and now we have another question. The question that you ask is one that requires some examination and I would be quite happy to deal with it. Coming back to this other issue of giving notice, as I said, my office then called Mrs Carnell's office back and said, "Look, if you are going to ask questions about these personnel matters, put it to us in writing. We will get them examined and get you the answers". The response was, "Well, I am not going to tell you what I am going to ask you. I am just going to tell you that this will be the topic". I am telling you that I am not going to play games with you. If you want answers about - - -

Mr De Domenico: So, you want us to give you our tactics in advance?

MR BERRY: If you want details about people who work for the Government, as far as I am concerned, I am going to take a great - - -

MADAM SPEAKER: Order! The members of the Opposition will desist from interjecting, please.

MR BERRY: I am going to be very careful how I examine the matter. Will you tell me if you have any more questions, and we will get them all considered at once because - - -

Mr Humphries: Yes, sure.

MR BERRY: Well, about Ms Austin.

Mr Humphries: You would have done the same thing when you were in opposition, wouldn't you?

MR BERRY: No, no. We will get the whole lot to you. I will tell you what else I will do. I have a little book here that I purposely brought down so that you will be better informed. It is headed "SES Procedures for Senior Executive Service Staffing and Establishment".

Mr Kaine: We have a copy of that.

MR BERRY: It does not sound as though you have. I will make sure that this is handed over to Mrs Carnell so that she can study it properly. If she has a range or a great raft of questions that she wants to ask about Ms Austin, let us put them on the table and I will get them all answered at once. One thing I am not going to do is dedicate all of the bureaucracy in Health to answering questions about Ms Austin, as they come.

Mrs Carnell: I will table the rest of the questions. I seek leave to comply with Mr Berry's request.

Leave granted.

Open Space

MS SZUTY: Madam Speaker, my question without notice is for the Minister for the Environment, Land and Planning, Mr Wood. I did give your office notification that I would be asking this question today. Members will recall that I asked a question without notice on 13 October 1992, last week, of the Minister about the ratio of open space per 1,000 head of population. The Minister indicated in his response that the ratio of 2.4 hectares per 1,000 relates to populated areas outside of town centres and four hectares per 1,000 relates to town centres. On reading "Urban Open Space Guidelines", published by the NCDC in January 1981, it states on page 2 that the standard provides for four hectares of municipal recreation space per 1,000 population. My question to the Minister is: When was the standard changed and what was the rationale behind the decision?

MR WOOD: I understand that the standard has not changed, but I am looking at the figures she has provided me with and I will come back with a further definitive answer.

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

COOK AND LYONS PRIMARY SCHOOLS
Ministerial Statement

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning), by leave: Madam Speaker, this statement is concerned with a newspaper article in today's *Canberra Times* about the reopening of Cook and Lyons primary schools. It will place the matter more clearly on the record. I have little argument with the text and the figures that the *Canberra Times* used. The headline, however, simply does not reflect the story as it has been expressed. In considering this issue, members should be aware of the context in which these events occurred. This is not just a debate about figures. It is also a lesson on how bureaucracies work and how, occasionally, someone can become too heavily involved in a campaign. Some matters are really better left unsaid, but I did not raise the issue and I will still be restrained in what I say.

The Alliance Government fell in June 1991 because of the internal strains caused by the schools closure issue. At that time the then Secretary of the Department of Education was heavily involved in producing figures which tried to demonstrate how much money could be saved by closing schools. Members will recall that those figures were challenged effectively by a range of experts and community groups. The Alliance Government and the architect of the school closure plan, Dr Willmot, subsequently and substantially lost their case to those groups. That hurt, and the hurt was obvious. In my view, the then secretary of the department became unduly involved in the issue, particularly because his advice was not successful in winning the public debate for the Alliance Government. This background provided a difficult basis for Dr Willmot's subsequent relations with the Government.

When the Follett Government returned to power we were determined to reopen two schools which had been closed - Cook and Lyons. You will understand what I am saying about the background when I report that Dr Willmot was reluctant to accept the new Government's policy on those schools. I had to order him to open them. Bear in mind that these events that we are debating now occurred in the first fortnight of the new Follett Government and at the height of all that passion about the school closures. At the same time as this occurred, quite obviously, I sought advice about the cost of reopening those schools and received and carried a bid of $890,000 to the Chief Minister. Both as Chief Minister and as Treasurer, she disputed the bid - an entirely common occurrence, I thought, under any Treasurer, but apparently not under the present Leader of the Opposition. Upon further examination it became clear that the bid could not be sustained. For example, it included an ambit claim for a range of works not at all associated with the cost of reopening the schools and getting them back into the system.

These items, and this is for both schools, included such matters as carpet, $41,000; new boiler, $24,000; diffusers and a PA system, $16,500; new fire detection and lighting, $30,000; evacuation system, $53,000. There were other items of a lesser amount. Interestingly, and the *Canberra Times* figures that came from government figures prove the point, the papers also listed the essential reopening costs - quite low and justifiable - after just six months of closure. These included such matters as fixing broken windows and floor tiles. You will know that the two schools remained in good condition because there were continuous pickets

on duty to keep potential vandals at bay. These figures appeared in the *Canberra Times* today and very clearly proved my case. That ambit claim, like so many others, failed. The accurate costs of reopening were determined and provided, and the schools are operating very well indeed.

The passage of time further proves my point. These so-called essential works were placed, as they should have been, in the program of cyclical maintenance. Far from being essential for reopening, they remain on the maintenance list waiting for their priority to be high enough to secure funding. Case proven. The works have not yet been done; they do not need to be done.

The newspaper article mentions a further letter in which I instructed the department to absorb the costs into the department's general program. That is exactly what I have explained. That is where the funds for that maintenance should be provided, and in due course will be. The *Canberra Times* did not mention, either out of Carleton-style reporting or because they were not sent the material, a minute from the secretary to me on 17 June, which was attached to that letter they quoted, advising this course of action. When I went back to the secretary after my discussion with the Chief Minister, he came back with an answer that showed how it should be done. Surprise, surprise; he came back with some more accurate figures that deleted that range of items that I have mentioned. He showed that it could be done. The *Canberra Times* did not quote that minute from the secretary to me, though it was attached to the letter that they did quote. I think they preferred to suggest some sort of sinister intention.

The secretary's minute of 17 June, to which I just referred, and by now a sensible approach to government, followed the first refusal of that ambit claim. I think we realise that this approach of departments to inflate their bids on new policy proposals, the means of funding the reopenings, is not new. It is a long tradition in this town and one of the reasons why people like the ACT Treasurer scrutinise proposals so closely. What this whole process shows is good government in action. The *Canberra Times* article really demonstrates that, though the headline is quite deliberately misleading. It should have read "Department inflates figures". I could provide something a little more sensational, but I will not. I have used the word "department". I suppose I am not referring to the department as a whole. I guess I am referring to the secretary of the department at the time, who carried this argument and with whom I had my dealings.

The matter did not stop there. The secretary carried on his argument after the Chief Minister answered the question referred to today by the Leader of the Opposition. He did so by suggesting that the response was not accurate. Obviously, I paid close attention to this, recognising the significance; but once again he was wrong, being more concerned about his case than the Government's intentions. It seems that this case is still being argued, whether by him or by someone else. I repeat that this matter is quite clear. It is a case of good government in action. It shows a Treasurer and a government being careful and accurate in their scrutiny of expenditure, being concerned about the provision of quality education and being responsive to community interests.

PAPERS

MR BERRY (Deputy Chief Minister): For the information of members, I present the following papers:

> Health - Department - Report and financial statements, including the Auditor-General's report and freedom of information statement, for 1991-92, including 1991-92 reports from:
>
> ACT Radiation Council.
> Director, Mental Health Services.
> Nurses' Board of the Australian Capital Territory.
>
> Urban Services - Department - Report and financial statements, including the freedom of information statement, for 1991-92, including 1991-92 reports from:
>
> Architects Board of the ACT.
> Canberra Public Cemeteries Trust.
> Chief Inspector, Dangerous Goods.
> Commissioner of the ACT Fire Brigade.
> Plumbers, Drainers and Gasfitters Board.

CHIEF MINISTER AND MINISTER FOR EDUCATION AND TRAINING
Motion of Censure

MR KAINE (3.12): Madam Speaker, I seek leave to move a motion of censure of the Chief Minister, Ms Follett, and of the Minister for Education, Mr Wood.

Leave granted.

MR KAINE: I move:

> That this Assembly censures the Chief Minister, Ms Follett, and the Minister for Education and Training, Mr Wood.

Madam Speaker, a *Canberra Times* article this morning raises very serious questions about the position of both the Chief Minister, Ms Follett, and the Minister for Education and Training, Mr Wood. The closure and reopening of the schools at Cook and Lyons was a matter of considerable public interest and concern at the time. In fact, it remains so. This was not any inconsequential issue and would, I believe, have had a real effect on the February election had the full facts of the reopening of those schools been disclosed. It is a matter of great concern that members of the Government have obscured the figures up until now, when they have been put on the public record. Of course, the Minister today tried to blame it on his bureaucrats. He said that this is the result of a bureaucratic process. I submit, Madam Speaker, that it is the result of a political process, and a political process of members of this Government.

Madam Speaker, Mr Wood throughout the second half of 1991 consistently and continually made statements that the cost of reopening Cook and Lyons schools was $600,000 - no qualification, none whatsoever. Equally importantly, he stated on a number of occasions that the cost of reopening the schools would not impact on the education budget. They are Mr Wood's words. No other schools, he said,

were to be disadvantaged by the cost of reopening Cook and Lyons. It is clear that Mr Wood was deliberately creating and fostering a belief in the community and in this Assembly that the cost of reopening those two schools was $600,000, and no more. There was no question mark about it. That was the amount, indeed, that was provided by way of a revised new policy proposal which the Minister referred to in the 1991-92 education budget. This was a deliberate and calculated misconception created by Mr Wood and the Chief Minister. They did it to comfort the school community, no doubt; and they did it to deceive Assembly members and the community into a belief that the costs were lower than they actually were.

This campaign of the Government, built on the twin statements that the total cost of reopening the schools was $600,000 and that education would not bear any of the cost, was pursued vigorously throughout the last five months of 1991 and even into 1992. The campaign began publicly on 21 June 1991, when in question time Ms Follett said, in response to a specific question:

> ... I am aware that the total cost for the two schools ... is in the order of half a million dollars - - -

I emphasise to you, Madam Speaker, and to members that Ms Follett said "the total cost". She did not say that it was part of the cost or that the cost did not include any ambit claims; it was the total cost. Mr Wood interjected to modify the reply. He realised that the Chief Minister was on dangerous ground, so he interjected and said, "But there is $100,000 for maintenance of staff". Taking that interjection into account, the impression was established by the two members of the Government that the total cost was about $600,000. Very interesting. We will come to this in more detail.

The same total amount was referred to again and again throughout the succeeding months of 1991 when the Minister was questioned on this issue. However, on that very day, 21 June 1991, both Ms Follett and Mr Wood were aware that the Department of Education estimate for reopening the schools was $880,000 approximately, not $600,000. Mr Wood and the Chief Minister now say, "But we revised it". But on 21 June there was only one submission and that said $880,000 or thereabouts. There was no alternative figure offered. So, where did you winkle $600,000 from? Somebody made it up.

Mr Wood: Wrong.

MR KAINE: If you like, Minister, I will table the letter that you had and the Chief Minister had before you at the time. There was $880,000 approximately.

Mr Wood: I will table another letter that you also have.

MR KAINE: You have had your say. We gave you leave to make a statement and you did not clear yourself. Madam Speaker, on advice to the Minister on 15 June of that year, only six days before, Mr Willmot provided the $880,000-odd estimate for reopening both Cook and Lyons on the presumption that the reopening was on 15 July 1991. Other options were given, including an option to open in the fourth term of 1991, which would have cost $710,000 in round figures, or to open in the first term of 1992, which would have cost about $530,000. The cost in forward years in each case was about $500,000 a year. The departmental advice recommended that those schools be reopened on 15 July - that is,

one month to the day after Mr Willmot's letter - and the cost to do that was $880,000 approximately. They suggested that it be 15 July, to reduce community distress that delay might cause, and there were a couple of other political public relations reasons as well. The Minister says that this was a bureaucratic game. That is not so. The bureaucrats were taking into account the political imperatives at the time.

The Minister also wrote to the Chief Minister seeking funding to make this possible. He wrote to the Chief Minister and asked for $880,000. Again, in that letter there was no reference to any option, any alternative. It was $880,000-odd. Mr Wood informed the Chief Minister in a letter that same day that he supported the recommendation to reopen the schools in July for an estimated $880,000. He also mentioned $500,000 as the lowest cost if they were reopened the following February. He stated that he believed that the Government should proceed quickly to reopen those schools - that is, from 15 July - and that that action would accord with the school communities and the Teachers Federation. Mr Wood sought agreement from Ms Follett for $890,000, not $600,000, as a commitment against funding to be provided for new policy proposals in 1991-92.

Where does the $600,000 come from? His own letter said $890,000. He also sought the amount from funds to be available for new policy proposals, not as an offset against existing funds. The letter states:

> Both you and I are on record as having stated that the cost of reopening Cook and Lyons Primary Schools will not be borne by other schools in the public system ...

The Chief Minister and the Minister were both on record as saying that the cost would not be borne by the other schools. But Mr Wood and Ms Follett knew full well what their promise to the schools was and what the estimated cost was. Yet six days later Mr Wood and Ms Follett provided to the Assembly as the estimate of the then cost a figure they knew to be false. The then cost was $890,000, which Mr Wood had stated in his own letter only six days before. Either that, or Ms Follett does not read advice provided to her by one of her Ministers. She obviously did not read the letter, or she did not understand it.

It is understood that on 17 June Mr Wood instructed his secretary for education to produce a figure for reopening the schools, but it was to be a figure below $500,000. In other words, he had got the message that the $890,000 was not good enough. But, at the time that all this was taking place, $890,000 was the figure. Figures were supplied as requested, Madam Speaker - and the Minister has confirmed that - on the proviso that the Chief Minister be made aware of them. The Chief Minister was made aware of those figures reducing the apparent cost to about half a million and absorbing the cost for maintenance within the general education program. What about the Minister's statement that this would not be borne by the education budget? He had earlier said, "My aim is that additional costs will not come from the education budget. Money will be found from the overall budget". So, the second part of his contention went right out the window and the Education Department, other schools and other children in the education system are being deprived of money because of the reopening of these schools - despite the Minister saying that that would not happen.

Clearly, Madam Speaker, there was no suggestion of an ambit claim in any of this. The Minister comes back now, in hindsight, and says, "Oh, but that was an ambit claim". There was no reference in these documents to an ambit claim. It was an outright claim for $890,000. But the Ministers, even at that time, were conspiring together to hide $200,000 of the cost somewhere else in the education budget, and we still do not know where that is. That action was clearly intended to mislead the Assembly and to mislead the community. The deception was carried through for months. It was carried through in the house on 21 June. It was carried through in the *Canberra Times* on 18 June, 19 June, 20 June, 22 June, 24 June, 26 June, 14 July and 1 February 1992 - just to name a few dates on which that was repeated to the *Canberra Times* as the basis of the cost. Both Ministers clearly intended that the promise not to place any burden of cost on the education budget would not be met.

On 21 June it was clear that they had a public stance on that issue. On 15 June they discussed that issue. On 27 June Mr Wood claimed in the *Canberra Times* that the cost of the reopening of schools would be borne by the whole Territory, not by the education budget. On each occasion he knew and Ms Follett knew that $200,000 was being offset against the education budget but hidden. There was ample opportunity after that time for either of these Ministers to correct the misleading impression deliberately created. In fact, they had legal advice that they had misled the Assembly, and it was suggested to them that they correct it - and they did not do so.

Mr Connolly: What nonsense! That is nonsense. What legal advice?

MR KAINE: It is not nonsense.

Ms Follett: Where is it? Table it.

MR KAINE: I will, in a minute; but I will have to find it amongst these papers. I have got it. It states:

> On 21/6/91 ... Mr Woods assisted in the answer and I formed the view that both deceived the house. As soon as a transcript of the proceedings was available (attachment 6) I got Mr John Toffer of Malleson Stephen Jarques to provide a legal opinion. He advised that in his view the house was misled.

And I will table it, if they wish it.

Mr Connolly: Who wrote that?

MR KAINE: Mr Willmot, secretary of the department. He would not know, I suppose!

Government members interjected.

MR KAINE: Now you are disavowing your secretary. Mr Willmot is not here to defend himself and he is the scapegoat.

MADAM SPEAKER: I take it that the house has given Mr Kaine leave to table that document? There being no objection, leave is granted.

MR KAINE: They are Mr Willmot's notes. There was ample opportunity, as I have said, to correct the matter. Although they were advised that they misled the house, neither Mr Wood nor Ms Follett made any attempt to do so, and they have never attempted to do it until this day - right up until now. In fact, they still defend their position. Mr Wood and Ms Follett were already agreed that the public total cost would be $600,000 and that the Education Department would secretly bear an additional $200,000 in costs that would be hidden.

The ambit claim argument used by Mr Wood this morning does not hold. There is no evidence in any of the documentation to suggest that either Mr Wood or Ms Follett believed that the $200,000 to be met from the education budget would not be fully expended. After the event maybe it was not; but, at the time, they did not know that and they made a budgetary provision for it. The ambit claim, Madam Speaker, is a convenient wisdom of hindsight.

The important issues here are not the cost at the end of the day for reopening the schools and not whether the estimates were an attempt by the public service to increase their budget. These are simply red herrings to put the blame onto somebody else. The issues are that Mr Wood and Ms Follett knew that the estimated cost of reopening those schools was closer to $900,000 than $600,000, and they artificially reduced the cost to what they perceived to be a publicly acceptable figure by hiding $200,000 in the education budget and deliberately creating a false impression of the costs in the minds of members of this Assembly and, more importantly, in the minds of the community.

Mr Wood was informed, as I said before and as the document I have tabled shows, that legal opinion was that the Chief Minister's statement to the Assembly on 21 June 1991 was misleading and that a correction was required, but it elicited no response. There was a continuation of the cover-up, a continuation of the misinformation campaign. No correction was made in the house or in public, either by Ms Follett or by Mr Wood.

The conclusion, Madam Speaker, can only be that the Ministers both knowingly misled the Assembly and deliberately fostered a misconception about what the costs of reopening those two schools were. Even today they have continued to defend the indefensible and, Madam Speaker, they continue to mislead this house on the true costs. Their actions are contemptuous of the house; they are contemptuous of the community. They reflect an intention not to be accountable to this Assembly or to anybody else. The Ministers deserve censure.

Mr Lamont: Pursuant to standing orders, Madam Speaker, I ask that Mr Kaine table the document, of which the tabled document formed part, which he was quoting from - all of the document.

Mr Kaine: Which document do you want?

Mr Lamont: The document that this obviously formed part of and that you were quoting from.

Mr Kaine: I have only copies of an extract from his notes. That is all I have.

Mr Lamont: I am sorry. This was part of a document, Mr Kaine, that you pulled to pieces.

Mr Kaine: No. I beg your pardon. Don't tell me what I have and what I don't have.

Mr Humphries: How do you know?

Mr Lamont: Because I can see from here.

Mr Kaine: I have tabled the document that I had. I also have some letters here which I am happy to table, if you do not have them already.

Mr Lamont: Is that the one that this one is part of?

Mr Kaine: I have no document similar to the one that he has in his hand, Madam Speaker.

Mr Lamont: This is the one that you tabled.

Mr Kaine: That is all I have.

Mr Lamont: But this is part of a document. You pulled it to pieces in front of us.

Mr Kaine: And I tabled it.

Mr De Domenico: Don't you talk about tabling documents.

MADAM SPEAKER: Just a minute, please. To have any documents tabled we will need a motion. So, could we have a motion with reference to the document that needs to be tabled? We can then deal with the motion.

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

> That, pursuant to standing order 213, Mr Kaine be ordered to present the document from which he quoted and presented one page to the Assembly.

Mr Kaine: Madam Speaker, I quoted from a document which I tabled. Mr Lamont has it.

Mr Humphries: I raise a point of order, Madam Speaker. Standing orders require that a member produce a document from which he quoted. Mr Kaine has produced the document from which he quoted. He is not required under standing orders, nor can he be compelled by a motion under standing orders, to table other documents from which he did not quote.

MADAM SPEAKER: So, the motion before us is that Mr Kaine - - -

Mr Humphries: Madam Speaker, the point of order is that the motion should not be allowed. The motion is out of order.

MADAM SPEAKER: I was going to speak to it, Mr Humphries. The motion before us, therefore, Mr Humphries is suggesting, is out of order because it is asking for papers that Mr Kaine does not have.

Mr Kaine: That is right.

MADAM SPEAKER: Fine. I think we are all clear on that.

Mr Lamont: Madam Speaker, if it is just too difficult for the Leader of the Opposition to understand the papers he has in front of him, I will withdraw my motion. We will get the document another way.

Motion, by leave, withdrawn.

MS FOLLETT (Chief Minister and Treasurer) (3.31): Madam Speaker, I completely reject the motion that has been put forward by Mr Kaine today. It is my belief that the community can have every confidence in this Government and in each and every member and each and every Minister within this Government. The facts are that this Government set out to protect Canberra's neighbourhood schools. We needed to do that because of the attack upon those schools by the previous Alliance Government, an attack that had as its stated objective the closure of one-quarter of the ACT's schools. It was an attack for which the Alliance Government had no mandate whatsoever. It was an attack which, quite clearly and very visibly, caused the community the greatest amount of distress and which ultimately, in my view, resulted in the downfall of the Alliance Government. It is no wonder that they harbour a grudge to this day.

By contrast, this Government set out to protect those schools and, in fact, promised to undo the damage inflicted by the Alliance. Part of that promise was to reopen the Cook and Lyons schools. Immediately upon attaining government in June of last year, we set about doing just that. Madam Speaker, in looking at how the Government would reopen Cook and Lyons schools I, of course, took advice from quite a range of sources. I had before me from my Minister, Mr Wood, a letter containing some costings. That was by no means the only source of information that I had. Madam Speaker, my diary for the period shows that I met with the Under Treasurer on, I think, 7 and 13 June. There is no doubt in my mind that what we discussed was the forthcoming budget and the need to meet our commitments to deliver on our promises within a very tight budgetary framework.

Madam Speaker, I have certainly discussed with Treasury officials the cost of delivering on our promises. I do so throughout the year but, most notably, in the process of preparing for a budget. The basic thrust of Treasury's advice to me on the matter of reopening Cook and Lyons schools was that it should cost about what the Alliance Government had estimated would be the savings by virtue of their being closed - $520,000.

Mr Humphries: According to the department, it was not.

MS FOLLETT: Madam Speaker, I hear Mr Humphries protest, and I can understand his protest, because the fact is that throughout the Alliance Government, throughout the sorry history of those school closures and the debate that surrounded them, we never got an honest answer from the Minister or any other member of that Government on just what the costs or the savings in the school closures program were.

