



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

15 December 1992

Tuesday, 15 December 1992

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

QUESTIONS WITHOUT NOTICE

Health Budget

MR KAINE: I would like to address a question to the Minister for Health, Mr Berry. I think the Minister may be aware that the costs to the community of the Medicare system in Australia are growing each year, while at the same time public hospitals have increasing waiting lists. I believe that he should also be aware that private health insurers contribute 11 per cent of the total cost of health in Australia, while the Medicare levy contributes only 8 per cent, and if the level of private health insurance continues to decline at current rates the Medicare levy will have to double - I repeat "double" - to maintain current health spending. Given those facts, just what does the Minister intend to do to ensure the maintenance of health spending at an appropriate level in the ACT?

MR BERRY: Mr Kaine claims that he has facts. I am afraid that the Liberals' record on the production of facts when it comes to complaints about the health system here is not good. Mrs Carnell is a classic example of that.

Mr Kaine: We will match our record against yours any day, Minister.

MR BERRY: I can. It is pretty easy to do, now that you interject to say, in addition to your earlier question, "We will match our record against yours". I will match it. No unapproved spending. When it comes to the provision of health services, I think the Labor governments both at State level and at Federal level are good. As I have said, we intend to support the principles of Medicare.

Of course, whether the private sector is able to attract people into private health insurance is a matter for it, not something that I can control. Neither can I control people walking away from private insurance. At the end of the day the reason they do that is that they are more attracted to the services which are provided in the public sector. Madam Speaker, the issue for people to consider is whether they want to use private facilities and private insurance or whether they want to use the public sector. Clearly, they do not want to use the private sector, and they are walking away from it. Yes, I suspect that the financial situation of many would have something to do with that. It is also fairly natural to surmise that there will be an increased burden on the public sector as a result.

With Medicare, we are able to deal with this to one degree or another. For example, the Commonwealth made a significant contribution to reducing waiting lists in this year's budget, and the ACT, in negotiations with the Commonwealth, will attract some of that funding. At the same time, we have to manage our health system in a different way from that in which it has been

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managed in the past, and there is less money to go around. We have to make do with less. As was set out in the budget papers, significant amounts of money have been taken out of the health budget in the ACT, and health management have to work hard to make sure that they do their business more efficiently.

That is no easy task; but I think that when it comes down to it we have to accept that we will be bearing more of the responsibility for health services, we will have to negotiate harder with the Commonwealth, and we will have to do things differently in the public system. Our managers are currently doing that. We are working through a very difficult budget year. Expenditure in the recent past has been up, and we have to do things which regulate our expenditure in the system. At the same time, there is no doubt that waiting lists have been a difficulty for every public hospital in Australia. They are a difficulty for us, and it is not one that is going to go away overnight.

Mr Humphries: They have doubled here, which is more than anywhere else.

MR BERRY: They were very low in the ACT when Labor was in office in 1989. They almost doubled up to the period of the Alliance Government, and they have grown since. Nobody can deny that. Nobody would want that to happen, and it is something that we have to work on. But people are not going back to the private sector, because there is no attraction for them to do it. If the private sector think that they need to do a bit of marketing, that is not something that I am going to control. It is entirely up to them. It is not something that I can control. We have to work to provide public hospital services as people walk away from the private sector, and we will continue