Mr Humphries: I raise a point of order, Madam Speaker. In line with your previous rulings about what is parliamentary or not, I submit that the phrase used by the Chief Minister, "did not get an honest answer from the Minister", meaning me, is unparliamentary. I ask that you ask the Chief Minister to withdraw the statement.

MS FOLLETT: Madam Speaker, I withdraw it without troubling you for a ruling, and say that we never got an answer at all. We really did not. We constantly questioned the Alliance on their schools closure program without ever really getting an answer at all. Of course, the community, who were asking the question, "Why does the Alliance want to do this?", were the most outraged of all.

The fact is that I took advice from Treasury on what the costs might be. I set that advice against the bid that I had from the Minister - as I did, for instance, with the reopening of Ainslie Transfer Station. That was a good bid too. In discussion with Treasury officers, in discussion with me, in discussion between Treasury officers and Education officers, the figures that we needed in order to deliver on our new policy proposal were modified. I find it extraordinary that members opposite find that a strange process. It is really extraordinary of Mr Kaine, an erstwhile Treasurer, to get up and say that I should have accepted the first bid put to me. That is outrageous. I can only shudder at the thought of how Mr Kaine went about putting a budget together if he did not go through a similar process of modification of figures. You have to live within a budget. As I am sure Mr Kaine knows, that budget is reducing and is getting tighter year by year.

I also refer members back to Mrs Nolan's question. Her question to me was not, "What did Mr Willmot tell you?". That was not her question at all. Her question related to what my advice from Treasury was. For Mr Kaine to claim that Mr Willmot's bid is the only advice I had is simply a furphy, Madam Speaker. As I said during question time, the front page report in today's *Canberra Times* attempts to give the impression - shock, horror - that the budget allocation for the reopening of these two schools, Cook and Lyons, has only just come to light. Clearly, that is not the case. Madam Speaker, as I said, Budget Paper No. 2 of 1991-92 contains those costings. We have had that budget process; we have had the Estimates Committee's scrutiny of that process; and I am afraid there was not much to report. That is what it cost. That is irrefutable.

Madam Speaker, I would also like members to be aware that in all of these kinds of bids made by Ministers there is a process of scrutiny. No matter what the program is, no matter how strongly I or the Minister might feel about it or how determined we are to implement it, the process of studying the costs, and usually modifying the costs, will be gone through. You have here a government which is determined to have a responsible financial administration, not just "off the top of the head" figures. Treasury has confirmed with me today that on the full year effect of reopening the schools the guiding figure was the savings taken from the education budget at the time that the two schools closed. I think that is an entirely reasonable position.

As Mr Humphries, the former Minister, should know, in that savings proposal the figure was $520,000 in a full year. Mr Humphries nods. That is the figure. Thank you, Mr Humphries. The figures have been borne out. I fail to see what the great issue here is. As I said in question time, I went through some additions to that figure of $520,000. We came to the first year allocation of $657,600, subject to a little rounding. The full year effect from then on is $532,000. That is not a mystery. It has all been annotated in the budget papers and is there for any member to study.

Madam Speaker, in accordance with the normal practice, the Government reviewed the estimates for implementation of new policies in July of this year. That review confirmed implementation of the reopenings as planned at the commencement of the third term of 1991, and there was no variation from the estimates. The *Canberra Times* - and the Opposition, to my surprise - seem quite unable to distinguish between a bid for funds and final estimates. I find that extraordinary, coming from a former Treasurer. If any variation from an initial bid were improper or inappropriate, as was suggested, governments would be required - and maybe this is what happened in the Alliance - to forsake any attempt at expenditure control. The review that I have just referred to, Madam Speaker, confirms Mr Wood's judgment, and my agreement with that judgment, on the cost of reopening Cook and Lyons schools.

Mr Wood has also gone into the issue of repairs and maintenance. The fact that some of the items in that initial bid have still not been carried out because they are not required is proof positive that that bid was inflated. I fail to see how any responsible member of this Assembly, any member wishing to give best value to the Canberra community, could see it otherwise. When there is a departure from an agency's bid, then that departure represents the Government's view of the priorities in that bid. I do not think that it is in any way sensible or even rational to view that in some sinister light.

Madam Speaker, I can only think that, in raising this issue, members opposite seek to raise again the issue of school closures - an issue on which the Alliance Government's record was truly execrable. Madam Speaker, they had absolutely no mandate to decimate the ACT school system, but they went even further than decimating it, of course, and proposed to close one in four schools. They paid a very high price for that. They lost government because of that. Madam Speaker, I believe that that is still their agenda. Members opposite are still sitting here trying to prove that there was something sinister, something shonky, something not quite right, in this Government's delivering on our promise to reopen those schools. It really is a base attack and one that, as I say, I believe is born from their view that these schools should still be closed. Mr Humphries and his colleagues would probably go back to their original agenda of closing 25 schools.

Madam Speaker, this attack is unwarranted. I have absolute confidence in my Minister. I believe that the community can have absolute confidence in this Government because we do what we say we are going to do. Unlike the one and only experience of this lot in government, Madam Speaker, on our side of the house if we make a promise we deliver upon it. That is exactly what has happened on this occasion. In delivering on that promise, we have upset a lot of people - Liberal Party people, and at least one bureaucrat, it would seem. But there is no doubt in my mind that the community approves of that course of action. There is no doubt in my mind that the community value their neighbourhood school system, wish to see it protected and wish to have a government with a similar commitment. That is what they have here. This motion, Madam Speaker, is just sour grapes. I believe that it ought to be dismissed out of hand by this Assembly.

MR HUMPHRIES (3.44): Madam Speaker, I begin by making it perfectly clear for Ms Follett, who undoubtedly would like to deflect some of this debate to an area where she feels on slightly stronger ground, that this is not a debate about Cook and Lyons primary schools. We have had that debate - - -

Ms Follett: Tell them that.

MR HUMPHRIES: I am telling them now. I am telling those in the gallery now. This is not a debate about Cook and Lyons primary schools. We have had that debate - - -

Mrs Grassby: They do not believe you, Gary.

MR HUMPHRIES: They never did, Mrs Grassby; so nothing has changed about that. The fact of life is that we have had that debate, and we could have it again at another time. I would be quite happy to engage in that debate. But today is not about Cook and Lyons primary schools. Today is about whether members of the Assembly and, through them, the community will be told the truth about what is happening in this community and whether members, in the course of their duties as parliamentarians, will at all times be told information which is factually correct by those members sitting opposite who hold the responsibility of Ministers in this Government. That is the question before us today.

There is no higher duty, I suggest, falling on Ministers in any government than to keep their constituents properly informed through the statements they make on the floor of the parliament of which they are members. That is a primary duty of all Ministers of the Crown. Historically, Ministers who have failed in that duty have resigned. Frankly, Madam Speaker, I have no hesitation in saying today, on the evidence which has been placed before the Assembly by Mr Kaine and his motion, that I believe that these Ministers should accept the motion of censure moved today and should resign.

Madam Speaker, we have had this curious argument put forward by Mr Wood and Ms Follett that there were two positions. We had a departmental position advanced by the Department of Education full of miscreants, full of people who were not prepared to accept the will of the new incoming Government, full of malcontents who had to be eradicated and re-educated in the new mould. On the other hand, we had a position by the Government that there should be a certain cost attached to the reopening of Cook Primary School and Lyons Primary School. The view being advanced by the Government today is, "Well, we disagreed. We had a figure and they had a figure". The first point that needs to be noted, Madam Speaker, is that here were two politicians only days into government. The Minister for Education, who had never been a Minister in a government before, was telling professional educators, professional education administrators, "No, no, no. We know better than you do. The figures that you are advancing are not the right figures. We know that it does not cost X dollars to reopen certain schools; it actually costs Y dollars".

Madam Speaker, that in itself ought to raise some questions with people. What exactly was the agenda underpinning the Government's position in this matter? They have said that the department had an agenda of its own; that the department's objective - and in particular that of Dr Willmot, according to the

Chief Minister - was to scuttle the new Government's plans and to sabotage this process. That was supposedly the position of the department. It goes beyond Dr Willmot, by the way, I am sure. But let us say, for the sake of argument, that it was just Dr Willmot.

What was the position of the Government? The position of the Government was fairly clearly stated in the letter that Mr Wood wrote to Ms Follett, which has already been quoted. Mr Wood said:

> Both you and I are on record as having stated that the cost of reopening Cook and Lyons Primary Schools will not be borne by other schools in the public system ...

In other words, he was saying, "We have to keep the costs down. We have to minimise the cost presented to the community as the cost to reopen those schools". That was a priority, a consideration, of this Government. It was saying, "Because of the political flak we are going to cop over this, we cannot afford to spend too much money on this project. We have argued that those schools do not cost very much money. It would therefore be inconsistent with our argument to be caught spending a lot of money on reopening them".

Contrary to what Ms Follett has said, the community at that stage was not behind the Government's decision to reopen those schools. I concede that some in the community might have been opposed to closing the schools in the first place, but there is very strong evidence that in fact the Government was out of kilter - - -

Mr Kaine: Evidence adduced in their own survey of ratepayers.

MR HUMPHRIES: Indeed. It was out of kilter with the community in its decision to reopen those schools. Of course, there were letters to the newspaper with headings such as "Decision Defies All Logic", "Reopening Not Affordable", "Consult Us All, Not Just Locals". Those sorts of views were coming from the community at the time. The ratepayers survey that Ms Follett commissioned shortly after the reopening of those schools also underlined the fact that the community was not happy with the decision being taken by the Follett Government to reopen those schools. It was an unwise decision. As I said, that is not what we are debating today.

The fact of life is that we had two different positions - a position that the Government took and one that the department took. The Government told the department, "We are not prepared to accept your figures. Go away and find others that are more politically acceptable". Off went the department and, obviously under pressure, obviously reluctantly, produced lower figures. They did that by transferring maintenance costs associated with the reopening of those schools out of the reopening budget, the specified earmarked budget, and into the general schools budget. In doing that, Madam Speaker, I would suggest that they did exactly what Ms Follett and Mr Wood told the community would not happen; that is, that the cost of reopening Cook and Lyons primary schools would not be borne by the public education system generally. That is what happened, because that is where the cost went.

That $193,000 which the department said would be entailed in reopening those schools is today being borne by the rest of the public education system. It is not coming from a designated budget any more; it is coming from the general education budget, the budget put aside to host all schools in the Territory. I think the Minister told us that $56,000 had been dedicated already to maintenance works at Cook and Lyons primary schools. That money has come, as I understand it, not from an earmarked budget for school reopening but rather from the general maintenance budget to be shared among all ACT schools. In telling the Assembly that the cost would be limited to only $500,000 plus another $100,000, the Ministers - both Mr Wood and Ms Follett were culpable in this - misled the Assembly and are deserving of censure.

Madam Speaker, let us assume that the department made an ambit claim; that it told the Ministers that it wanted a certain amount of money in the expectation that it would get less. The Government did not take that ambit claim very seriously. It is rather interesting, I might say in a slight diversion, that the ambit claim that 22 to 24, or whatever it was, public schools in the ACT should close - an ambit claim to which the Chief Minister has referred already in debate today - was taken extremely seriously by the Australian Labor Party, and it still is today.

Mr Connolly: It is still your agenda.

MR HUMPHRIES: It is still our agenda, says Mr Connolly. That ambit claim is very important, but apparently the ambit claim being advanced by the Minister's department in June of last year was not important at all. Madam Speaker, it was not an ambit claim. It was an accurate statement by professional officers of the Department of Education as to what it would cost to reopen Cook and Lyons primary schools. There is a slur being cast on not just one individual but officers of the Department of Education by the way in which this matter has been handled, particularly by the Minister but also by the other members of the Government. You are saying that the public servants were giving you false figures. *(Extension of time granted)* Madam Speaker, there is clearly a slur there. You are clearly saying to these officers that they had put forward false figures to the Government and that they should be censured or should be reprimanded for having done so.

Have the maintenance figures which the Government has relied upon in the Assembly today as the basis for its claim that there has not been $193,000 spent on those schools since reopening been substantiated? Has that figure been fiddled with? I would argue that it has. I would say that what the Government has done here is deliberately depress those maintenance figures, deliberately push maintenance for Cook and Lyons primary schools right down the agenda so that the money is not being spent on those schools, because it knows that if the money were spent it would justify what the officers told the Government back in June last year about the need for that money to be spent quickly on those schools as part of their reopening. Madam Speaker, if those schools had not been reopened the money would not have needed to be spent. What more convincing argument can you see that those schools ought to have been included in the budget designated for their reopening? Therefore, it seems to me that the case against both those Ministers is made out very convincingly. They have misled the Assembly and they should take the consequences of that.

MR MOORE (3.56): Madam Speaker, it was interesting in Mr Kaine's speech that he made a strong point about the community and other schools being deprived of money because of the reopening of these schools. This is the line that the Liberals have tried to run this past year and a few months. The truth of the matter, the reality of the matter, is that the deprivation of money came from their action in incorrectly and wrongly closing schools in the ACT. That other people have had to spend some money to reopen those, for social justice, is another question altogether.

The question that we are examining here today, Madam Speaker, really boils down to some information that has been presented on the one hand by the Minister and some information that has been presented in this extract from a letter - "letter", I think, was the term that Mr Kaine used, although he is not prepared to table the whole thing, just a page of it - and that - - -

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

MR MOORE: I will be happy if he is prepared to table it.

Mr Humphries: As I understand it, Mr Kaine has tabled the document from which he was reading. Mr Moore is effectively accusing him of lying in not tabling the document he was reading from.

MR MOORE: No, I am not; not at all. You misunderstand. I will clarify it.

MADAM SPEAKER: Thank you. Please clarify that, and then I will take the point of order.

MR MOORE: Thank you, Madam Speaker. I said that Mr Kaine had not tabled the full letter. He tabled a page from a letter. He was the one who said that it was an extract from a letter, but he said that he did not have the full document down here. He tabled a letter. That is how I understand his explanation. This is a page from a letter that Mr Kaine identified as being the information from a person he described as Mr Eric Willmot - in fact, somebody who often refers to himself as Dr Eric Willmot. Mr Humphries and I have had a debate in this house before today as to whether or not that was an honorary degree and whether or not he should be entitled to call himself "Dr". I will not pursue that any further.

What is important, Madam Speaker, is that we really have a difference of opinion in some ways between what is on this paper and what the Minister and the Chief Minister are presenting. The Leader of the Opposition has chosen to move a censure motion on the strength of this information, and I can understand that. However, I think we need to put it into perspective. I go back to the Estimates Committee report on the Appropriation Bill 1990-91, paragraph 2.13, under the title "Misleading Evidence". It states:

> During the course of the inquiry the Committee formed the view that one senior public servant had misled the Committee when giving evidence.

It goes on to say:

> The Committee views this with great concern. Whilst Assembly Committees do not swear witnesses prior to evidence being taken, nonetheless, there is an obligation on all witnesses to give accurate and complete evidence. Potential witnesses should be aware that to give misleading evidence could be a contempt of the Assembly.

It goes on for another paragraph. Madam Speaker, in the debate on that report the officer we are involved with was referred to on 20 November 1990. On page 4293 of *Hansard* he is named in this way:

> The credibility question also brings us to the issue in education and the misleading of the Assembly committee by Dr Willmot, which is reported in paragraph 2.13.

It then went on. I was the one who named Dr Willmot as being that senior public servant. I note, Madam Speaker, that that Estimates Committee report was a unanimous report. There were additional comments by Mr Connolly and by me, but they were not dissenting comments. It was a unanimous report and the question on the report on the Appropriation Bill by the Estimates Committee, shown on page 4320 of *Hansard* of 20 November, was resolved in the affirmative. To be fair, the Minister of the time, Mr Humphries, did make some attempt to defend Dr Willmot at that time. We are dealing with somebody who was named in this Assembly, somebody who was identified in the Estimates Committee as being prepared to mislead the committee when giving evidence. That is the view that the committee formed. I might add, Madam Speaker, that the committee did not come to that conclusion lightly.

Mr Lamont: A unanimous view.

MR MOORE: A unanimous view. I point out that a series of members of the Alliance Government, not in the ministry, were on that committee and they obviously came to the same view, because there was no dissent. So, Madam Speaker, that is what we are dealing with. This same person, according to the Leader of the Opposition, provided this information:

> I strongly advised the Minister to correct the public impression, but he did nothing ... I formed the view that both deceived the house.

I can understand that, because Dr Willmot was miffed. He was terribly miffed. First of all, under the Federal Government, he had tried to close schools. In fact, he had got away with a few. The Downer school in Ms Follett's own suburb had been closed under the influence of Dr Willmot. It is my understanding, and I stand to be corrected on this, that he made the same proposal to Mr Whalan when he was Education Minister and Mr Whalan had the good sense to have nothing to do with it.

Then he got - joy, oh, joy - Gary Humphries; 25 schools; cut out a quarter of them; get rid of them. He managed to get a few of them closed, but not without great political penalty for the Alliance Government. Thanks are due for the efforts, particularly, of the parents in the Cook and Lyons schools and a lot of other parents as well. In fact, Ms Szuty was one of those parents who worked

very avidly to protect her local school at that time. Walking out there today and seeing parents from Cook and Lyons, I noticed a sense of deja vu. I must admit that it is a very interesting feeling. It brings back the old days of the Assembly under the Alliance Government, and, boy, am I glad it is not here too often.

We are really looking at a person who was not just miffed; he was terribly miffed that what he had tried to do was not done. Whether you agree with him or disagree with him is not pertinent here. The pertinent point is that he was miffed and the new Minister said, "We are going to undo the work that you have done". I can understand somebody being miffed, but Dr Willmot had to understand - I think to a certain extent he never understood - that he had to answer to an elected government. When he first came in and took over the Schools Authority at the time, he was the one who moved the authority away from being a parental organisation to being a departmental organisation. I think that that is a point.

Mr Humphries: Have you an axe to grind against Dr Willmot?

MR MOORE: There is an interjection from Mr Humphries; do I have an axe to grind with Dr Willmot? I have no personal axe to grind with Dr Willmot, but I can see things here. The question is: Who has an axe to grind? Why would somebody have written and made available, somehow or another, this document, if they did not have an axe to grind? Of course he had an axe to grind, because he was wrong. Do I have an axe to grind with Dr Willmot personally? No. Do I have an axe to grind with the way Dr Willmot operated? Yes, I do. That is the point here. He is the person that you are relying on for your evidence for this motion, and that is why I am not going to support it.

I think it is important to point out that when those schools were reopened it was with my enthusiastic support. I remember that prior to the time that the Labor Government went into office I took time out to have a discussion with Ms Follett and to tell her that one of my highest priorities - not that it mattered very much; she was going into government - one of the things that I considered very important, should the Alliance Government fall, was the reopening of those schools. Indeed, I mentioned that the reopening of the Royal Canberra Hospital was also one of my high priorities. It is very important for us to understand that we are dealing with nothing more than a senior public servant who is extremely miffed by a change of government and by having his agenda thwarted.

MR DE DOMENICO (4.06): Madam Speaker, I want to get back to the issue at hand. It is not about school closures, and it is not about education. It is about whether two Ministers, one the Chief Minister and the other the Minister for Education and Training, misled this Assembly and the people of the ACT. On the one hand we are asked to accept that all of a sudden, with hindsight, people did not know about an $890,000 estimate, and all of a sudden they can cut away $200,000 and absorb it into another budget. They hide it away somewhere and then go forward to the community and say, "Hey, listen, it is not going to cost $890,000; it is going to cost $500,000 or perhaps $600,000, and the money that is going to be used to reopen these two schools is not going to be taken away from all the rest of the education budget. Nothing else is going to suffer. We can do it right because we are good; we are the paragons of virtue and it is better under Labor". What humbug!

What we are trying to be convinced of here is that the only thing that came into this Government's mind was the way to prudently reopen two schools - that politics did not have anything to do with it. What rubbish! Let us see what Mr Wood said to Ms Follett. I quote from a letter that Mr Wood wrote to Ms Follett:

> Another consideration is that we would be reopening the schools during the lead up to an election should it be held in March of next year.

Politics had nothing to do with it according to this lot on the other side. The option that Mr Wood had in front of him was this: That in the opinion of the Education Department - not just Dr Willmot, by the way - it may cost $890,000 to reopen those two schools if they were reopened in July. That is the important date. The Minister was told, "If you open them in July, Mr Minister, it is going to cost you, we believe, $890,000; but if you wait until next year" - next year, closer to the election - "it is going to cost you only $530,000".

Of course the Government, the people on the other side of the house, did not have a political thought in their mind at this stage! But they said, "Listen, $530,000 seems a good figure. It is about the same amount of money that we are pulling out of the private sector. We can balance one against the other". They are trying to tell us that they did not think that way. No, the paragons of virtue and of economic rationalism said, "Oh no, listen, hold on a tick. Let us have a look at these figures provided to us by all these bureaucrats". All of a sudden, the bureaucrats do not know what they are talking about. "We have been in government for five-and-a-half days and we know all about budgets and all about how things are done". What humbug!

Mrs Grassby: No, we had been in government before that.

MR DE DOMENICO: Mrs Grassby says, "No, we had been in there before". You had made a muck-up of that. You were not even there. Madam Speaker, that is what this debate is all about.

Let us have a look at another aspect of it. They are trying to say, "We did not remove the $200,000 completely". I want to know why the $200,000 was hidden away but included in the education budget? If you were not going to expend it, why did you put it in your budget? We have not had an answer to that yet. The answer is: Because you had to try to hide it somehow because you had gone public and said that it was going to cost $500,000, or perhaps $600,000 after Mr Wood interjected, and no more. You thought, "That is the belief that the community has and we had better do it quickly on 15 July 1991 because if we wait until February or March next year it is too close to an election". That is what Mr Wood said.

Mr Wood's letter went further. It said:

> There are also additional costs above those included in the initial briefing.

The initial briefing, as I understand it, mentioned the figure of $888,000. Mr Wood said:

> There are also additional costs above those included in the initial briefing. These include a back-log of maintenance which would now be required if the buildings are reopened and provision of financial capacity to the schools to allow them to reprovision ...

So, Mr Wood, you believed that that $888,000 was perhaps even a bit low because of these additional costs that may have had to be expended in the future. That was not good enough for you because you had to come up with a figure of about $500,000.

When I asked the question this afternoon, Madam Speaker, about whether he had told or had asked Dr Willmot to come back to him with a figure of around about $500,000, I did not get a direct answer. When I asked him a further question, "Did Dr Willmot refuse to come up with a document which he believed to be a false document", I still did not get an answer, because, of course, politics never comes into the minds of these people opposite; they never think about political things to do! What rubbish! What humbug! The situation, Madam Speaker, is this: The promise was made to the community, in this Assembly and publicly, that it was not going to cost this Government any more than $600,000 to reopen two schools. Conveniently, around about the same amount of money happened to be pulled out of the private sector school budget.

The other point to make is that both Ministers said that no money would be taken away from the education budget, per se, to do with the reopening of these two schools, yet $200,000 worth of maintenance costs suddenly appeared.

Mr Connolly: The money has never been spent. It is non-existent.

Mr Humphries: It is going to be spent and it is related to the opening of the schools.

MR DE DOMENICO: It is going to be spent. Mr Connolly said that it has never been spent. What if the boiler breaks down tomorrow?

Mr Lamont: In 2093 we will spend the money.

MR DE DOMENICO: There is the interjection from the document kid, the man who has been censured by this Assembly. He wants us to give him credibility.

Mr Lamont: No wonder you did not remain treasurer very long.

MR DE DOMENICO: Madam Speaker, can you protect me from the censure kid over there, please?

MADAM SPEAKER: I was getting there, Mr De Domenico.

MR DE DOMENICO: Madam Speaker, let us get on the record what this debate is all about. This censure motion is all about a government which promised one thing to the community and to this Assembly, but which received advice from the people who gave them advice that it was not going to come in within its budget.

It said, "Listen, we have to go out there and make sure that we do not tell them that we are going to spend more than $600,000. How can we get it down from $890,000 to roughly $600,000? By conveniently putting $200,000 of maintenance cost into the normal education budget".

Mr Kaine: Somewhere.

MR DE DOMENICO: Somewhere. Then they have come out - - -

Ms Follett: And then not spend it.

Mr Kaine: How do we know? How do you know whether you spent it or not?

MR DE DOMENICO: That is right. Then they have come out and said, "Listen, it is going to cost only $600,000". We were not told of any initial document from Dr Willmot that said $880,000. We were not told about the fact that Mr Wood said to Ms Follett:

> I will need early confirmation of the availability of funding. There will not be time to go through the normal New Policy Proposal arrangements ... I am seeking your agreement therefore that an amount of $890,000 be approved as a commitment against funding to be provided for new policy proposals in the 1991-1992 budget.

Although he was going to use the new policy proposal, he did not have enough time to go through the official channel or through the official process. He needed $890,000 quickly because this was what it would cost him to open those schools on 15 July. If he had waited to open the schools on 1 January or 1 February 1992, it would have cost only $530,000.

This debate is all about the political decision made by Ms Follett and Mr Wood, in my opinion, to deliberately mislead this house and to deliberately mislead the people of the ACT for political purposes. You did not worry about the students or the schools; the issue was how to make sure that you could say to the public, "Hey, listen, it is going to cost only $500,000-odd". That is what this debate is all about. Madam Speaker, Ms Follett and Mr Wood deserve the censure of this house. If they were really fair dinkum, they would both resign.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.15): Madam Speaker, Mr Kaine made a number of errors with his speech, but the greatest of those was that it was prepared before he walked into the Assembly and he did not make necessary adjustments following my ministerial statement. He repeated a whole range of matters; so you will have to forgive me if I am a little repetitious. One of the major arguments that they have been running is this one of maintenance, saying that we have hidden $200,000 of maintenance in the general budget. The passage of time has demonstrated the truth of what I am saying. We are almost a year-and-a-half down the track, and therefore the budget that the Chief Minister set for this - - -

Mr Kaine: So, you knew a year ago that you did not need the money, although you budgeted for it.

MR WOOD: No, Mr Kaine, we never budgeted for it. Half your complaint is that the matters were never included in the budget. Do not shift your ground.

Mr Kaine: The $200,000 was. You said that it was.

MR WOOD: The $200,000 has never been in the budget. It is in the maintenance program, if indeed it is still there. When its priority is assessed in that list of items that I mentioned before, and others, when it reaches a relative priority with demands across the system, it will be funded, and it will be funded out of the maintenance program. That is the way it was always expected to be.

Let me tell you how the passage of time has demonstrated the accuracy of what the Chief Minister and I have said. We removed those inflated figures from that first bid that was taken to the Chief Minister. I have been through that today. Surely the proof of the pudding is in what has happened since. Were they essential to the reopening of those two schools? Did they have to be on that list, as some people on the other side now want to say? Were those works prerequisite to the functioning of the school? No. The schools are up and running and doing very nicely, thank you. They are very good schools. The enrolments will show you that.

Let me tell you what maintenance has been incurred this year so far, and then for the 1991-92 year. These figures will indicate the perception and keen mind of the Chief Minister, because she was able to weed out unnecessary expenditures.

Mr Humphries: That you had put to her.

MR WOOD: Yes; no question. For the Lyons Primary School, on the figures I have from the department, for the 1991-92 year for maintenance, headed "urgent and minor, operational, recurrent, specific maintenance", the total cost is $25,362. That is nowhere near $200,000. Let us refer to Cook Primary School and see whether we can get near that $200,000 figure. Under the same headings, the total cost for Cook Primary School is $9,251. In round figures, it is about $35,000. That is what we have spent at those schools in a year-and-a-half. I do not have the precise breakdown, but it may even be that it includes the bits and pieces about new windows and tiles and things like that.

We have not needed to replace the boiler. The carpet at Cook, as some of the people out there will tell me, is pretty tatty, but it is still there. It is waiting for other carpets that are tattier to be fixed before getting its turn. The other work that was in that first bid, which is what it was, have simply not needed to be done.

Mr De Domenico: Well, why the urgency, according to your letter? If it was not a good bid, why the urgency?

MR WOOD: Let me turn to the letters. It seems to me that Mr Kaine is not quoting all of the material he has. I read through this earlier, but I will go through it in greater detail. On 15 June we had that letter from me to the Chief Minister seeking $890,000. As she indicated to me, that was a figure that she had great trouble with. The cost of running those schools was $520,000, on Mr Humphries's figures, and therefore the cost of reopening should be about of that order. That was an eminently sensible proposition and I could not dispute it. I immediately went back to the department and said, "Let us go into these figures in great detail. We are going to have to look at those figures for boilers, et cetera, and they cannot be sustained". To repeat, time has proved that. That was on 15 June.

On 17 June I received a minute from the secretary of the department. Mr Kaine quoted some part of it, but not the whole part, because it does not suit him. In this minute, two days later, what did the secretary advise me? I will table this afterwards. This is from the secretary, Eric Willmot, to me:

> The initial maintenance (Cook $10,000, Lyons $1,000) is needed to repair broken windows, damaged taps and similar start-up measures. This and the maintenance back-log -

we keep getting that word that you do not want to emphasise, back-log -

> ... could be absorbed into the Department's general program, and completed on a relative priority basis. This would reduce the extra funds needed by $193,000.

That is the ballpark $200,000 figure. After I queried his first set of figures, the secretary came back to me and said, "Well, yes, Minister, this is how we may properly approach - - -

Mr De Domenico: That is exactly what he said, "Yes, Minister", because you asked him to take off $200,000.

MADAM SPEAKER: Order, please!

Ms Follett: I take a point of order, Madam Speaker. This Minister is responding to a censure motion and I find it absolutely outrageous that I can hardly hear him over the rabble opposite.

Mr Kaine: If he is going to make jokes, we are going - - -

MADAM SPEAKER: Order, please! I remind you of standing order 61, which requires that there be no interruptions. Please continue, Minister.

MR WOOD: The secretary, after facing up to the issues presented to him, came back with what was a more accurate figure. It is as simple as that. He did it two days later. Mr Kaine, in his speech, said that there was no communication between 15 June and 21 June, when the Chief Minister answered the question. Well, here it is.

Mr Kaine: No, I did not.

MR WOOD: Yes, you did. You said, and I am sure that the record will show this, that the Chief Minister, with the only advice she had about $890,000, made her statement on 21 June that could not be sustained; and that is not the case, because here, two days later, is the response from the secretary of the department. We were moving very quickly, as you can understand. There it was. I took these back to the Chief Minister. The figure was $597,000. There was still some further adjustment to these figures, but it was clear what the cost of reopening those schools was going to be. It was about the same cost as it used to be when they were running before. Why not?

Mr De Domenico made a great deal about certain other matters; but I am running short of time, so I will not - - -

Mr Moore: No we will give you an extension. No problem. Relax; you can have an extension.

MR WOOD: All right. He made a great deal of noise about other schools not being disadvantaged, and we said that. We made that absolutely clear. What did we do to ensure that? We maintained the staffing in schools adjacent to Cook and Lyons so that when their numbers dropped, as they did on the reopening, they did not have to rearrange their classes halfway through the year from losing teachers. That cost us, as per my interjection, over $120,000. That is how we helped other schools. *(Extension of time granted)* The figures clearly show that we did protect other schools. We did not impact on them and - - -

Mr De Domenico: What about the private schools that you took money from?

MR WOOD: You can go down that track. The passage of time demonstrates how accurate that was and how much on the ball the Chief Minister was.

Mr Kaine raised a matter of "legal advice". I indicated in my ministerial statement that Dr Willmot had carried on the argument. He was quite passionately involved in this debate. I said that he was too passionately involved and that he had great trouble - indeed, he has not accepted it to this day, it seems - in accepting that there was a new government and new policies that he had to serve. I think that part of the reason for the inflated figure we got was to support the case he had been running and to discourage us from carrying out our announced policy. He carried that on afterwards, because after Ms Follett's answer in the Assembly he did raise the issue of the correctness of that answer. As I said earlier, I listened most carefully because I am sensitive to those matters.

Then Mr Kaine brings up an isolated page which might well be in the form of a note for file or an aide-memoire or something of that nature. I am not sure what other status it has, because it is not identified. The letter clearly makes the point that I have been arguing - that Dr Willmot carried on his argument.

Mr Kaine: Did he advise you that you had misled the house?

MR WOOD: We had that discussion.

Mr Kaine: That he had legal advice to that effect.

MR WOOD: That was his discussion. To that, my answer now is, as was my answer to his approach to me at that time, "So what?".

Mr Kaine: So what? That is exactly the point. You misled the house, and the answer from you is, "So what?".

MR WOOD: There was no official departmental - - -

Mr Connolly: Where is that advice?

Mr Kaine: I presume that it is on the departmental files.

Mr Connolly: No.

Mr Humphries: It must have been oral advice.

MR WOOD: Madam Speaker, I will go on. There was no official departmental approach for legal advice. I am not sure what steps Dr Willmot took. It may have been on a written brief or a verbal brief. I will certainly have a look and see whether there was any cost attached to it and whether the department paid for something.

Given the facts that I have announced about his attitude to these things, I do not expect that any legal advice to him, whether verbal or written, would be any different. We have sat in this chamber in relation to numbers of matters - for example, whether a government's money Bill can be amended in private members legislation - and we can get as many legal advices as we go to solicitors or barristers. You well know that you can go to your solicitor and you can get the advice you want. I do not know whether that advice has any status at all. I do not know what the brief was. I do not know the nature of the brief or what the approach was - and you want to run an argument about this.

The further thing that I might say is that the department has turned its files upside down. Since this matter was raised by the *Canberra Times* yesterday, they have been looking for any letter of this nature, and it has not surfaced. I do not know where this came from. We can locate nothing. As I said here, I think in question time yesterday or in my ministerial statement today, I certainly had a conversation with Dr Willmot about these matters and he was as wrong in his interpretation of allegedly misleading the house as he was in a whole range of those other things. He was too passionately involved in it. I told him that. I told him that his advice was not soundly based and there was no argument at all that either I or the Chief Minister misled the house. I heard his advice and I rejected it.

Debate interrupted.

ADJOURNMENT

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

> That the Assembly do now adjourn.

Ms Follett: I require the question to be put forthwith without debate.

Question resolved in the negative.

CHIEF MINISTER AND MINISTER FOR EDUCATION AND TRAINING
Motion of Censure

Debate resumed.

MR CORNWELL (4.31): Madam Speaker, let me reiterate once again that this motion of censure against the Chief Minister and, as it so happens, the Minister for Education is not about Cook and Lyons schools, their closure, their reopening or, indeed, the costs involved. What it is about is the integrity of this Government, their honesty in producing funding through the budget mechanism and their attempts to mislead not only this house but also the public on the matter of costs relating, as it so happens, to two schools. It could have been a matter that affected transport. It could have been hospitals. It possibly is hospitals; I do not know. It could have been any area of policy, Madam Speaker.

Unfortunately, this debate really comes as no surprise to me, because I have to say, and I say it kindly, that misleading comments are becoming quite a feature of this place; comments which later lead to all sorts of misunderstandings. I am afraid that I have to give as two examples comments made in this place by the Chief Minister in answer to questions. For example, on 12 December 1991 Mr Duby asked, in relation to the casino project, whether the money from the premium would be directed to cultural facilities on section 19 in Civic rather than community facilities such as the Tuggeranong pool. The Chief Minister explained - - -

Mr Connolly: I raise a point of order, Madam Speaker.

MR CORNWELL: Now, just a moment.

Mr Connolly: One would have to ask about the relevance.

MR CORNWELL: Madam Speaker, I am trying to demonstrate - - -

Mr Connolly: This is a censure motion about a particular alleged misleading statement. He is now talking about something else entirely.

MADAM SPEAKER: Mr Connolly, I will await the further development of the speech to judge that one. Please continue, Mr Cornwell.

MR CORNWELL: The Chief Minister then stated in answer to Mr Duby that she believed that the commitment on the cultural facilities had been given in the context of the casino on section 19. That is perfectly in order. She then said, "It does not necessarily apply in the current circumstances". She was then asked by Mr Duby:

> Does that mean that the $19m will not be spent on cultural activities?

She replied:

> I can confirm that it will be spent on community facilities.

We can argue, as she responded yesterday, that it was going to be used on community cultural facilities. Nevertheless, the 12 December answer gives rise to misleading statements, in my belief.

Ms Follett: I raise a point of order. Madam Speaker, we are dealing with one matter of substance here. I think that, if Mr Cornwell wants to deal with another matter of substance, then he must move a substantive motion on that matter.

Mr Humphries: May I address you on the point of order, Madam Speaker?

MADAM SPEAKER: Yes, I will indulge you.

Mr Humphries: Madam Speaker, the motion is that Ms Follett and Mr Wood be censured. There is no reference to Cook and Lyons primary schools. Although that has been the main thrust of the argument so far, there is nothing to exclude the Opposition raising in the course of this debate a number of matters which touch on that question - that is, whether the Ministers should be censured. I would submit, therefore, that what Mr Cornwell has to say is very relevant.

MADAM SPEAKER: Thank you, Mr Humphries. Would you indulge me for a minute, Mr Cornwell?

The question is one of relevance. Two things are being discussed here. The first is whether Mr Cornwell is entitled to raise those previous matters. He is entitled to raise those previous matters. There is no problem with that. What I was concerned about, Mr Cornwell, is that what you are doing, in effect, is accusing the Chief Minister of misleading the house on 12 December. That should be dealt with as a motion of censure of the Chief Minister. I understand what you are doing in terms of parallel, but could I caution you to change the wording perhaps. Otherwise, if you want to pursue that particular matter, that will have to be by way of motion. Perhaps you could rephrase that area.

Ms Follett: I take a point of order, Madam Speaker. May I ask that he withdraw the imputation?

MADAM SPEAKER: Please do so, if you would, Mr Cornwell. I did intend that, through my ruling, Ms Follett.

MR CORNWELL: For the purposes of the debate, because this is far more important than whether or not the Chief Minister believes that I have misled the house or whether I have attacked her personally, I will withdraw, Madam Speaker.

I would like to refer now to a misleading statement that she made today, earlier in this debate. That was the reference to the question that was asked by Mrs Nolan last year. She said that Mrs Nolan asked about only advice from Treasury. This simply is not so. Mrs Nolan asked:

> Can the Chief Minister inform the house of the total cost of reopening Lyons and Cook primary schools? Will this money be found from within the education budget; if not, where will it come from? Can the Chief Minister inform the house what advice was received from Treasury ...

There were, in fact, three questions asked, not one question relating simply to Treasury's view. In response to this, the Chief Minister said:

> ... the nearest that we can work out is that the closure of the Lyons Primary School cost some $1.2m. I believe, therefore, that any reasonable person who looks at the cost of reopening those schools would regard it as very good value for the money. I do not have the precise figures with me, but I am aware that the total cost for the two schools to be reopened is in the order of half a million dollars - - -

Mr Wood then interjected and said:

> And $100,000 for maintaining staff.

Ms Follett continued:

> Thank you, Mr Wood. It is $500,000 plus - in the order of half a million dollars, as I said.

I do not really think that another $100,000 puts it within the order of a half a million dollars, as I said - nevertheless, we will accept it - because it comes to $600,000. It was only later, when Mrs Nolan had to ask a supplementary question, when she asked about the third part of the question relating to Treasury, that Ms Follett responded to that point. It was much more, Ms Follett, than just getting your views as to whether you had consulted Treasury. This, I believe, is relevant, Madam Speaker, because it does show the situation we are in - the ducking and weaving that is going on in this Government on this whole question. I have to say that it really does not come as a surprise.

If we look at the correspondence that Mr Kaine has already referred to, dated 15 June, it talks about a figure of $890,000, whereas the question on 21 June refers to a figure of $600,000. What happened between the 15th and the 21st, a matter of six days? Maybe the correspondence did not get there, but I find that rather difficult to imagine because it only has to move across several offices.

The real issue of this, Madam Speaker, was that the full cost, the $890,000, needed to be covered up. The reason it needed to be covered up was that the flak was already flying on the cost of reopening, particularly on the per pupil basis. We can see that there were costs, and there were complaints made in the media, of $4,800 per student, when the average for 1990-91 was, in fact, $4,380 per student in any other primary school in the ACT. At Lyons and Cook it was $4,800, and that was because there were only 125 students registered at that point. That was on the opening of those schools. We know now that the figures have risen; but it was significant at the time that it was $4,800, or $500 more than in any other school on a per student basis. It was a bit too sensitive for the Government, and we can understand it. At $890,000, Madam Speaker, the cost per pupil on 125 pupils would have gone over $7,000, and that had to be held up; it had to be hidden. It was far too significant a figure to be ignored. *(Extension of time granted)*

Madam Speaker, the fact is that we are addressing this as a question of the integrity of Ministers and of governments. We are all aware that the problems of governments and their attempts to hide things are becoming a little too common in the country at the moment. We had a situation in Western Australia just reported on. No, do not shrug your shoulders; we know that it is a Labor Government that is involved. The fact of the matter is that these things are happening far too frequently. It is therefore important that we get to the bottom of these things. Short of leaks occurring, Mr Connolly, there is no way that any opposition can find out just what is happening, unless we can be assured that we are dealing with a government of integrity. I am certainly not convinced, Madam Speaker, that that is the case at the moment in the ACT. Hence I support the censure against the Chief Minister and the Minister for Education because it is important that any opposition seek to keep governments on their toes and keep governments honest, not only to this parliament but also to the community that we all represent.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.43): Madam Speaker, we have really been wasting our time this afternoon on this censure motion because Mr Wood, in his statement after question time, made the facts abundantly clear. Those facts need to be quickly reiterated. There was a preliminary estimate of the cost of the schools, that $800,000-odd figure.

Mr Stevenson: $900,000.

MR CONNOLLY: $890,000. That was made up of a number of extraordinary claims for new works, like new carpet, new boiler, new PA system, new fire detection, new evacuation system - $164,000 worth of works which, as Mr Wood said, have not been done. The answer that was given in the house last year was $500,000 plus $100,000, so $600,000. The figure that came out in the Estimates Committee of the actual cost was $653,000 or $657,000. So, we were out - - -

Mr De Domenico: So, the Chief Minister was about 25 per cent out.

MR CONNOLLY: No, no; we were out by some 10 per cent on that estimation. That is within the bounds of the estimates for a new proposal. Your argument is this; that there was a preliminary estimate - - -

Mr De Domenico: That you have misled the house. That is the argument.

MADAM SPEAKER: Mr De Domenico, I ask you to stop interjecting.

MR CONNOLLY: Your argument is this: There was a preliminary estimate from a department of some $900,000; we gave a $600,000 figure; therefore we misled the house. Well, Madam Speaker, mea culpa too, because let me tell you a story about the Ainslie Transfer Station - another complete muck-up of the Alliance Government.

Mr Stevenson: I raise a point of order, Madam Speaker. I was most interested in listening to the detail of the debate on the school closures. Perhaps the Minister would continue along that line and continue informing us. I think there is a lot to look at.

MADAM SPEAKER: There is no point of order. Please continue, Mr Connolly.

MR CONNOLLY: What I am doing, Madam Speaker, is explaining the process of government, which should be interesting to Mr Stevenson - he has never been in government, and is unlikely to be in government - but which you lot should understand - - -

Mr Kaine: I take a point of order, Madam Speaker. You did rule earlier that Mr Humphries could not proceed on an associated line of questioning because the Chief Minister objected to it. It is equally true, then, that Mr Connolly should not be introducing new material. Let us address the issue that the Chief Minister thinks is the issue, and let us have equality on each side of the house.

MR CONNOLLY: No; I took the point of order and I lost.

MADAM SPEAKER: Thank you, Mr Kaine, for that point of order. It was in fact in relation to Mr Cornwell's speech, when some point of relevance was being raised. What I said was that I would await the development of his speech before I ruled, and I allowed him to proceed. So, Mr Kaine, I would like to allow Mr Connolly to proceed.

MR CONNOLLY: Madam Speaker, what I am trying to say - it should be edifying for Mr Stevenson, because he has not been a member of a government, but common knowledge to members opposite who have been in government - is that preliminary bids by departments are often wildly at odds with the actual cost, particularly when an incoming government is seeking an urgent move to reverse a policy that those public servants were being paid to defend but a few short weeks before.

As I was going to say, let me tell you a story about the Ainslie Transfer Station. When we came into government and I got the first figures for the Ainslie Transfer Station and presented them to the Chief Minister, in much the same way as Mr Wood did with the first figures for Cook and Lyons schools, they would have made your hair fall out. They probably made my hair fall out. They were an extraordinary bid, above and beyond the actual cost of reopening the Ainslie Transfer Station. I do not have it at my fingertips now, but we canvassed it in the Estimates Committee and the final figure was given. The original bid was considerably higher.

Madam Speaker, there is nothing unusual about getting a bid for resources that is significantly above what it should be. Mr Kaine should know that. Mr Kaine has been Treasurer of this Territory and in his dealings with his Ministers I suspect that he took out the red pen and had a good close look at what his Ministers were asking for. If he did not, he should have. His service before entering this Assembly was in financial management, in the Public Service and in the Defence Force. He would know full well that agencies put in overbids at first analysis, and it is the job of managers and it is the job of Ministers to take those bids and pare them down. As Mr Wood said, after getting that first bid, he was toing-and-froing with the Chief Minister, and the Chief Minister was fulfilling her role as Treasurer with a sharp pencil, which she does in relation to all of her Ministers. Mr Wood came back and had another look at it, and there we go. We were funding $164,000 worth of works that were not part of the urgent need to reopen the school. Indeed, as Mr Wood said today, these works have not even taken place. The new boiler, the $24,000, has not happened. A lot of that has not happened. They were padding or inflating of the figures. So, there has simply been no misleading of the house.

What is of concern is this extraordinary document of which Mr Kaine has tabled one page. As Mr Wood indicated, that is not a document that appears on any official file, on the searching that Mr Wood has had undertaken. We would be very interested to know where that document is and where it came from. The legal advice that is referred to there is not on any official file, and that is an extraordinary proposition. It is an extraordinary proposition that it refers to legal advice from a named private solicitor, whose name we need not enter into the debate, because the Government Solicitor is the body responsible for advising Ministers and departments on matters needing legal advice. There are protocols within the Government Solicitor's Office in relation to the circumstances under which a Minister, or an agency, or a departmental head may go outside the Government Solicitor's Office to private counsel. They require approval in most cases by the Secretary of the Attorney-General's Department. That did not apply in this case.

Mr Willmot appears to have just picked up the phone, spoken to a lawyer and told him a version of events, and then said, "I was told that that amounted to misleading the house". I would like to know what Mr Willmot told that lawyer and I would like to see that lawyer's advice, if it exists, before I would give any credence to the view that Mr Kaine was pushing, that this is the masterpiece which establishes his case. All we have is a record, which does not appear on any departmental file, of a legal advice. There is no record of it being given and it would have been improper for it to have been sought by that then public servant without going through the appropriate procedures to get legal advice other than from the Government Solicitor. We cannot see the advice. It was obtained in inappropriate circumstances.

This is a furphy. I suspect that Mr Willmot told that lawyer his version of events, and his version of events would have been, "The cost is $900,000; they said that it was $500,000; is that misleading?". Given that, one could assume that that is right. But the fact is that that $890,000 bid was not the real cost. That has been made clear by the information from Mr Wood which shows that that was padded out by at least $164,000 and in other ways. At the end of the day the proof of the pudding is in the eating, and the proof of this alleged misleading statement is the actual cost that was given to the Estimates Committee. It was the ballpark figure, $500,000 plus $100,000.

Mr Kaine: Plus another $65,000.

MADAM SPEAKER: Order!

MR CONNOLLY: Plus some $50,000. It is nothing like the $890,000 figure. That was a ballpark inflated figure, very similar, Madam Speaker, to the type of ballpark inflated figure in the case of the Ainslie Transfer Station, and very similar to the type of inflated figure that you tend to get with any policy proposal. My experience is that, generally speaking, when you ask, "How can we do something?", the information that comes to you includes an ambit claim. Why Ms Follett's budgets have always been balanced and your budget was out by $6m is because Ministers in this Government take out the pen, pare those estimates and say, "You have to do this within a budget. You have to do it cheaper and you have to do it smarter".

Madam Speaker, all that this shows is that the Opposition either does not understand the process by which government budgets are created and bids are made - given their record in government that would not be surprising - or are just wilfully trying to beat up a claim of misleading when the evidence is not there. Apart from that silly headline, what those figures show is that there was an original bid which was far, far higher than the actual cost, and that the actual cost was some $50,000 above the estimate that was given, and that is within the range of estimates. That actual cost was certainly far closer than your so-called original figure of $900,000.

MS SZUTY (4.53): I was not going to address the censure motion this afternoon; but, given the debate, I think I will. Perhaps I will be the last speaker before Mr Kaine sums up, and perhaps that is appropriate, I having been one of the key protagonists against school closures during the time that the debate occurred. Mr Humphries, in particular, will remember my involvement well.

Madam Speaker, the Liberals are obviously speculating about what happened behind the scenes regarding the reopening of Cook and Lyons primary schools once the Alliance Government was ejected from office. The incoming Labor Government had given a commitment to the community about the reopening of the two schools and set about enabling that to happen. It frankly does not surprise me that the department, and in particular the secretary, Eric Willmot, did not want this to occur.

Madam Speaker, I do not believe that Ms Follett and Mr Wood misled the Assembly with regard to the reopening of these two schools. They presented the facts as they were and they are. It is entirely reasonable that the moneys originally included in the bid that were in fact for future cyclical maintenance were later removed from the final costings as correctly quoted by Ms Follett and Mr Wood. All public schools in the ACT operate with a recurrent budget. A separate budget is kept for all public schools for cyclical maintenance. I urge members to reject this censure motion, which I believe has no substance whatsoever. On a personal note, I hope that this Assembly and this Territory never face the spectre of wholesale school closures in the future.

MR STEVENSON (4.55): I think the debate has shown that there is an acknowledgment by everybody here that budget estimates for particular areas can be inflated or reduced to fit a particular position rather than to mirror actual costs. It is acknowledged by the Chief Minister and the Minister for Education, Mr Wood, that they received a figure of $890,000-odd. Mr Wood then asked for that figure to be allowed. A couple of days later, another figure was presented to the Minister, in a letter by Mr Willmot, which did not include maintenance costs. That drastically reduced the initial estimates. We get now to the situation of whether or not those maintenance costs were relevant. We need to look at the actual maintenance expenditures for Cook and Lyons schools. As Mr Wood read out earlier, they were some $25,000-odd and $9,000 - a total of about $35,000. So, we did have $35,000 spent on maintaining the two schools. Whether they were maintained as they should have been or not is open to conjecture. I certainly do not know.

I am told that the principle of maintenance is one of priority. There is a particular sum - let us take $2m as an example - and the various priorities for school maintenance are taken from that amount. We know that some $35,000 was taken from that amount for Cook and Lyons primary schools. It was stated by Mr Wood in a letter to the Chief Minister:

> Both you and I are on record as having stated that the cost of reopening Cook and Lyons Primary Schools will not be borne by other schools in the public system ...

A question can be asked about that maintenance money. If an amount of money went to Cook and Lyons primary schools, as indeed it did - some $35,000 - that obviously was borne by other schools because they did not get it. That shows that the statement that the other schools would not bear any of the costs of reopening the Cook and Lyons primary schools was not quite accurate.

We know that the Chief Minister, in answer to a question in the Assembly, said that the sum would be in the order of $500,000. Mr Wood added $100,000, so that was $600,000. We know that the actual cost was $657,000 plus the $35,000-odd for maintenance that was taken out of the maintenance budget. I understand that no extra amount was put into the maintenance budget after Cook and Lyons primary

schools came back on line. It remained at whatever was there initially. That budget had never been altered, up or down, at any time through the school closure period. I was told that it was maintained. We realise that some of the money that would have gone to other schools did go to Cook and Lyons primary schools - some $35,000 out of the maintenance budget.

Mr Wood: After they reopened.

MR STEVENSON: Yes, after they were reopened.

MR KAINE (Leader of the Opposition) (4.59), in reply: Madam Speaker, the debate has gone on for a couple of hours. I put the proposition that the two Ministers were culpable on, essentially, two grounds. Firstly, they understated the cost of reopening the schools. Secondly, they did not honour a commitment that the other schools would not carry some of the burden of opening these two. I have heard nothing that changes my view. It is all very well for the Ministers to say, "Well, two years down the stream, looking back over our shoulders, this happened and that happened, and something else happened". I do not believe that it changes one iota the basic premise that I put forward.

I think that neither of the Ministers has answered, for example, why they thought it necessary, if the figures were above board and accurate, to obscure $200,000 in their budget and transfer it to - to use the Minister's words at the time - "the general program". Since he was talking about the education program, we can assume, I think, that he was talking about the general education program, and $200,000 was siphoned off and obscured within the general program. Why did he do that? Why did the Chief Minister concur in that? Because they did not want the total figure to be known; that is why. In explaining it today, Mr Wood said, "That is probably hidden in the general maintenance vote somewhere and it has not been spent because we have not replaced the boiler, we have not replaced the carpet and we have not done this". The presumption is that it is still there - - -

Mr Lamont: Madam Speaker, I rise on a point of order. The Leader of the Opposition has suggested that the Minister for Education said that it was "hidden" somewhere in the expenditure budget.

MR KAINE: That is what he said.

Mr Lamont: That is not what he said and I ask you to withdraw that.

MR KAINE: Madam Speaker, it is what he said, but, if Mr Lamont sees some accusation in it, I withdraw the word "hidden". "Obscured" is a better word. That is what the Minister said, not what I said. He said that it is probably there somewhere. Well, if it is there, it is not obvious; it is obscured; it is hidden. In the Minister's own words, it has not yet been spent. When we eventually fix the boiler and replace the carpet it will be spent, so you must add that to the $670,000, approximately, that has been spent already. What do you get? You come back very close to the original $890,000 that was quoted. Despite what the Minister has said and what the Chief Minister has said, neither of them has proved that the original figure of something of the order of $890,000 is not absolutely correct, yet never before has that figure been mentioned. They have always talked about - - -

Mr De Domenico: It was mentioned in Mr Wood's letter.

MR KAINE: Yes, but not publicly and not in this Assembly. They have always talked about $500,000. Madam Speaker, I assert that my original proposition has not been disproved by anything, despite all the rhetoric from the other side and despite Ms Szuty's implicit faith in the Chief Minister that she always tells the truth. They have not disproved my proposition.

The second element of my case was that the Chief Minister and the Minister said that the other schools would not carry this burden; that the extra money, whatever it was, would come out of the general budget. Now we learn, by the Minister's own words, that it is coming out of the education budget. You cannot have it both ways. If it is coming out of the education budget and no additional provision has been made, the other schools in the system are sharing the burden of reopening these two - QED. It does not need anything further, and nothing that either of these two Ministers has said has disproved that proposition.

Madam Speaker, my general propositions that I put at the beginning of this debate still stand. Neither Minister has rejected them or disproved them; so the case, I believe, has been made. They stand condemned because they have simply been unable to defend the accusations made against them. Madam Speaker, these two Ministers deserve the censure of this parliament.

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, under standing order 46, I would like to make a personal explanation.

Mr Kaine: We have not voted on the motion yet, Madam Speaker.

MS FOLLETT: I will do it afterwards. That is okay.

Question put:

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

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

Mr Lamont: Madam Speaker, I wish to advise that a pair has been arranged for Mrs Carnell with the Deputy Chief Minister, Mr Berry.

The Assembly voted -

AYES, 6	*NOES, 9*
Mr Cornwell	Mr Connolly
Mr De Domenico	Ms Ellis
Mr Humphries	Ms Follett
Mr Kaine	Mrs Grassby
Mr Stevenson	Mr Lamont
Mr Westende	Ms McRae
	Mr Moore
	Ms Szuty
	Mr Wood

Question so resolved in the negative.

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I seek leave to make a personal explanation under standing order 46.

Leave granted.

MS FOLLETT: My personal explanation relates to the document tabled during the course of the last debate by Mr Kaine. Madam Speaker, it is my recollection that in the course of debate Mr Kaine made the assertion that I was aware in some way that there was legal advice on the question that this Assembly has just voted on. Madam Speaker, I have never seen this document before today. The document that we have before us is clearly part of a larger document. It is neither the beginning nor the end, but rather an isolated page from somewhere in the middle. The document clearly has erasures in it. Finally, the document refers in the final paragraph to an alleged legal opinion obtained from Mr John Topfer, of Mallesons Stephen Jaques. Madam Speaker, I have seen no such legal opinion. I know of the existence of no such legal opinion. I would like to say also that neither at the time that Mrs Nolan asked me the question, about 21 June last year, nor at any time since has there been raised with me any question that my answer on that occasion may have misled the house.

PRESENTATION OF DOCUMENT

MR MOORE (5.08): Madam Speaker, I seek leave to move a motion requiring Mr Kaine to table in this Assembly, by the close of business this day, the full document, including attachments, which he identified as a letter from Dr Eric Willmot and of which he provided a page extract at the request of the Assembly following his speech.

Leave granted.

MR MOORE: Madam Speaker, I move:

> That Mr Kaine (Leader of the Opposition) be required to table in this Assembly, by the close of business this day, the full document (including attachments):

(1) which he identified as a letter from Dr Eric Willmot; and

(2) from which he provided a page extract at the request of the Assembly following his speech.

Mr Kaine: I can only table what I have.

MR MOORE: No; that is not what the motion says. Perhaps I could clarify the matter. This is an extract from a broader document. Quite clearly, it includes attachments. It refers to attachment 4b and it refers to attachment 5. The motion that I put is that Mr Kaine be required to table the whole document including attachments. That is what I am saying.

MR KAINE (Leader of the Opposition) (5.09): Madam Speaker, I have only the document that I tabled. I do not have any other parts. I cannot table what I do not have.

Mr Connolly: You do not have it here, or you do not have it up there?

MR KAINE: I do not have it, period, Minister. I do not deceive this parliament. I do not have any part of the document other than the page that I tabled. I cannot produce what I do not have.

MR MOORE (5.09): Madam Speaker, on the word of Mr Kaine, which I have never been in a position to question, that he does not have that document, there is no point in proceeding with the motion. Therefore, I seek leave to withdraw the motion.

Leave granted.

Motion withdrawn.

LEGAL AID COMMISSION RESOURCES
Discussion of Matter of Public Importance

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

> The lack of resources suffered by the Legal Aid Commission resulting in an increasing number of people in our community facing the courts without representation.

MR MOORE (5.11): For most people, going into a court is an alien and frightening experience. To prepare a case to defend oneself is full of mysteries associated with subpoenas, discoveries, affidavits, precedents and an array of rules of evidence and other rules prior to even standing in front of a judge or a magistrate. Madam Speaker, I am aware of an unemployed child-care worker who, in two weeks' time, will be facing the Supreme Court and a lawyer for the prosecution representing the Australian Federal Police, with absolutely no representation for himself. He has been charged with assault - a very serious charge which may result or could result in a sentence and a subsequent loss of livelihood. Who wants to employ a male child-care worker with an assault conviction? Madam Speaker, rather than getting into an area that may well touch on the sub judice rule, I will not continue with that particular example any further - - -

Mr Connolly: I will give the real facts of that matter.

MR MOORE: I will not continue, other than to say that the ground on which this person was refused legal aid was that a sentence was unlikely and that the loss of livelihood was also unlikely. This assessment was based on precedents of outcomes for those with no prior convictions. The assessment may or may not be correct, but this person faces a very real chance of a conviction of assault - otherwise he would not be going to court - being recorded against him, which I doubt will enhance his chances of employment in a child-care field in the future.

Madam Speaker, Mr Connolly interjected, "I will give the real facts of the matter". I think, Madam Speaker, that I have been taking great care not to present the facts of this matter in this house, with due deference to the Supreme Court. It seems to me that, without my trying to present one side, it is inappropriate that Mr Connolly should do so.

Mr Connolly: You have raised a slur that we have done something wrong.

MR MOORE: Mr Connolly interjects again, Madam Speaker, that I have raised a slur that he has done something wrong. I want to clarify that. In no way have I raised a slur. If I could have Mr Connolly's attention, I would appreciate it. The only point to be made here is that somebody applied for legal aid, as an unemployed child-care worker, and was not able to get it. That is the important issue. The facts of the matter and the charge, I think, are irrelevant in this case. I hope that Mr Connolly will take that into account. Normally he does, so I will accept that.

This person claims, and he also claims he has witnesses, that he is not guilty as charged. I think that is the important issue, because that is why somebody goes for legal aid on many occasions. His guilt or his innocence is not the issue here. That is for the court to decide. I think that is the point that we agree that we are not going to debate.

Mr Connolly: You acknowledge that he has chosen to go to the Supreme Court. You know that he could have had the matter dealt with in the Magistrates Court.

MR MOORE: The issue is that he is one of an increasing number of people in our community who are forced to go into a court with absolutely - - -

Mr Connolly: No; he has chosen to go to the Supreme Court.

MR MOORE: With absolutely no assistance or representation, because they do not have the means to engage a lawyer and the Legal Aid Commission has not the resources to provide representation. Mr Connolly interjects that it is his choice to go to the Supreme Court. We have a court system with a range of levels. Any member of the public should be able to feel that they have access to whatever court will protect their innocence.

The case raises alarm bells about a fundamental premise of our justice system - that we should all be entitled to legal representation in our courts. It is also highlighted that this is not an isolated case. People as young as 17 years of age have appeared in our courts recently, vigorously attempting to defend actions, with no idea at all of court procedure and the law. They are, in some ways, at the mercy of legally trained personnel, with absolutely no working knowledge of how to save themselves. Never mind whether they are innocent or guilty; that has become secondary to the fact that their case will not be argued at all. At this point it is worth noting the attitude of the judiciary. I have been in court and watched people who are not represented and the care with which judges deal with them. At no stage am I impugning in any way either the magistrates or the judges; in fact, rather the opposite. There is no doubt about the care that they take with people who are not represented.

So, why does not the Legal Aid Commission organise some representation for these people? How can an organisation supposedly dedicated to the equity and access principles that the Labor Government continually refer to not provide hopelessly vulnerable people with assistance? The answers are twofold and, unfortunately, very familiar - resources and priorities. During the last financial year the Legal Aid Office suffered an 8 per cent decrease in grants of legal aid. I am sure that no-one in this house needs reminding that more and more people are joining the ranks of the unemployed, homeless and poverty stricken, with the result that more and more people in our community are in need of legal aid.

The Commonwealth's attitude to legal aid is scandalous. That is ironic, of course, because it was under the Gough Whitlam Labor Government that the concept of legal aid was introduced. Recent newspaper articles have shown that similar problems encountered by other legal aid commissions around Australia are leaving an increasing number of people to fend for themselves with no representation. The articles have revealed much backslapping and whitewashing by those in government in those States. Justice is about equity for all, or are we living in an *Animal Farm*? Is this just a case of "all pigs are equal, but some pigs are more equal than others"?

The recent and welcome changes in domestic violence legislation had consequential ramifications on the law courts, but the Legal Aid Commission did not receive consequential funding to deal with the increased demand. In 1990-91, $50,000 was offered to Legal Aid in the ACT by the Commonwealth on the proviso that the ACT Government matched it. They did, and that was a significant help in what, clearly, were trying times. However, since then, in 1991-92, 15 per cent more people than in the previous year applied for legal aid, and 8 per cent fewer than in the previous year were actually granted legal aid. No additional funding was forthcoming.

Our sympathy and understanding, I think, belong with more than those who cannot get the legal aid. I am confident that the very overworked and committed staff members of this organisation share this concern regarding this issue. Lawyers who work for such organisations are very special people. They are dedicated. I am sure that it disturbs them a great deal that some in our community are being denied the most basic right of having an advocate in the court. We should understand just how stressful they find it to have to deny assistance to certain people, due to lack of funds.

If the Government claims that it simply cannot afford to fund this organisation at the level it requires to enable justice for all, not just the lucky and the well-off, it needs, I guess, to reassess its social justice priorities. How can we expect justice until the prosecution and defence budgets are the same? This is a principle which really should be considered by the Standing Committee on Legal Affairs.

In order for a more realistic approach to be taken to the whole system, maybe fees charged by members of the bar should be reassessed, to find a way to allow all members of the community access to the law. This, in itself, would decrease the cost of legal aid, as it would not need to raise such enormous funds to provide defence for so many. But, rather than put the onus fully on lawyers and the Law Society, I think it is appropriate to recognise their current contribution in

providing a free advice service on a voluntary basis, in addition to recognising government financial responsibility. In recognising those things, I think it is appropriate for us to call on the Law Society to assist this debate by providing ideas to the Standing Committee on Legal Affairs on how legal aid or assistance can be extended to assist those in need.

A question that I feel must be raised at this point is the composition of the commission. A good question to ask is: Why are two-thirds of the commission's membership private practitioners of the law? In no way do I denigrate the individuals involved or their contribution. Why are there no representatives from organisations more in tune with the general community serviced by Legal Aid, such as ACT law reform or community organisations such as the Salvation Army or somebody in addition to the representative from the ACT Council of Social Service, who is the only representative who fits that bill? How much would this situation exacerbate the problems currently being experienced by so many in our community? By definition, the clients are not the powerful, the articulate, the wealthy, the confident and the able. They are vulnerable people, often suffering social isolation or stigma. I find it hard to understand why this board does not comprise people chosen from those sectors of the community more closely in contact with the realities of the clients. Perhaps the Minister might consider expanding that board to fulfil that role.

I indicated earlier that legal aid can largely be attributed to the Labor Government in the Gough Whitlam era. The Labor Party now, with its policies purporting to increase equity and access, needs to ensure that Legal Aid does not contribute further to victimisation of those in need of empowerment and support by its failure to maintain the funding necessary to meet that need. Although it is not appropriate that we should look to other countries such as the United States of America for models - and I rarely do - I do find it interesting that many of our population believe that Australians enjoy the same rights as those expressed in almost every American TV cop show. I am sure that many of your children - and yours too, soon, Terry - will be able to recite the line, "You have the right to remain silent and you have the right to an attorney". I think it is very important to note that Americans perceive that they have a right to an attorney. I think many Australians suffer quite a shock when confronted with the fact that they do not have the same right.

In order for Legal Aid to justly represent those desperately needing assistance in battling with some power in a situation that could often affect them for the rest of their lives, I urge the Government to ensure that the Legal Aid Commission truly represents the community and has the funds to enable those most in need of that basic right to have a defence counsel in a court of law. I also urge that the Standing Committee on Legal Affairs continue to pursue with diligence this particular issue in the reference that they have in front of them.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (5.23): I would certainly endorse Mr Moore's last remark, that we hope that the Legal Affairs Committee can make some headway in looking at issues of costs in the legal system. It is a valuable reference.

I have to say one thing at the outset and take some issue with Mr Moore's example that he gave at the opening of his remarks. It was a very emotive example. He said that there is a young unemployed person in Canberra who has been brought before the Supreme Court and is facing a major trial in coming weeks; that he had no choice in being there; that he has no legal aid; and that this is a terrible thing. I wish that Mr Moore had raised this particular instance with me bilaterally before raising it here. I said, "I will give you the real facts of that case". If he was assuming that I was going to give you chapter and verse, name and charges, I obviously would not do that. That would be sub judice and it would potentially prejudice the trial. Without identifying the person, without identifying the charge or how it arises, I must say this: That person has elected to go to the Supreme Court for a matter that is normally dealt with in the Magistrates Court. He has elected to go to a jury trial which may last three days.

When we looked at the DPP's annual report earlier this year we saw that only a fraction of the criminal charges in this Territory are dealt with by jury trial in the Supreme Court. If all citizens asserted their right to a jury trial every time, the system could not cope, let alone Legal Aid. We would need a legal aid budget, instead of in the $4m to $5m range, in the $100m range. We would not need four judges; we would need 40 judges. The system would collapse. When an individual chooses, and they have a right to choose, to go to the Supreme Court and to have a matter that could be dealt with in the Magistrates Court instead dealt with before a jury over a period of days, that is their choice; but it does not necessarily follow that that application for legal aid will be granted a priority, because all applications are assessed.

Our record on legal aid in this Territory, Madam Temporary Deputy Speaker, is a proud one. On the last national figures that are available, which are in a publication *Legal Aid in Australia 1990-91 - Statistical Yearbook* published by the Office of Legal Aid and Family Services in the Attorney-General's Department, compared with a national average of $12.99 per capita spent on legal aid, the ACT spends $14.85 per capita. We are exceeding the per capita national expenditure by some 14 per cent. Our figures on the number of persons who get access to legal aid again are well above the national average. We provide 20.1 free advices to citizens per 1,000 population, compared with a national figure of 12.1. We provide, statistically oddly, precisely 1.000 grants of legal aid per 1,000 head of population, compared with a national figure of 0.86. So, in all areas, our legal aid effort is greater than that of the States.

Needless to say, we could do more with more money. It would be better if we had a system where more legal aid could be granted. I am sure that Mr Moore, Mr Humphries and I would agree on that, but we do not have unlimited pockets in the ACT. We all know the ACT budgetary situation. I am proud that this Labor Government has continued a proud record of funding the ACT Legal Aid Office at a level well in excess of the national average. We have something like 14 per cent above the per capita national average.

One of the reasons why we are able to do as well as we do in providing services is that the Legal Aid Office, as Mr Staniforth explained to members of the Estimates Committee, is increasingly moving away from referring out matters to private practitioners, which is very expensive, and is using its in-house counsel. Again in the last year at which we had national comparison, 54 per cent of ACT legal aid

matters were dealt with in-house by employed solicitors, which is a very efficient way of doing it, as opposed to 41 per cent in the national average. This last financial year, 1991-92, we are getting to 57 per cent in-house. We think that the national average is about 44 per cent. We are not sure on that national figure.

Mr Humphries: Is that a good thing or not?

MR CONNOLLY: I think it is a good thing, Mr Humphries. We are dealing with matters more efficiently and providing, from a limited resource, more grants of legal aid. We could refer more people to the private sector; but the private sector, even providing legal advice under the legal aid scale, is inherently more expensive than doing it with in-house counsel. We could choose to refer more matters out, but that would mean that we could help fewer people, unless we further expanded the budget for Legal Aid. As in all areas, we do not have bottomless pockets.

Our effort is above national averages. So it should be. We would all agree that we are a wealthy community, comparatively, in Australia and we ought to make an above average effort in legal aid, which we do and which we will continue to do. Despite trends in some States where legal aid is seen as an area where you can cut back, I am very pleased that we have not done that. We have continued to expand our legal aid funding. We have new services like the Tuggeranong Legal Aid branch office, which has worked well in the last 12 months and which Mr Staniforth indicated may be expanded. Members who were at the Estimates Committee would also recall that there was a proposal, which Mr Staniforth referred to, of expanding that service in Tuggeranong to an outreach service at Belconnen, again to make it easier for clients, potential clients, to come in and see the Legal Aid lawyer at a regional centre rather than here in the city.

Madam Temporary Deputy Speaker, to briefly summarise, the Legal Aid Office in the ACT is funded by this Government at a level well in excess of the national average. It makes a very good effort. Its people work extremely hard, and I am sure that all members would commend the dedication of Legal Aid lawyers. It would be nice if I were able to fund it to an even greater extent - I would like to do that, Mr Moore - but governments have finite resources. We are well in excess of the national average and we should be proud of that. It would be nice to do more, but we simply cannot.

MR HUMPHRIES (5.30): Madam Temporary Deputy Speaker, I will be as brief as I can. Emperor Ferdinand I said, "Fiat justica, et pereat mundus", which means, as the Attorney no doubt would know and perhaps Mr Moore, being a schoolteacher, would know, "Let justice be done, though the world perish". Clearly, Emperor Ferdinand I had very little regard for budgets and felt that it was more important for justice to be done than to worry about where the money was coming from to provide those resources.

Money is, of course, extremely important in the question of whether we provide an adequate legal aid service. Money is a matter that the Attorney has indicated we cannot afford to ignore. I might say, however, that money is a matter which needs to be dealt with at a number of levels. There are important questions about the resourcing of legal aid. For example, are we providing enough in the pot that services legal aid in the Territory? Even if we are providing a certain amount of money in that pot, is the cost of justice that we can buy with the money in that pot too expensive? On that second question, members will be aware that the

Legal Affairs Committee of this Assembly is currently conducting an inquiry into the question of the cost of justice, and we hope to report within the time prescribed in the terms of reference. On the other question - are we providing enough? - we have already heard from the Attorney, who has indicated that we would like to provide more if we possibly could. We do not have unlimited amounts of money.

I think the point that Mr Moore is raising in this debate is: How much is the minimum you need to provide a decent service? If you cannot provide enough, do you exclude people or do you cut out the quality of the service that you are providing? Is it tolerable to have people who miss out? That is a question which I think it is impossible for us to answer in a debate like the one today. Justice is, unfortunately, very expensive. There is little point in establishing a legal system to ensure that justice is done and is seen to be done, if access to that system is restricted merely to the rich. Our legal aid system is based on the premise that those who cannot afford to obtain access to the legal system through their own resources should be able to turn to a system like the legal aid system to give them that access.

Madam Temporary Deputy Speaker, the 1990-91 annual report of the Legal Aid Commission stated that there had been large increases in the demand for legal aid services. From 1989-90 to 1990-91 applications for legal aid increased by 11.7 per cent. Grants of legal aid rose by 13.8 per cent - that is, I assume, a total dollar figure; that is, there was a 13.8 per cent increase in the amount of aid actually granted in dollar terms - and people given duty lawyer assistance rose by 16.2 per cent. The total number of cases dealt with "in house" - that is, by employed lawyers on the staff of the Legal Aid Commission - rose from 1,240 to 1,361. The demand for services certainly appears to be increasing at a greater rate than is funding. The commission's report for 1989-90 warned that the continuation of a satisfactory service seemed to be at risk because the commission's functions were expanding but funding was not available to keep up with that expansion.

We have seen plenty of headlines in our time about the problems of legal aid, and I will not reiterate them here. I will mention, however, that in April this year the *Canberra Times* carried a story quoting the president of the ACT Legal Aid Commission - - -

Mr Kaine: I raise a point of order, Madam Temporary Deputy Speaker. Could you ask the Labor Party to have its caucus somewhere else while we discuss this matter of public importance?

MADAM TEMPORARY DEPUTY SPEAKER (Mrs Grassby): Thank you very much, Mr Kaine.

Ms Ellis: At least we are all here. You all disappeared before.

MR HUMPHRIES: At least we are mentally all here.

MADAM TEMPORARY DEPUTY SPEAKER: That could be debatable.

MR HUMPHRIES: I am sure that the Chair would not deem to debate a question like that.

To return to the important question of legal aid in the ACT, the *Canberra Times* carried a story with Mr Ron Bannerman, the president of the commission, saying that the commission's plan to open a service in Belconnen was seriously at risk because of a lack of funds. We have heard about the service at Tuggeranong; but Belconnen, I gather, is still without a branch of the service. He also made the rather disturbing comment that restricted funds meant that "only people in the greatest need" could get legal aid, even though obviously there are many others who clearly fall within the guidelines and who, on the face of it, would deserve aid. They cannot obtain it, because the money is not enough.

That raises the critical question in this debate. Is not having enough money a good enough reason to say that we cannot provide aid? It is a vexing question which, I believe, has to be addressed by the Government. The report of the commission in 1990-91 was a bit more optimistic, I might point out.
It said:

> The Commission is heartened by an improvement in the financial position since last year's report; we are no longer quite on a knife-edge.

Although funds are tight, the report went on to say, they believe that the judicial system could be fundamentally reformed to remove its costliness. That presumably is a matter which is now in front of the Assembly.

There are two main points of concern, Madam Temporary Deputy Speaker, which I want to refer to in respect of the question of the cost of justice. I think the Attorney, in his remarks, said that private sector lawyers are inherently more expensive, and that is true; but there is a very real question here about paying for what you get and paying more to get more. I am not in any way denigrating the people who work for the Legal Aid Commission, but they work under tremendous pressure. I would hate to be a lawyer in the Legal Aid Commission, because the amount of work being churned through by that office is enormous. It is not surprising that some people feel that by going to a private lawyer they can have more time spent on their problem, and perhaps they even feel that they would get a better result.

There are two problems with respect to the cost of justice question. One is that fees being paid to counsel by the commission at present are way below normal fees. There was a rule at one stage at least that 80 per cent of the amount normally being paid to counsel would be the amount that people doing work for Legal Aid would charge. I understand that that figure is just not relevant any longer; that it is frequently below that figure. I have to make the point that, if you expect lawyers who are getting much better money outside for other cases to work for 70 per cent or less, or whatever it might be, of what they get outside, there is a natural human assumption that you do not do the same amount of work if you are not getting the same amount of pay. There is also the concern that the staff members of the commission are being seriously underpaid, and the commission is relying very heavily on the dedication and loyalty of those staff simply to cover the ground that it needs to cover.

Madam Temporary Deputy Speaker, there is, as I have indicated, some uplifting of optimism on the part of the commission in its most recent report. I think that is a good sign. The Commonwealth's contribution is fixed at about 55 per cent at present. The ACT contributes about 45 per cent of the cost of that service. It may be that we have to consider whether that level is appropriate. We cannot answer that question in an MPI discussion of today's length, but it is a question that has to be faced up to if we are to answer the question: Are citizens of the ACT getting equal and proper access to justice?

MS ELLIS (5.38): There is no doubt that the Legal Aid Commission assists many people who are socially and economically disadvantaged. There is no doubt also that not all socially and economically disadvantaged people do receive assistance from the Legal Aid Commission. This is due to a variety of reasons, including the likelihood of success of the case, the nature of the case and the circumstances of the applicant.

I wish to talk today about the positive initiatives and successes of Legal Aid. I understand that the ACT Legal Aid Commission pioneered the first legal program in Australia to help women obtain protection orders protecting them from domestic violence. Mr Deputy Speaker, this work is very demanding. Last year the commission helped 704 women to obtain protection from physical and sexual abuse, and I know that many women see the help from Legal Aid as the turning point in their lives. I do not know the views of others in this chamber, but I believe that this is one of the most vital and important roles that the officers of the Legal Aid Commission have.

Also, in 1992, the commission started a program of information sessions specifically on the rights and obligations of women. It was piloted in Tuggeranong, where the need for such services is the greatest. The Tuggeranong office, as referred to earlier by the Minister, is open from 9.30 am to 1.30 pm daily, and in 1991-92 it assisted a total of 1,205 people. The assistants to the solicitors at the Tuggeranong office are all volunteers. It must be very gratifying to Chris Staniforth and his officers to know that the commission has such a good name in the community that people are prepared to assist on a voluntary basis.

Mr Deputy Speaker, the Legal Aid Commission is aware of demand throughout Canberra for a program such as this and it is, as I speak, exploring ways of starting a similar program in Belconnen. I noted in the Tuggeranong *Chronicle* recently that Legal Aid has met with an overwhelming response in the Tuggeranong Valley. It is unfortunate, Madam Speaker, that so many people need the services of Legal Aid, but it is gratifying to know that Legal Aid has gone where the real problems lie and is assisting in the best possible way.

The commission has always had an excellent reputation in working with children. It has pioneered claims for criminal injuries and compensation in cases where young women are the victims of incest and other domestic violence. It provides a wide range of services to children, from help at schools and other community bodies, to appearing for all children who have criminal charges before the courts and who pass the commission's means test. Many of these children do not have support, both emotional and physical, from the normal sources of family and friends. Legal Aid plays an enormously helpful role, not just in the pure legal sense, for these children.

The commission helps many custodial parents to obtain fair and proper maintenance payments from the liable parent. It does this by inviting those parents to an information session, helping them with their court documents, serving the documents, explaining to the parent all that is going on, and, if the liable parent is not cooperating, taking the matter, on a grant of legal aid, to court to allow the court to set the correct figure for maintenance. Many of the men and women in the position of not receiving proper maintenance are financially deprived and are unable to care for their children properly. A typical applicant has told the commission that she - I note here that it is usually a she, but not necessarily always - could never have got through the ordeal of court proceedings without the encouragement and help that the commission gives. One mother told the chief executive officer that she had been very scared of the whole legal process before Legal Aid assisted her in her case. The help that she received has allowed her to care for her child properly.

Madam Speaker, many people are in a position of crisis when they come to Legal Aid. I know that on many occasions people - a lot of them children - are in total emotional turmoil. I am aware that in the past some have been so distraught that they have been unable to speak to a lawyer. Others have come to the office with fresh blood on their face and others are so traumatised by their experiences that they are unable to tell easily what has happened to them. Who of us could forget the tragic story printed by the *Canberra Times* over a year ago about the young woman, Louise, who had battled so valiantly to have the system believe her account of family abuse. I know that the author of the article, Marion Frith, won an award for the professional standard of her work, and she thoroughly deserved it. Perhaps when we are discussing legal aid this afternoon we should look at the role that the office played in Louise's eventual vindication, and we should remember the hours of support, well beyond any normal working expectation, which she was given by the officers of the Legal Aid Commission.

Madam Speaker, we would all appreciate that cases such as Louise are all too familiar. In fact, such cases take up an enormous amount of our community's resources, and it is a community such as ours that sees fit to provide such a service. However, a community such as ours simply cannot help everybody who asks. The staff of the Legal Aid Commission are devoted to their work and they provide an excellent service; but, Madam Speaker, the commission has to set priorities and it has to set guidelines. I am pleased to say, Madam Speaker, that the people who most need the assistance of Legal Aid get it. None of us are happy about the fact that some deserving people may miss out.

Having said this, Madam Speaker, I must emphasise that the commission is continually looking at as many ways as possible to help as many people as possible in the ACT to obtain access to justice. As a result, the service provided is improving. Its programs of information and other legal resource help which I have mentioned earlier are a fine example of a healthy social justice program stretching itself in difficult economic times to assist as many people as possible. They are proactively helping disadvantaged ACT people understand that they do have rights and obligations. This assistance is not direct legal representation, but I hope that these programs will eventually help reduce demand on the more usual legal services sought from legal practitioners from both Legal Aid and the private sector.

It must be understood, Madam Speaker, that legal aid is not only about appearing in court; it is about clarifying rights and obligations; it is about answering often simple questions about the law; it is about consoling people who have all forms of legal difficulty; and it is about duty lawyer services which can range from simple advice to making applications before the Magistrates Court. Members may not be aware, Madam Speaker, that the Magistrates Court operates on weekends and public holidays and that legal aid is always there. Members may not be aware that legal aid duty solicitors worked until 11.00 pm one evening during the Aidex display to deal with over 200 people brought to the court as a result of police action outside the National Exhibition Centre. Whatever our views of that demonstration, it may be a legal record that the office successfully defended over 240 people at the one time.

I am very pleased to see, Madam Speaker, the vigour with which the commission has adopted equal employment opportunity principles. Eighty-nine per cent of its staff are women and, what for me is more important, 16 of the 18 legal staff are women. Of the seven most senior positions, Madam Speaker, four are held by women, including one of the two statutory executive officer positions. Madam Speaker, the ACT Legal Aid Commission provides a necessary service to the Canberra community. At times the demands on the staff of the commission are great and at times not everyone can be assisted, but I must stress that the Legal Aid Commission's services continue to improve and the Canberra community continues to be served well by the legal officers and other staff at the commission.

MR STEVENSON (5.47): Can there be anything more important than justice? Mr Humphries mentioned earlier that justice is expensive. I would suggest that justice cannot be expensive. If it is, it cannot be justice. Justice requires that particular action be available to all. If it is too expensive, you lose one of the major factors that would make something just. Secondly, it would need to be fast enough so that someone did not have a particular problem or charge hanging over their head for years. It should not be so fast that the full facts cannot be heard, but the idea that it should run on for years makes things unjust. The third point that is a requirement of justice is that the action, the decision, be just. All too often in Australia, unfortunately, although nowhere near as often as in some countries, actions are not just. It may be that the case of the man who was bashed in Los Angeles would seem to be an unjust situation from the video footage that we have seen.

But what are the other reasons why we have problems with justice? Surely, one of the reasons must be that laws cannot be understood by most people and therefore people specially trained in understanding laws are required to help us with them. During debate on what must be called the unfair trading Bill because it cannot be understood by people that it targets, I received three different statements on what a particular clause to do with credit cards means - two today and one earlier. Three different lawyers gave three different statements as to what the clause means. My own view is different again, so that makes it four. No-one would deny that the legislation that we are churning - I use the word advisedly - out of this Assembly is not able to be understood by most people in Canberra, not even the people who are involved in the particular area that we are legislating against. This is not just. It cannot be just.

In Australia, and in Canberra, we have too many laws. If you look on a library shelf at the number of laws since Federation or since statehood in different States, you find that for the early years there are very small amounts of legislation. It would be contained very easily in one volume. Now the situation has changed dramatically. The thickness of the laws has increased greatly. I spoke on this at a public meeting not so long ago. I had one Act and two Bills that I was using as illustrations. I also had a copy of the Constitution. Before I went to speak I had a look at the sizes of the two Bills and the one Act, and the Constitution. In each case the two Bills that were being passed and the Act that had been passed through this Assembly were longer than the Commonwealth of Australia Constitution Act. I had picked those Bills not because they were long but simply because they mentioned things that I was referring to.

We have too many laws that are too long and that you cannot understand. There are any number of statements made by learned people, including judges, that not even corporate lawyers can understand some of this stuff. I well remember a case where Geoffrey de Q. Walker, I believe, was asked by John Howard to explain what a clause within a Bill meant. Geoffrey decided that it was a little bit convoluted and that he would talk to the person who drafted it. When he did that, he found that they did not understand it either. That is not news to me, because I have found the same thing. You may not get as ready an acknowledgment from someone perceived by lawyers to be a layman, but it might make a difference if that someone is the Dean of Law in the Law Faculty at Queensland University. It would be far harder to say to such a person that what they were saying was not correct. I suffer from the problem that I do not always get acknowledgment from lawyers involved in this area in the ACT.

We also have the problem of some departments taking unconscionable and unreasonable actions. There are departments, I feel, that might do things like this. One is the Taxation Office, which has said that it will not allow deductions for particular expenditures. The person concerned had to go to court and fight for the allowance, which then was granted by the court. There are many cases, I grant you, where people do the wrong thing and need to be taken to task; but, equally, there are many cases - I do not believe that anyone would say that there are not - where the conduct of a department is unconscionable and unreasonable and is putting someone to unnecessary expense.

One example that I am aware of highlights the need for a change in what is looked upon as the judiciary in the Family Court. I know of a couple who married and some short time later separated. Gary looks at me with a quizzical look on his face. I can assure Mr Humphries that I do not say this as some sort of a warning. The couple separated a short time after they were married because the wife was severely mentally depressed. The wife took the young baby. The husband found out from various sources that the wife was using the child, together with lesbian women that she knew, for sexual purposes. It is a tragic case. It has been written up in the *Australian* newspaper on two occasions. I have seen a 44-page document that outlined the whole incredible story. This saga went on for six years. The man involved contacted over 2,500 people and organisations to try to seek justice. These organisations included members of parliament; they included social - - -

Mr Lamont: Like you.

MR STEVENSON: He contacted me, which was one of the reasons, I think, that the thing was finally resolved. I did not help him, other than to point him to the right people; but that made the difference. He had been to ministers of religion; he had been to police; he had been to lawyers. Unfortunately, people within the social welfare department spread the rumour and told solicitors that he was putting bombs in solicitors' offices. It made it extremely difficult for him to get legal representation. It was acknowledged by the police that that was false data. Something should be done about this in New South Wales. John Howard has mentioned this point. Nothing has yet been done. He also made over 6,000 phone calls over six years. Prior to hearing about this gentleman I used to think I was persistent. Finally, he regained control of the child. So, is this justice? I suggest that we would all acknowledge that it is not.

I think that the lawyers in the Legal Aid Commission, in the main, do a wonderful job. I think there are many lawyers who help out at community centres throughout Australia; but was it not a tradition that young lawyers help people, and is that not a tradition that we should return to?

MADAM SPEAKER: The discussion is concluded.

POSTPONEMENT OF ORDERS OF THE DAY

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

> That orders of the day Nos 2, 3 and 4, Executive business - Consumer Affairs (Amendment) Bill 1992, Electoral Bill 1992 and Conservation, Heritage and Environment - Standing Committee (First Assembly) - Report - Environmental and Heritage Aspects of Rural Leases - Government response - Motion to take note of paper - be postponed until a later hour this day.

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL 1992

Debate resumed from 15 October 1992, on motion by **Mr Connolly**:

> That this Bill be agreed to in principle.

MR WESTENDE (5.58): Madam Speaker, the Opposition supports the Bill. The Minister was kind enough to arrange for Mrs Carnell, Ms Szuty and me to see the equipment. We attended the presentation of this new equipment earlier this week and we were satisfied that it will upgrade breath testing. The new automatic breathalyser instrument, Drager Alcotest 7110, will obviously improve efficiencies in police operations and its introduction will bring the ACT into line with the rest of the country.

We need to continue a concerted effort to combat drink-driving. I have some reservations that, now that the equipment can be used more widely by the police, in that it will not require anywhere near as much training, there may be less attention to setting up special breathalyser teams. If there were to be that eventuality, there could be the danger of letting breathalysing lapse a little. I certainly hope that this will not be the case and I believe that the Minister should

seek assurances from the police that this will not occur. The changes in the evidentiary provisions by accepting print-out readings from an approved breathalyser as evidence in court will increase the success rate of prosecutions and act as a strong deterrent for would-be offenders. It also should save a lot of time in the courts.

Even though we are prepared to accommodate the Minister in this instance, we would remind him to take notice that normally we will require a longer period to scrutinise such Bills. We want sufficient time to consult with organisations which may be affected by such Bills. Madam Speaker, as I indicated before, the Liberal Party supports the Bill.

MS SZUTY (6.00): Madam Speaker, the Bill before us seeks to make some adjustments to the Motor Traffic (Alcohol and Drugs) Act 1977 to streamline the taking of breath tests by police and to allow the use of the print-out from the latest machines in use as part of the evidence presented to court. I took the opportunity this week, as Mr Westende outlined, to visit the City Police Station to see the new units being demonstrated. What impressed me is the fact that, immediately a breath analysis is completed, one of the important parts of the documentation necessary to take the matter to court is also completed. People who offend against the drink-driving laws are able to see immediately the evidence that will be brought against them. This is extremely important, as it fulfils two key criteria. The certificate produced at the time the alleged offence is detected will reduce the need to complete onerous paperwork and thereby frees the time of the police to do more community policing and to conduct more breath tests. Because it is produced by the machine that takes the reading and is available straightaway, there is less likelihood of claims of interference or incorrect reporting of the results of the breath test.

In addition, the legislation allows for people brought to the station for breath tests to be kept and tested in the one area, which must certainly make things easier for police during major campaigns against drink-driving. In the past a police officer had to find a separate room in the station to allow the test to be done in private. As the members of the public being subjected to such tests are only asked to provide a breath sample by blowing into the analyser, it does not appear too harsh an invasion of privacy, particularly when the prospect is that with the simplification of the system they will be able to leave the station much sooner than under the old arrangements. While there may be some members of the community upset at the idea of providing a breath sample in front of other people, it is no more than is already asked when a motorist is pulled up by police on the roadside during drink-driving campaigns.

The Bill before us today also seeks to remove the onerous provision that the Minister must approve each breath testing unit. After the passing of this Bill, units will be approved by notification in the *Gazette* showing the type of unit that has been approved for use in the Territory. This to me seems a welcome simplification. The police are the professionals in this area and would have to convince the Minister that a particular unit had some advantage over existing equipment before they would receive funding for the purchase. It seems less than commonsense to then have to seek separate approval for each unit from the same Minister.

I congratulate the Government on this Bill, which I feel will simplify the process of testing and prosecuting drink-driving offenders. I also congratulate the Government for taking the opportunity to remove sexist language from the Act. It is important that Canberra's policewomen receive recognition of their status in the legislation that they enforce. We cannot continue to have legislation refer to he, him and his when the officer enforcing the law is a she. It erroneously conveys the impression that women are auxiliary, not real, police. I encourage the Government to continue to be proactive in this area, progressively bringing all legislation into line by the removal of sexist language. Madam Speaker, I commend this Bill to the Assembly.

MR MOORE (6.03): Madam Speaker, in standing to support this Bill, which will allow the police to use the Drager Alcotest 7110 machine, I feel moved to speak a little anecdotally, having been very fortunate, with the Drugs Committee, to spend an evening with the police relatively recently. I had finished a dinner at home with guests and was taken into the current breath testing section. Although I had not been driving, I thought it would be interesting and asked would they mind showing us how the test worked, using me as a sample. The method used was really quite cumbersome and time consuming. It required the setting up of a machine and a series of motions that took something in the order of 15 minutes. Had I realised that I was going to use so much of an officer's time, I would not have made the request. After that was completed we walked into the other room and had a look at one of the new machines. I did not make the same request this time, because it had taken so long to do the previous test; but my understanding is that it is a much more efficient system and the testing will be done very quickly.

It is with pleasure that I support this Bill. It is another way of making the police force more efficient; it will be less frustrating for police officers, and the result not only will be accurate but also will be available immediately as a print-out. It is a very worthwhile exercise. For the interest of members, it was nearly two hours after I had had a single scotch, which I am a little partial to.

Mrs Grassby: That is your story.

MR MOORE: It is my drug of choice, when I have a choice. At that point, Madam Speaker, I still had a reading of .02, which indicates the effect of alcohol, and how it does stay in the blood, and how careful any person needs to be when they are involved with drinking and driving.

MRS GRASSBY (6.05): Madam Speaker, I too want to congratulate the Government for bringing this in. I think it is a very important line. When I was in the States recently, looking at legal and illegal drugs, I asked them about their booze buses. They did not know that they were called booze buses, but they said that they were going to use that name. The fascinating thing about it was that they have to advertise where it is going to be, under the constitutional law. That means, of course, that all you have to do is read the paper in the morning about where the booze bus is going to be and make sure that you do not go down that street. It is a very sad way to do things.

With this new machinery, maybe we will be able to stop a lot more people drinking and driving and thus causing accidents. The police will be able to carry out their job a lot more efficiently. I hope that when the *Canberra Times* writes this up they will be warning people that the police will be a lot more efficient and therefore they should be a lot more careful about drinking and driving. As we all know, some of the worst accidents on the road have been caused by people who have been intoxicated and who have got behind the wheel of a car. Unfortunately, on many occasions, they have taken not their own lives but the lives of innocent people on the road. I think it is a very important Bill, and I am glad to see that it is coming into force. We stayed back until this hour to make sure that it does.

MR STEVENSON (6.07): It is commendable that better equipment is being introduced for the police force. When I was a member the equipment was not easy to operate. In fact, we had to have a specialist with the breathalyser unit come to the station, and this could take hours. You sit around and wait, because you have to be there. This is not a good use of police time. Also, the immediate readout is a benefit. I note that Mr Moore mentioned that his reading was .02. I presume that that is the only time he has ever had a reading on - - -

Mr De Domenico: No, it is the only time he has had a scotch, I think.

MR STEVENSON: He has never been picked up on a pushbike.

Mr Moore: That is right. That is the only time I have ever shown up on a breathalyser.

MR STEVENSON: Well done. There was an interesting case recently. A gentleman was tested and gave a reading eight times the allowable limit. The fascinating thing was that he was not dead. Perhaps we should educate children to understand that alcohol can kill you on the spot. A bottle of whisky, and it may be all over for you.

It has been said that the Bill is also removing sexist language from the Act. Well, it does not do that. As an example, in paragraph 17(c)(c) of the schedule it says, "Omit 'him', substitute 'the person'". That is not removing sexist language. After all, the son is the male progeny of a parent. So, if you use the word "person" that is upsetting to a lot of people; you should use "perdaughter", although that may upset some people too. When we talk about sexist language, why do we not simply look at the dictionary if we want to understand definitions? My 2,500-page pocket *New Twentieth Century Dictionary* says, "he - an individual described by a following relative clause, or by an equivalent of a relative clause, the person indefinitely". It even includes relatives. So, the term is most valuable. We do not need to change the meanings of words. The fact that "person" should be called "perdaughter" if we go along with this nonsense highlights the point. The word "he" means both he and she, in exactly the same way as "man" means the same thing as "mankind". It refers to all of us and not just some of us.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (6.10), in reply: I thank members for their support for the Bill. I particularly thank members for their indulgence in dealing with the Bill this afternoon. This matter has been brought on reasonably swiftly and members have been gracious in dealing with it well beyond the time when we may have expected to have gone home.

The reason for that, as explained to members, is that the great efficiencies that this Bill will bring, which were referred to by everyone, will mean real savings to the police budget. Given that it may otherwise have been four or five weeks before we could deal with the matter, that could well translate to something in the order of $50,000 or $60,000. That is a substantial benefit. I do appreciate that very much. Members of the Opposition could quite reasonably have said, "No, you did not get this on during time; it is half past five and we are going home", knowing that that would add an additional burden to the budget and they could come back and beat me about the head for failing to achieve budget targets next year. I thank the Opposition and Independent members for their very sensible approach to this.

I would also have to say to Mr Stevenson that I think that ancient dictionary of his is probably the reason why we have some confusion on the literal use of language in other Bills. Looking at the good old *Pocket Macquarie*, "person" is defined as a human being, whether man, woman or child; "he" is defined as the male being in question or last mentioned. Madam Speaker, I would recommend that Mr Stevenson get this. As this was only a $2 thing at a throw-out table, I will, in fact, present him with my *Pocket Macquarie* in place of his own dictionary. I thank members for their support for the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

COOK AND LYONS PRIMARY SCHOOLS
Ministerial Statement

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning), by leave: Madam Speaker, as always, it is my intention and my habit to keep the Assembly well informed. I said earlier that the department was assiduously looking through records to locate any relevant information on the matter of the Cook and Lyons primary schools reopening that we debated earlier. With reference to the advice Dr Willmot gave me about the Chief Minister's answer to the question of 21 June, I have some further advice which supports the statement that the Chief Minister, Mr Connolly and I made in that earlier debate.

The department has not been able at this time to remind me of any formal advice from Dr Willmot to me, because they cannot find it. I have said a number of times that Dr Willmot did raise the matter with me and persisted with his view. I can now see the reasons behind it. He did not lightly concede his views. I say again that I listened carefully and no doubt noted whatever material he provided me with, but I say again that I did not agree with his view of the Chief Minister's response.

Since no formal record was able to be located in this period of time - now just over a day - so that I could see again the arguments that he presented to me, I tried another path and inquired whether any payments for legal advice had been made by the department. I had advice on this matter at about 5.30 or 5.45, I would think. On looking, the department advised me that an amount was paid, as the document states, for confidential advice to the secretary on the Chief Minister's answer in the Assembly or my comments in the Assembly. I have not had time to get the clear detail of what is on that account. They are remarks of that nature, but certainly confidential advice to the secretary.

My remarks about the weight that can be placed on that evidence may be vindicated, because the amount of the solicitor's account - the firm that Mr Kaine named - was $200. I do not know what depth of advice can be provided for that sum or how that advice was presented to Dr Willmot.

Mr Kaine: Very easy. It said that you misrepresented in the parliament and you should correct it.

MR WOOD: Mr Kaine makes that point again. I reiterate that I remind members of my statement and the statement of the Attorney-General that you would want to see the nature of that advice to the solicitor in the first place, before you can pay any respect to whatever advice emerges. Another factor is interesting. The Government seeks its advice from or through the Government Solicitor. It appears that Dr Willmot did not follow that correct process and was even at that stage laying the foundation for a continuing campaign.

ADJOURNMENT

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

> That the Assembly do now adjourn.

Canberra's Suburb and Street Names

MR LAMONT (6.17): I rise very briefly, before the Leader of the Opposition leaves, to draw the house's attention to a series of books published by the Department of the Environment, Land and Planning. It is a magnificent set of books. The Minister launched them some weeks ago and they are now publicly available through the shopfront of the Department of the Environment, Land and Planning. These books are called *Canberra's Suburb and Street Names*. We have a complete history of the ACT in a very succinct form. Along with that, we also have the origins and meanings of street names in Belconnen, Tuggeranong, Woden Valley, Weston Creek and Central Canberra.

These books are in a very attractive pack. I understand that a copy of each has been presented by the Minister to each member of the Assembly. I take this opportunity to thank the Minister for that generosity and also to place on record my appreciation of the officers of the Department of the Environment, Land and Planning who put this document together, particularly Mrs Colleen Walters, who I understand was directly involved in producing what I regard as probably one of the most attractive sets of books of information published by the ACT Government.

I understand that the cost is about $25 for the full set. I certainly will be seeking additional sets at that cost to use as Christmas gifts this year. They provide a novel way for us to support our own administration. They also provide me with five gifts. I also suggest that they would make an ideal wedding present, Madam Speaker. I could think of nothing better, were I in the position that some of us in this chamber are in, of either recently being engaged or looking at the prospect of being shortly married or married shortly. Tony would be married shortly; the rest of us would be shortly married. You could possibly end up with 17 sets of this, Gary, on your wedding day.

Question resolved in the affirmative.

Assembly adjourned at 6.19 pm until Tuesday, 17 November 1992, at 2.30 pm

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ANSWERS TO QUESTIONS

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 224

Nursing Home Beds

Mrs Carnell - ached the Minister for Heal:

1. What budgetary impact would the proposed funding by the Commonwealth of 40 nursing home beds per 1000 over 70 year olds have on the ACT?

.Mr Berry - the answer to Mrs Carnells question is:

The Commonwealth introduced the concept of a funding ceiling of 40 beds per thousand of a population of 70 years or older in 1986 as apart of its reform of Aged Care Services throughout Australia.

No State or Territory in Australia has yet reached this target All have more than 40 beds per thousand. The ACT as at July 1 1992, had some 52 beds per thousand. The Commonwealth has not proposed that it would only fund to the level of 40 beds per thousand.

2967

MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 229

City Health Centre

Mr Cornwall - asked the Minister for Health:

(1) How many people comprise each of the positions as listed as 12.2 staff, ie. nurse practitioners, podiatrists etc ?

(2) Of the 173 clients seen each day, how many would be seen by Community Medical Practitioners?

Mr Berry - the answer to Mr Cornwalls question is:

(I) The current staffing levels of City Health Centre are:

2.5 FTE Community Medical Practitioners (3 people)

1.7 FTE Nurse Practitioners (2 people)
1 FTE Podiatrist(1 person)
1 FTE Social Worker (1 person)
1 FTE Physiotherapist (2 people)
5 FTE Clerical (5 people)

In addition, sessional workers. such as a speech pathologist, nutritionist and health risk management worker arc based at the City Health Centre. A pathology nurse no longer works from City Health Centre.

(2) Approximately 50 clients per day are seen by the Community Medical Practitioners.

2968

MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 233

Hepatitis B Vaccination Program

Mrs Carnell - asked the Minister for Health:

(1) How many ACT Health employees have received Hepatitis B vaccines at ACT Government expense.

(2) In what areas were these people employed.

(3) What is the cost of this vaccination program.

(4) What is the policy of the Board of Health with regard to staff vaccination.

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

(1) Hepatitis B vaccine has been available since 1986. Over the past 12 months 260 Woden Valley Hospital staff and 410 Community Health staff have been vaccinated. Cumulative totals including Royal Canberra Hospital staff are not known.

(2) Over 80% of the nursing staff and most medical staff are vaccinated.

(3) The cost for vaccine only for the past 12 months was $14 230.80.

(4) ACT Health policy is that all staff in patient contact and therefore at risk are strongly advised to be vaccinated. The policy has been in place and has been updated since 1986. The policy is supported by the Infection Control Committee.

2969

MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION No. 234

Woden Valley Hospital - Casemix Systems

Mrs Carnell - asked the Minister for Health:

In relation to the recent Industry Commission Report Exports of Health Services (December 1991) which revealed that the ACT has the lowest.level of incentive payment for the implementation of Diagnostic Related Group funding arrangements of any State or Territory in Australia, what measures are underway to commence funding on a casemix basis, and exactly when he expects the process to be complete.

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

Incentive package payments referred to by Mrs Carnell are provided under the Medicare Agreement. Up until 1990-91, these funds were available directly to the States and Territories to develop various aspects of casemix systems. In 1991-92, the Commonwealth retained these funds themselves for the development of a number of national casemix projects.

The ACT has taken advantage of those funds to establish a Casemix Development Unit at Woden Valley Hospital. A strategic plan for casemix development was developed last year and is now being implemented. Work is underway on a variety of patient activity and costing systems as well as an education program aimed at the ultimate users of casemix systems for management purposes. The ACT is also cooperating in a range of national initiatives from which it will ultimately benefit.

While we are making excellent progress in the development of casemix systems, we have made it clear to the Commonwealth that we are opposed to the use of casemix as a tool for the payment or allocation of Medicare funds to the States and Territories, area health organisations or individual hospitals. The Commonwealth has indicated its intention to move towards such payment systems during the course of the next Medicare Agreement. We will however, continue to promote the view that such systems should only be used.as an internal management tool to improve the efficiency of health systems and not as a means of allocating Commonwealth funding.

2970

ATTORNEY-GENERAL FOR THE AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 237

Attorney-General - Travel and Hospitality

MR HUMPHRIES - Asked the Attorney General upon notice on 11 August 1992:

(1) How much has the Attorney General spent on official travel during the 1991-92 financial year and 1992-93 financial year to date.

(2) What was the destination and purpose of each trip made by the Attorney General during the 1991-92 financial year and 1992-93 financial year to date.

(3) When travelling by air, what class of travel was used for each trip made.

(4) How much has the Attorney Generals personal staff spenton official travel during the 1991-92 financial year and 1992-93 year to date.

(5) What was the destination and purpose of each trip made by the Attorney Generals staff during the 1991-92, financial year and 1992-93 financial 1991 year to date.

(6) When travelling by air, what class of travel was used for each trip made.

(7) How much was provided to (a) the Attorney General and (b) his staff in travel allowances during the 1991-92 financial year and 1992-93 financial year to date.

(8) How much does (a) the Attorney General and (b) his personal staff expect to spend on travel and travel allowance during the current financial year.

(9) How much has the Attorney General spent on official entertainment during the 1991-92 financial year and 1992-93 financial year to date and what proportion of this amount was spent on alcohol.

(10) Who were the recipients of the Attorney Generals official hospitality.

MR CONNOLLY - the answer to Mr Humphries question is as follows:

2971

(1) 1991-92 $ 3,281.00
1992-93 to date $ 2,272.00
(16 October 1992)
(2)&(3) 1991-92 Destination Purpose Class of Travel
Cairns Standing Committee of Economy
Attorneys General
Melbourne Standing Committee of Economy
Attorneys General
Launceston Standing Committee of Economy
Attorneys General
Adelaide Standing Committee of Economy
Consumer Affairs Ministers

Melbourne Australian Police Ministers Economy
Council
Adelaide Inter-Governmental Committee Economy
of the National Crime Authority

1991-92 to date Perth Standing Committee of Business & First
(16 October 1992) Attorneys General Class
Melbourne Special Police Ministers Economy
Meeting
Adelaide Standing Committee of Economy
Consumer Affairs Ministers

(4) 1991-92 $ 748.00
1992-93 to date $ 2172.00
(16 October 1992)
(5)&(6) 1991-92 Destination Purpose Class of Travel
Melbourne Standing Committee of Economy
Attorneys General
Melbourne Australian Police Ministers Economy
Council

1992-93 to date Perth Standing Committee of Business & Economy
(16 October 1992) Attorneys General
Melbourne Special Police Ministers Economy

2
Meeting

Adelaide Standing Committee of Economy
Consumer Affairs Ministers
(7) 1991-9

(a) Attorney General $ 1790.00
(b) Personal Staff $ 371.10

1992-93 to date

(a) Attorney General $ 900.00
(b) Personal Staff $ 705

(8) It is not possible to accurately forecast the exact travel requirements that will arise up to eight months in advance.

Ministers are required to submit a quarterly forecast of Ministerial travel (the next forecast being due in mid-December).

To date the only confirmed travel commitment is for attendance by the Attorney General, and one staff member at the Australian Police Ministers Council Meeting, scheduled to be held in Melbourne on 20 November 1992.

(a) The above travel is anticipated to cost $ 378.00, travelling allowance Nil (b) Staff members travel $ 378.00, travelling allowance $ 39.00

(9) 1991-92 Entertainment $ 149.62 Alcohol $ 32.41
1992-93 Entertainment $ 664.05 AlcoholNil

(10) 1991-92 Australian Federal Police Motor Cycle Squad
Attendees at the opening of the Guardianship Tribunal
1992-93 Guests at the handover of the Supreme

Court

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No. 282

Chief Minister Portfolio - Public Relations
Consultants

MR KAINE - asked the Chief Minister upon notice on 13 August 1992:

What consultants have been engaged in public relations, media, advertising, promotional and related tasks in
(a)the-Chief Ministers Office;

(b) the Chief Ministers Department; and

(c) each agency for which the Chief Minister has
responsibility, in the period 1 April 1992 to 30 June 1992.

MS FOLLETT - the answer to the Members question is as follows:

(a) Nil.

(b) ACT Tourism Commission engaged Deloitte, Ross, Tohmatsu to review and acquire a computer system for visitor accommodation reservation sales, marketing, promotion of tourism products; financial accounting and reporting.

(c) Nil.

2975

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 283

Chief Minister - Interstate Visits

MR KAINE - Asked the Chief Minister upon notice on
13 August 1992. ,

In the period 1 April 1992 to 30 June 1992 -

(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and
(b) each staff member.

MS FOLLETT - the answer to Mr Kaines question is as follows:

I have made three interstate visits in my official capacity as Chief Minister in the period ,l April 1992 to 30 June 1992, the details of which are as follows:

(i) CITY VISITED: Melbourne
DATE/S: 26 April 1992
REASON FOR TRAVEL: Meeting of Premiers and
Chief Ministers
ACCOMPANIED BY: Richard Webb - Senior Adviser
COST OF VISIT: Chief Minister $ 474-00

Richard Webb $ 503-00

(ii) CITY VISITED: Adelaide
DATE/S: 22 May 1992
REASON FOR TRAVEL: Youth Ministers Council Meeting
ACCOMPANIED BY: David Wedgwood - Principal Adviser
COST OF VISIT: Chief Minister $ 710-00

David Wedgwood $ 749-00

2976

(iii) CITY VISITED: Darwin
DATE/S: 4 - 6 June 1992
REASON FOR TRAVEL: Womens Affairs Conference
ACCOMPANIED BY: David Wedgwood - Principal Adviser
COST OF VISIT: Chief Minister $ 1977-00
David Wedgwood $ 1781-60

2977

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 284

Minister for Urban Services - Interstate Visits

MR KAINE - Asked the Minister for Urban Services upon notice on 13 August 1992:

In the period 1 April 1992 to 30 June 1992 -

(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members,-by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR CONNOLLY - the answer to Mr Kaines question is as follows:

In my official capacity as Minister for Urban Services I did not travel interstate during the period 1 April 1992 to 30 June 1992.

2978

MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 285

Minister for Housing and Community Services - Interstate Visits

MR KAINE - Asked the Minister for Housing and Community Services upon notice on 13 August 1992:

In the period 1 April 1992 to 30 June 1992
(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members,: by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR CONNOLLY - the answer to Mr Kaines question is as follows:

I have made one interstate visit in my official capacity as Minister for Housing and Community Services, in the period 1 April 1992 to 30 June 1992, the details of which are as follows:

(i) CITY VISITED: Sydney
DATE/S: 12 - 15 April 1992
REASON FOR TRAVEL: Health and Welfare Ministers Meeting
ACCOMPANIED BY: Jo Baker - Senior Private Secretary
COST OF TRAVEL: Minister $ 900-00

Jo Baker $ 862-50

2979

ATTORNEY-GENERAL

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 286

Attorney-General - Interstate Visits

MR KAINE - Asked the Attorney-General upon notice on 13 August 1992:

In the period 1 April 1992 to 30 June 1992
(1) How many interstate visits were made by you in your official capacity.

(2) what was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and
(b) each staff member. _.

MR CONNOLLY - the answer to Mr Kaines question is as follows:

I have made three interstate visits in-my official capacity as Attorney-General, in the period 1 April 1992 to 30 June 1992, the details of which are as follows:

(i) CITY VISITED: Adelaide
DATE/S: 30 April - 1 May 1992
REASON FOR TRAVEL: Standing Committee of Consumer Affairs Ministers Meeting
ACCOMPANIED BY: Nil
COST OF VISIT: $ 918-00

(ii) CITY VISITED: Melbourne
DATE/S: 21 - 22 May 1992
REASON FOR TRAVEL: Australian Police Ministers Council Meeting
ACCOMPANIED BY: Terry Kempnich - Private Secretary
COST OF VISIT: Attorney General $ 678-00

Terry Kempnich $ 559-60

2980

(iii) CITY VISITED: Adelaide
DATE/S: 11 - 12 June 1992
REASON FOR TRAVEL: Inter-Governmental Committee of the
National Crime Authority
ACCOMPANIED BY: Nil
COST OF VISIT: $ 918-00

2981

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 287

Minister for the Environment, Land and Planning - Interstate Visits

MR KAINE - Asked the Minister for theEnvironment, Land and Planning upon notice on 13 August 1992:

In the period 1 April 1992 to 30 June 1992
(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members,. by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and
(b) each staff member.

MR WOOD - the answer to Mr Kaines question is as follows:

I have made one interstate visit in my official capacity as Minister for the Environment, Land and Planning in the period 1 April 1992 to 30 June 1992 the details of which are as follows:

(i) PLACE VISITED: Jervis Bay
DATE/S: 6 April 1992
REASON FOR TRAVEL: Formal handing over of responsibility for Jervis Bay National Park, from the Australian Capital Territory to the Commonwealth
ACCOMPANIED BY: Nil
COST OF VISIT: $ 185-71

2982

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 288

Minister for Health - Interstate Visits

MR KAINE - Asked the Minister for Health upon notice on 13 August 1992:

In the period 1 April 1992 to 30 June 1992
(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit. .

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR BERRY - The answer to Mr Kaines question is as follows:

I have made one interstate visit in my official capacity as Minister for Health in the period 1 April 1992 to 30 June 1992, I also made one interstate visit as the Minister for Industrial Relations. Details of the visits follow:

i CITY VISITED: Sydney
DATE/S: 12 - 15 April 1992
REASON FOR TRAVEL: Health Ministers Conference
ACCOMPANIED BY: Sue Robinson - Senior Private Secretary
COST OF VISIT: Minister for Health $ 900-00

Sue Robinson S 713-00
(ii) CITY VISITED: Perth

DATE/S: 21 - 23 April 1992

REASON FOR TRAVEL: Commonwealth and State Labour Ministers Conference
ACCOMPANIED BY: Sue Robinson - Senior Private Secretary
COST OF VISIT: Minister for Industrial $ 1986-00 Relations
Sue Robinson S 1756-00
2983

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 289

Minister for Education and Training - Interstate Visits

MR KAINE - Asked the Minister for Education and Training upon notice on 13 August 1992:
In the period 1 April 1992 to 30 June 1992 -

(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members,. by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and
-. (b) each staff member. _.

Mr WOOD - the answer to Mr Kaines question is as follows:

I have made one interstate visit in my official capacity as Minister for Education and Training in the period 1 April 1992 to 30 June 1992, the details of which are as follows:

(i) CITY VISITED: Melbourne
DATE/S: 19 June 1992
REASON FOR TRAVEL: Australian Education Ministers Meeting
ACCOMPANIED BY: Nil
COST OF VISIT: $ 378-00

2984

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 293

Treasurer - Interstate Visits

MR KAINE - Asked the Treasurer upon notice do
13 August 1992.

In the period 1 April 1992 to 30 June 1992
(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members,; by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and

(b) each staff member.

MS FOLLETT - the answer to Mr Kaines question is as follows:

In my official capacity as Treasurer I did not travel interstate during the period 1 April 1992 to 30 June 1992.

2985

MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 294

Minister for Sport - Interstate Visits

MR KAINE - Asked the Minister for Sport upon notice on 13 August 1992:

In the period 1 April 1992 to 30 June 1992
(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members, by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and (b) each staff member.

MR BERRY - the answer to Mr Kaines question is as follows:

I have made one interstate visit in my official capacity as Minister for Sport in the period 1 April 1992 to 30 June 1992, the details of which are as follows:

(1) CITY VISITED: Alice Springs NT
DATE/S: 1 - 3 May 1992
REASON FOR TRAVEL: Racing Ministers Conference
ACCOMPANIED BY: Sue Robinson - Senior Private Secretary
COST OF VISIT: Minister $ 1467-00

Sue Robinson $ 1369-00

2986

MINISTER FOR THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 295

Minister for the Arts - Interstate Visits

MR KAINE - Asked the Minister for the Arts, upon notice on 13 August 1992:

In the period 1 April 1992 to 30 June 1992 -

(1) How many interstate visits were made by you in your official capacity.

(2) What was the destination, duration and purpose of each visit.

(3) What staff members,--by name and position, accompanied you on each occasion.

(4) What was the cost of each visit by (a) yourself; and
(b) each staff member. __

M WOOD - the answer to Mr Kaines question is as follows:

I have made one interstate visit in my official capacity as
_ Minister for the Arts in the period 1 April 1992 to 30 June
1992, the details of which are as follows.

(i) CITY VISITED: Perth
DATE/S: 11 - 14 June 1992
REASON FOR TRAVEL: Cultural Ministers Meeting
,ACCOMPANIED BY: Nil
COST OF VISIT: $ 1986-00

2987

MINISTER FOR HOUSING AND COMMUNITY SERVICES

LEGISLATIVE ASSEMBLY QUESTION

Question No. 304

Adoption Placements

Mrs Carnell - asked the Minister for Housing and Community Services-

For each of the last three financial years -

(1) How many workers are employed to manage adoption placements.

(2) What positions do these workers hold (eg social work, administrative etc.)

(3) How many of these workers hold social work qualifications.

(4) Are the workers in full or part-time positions.

(5) How many adoption placements were made.

(6) How many workers manage overseas adoption.

(7) How many placements were made of children from overseas.

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

(1) The workers employed in the Adoption and Permanent Care Unit of Family Services Branch are involved in the local adoption program, the overseas adoption program, step parent/natural family adoptions, special needs adoptions, children in permanent care (Wards of the ACT), and access to origins activities. It is not possible to separately categorise their workload in the form requested.

The number of workers employed to manage all adoption and permanent care cases for each of the last financial years are as follows:

1989/90 - 5.5 full time equivalents 1990/91 - 5 full time equivalents 1991/92 - 4 full time equivalents and a pool of contract workers.

2988

In July 1991 fee for service was introduced and a pool of consultant contract workers employed to handle all overseas adoption assessment and follow up reports as required. A fee for this service is charged, and fees are paid directly to the consultant contract workers.

(2) 1989/90 1 Welfare Officer
1 Administrative Officer
5 Social Workers
1990/91 1 Welfare Officer
1 Administrative Officer
5 Social Workers
1991/92 1 Welfare Officer
6 Social Workers

(Pool of contract workers as required)

(3) The number of workers who hold Social Work

qualifications is as follows:

1989/90 5
1990/91 5

1991/92 6

(4) 1989/90 4 full-time and 3 part-time (3 p/t = 1.5 f/t
equivalent) = 5.5 f/t equivalents

1990/91 3 full-time and 4 part-time (4 p/t = 2 f/t
equivalent) = 5 f/t equivalents
1991/92 2 full-time and 5 part-time (5 p/t = 2 f/t
equivalent) = 4 f/t equivalents

(5) An indication of workload and placements is provided by

the tables below.

CATMGORY 1990/91 1991/92

Assessed/approved/ awaiting placement

Tables included.

2989

Adoption Orders Made
Section 19
Local 9 10
Overseas 20 13
Natural/Step Parent 6 , 2
TOTAL 35 25
ACCESS TO ORIGINS JAN 1991 to DEC 1991
Number of requests for
non-identifying information 63
Number of replies supplying
non-identifying information 95
Office interviews 96
Contacts with other agencies 165 _.
Contacts and enquiries 509
South Australian mandatory counselling 4
TOTAL 932

Placements over the last three years:

Local Placements
1989/90 6
1990/91 11
1991/92 10

Overseas Placements
1989/90 18
1990/91 19
1991/92 6

(6) Overseas adoption is part of a number of workers roles. In total one equivalent full time Public Service Position (Professional Officer 2) is dedicated to this function. This full time equivalent position co-ordinates the overseas program, supervision of the consultants and handles the follow up reports required by those allocations still handled by the old system where fee for service was not charged.

2990

(7) A placement is defined by a childs arrival in
Australia for the purpose of adoption.

1989/90 11 Korea, 1 Chile, 1 Sri Lanka, 1 Brazil
4 India
TOTAL: 18 placements
1990/91 2 Korea, 3 Sri Lanka, 3 Philippine,
1 Brazil, 2 Colombia, 2 India, 2 Chile
1 Thailand, 2 Fiji, 1 Taiwan.
TOTAL: 19 placements
1991/92 2 Philippine, 1 India, 1 Sri Lanka,
1 Colombia, 1 Korea
TOTAL: 6 placements

The drop in placements in the overseas program was as a
result of the closure of the overseas lists from February
1390 to February 1991 while a review into overseas adoption
was conducted, and as a result of Koreas closure of its
plan from the beginning of 1989. The Korean program was
re-opened in January 1992 but is restricted to applicants
the adoption of a second Korean child.

2991

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 309

Housing Trust Properties - Narrabundah

MR. HUMPHRIES - asked the Minister for Housing and Community Services
(1) Have any Housing Trust dwellings in Narrabundah become available for new tenants over the past six months; if so, how many and in what streets.

(2) How many of these dwellings are now occupied by tenants who are socioeconomically disadvantaged, ie recipients of welfare payments.

(3) What guidelines for obtaining Housing Trust accommodation in Narrabundah applied for these new tenants.

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

(1) Thirty-eight dwellings became available for new tenants in

Narrabundah over the past six months.

It is not the practice of the ACT Housing Trust to make details of the location of these dwellings, by street name, publicly available.

(2) Thirty-one of the applicants are recipients of welfare payments. The remainder are low income earners and satisfied the Housing Trusts income criteria at the time of allocation.

(3) Allocations were made from the priority waiting list and the normal list because of an expressed preference for housing in the Narrabundah area.

All applicants met the standard eligibility criteria for public rental housing that apply for all suburbs in Canberra. The standard eligibility criteria include an income and assets test, an age criterion (minimum age of 16 years), a residency criterion whereby applicants must have lived or worked in the ACT, must be permanent residents of Australia, and must not own residential property in Australia.

2992

MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 314

Housing Trust - Rental Rebate and Restitution
Payment Defaulters

MR. CORNWELL - asked the Minister for Housing and Community Services -

(1) How many people have been convicted of defrauding the ACT Housing Trust on rental rebate entitlement in (a) 1989-90; (b) 1990-91; and (c) 1991-92.

(2) What was the total amount in each year.

(3) How many people have defaulted in restitution payments in each year.

(4) What was the total amount in defaulted restitution payments in each year.

(5) What action was taken against these defaulters at (3).

(6) What procedures exist to chase up such defaulters who move interstate.

(7) How much has been written off in bad debts in respect of these defaulters in 1989-90 and 1990-91.

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

(1) (a) 18 (b) 6 (c) 13
(2) (a) $55,306.16
(b) $24,531.24

(c) $82,358.33
(3) 6 in 1991-92. Data is not available for previous years.
(4) $2,600 in 1991-92. Data is not available for previous years.

2993

(5) & (6) The Housing Trust creates a separate account for each offender into which payments are to be made. The Trust monitors each account and the Court is advised in writing when an offender is defaulting in repayments. The Court then places the matter in the hands of the Australian Federal Police and a summons is served on the debtor who is then required to attend a further Court hearing.

(7) Data is not readily available.

2994

MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 325

Calvary and Woden Valley Hospitals -
Emergency Departments

Ms Szuty - asked the Minister for Health:

In relation to arrangements at the emergency departments of both Calvary and Woden Valley Hospitals

(1) In what ways are the procedures of the emergency departments of Calvary and Woden Valley Hospitals both similar and different.

(2) What is the current level of demand for emergency services.

(3) Has demand exceeded current expectations.

(4) Under what circumstances are patients admitted to general hospital wards from the emergency departments.

Under what guidelines do hospital staff admit patients to general hospital wards from the emergency departments.

(6) Are the following specialists, both physicians and surgeons, on call at all times to attend to patients admitted to the emergency departments of both Calvary and Woden Valley Hospitals: Cardiologists; Thoracic specialists; Dermatologists; Gastroenterologists; Neurologists; Renal physicians; Rheumatologists; Psychiatrists; Obstetricians; Gynaecologists; Vascular surgeons; Cardio-thoracic surgeons; Orthopaedic surgeons; Urologists; Neurosurgeons; Ear, Nose and Throat specialists; Paediatricians; Plastic surgeons; Facial/Maxilo surgeons; Ophthalmologists; and Radiologists
(a) if yes, under what circumstances are they called out to attend to patients and (b) if not, why not.

In what circumstances are patients transferred to Woden Valley Hospital from Calvary Hospital.

2995

(8) When patients are transferred from Calvary to Woden Valley Hospital, what are the deciding factors and who makes the decision.

(9) Are there any situations whereby nourished patients are admitted directly to Woden Valley Hospital bypassing Calvary Hospital.

Mr Berry - the answer to Ms Szutys question is as follows:

(1) The Calvary and Woden Valley Hospital Emergency Departments are staffed with doctors and nurses who treat emergencies and are required to follow accepted standards and procedures in emergency medicine.

Standard procedures in emergency treatment are planned to adapt to the resources of the community at any time and are designed to make the most appropriate use of whatever resources are available. Understandably, these vary according to many factors. In terms of standards of emergency care Woden Valley Hospital Emergency Department staff have more ready access to support from sub specialty registrars and specialists; more sophisticated imaging; intensive care and easier patient access to emergency theatres after hours.

(2) Prior to amalgamation, the annual rate of attendance was:

Woden Valley Hospital 37 000 per annum approximately
Royal Canberra Hospital 34 000 per annum approximately
Calvary Hospital 23 000 per annum approximately

In the year since amalgamation the rate of attendance has been:

Woden Valley Hospital 52 000 per annum approximately
Calvary Hospital 35 000 per annum approximately

(3) The rate of attendance is slightly below expectations but the admission rate as a percentage is higher, suggesting that more primary care cases are being treated in the community. The admission rate at Woden Valley Hospital is 24% and at Calvary Hospital 11%n currently.

(4) Patients are admitted on the basis of their medical need and their optimum management, the result of a decision between the patient, the emergency Doctor and the attending Medical Officer.

(5) The basic guideline is that Emergency patients have priority over elective admissions.

(6) All listed specialists are available at Woden Valley Hospital. Some specialists will not be represented at both hospitals as the resources which make them a functional unit, eg Registrars, Clinical Nurse Specialists and operating equipment would be under utilised or duplicated. A Cardiothoracic Surgical Unit, for example, would not be expected to be duplicated and it would be most appropriate to transfer patients requiring this service to Woden Valley Hospital.

The following specialists are on call to Calvary Hospital:

Cardiologist, Thoracic Specialist, Psychiatrist, Obstetrician Gynaecologist, Orthopaedic Surgeon, Urologist, Maxillofacial Surgeons, Ophthalmologist and Radiologist. Calvary Hospital also has general surgeons and physicians who are specialists.

At all times and in all circumstances specialists are called out if available and if needed, with regard to the best use of available resources.

(7) When the Emergency Doctor and/or the Attending Medical Officer decides that the patient would be better managed at Woden Valley Hospital. Transfers could possibly occur if Calvary Hospital was at capacity and Woden Valley Hospital had available beds.

(8) The majority of transfers from Calvary Hospital involve Trauma (usually Orthopaedics) and Paediatrics. These decisions are made in consultation between the doctors at Calvary Hospital and Woden Valley Hospital.

(9) Woden Valley Hospital is the designated Trauma Centre for the region. The availability of paramedics means that as in most metropolitan centres, major Trauma is taken directly to the designated Trauma Centre by the paramedics.

Paediatric cases may be taken directly to Woden Valley Hospital if simply requiring admission; however, if seriously ill patients may be taken to Calvary Hospital in the first instance for emergency care and resuscitation.

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CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY QUESTION

Question No. 327

Business Migration to ACT

MR KAINE - Asked the Chief Minister upon notice on 16 September 1992:

(1) Will the Chief Minister provide details of businesses that have migrated into the Territory between 17 July 1991 and 30 June 1992.

(2) How many of these businesses migrated as a direct result of the activity of the

Economic Development Division of the Chief Ministers Department.

(3) How many of those businesses are still active.
(4) What are the benefits, financial and otherwise, of such migration.

What was the cost of the program to the ACT.

CHIEF MINISTER - The answer to the members question is as follows:

(1) A comprehensive listing of businesses that migrate to the ACT is not produced by . any Government or business organisation.

(2) Some of the companies which migrated to the ACT between 17 July 1991 and 30

June 1992 and were assisted by the Economic Development Division (Epp)
include:

Casinos Austria International - Will operate the Casino Canberra. Revenue from the Casino includes an upfront payment of $19 million, tax revenue of approximately $11 million per year and additional revenue from payroll tax and liquor licensing fees. Jobs created from the venture are estimated at 280 new jobs during the Casinos construction, 500 new jobs with the operation of the permanent casino and 300 during the operation of the interim Casino;

Maestro - A research and development company involved in the manufacture of modems employs nine staff;

Opium - Is developing a $13 million.switching facility at Mitchell which includes $7 million of advanced communication equipment;

Azimuth - A management and information technology consulting company from New Zealand have set up their operations in Canberra;

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Consistent with my Governments Employment and Economic Development Policy

(6 February 1992) the above mentioned businesses utilise the ACTs comparative advantages, such as location, human resources and the public sector in an environmentally sustainable manner.

ED. is but one ACT Government area involved in creating the right environment for business development. MI provides a range of services (training courses, referral and advice, licences, ongoing analysis of the business environment and regional comparative advantage, coordination of consultative fora, marketing campaigns) facilitating the establishment of businesses in the ACT. Other agencies which have a significant role are the Department of Environment, Land and Planning, the ACT Treasury, the Department of Urban Services, the Department of Education and ACT Health. The infrastructure and services provided by these organisations contribute to the total "package of assistance" provided by the ACT Government to existing and potential business operations.

The decision for a business to migrate to the ACT may therefore be influenced by one or several of these agencies, not only the Epp, as well as various external influences.

The MI as part of its day to day activities provides advice and assistance to many bi it Information on those businesses that expand their operations or migrate to -the Tommyrot as a direct result of contact with the MI will not always be passed. on to the It can also take a number of years from the point of initial enquiry before a Udftn will decide to relocate operations to the ACT.

(3) The businesses outlined above are currently active and growing.

(4) The projects outlined above are not a comprehensive list of businesses that established in the ACT between July 1991 and June 1992. The new companies identified however will provide over 1,120 direct jobs and salaries in the private sector in the ACT and associated revenue to the ACT Government. The spin off benefits of additional employment are also substantial.

(5) The cost of the business development activities involved in attracting businesses to the ACT were absorbed within the recurrent budget of the Economic Development Division.

2999

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION

Question No 328

Business Sector Programs

Mr Kaine - Asked the Chief Minister upon notice on 16 September 1992:

What programs have been implemented by the A.C.T. Government during 1991-92 to stimulate business activity in the A.C.T. and the region, and what programs are to be funded in 1992-93.

Ms Follett - The answer to the members question is as follows:

In my Budget Speech I identified four areas where the Budget builds on our previous initiatives and takes further significant steps to create a positive future for business.

First, we have allocated additional funds to employment training programs in both the public and private sectors.

Secondly, the expanded capital works program coupled with the Commonwealths works program will have a direct and substantial benefit to the private sector for our largest industry, construction.

Thirdly, we have provided support for important business sector initiatives including tourism and the potential for the A.C.T. to be a centre for regional and national freight distribution, we are supporting the development of Harcourt Ill and pursuing specific projects with both Telecom and Optus.

Fourthly, we are creating an economic and marketing environment that encourages the growth of local businesses. For example we are matching funding for the National Industry Extension Service and have established a second business incubator at Kingston.

During 1991-92 the Government has implemented numerous initiatives providing support to the business sector. They cover consultation with the business community; business establishment and support, employment, education and training; specific sectoral initiatives; planning, leasing and land administration; taxation reform and business costs; regulatory reform; and corporate reforms.

A list of the A.C.T. Governments Business Development Initiatives is derailed in a paper released by my office on 16 September 1992. These are tai pages of actions we have taken or are taking which demonstrates our support for the private sector in its important role in the Territorys development.

Program to be funded in 1992-93 are spelt out in detail in the Budget Papers under Program 3.

3000

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

Question No 332

Economic Forecasts

Mr Kaine - Asked the Chief Minister upon notice on 16 September 1992:

(1) What is the anticipated level of growth in the ACT economy for the financial year 1992-93.

(2) What factors were considered in reaching the forecast.

(3) What is the expectation for employment and participation for women, young people 15-25 and males aged 40-55.

(4) How do these expectations compare to 1991-92.

Ms Follett - The answer to the members question is as follows;

(1) The ACT economy is expected to grow by 2.0% in real terms
over 1992-93.

(2) This forecast is based upon an expected increase in wages, salaries and supplements of 4.0% arising from employment growth of 1.0% (1,500 jobs) and an expected 2.5$ increase in private consumption expenditure due mainly to lower interest rates and greater consumer confidence.

(3) Employment is forecast to grow by 1.0$ (1,500 jobs) during 1992-93. Sectors with the strongest opportunities for growth are in tourism and the service industries. Women and young people (15-25) are expected to be major beneficiaries and are expected to increase their employment numbers in these industries. Other age groups will gain jobs in line with the overall rate of job growth. The ACT Government has introduced a number of employment and training programs targeted at youth, women wishing to reenter the workforce, and the long term unemployed (which include unemployed males aged 40-55). These programs involve grants to community based organisations which provide a range of
employment related services including job placement and support.

(4) During 1991-92 there was no growth in overall employment and individuals seeking work in all age groups were affected.

3001

MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 333

Abortion Clinics

Mr Westende - asked the Minister for Health

Does the Government have a policy on publicly funded abortion-on-demand-clinics.

Mr Berry - the answer to Mr Westendes question is as follows:

Since the repeal of the Termination of Pregnancy Act 1978 in June this year, it is now possible for terminations to be performed outside the public hospital system.

As a New Policy initiative in the 1992/93 budget, the Government allocated $50 000 for additional pregnancy counselling to.be targeted at those women facing a decision about how to deal with unplanned pregnancy: This funding will be taken up by the non government womens health service provider;.

Termination of pregnancy services will continue to be available at Woden Valley Hospital.

3002

ATTORNEY GENERAL FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTIONS 351 TO 357

Disallowable Subordinate Legislation

MR STEVENSON: Asked the Chief Minister, the Treasurer, the Minister for Health, the Minister for Education and Training, the Minister for the Environment, Land and PLanning, the General and the Minister for Urban Services -

Can the Minister list by name of instrument (a) all disallowable subordinate legislation and (b) all other subordinate legislation that is the responsibility of the Chief Ministers Department.

The answer to that question is as follows:

In respect of each portfolio, the disallowable subordinate legislation comprises each regulation, rule and by-law made under a power conferred by an Act. These are subject to disallowance under the Subordinate Laws Act 1989.

The administration of each Act is allocated between portfolios by the Chief Minister pursuant to section 43 of the Australian Capital Territory (Self-Government) Act 1988 of the Commonwealth and these administrative arrangements are published in the Gazette from time to time. The last publication of administrative arrangements occurred in Gazette S 48 of 7 April 1992.

In respect of each portfolio, disallowable subordinate legislation also includes, by virtue of the application of the Subordinate Laws Act 1989, any determination of fees and charges made by a Minister under an Act; any instrument made under an Act or a subordinate law (a regun, rule or by-law) where the Act or subordinate law expressly provides that the instrument is a disallowable instrument. Examples of such instruments include:

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the Building Code made under section 24 of the Building Act 1972;
guidelines relating to the security of premises made under section 13 of the Weapons Act 1991;
codes of practice made under section 22 of the Animal Welfare Act 1992, and
an exemption of certain vehicles or classes of vehicles from Australian Design Rules under section 7A of the Motor Traffic Act 1936.

All disallowable subordinate legislation is notified in the Gazette and tabled in the Legislative Assembly.

In respect of each portfolio, instruments of an administrative character may be made under the authority of an Act or subordinate law. These instruments are not subject to the provisions of the Subordinate Laws Act 1989 and are not disallowable. Examples include:

approval of a course of instruction under section 24 of the Ozone Protection Act 1991;

declaration of an approved club under section 4 of the Weapons Act 1991; and

a determination of the design of a vehicle registration plate under section 17A of the Motor Traffic Act 1936

Where appropriate instruments, such as the declaration of an approved club under the Weapons Act, are required to be notified in the Gazette.

Resources are not available to list by name of instrument all ACT subordinate legislation and other instruments.

3004

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 363

Land Development Program - Gungahlin

Mr Cornwell - asked the minister for the Environment, Land and Planning
(1) what was the cost of planning, surveying etc of Plan No. 1 annexed to Instrument 23/92, District of Gungahlin now no longer part of the proposed development.

Is this cost borne by the ACT Government.

1)Why was the subdivision not proceeded with.

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

(1) Plan No 1 was derived from plans that had been prepared by the then National Capital Development Commission, the subdivision being gazetted on 12 November-1974. The cost of the planning-and surveying for the subdivision would have been included. in budget for the Commission.

(2) No. The cost of the planning, surveying, etcetera would have been borne by the National Capital Development Commission.

(3) In 1984 the National Capital Development Commission decided that the gazetted subdivision design had no status in its Land Development Programme until a Development Plan had been prepared for Gungahlin. As a result of that review, it wasdecided not to proceed with the subdivision.

3005

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 364

Golf Driving Range - Former Woden Valley High School Grounds

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

(1) Has a golf range been approved adjacent to Yamba Drive and TAFE Southside Campus at Phillip.

(2) If so, what is the duration of the lease.

(3) What is the long term use of this land.

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

(1) The area referred to is part of block 1 section 1 Phillip and is part of the grounds of the former Woden Valley High School. Mr Peter Canham a former golf professional approached the office of ACT Sport and Recreation to use the grounds to instruct people in the sport of golf. A trial period was arranged which proved to be satisfactory.

(2) Following the success of the trial period the Lease Administration Branch of the Department of the Environment, Land and Planning is currently arranging to formalise the agreement with a licence under the provisions of the new Land Act. An administrative fee is yet to be determined but is envisaged to be in the order of $100 per month payable in advance,

(3) The Government has approved the sale of this area of land for the development of medium density housing, including aged persons accommodation. The site has been scheduled to be offered for sale by way of auction in April 1993.

3006

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 368

**Bovine Brucellosis and Tuberculosis
Eradication Program**

Mr Westende - asked the Minister for the Environment,
Land and Planning -.

In relation to the winding down of the. Bovine Brucellosis and. Tuberculosis Eradication Campaign
(1) Where were the. funds. expended in the. Bovine .

brucellosis and tuberculosis eradication in 1991-92.

(2) Where-will the $17 000 be spent this year.

(3) How many.staff were employed in this eradication program and where, will they be employed at the completion of.the campaign.

(4) Does the budgeted amount include follow up. assessments to check the effectiveness of the program.

Mr Wood - the answers to the Members questions, are as follows:.

(1) funds for.the eradication campaign in 1991-92 were
used for.taking blood samples from cattle at the
Canberra Abattoir and in having these samples tested .
for the presence of disease.

.e $17 000 allocated to the program this year will
.be spent-in the same way, with the program due for -
completion .at the end of December-1992.

(3) one person has been employed for this program, under
the supervisionof the ACT Government Veterinarian:
This person .is employed under-a contract which
terminates in December 1992. -

(4) Eradication was achieved some five years ago andthe program since then has been designed to monitor the effectiveness of the eradication. .No further monitoring willbe.required..

3007

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 369

Parks and Conservation Branch- Staff
Development Programs

Mr Westende - asked the Minister.for the Environment,
Land and. Planning -

(1) What programs were undertaken by staff development in Parks. and Conservation..

(2) Has there been an assessment of the effectiveness of these programs.

(3) What benefits or.returns are derived from the_ Business Development Unit.

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

(1) During 1992 Staff development officers of the Environment and Conservation Division co-ordinated the following programs for Parks and. Conservation Employees:
occupational Health and .safety including . legislation, duty of care and emergency. procedures; development programs for middle. managers, front line supervisors and general service officers client services; induction; basic.education (literacy and numeracy); and budget management..

In addition, line areas are responsible for arranging .training specific to their needs, such as chains maintenance; herbicide -.application and. vertebrate pest.contxol.

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(2) The programs are assessed using techniques such as a comparison of entry and exit data, individual pre and post course assessments,, post course questionnaire, and recall sessions after 3 months.

outside providers such as TAFE, Organisation Development.Service and private consultants are requested to-provide -an evaluation at the conclusion of all courses.

(3) The Business Development Unit (Boil) sets overall policy guide-lines, provides secretarial services to the-DEW Training Committee- and co-ordinates EEG training. Apart from these functions BD. has devolved its staff development responsibilities to the Divisions.

1009

MINISTER FOR THE ENVIRONMENT LAND AND PLANNING
ACT LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 373

Department of the Environment, Land and Planning - Staff Development Programs

Mr Westende: To ask the Minister for the Environment Land and Planning -

(1) What programs were undertaken in the area of staff development in the Department:

The Staff Development function in this Department has been devolved to Divisions. The answer is therefore in three parts, with response by Divisions.

ENVIRONMENT & CONSERVATION DIVISION

Staff development officers of the Environment and Conservation Division coordinated the following programs for Environment and Conservation employees:

Occupational Health and Safety including legislation, duty of care and emergency procedures; development programs for middle managers, front line supervisors and general service officers 2 - 4, client services, induction, basic education (literacy and numeracy), and budget management.

In addition, line areas are responsible for arranging training specific to their needs, such as chainsaw maintenance, herbicide application and vertebrate pest control. (More comprehensive list at Attachment A).

LAND DIVISION

Land Division actively encourages staff to increase their abilities, skills and knowledge, not only as a.means of enhancing the career prospects but also to provide a rewarding work environment and foster. Improvements in efficiency and effectiveness of service delivery. The program for staff development in Land Division is basically three tiered with a thrust towards emphasising training of staff in the ASO 1-6 range

generic . generic courses for increasing the general ability of staff to acquire skills and knowledge in enhance their career prospects and further their knowledge of the operations and requirements of management in the public sector. These courses include training in EEO, sexual harassment, supervisory, . leadership and interviewing courses, Investment in Excellence, Women in Management, Advanced Management courses etc.

• specific courses tailored -to the needs of individuals and to groups of employees such as courses on learning to use computer applications such as Lotus 123 and WordPerfect, attendance at seminars, conferences and workshops etc aimed specifically at the operations of the Division such as urban consolidation, Land Development and Leasing seminars and management courses aimed at engender management skills such as SWIM and ED

3010

• courses aimed at improving the efficiency and effectiveness of the operation of the Division through the adoption of alternative practices, ideas and procedures such as Total Duality Management and Performance Appraisal courses.

In addition the Division supports staff attending courses at institution by paying a contribution towards EXECS and allowing time off work and runs in-house training courses on the implementation of the new legislation and on the leasehold system and other areas of operation within the Division.

ACT PLANNING AUTHORITY

in the ACT Planning Authority, staff development is undertaken in a number of formal and informal ways:

Formal training includes in-house and external courses which are planned to improve staff skills in a wide range of technical and managerial areas. Examples, of this type of training include in-house training for Senior Officer Grades in relation to the ACT Government Service Performance Management Program, an external structured program of training for Middle Managers and in-house training for most staff in the use of the Development Application Register Tracking System (DARTS).

hdornwl training takes the form of staff attendance at and contribution to professional . trceafseininars etc, in-house presentations by various staff members on topics .if lose to other staff etc.

(2) Was there any follow up as to the effectiveness of the programs:

ENVIRONMENT AND CONSERVATION DIVISION

The programs are assessed using techniques such as a comparison of entry and exit data, individual pre and post course assessments, post course questionnaire, and recall sessions after 3 months.

Outside providers such as TAFE. Organisation Development Service and private *=eg are requested to provide an evaluation at the conclusion of all courses.

LAND DIVISION

Follow up on the effectiveness of these courses is done formally through the preparation of a report on the course by those attending and includes the value and effective of the course and whether attendance by others is recommended. Often a presentation on the course is provided to fellow officers so that information may be passed on and other staff can determine the relevance of attendance as part of their own

Informal kdDw up occurs tfroughSecdon meetings prompting discussions between officers on the merits of courses and the benefit or otherwise of attendance.

The development and Introduction of the Divisional Training Strategy and the coordination of-tnaMing.and staff -development which is expected to be implemented shortly will include a rigorous evaluation model.

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ACT PLANNING AUTHORITY

Because the ACT Planning Authority is a small agency, as yet a formal evaluation model has not been implemented,, rather staff are encouraged to provide feedback via presentations to the weekly Branch and Section Heads meetings. Staff development is monitored regularly by managers and any gaps or other deficiencies are taken into account in the formulation of future staff development programs. The effectiveness of the courses in addressing these deficiencies is then evaluated in later reviews.

3012

ATTACHMENT A

TRAINING COURSES ARRANGED BY LINE AREAS

Train the Trainer
Defensive Driving and Lewd techniques
Fire Fighting and fire safety modules
Explosives use
Computer use - Word
- Excel
- Graphic Design

- Desktop publishing Chains course Minor plant operation Major plant - safe operation Literacy and Numeracy Pest management First aid Front Line Managers Chemical Hazards Front Mounted Mowers Playground inspections (safety) View .

Wed Premises workshop Communication Skills terry control t Caere Service Phone Techniques Investigation methods Investment in Excellence Industrial Relations -, Process.and Practice Strategic Thinking for Strategic Planning Hercules - safe use of

- handgun application
Forklift Ticket
Applying for a Job

Vertebrate Pest Control;.

National Property Planning
Role of Trees in Sustainable Agriculture
Manager Development Program
AV. Action course
Why save bush on farms?
Bee Keeping workshop
Mastering Information Overload
Sustainable Agriculture
Executive Development
Executive Development
What Is FISCAL

Using FISCAL.

Priority Management
Conflict Management
Interview Course
Backcare at Work
Summer Samuel in Apiculture
Senior Officer Performance Management Assessment
Public Contact
Interpretation Skills

3013

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 375

Animal Welfare - Codes of Practice

Mr Westende - asked the Minister for the Environment; Land and Planning - In tooth Animal Welfare Act 1992
(1) Is the development of the associated Codes of Practice considered to be a major exercise.

(2) Will consultants be used for developing. the Codes and; .if so, how will they be appointed.

(3) What is the estimated cost of developirig.the Codes.

(4) Is there a program in -place for developing a comprehensive. list of Codes.

(5) Will national codes or the codes adopted by other .States be used.

(6) Why did the Environment Budget Statement indicate that high priority will be given to developing codes of practice for the racing industry and the pet shop industry when these were not listed as examples. in .the Animal Welfare Act.

(7) How many people will beemployed on animal welfare matters.

(8) -Have inspectors been appointed as yet;-if ifs and if so, who are they.

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

(1) The development. of the Codes of Practice is considered. to be.a major. exercise and will be an ongoing process over a long period of time. Regular revision of the codes is vital to maintaining acceptable standards of animal welfare with changing technology, scientific knowledge and . community attitudes.

(2) The Animal Welfare Advisory Committee will develop the Codes in consultation with other appropriate representatives of interested and/or affected.groupS.
(3) The estimated host of. developing the courtesies $15 - 20;000 per year for. printing and associated costs . ...
(4) As Codes are approved a comprehensive list will beheld by . the Animal Welfare Officer.

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(5) Both national Codes and other State Codes will be considered, when available, in the development of ACT Codes..

(6) The horse racing industry and the pet shop industry are two important industries in the ACT to be affected by the new legislation. Both are highly.visible to the public and are the subject of increasing community concern. During debate of the Animal Welfare.legislation in the ACT Legislative Assembly, I gave a commitment that a high priority would be given to the development of Codes relating to these industries so that acceptable standards of animal welfare are detailed and available both to the industries and any other interested party:- .

(7) One ASO 6 position and half. of one Veterinary Officer .position are allocated to animal welfare matters.

(8.) The inspectors will be appointed once gazette of.the relevant sections has occurred, which is expected on 1 November 1992.

3015

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 376

Soil Conservation Programs

Mr Westende - asked the Minister for the Environment, Land and Planning
In relation. to soil conservation in the ACT- .

(1) What soil conservation programs are undertaken in. the ACT.

(2) How.many people are employed in the. area of soil conservation by the ACT Government. -

(3) Is soil .conservation a problem in the ACT:

(4) Have Any of these acknowledged soil conservation. areas been exacerbated -by bad planning..

Mr Wood - the answers to the Members questions are as-. follows:

(1) The ACT Government is undertaking a program of treating historical soil erosion sites. Funding from . the Environment and conservation recurrent budget is being used to restore some sites and funding,from the Capital Works program is being used to treat . larger land degradation areas. Funding is also being obtained under the National Landcare:Program (Commonwealth Government) ,o employ a Lancer Educator, a Landcare Facilitator and to. undertake natural resource surveys. The ACT Government is currently drawing up guide-lines for catchment and property, management planning:

(2) One"professional officer, two rangers, and-13. industrial staff work full-time land care which includes soil conservation. The two people mentioned above who are funded under the National Landcare.Program also.work.on.land care:

(3.) Yes.:

(4) Some erosion.-sites may have been .exacerbated by past . planning_,decisions. However,. the situation is being .improved by better.consultation with the planners .by providing natural resource data forums in the planning process, by giving more-secure tenure to . rural landholders and by the production of catchment management plans and property management plans.

3016

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 377

Feral Pigs - Exotic Disease
Eradication Program

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

(1.) What exotic diseases were the target of the eradication program for feral pigs that-cost $52,0.00 in 1991-92.

(2) What were these funds used for.

(3) Were any diseases discovered in the pigs. tracked.

(4) What, if any, were the implications \ exercise for the

Mr Wood - the answers to the Members questions are as follows

(1) The program targeted foot.and mouthdisease.

(2) In Response to Mr Westendes question, I refer to the Estimates Committee record of proceedings of 24 September 1992, page 176. Funds for this program were obtained frowthe Commonwealth ($52,000) while the ACT Parks and Conservation Service contributed staff time valued at $20,000 over two years. "The funds were used to develop a microcomputer software. package which simulates the distribution and prevalence- of foot and.mouth disease in feral pigs. It can_be used in both-.planning and training as well as eradication activities.

(3) See above answer. ..

(4) The exercise has enabled thereinto be better prepared for an exotic. disease outbreak which affects feral pigs. The program will.be used by other states.

3017

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 385

Agriculture and Landcare Costs Consultancy

Ms Westende - asked the Minister for the Environment, Land and Planning.

(1) Why .was consultant advice required on program._ delivery costs for.Agriculture.and Landcare.

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

(1). An external review of Agriculture and Lancer. operations undertaken in 1990-91 highlighted the fact that it was very difficult to determine. the cost effectiveness of field operationalism example dam construction, which are theresponsibility of this-unit.

The difficulty arose because .of the .very large amount of information which needed to be analysed to provide an answer. The.cohs.ultant.undertook this analysis.

As a result of the consultants report, changes in. work practices have been implemented and the amount of-cost-recoverable work undertaken has increased.

3018

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 386

Environment-and Heritage Branch - Public
Information Expenditure

.Mr Westende - asked the Minister-for the Environment,.. Land and Planning:

The Environment and Heritage Branch spent $76,079 in :1991-92 on "public -information": Could the Minister -provide a breakdown of. these costs..

Mx Wood - the answer to the Members question is as follows:..

- Advertising $28 672
- Printing. $29 241
- Photography. $ 5 466
- Publications $12 7.00

Total .Public Information $76 079

3019 .

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION N0 388

Road Safety - Floret Primary School

Mr Cornwell - asked the Minister for Urban Services:

What action has been taken on the review to improve traffic safety measures at Floret Primary School following accidents in August.

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

The Traffic and Roads Section carried out an investigation of pedestrian safety atFlorey Primary School during August and September 1992. Several proposed new measures were discussed with, and endorsed by, the Floret Primary School Board and the Parents and Citizens Association.

School crossings have been provided on Ratcliffe Crescent (in front of the school), and on Kesteven Street (between the school and the underpass further along Ratcliffe Crescent).

The Road Safety Unit visited the school in October 1992 and provided .all classes with lessons on the correct use of the crossings.

Additional footpath links to the underpass on Kesteven Street have been constructed. Footpath connections to the underpass on Kraft Street will be in place by the end of November 1992.

The Traffic and Roads Section will continue to monitor traffic conditions in the vicinity of the school to ensure that the new facilities are operating satisfactorily.

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22 October 1992

MINISTER FOR URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 390

Urban Services - Uniforms, Footwear and Jackets Contracts

Mr Cornwell - asked the Minister for Urban Services:

Regarding contracts gazetted in ACT Gazette No. 40, 7 October 1992, in this batch of gazettal notices there are contracts covering $64,631.10 worth of uniforms, footwear and jackets (contracts 705335-9, 705627-7, 705628-5, 705629-3, 705630-6, 705631-4 and 705950-7)

(1) Who are these uniforms provided for (ie what type of activities necessitate provision of uniforms, particularly other than corporate uniforms).

(2) What type of uniforms were purchased from Eurotune Motor Cycles (contract 705627-7) and who will use them.

(3) What type of uniforms were purchased from Canberra Unit Boilers (contract 705630-6) and who will use them.

(4) Is footwear supplied on an annual basis, or needs basis with a minimum time limit for re-issue (contract 705628-5).

(5) For whom are the $5,000 worth of leather jackets and how many were purchased (contract 705631-4).

(6) For whom are the $5,000 worth of eagle jackets and how many were purchased (contract 705629-3).

(7) Since the use was instigated of the motorcycle driver testing area at Phillip, is there a necessity for the provision of specialised motorcycle safety clothing for Registry officers.

(8) When the more expensive items of uniform or safety clothing are issued, do they immediately become the property of the officer. Is the officer responsible for upkeep. If the officer leaves the employ of this section of the Department are, for example, the eagle or leather jackets, returned to the Department for the use of the next officer to take over those duties or is the officer permitted to keep those items for personal use.

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(9) Contracts 705627-7, 705628-5, 705629-3, 705630-6 and 7056314 are all for $5,000. Is this coincidence or are these part of ongoing contracts.

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

(1) The uniforms are provided as annual issue to male Licence Examiners, Vehicle Testers, Parking Inspectors and Commercial parking personnel. The issue is a requirement of Transport Regulation and complies with award conditions.

(2) This contract is a period order for 12 months for the purchase of motorcycle accessories for use by Parking Inspectors on mobile patrol and Licence Examiners testing motorcycle riders. Items include helmets, gloves and protective clothing. These items are issued on a replacement basis.

(3) Purchases were made from Canberra Uniform and Bowlers Centre as annual issue to female Parking Inspectors, Commercial parking personnel and Licence and Vehicle Testers-: The issue is a requirement of Transport Regulation and complies with award conditions.

(4) Footwear is replaced on a needs basis as it wears out. There is no minimum time limit for re-issue.

(5) This is a period order for 12 months and to date no leather jackets have been purchased. Leather jackets are used by Parking Inspectors on mobile patrol and Licence Examiners testing motorcycle riders.

(6) This is a period order for 12 months. Eagle jackets are issued to Parking Inspectors on foot patrol. To date no eagle jackets have been purchased.

(7) In the interest of safety both within the testing area and when conducting on road motorcycle driving tests it is necessary to provide specialised motorcycle safety clothing for Licence Examiners.

(8) All items of uniform remain the property of Transport Regulation with each officer being responsible for their maintenance. When an employee leaves Transport Regulation they are required to hand back protective clothing including leather jackets and eagle jackets. These are sanitised and re-issued.

(9) Contracts 705627-7, 705628-5, 705629-3, 705630-6 and 7056314 are period orders for 12 months. The $5,000 is an estimate based on the maximum expected in a single year but will not necessarily all be spent.

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APPENDIX 1:

(Incorporated in Hansard on 20 October 1992 at page 2732)

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

14 OCTOBER 1992

MY QUESTION TO THE CHIEF MINISTER REGARDING THE TILT TRAIN PROPOSAL.

SUPPLEMENTARY QUESTION:

WILL THE GOVERNMENT BE CONSIDERING A FEASIBILITY STUDY TO MAKE SURE THAT INVESTORS, BEFORE THEY ARE ASKED TO INVEST MONEY, HAVE SOMETHING TO GO ON?

THE NEW SOUTH WALES GOVERNMENT HAS UNDERTAKEN PRE-FEASIBILITY S INTO THE TILT TRAIN PROPOSAL. THE TILT TRAIN HAS THE ESSENTIAL TO REDUCE THE TRAVEL TIME BETWEEN CANBERRA AND SYDNEY TO UNDER 3 HOURS. STUDIES HAVE FOUND THAT SUCH A JOURNEY TIME WOULD BE ATTRACTIVE TO SUBSTANTIAL NUMBERS OF POTENTIAL CONSUMERS IN BOTH THE BUSINESS AND RECREATION MARKETS SINCE SUCH A TIME IS COMPETITIVE WITH EXISTING CAR AND BUS TRAVEL WHILE TILT TRAIN TICKET PRICES WOULD BE BELOW THAT OF AIR TRAVEL.

AT THIS STAGE EXPRESSIONS OF INTEREST HAVE BEEN CALLED FOR FROM THE PRIVATE SECTOR AND PRIOR TO ANY SELECTION PROCESS AN INFORMATION EXCHANGE SESSION WILL BE HELD TO FULLY BRIEF POTENTIAL CONSORTIA. SENIOR OFFICERS FROM MY DEPARTMENT AND THE DEPARTMENT OF ENVIRONMENT LAND AND PLANNING ARE CURRENTLY LIAISING WITH THE NEW SOUTH WALES GOVERNMENT SO THAT THE A.C.T. IS FULLY INVOLVED IN THESE INFORMATION EXCHANGE SESSIONS.

CONTACT: Eric Bodge
DIVISION: Economic Development
PHONE: 20 50558 FAX: 20 50615

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APPENDIX 2:

(Incorporated in Hansard on 20 October 1992 at page 2732)

MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION TAKEN ON NOTICE on 13 AUGUST 1992

Future Directions of Secondary Colleges

MR CORNWELL - asked the Minister for Education and Training: I refer to an issues paper, Future Directions of Secondary Colleges, which was put out for Comment last year with the expectation:

At least an interim report would be provided to the education division by 31 March 1992.

Has this been done and when might we have a report available for scrutiny?

MR WOOD - the answer to Mr Cornwells question is:

With regard to your enquiry about the Future Directions of Colleges I have been informed by the Department of Education and Training that the rapid developments within the compulsory education and training arena have occasioned a change of strategy.

As you will be aware the original Future Directions of Secondary Colleges paper was prepared before the advent of the Finn, Mayer or Carmichael reports and consequently there is scant reference to the likely impact on colleges of these major developments.

During the course of its deliberations it became increasingly obvious to the Departments Colleges Steering Committee that:

- its original brief was too limited;
- it should simply complete its analysis of the questions raised in the Future. Directions paper; and then
- recommend that the Department adopt whatever strategies are needed to advance the development of the colleges.

In June, I established a high level Education and Training Co-ordination Committee and in August a more representative Education and Training Forum, seeking in both to co-ordinate the development of post-compulsory education and training in Canberra.

Ire addition to.this work the Department has been consulting with college principals on the development of a paper which aims to address the major national and international developments and the key issues raised in the College Futures enquiry.

I will be happy to provide you with a copy of that paper when it becomes available.

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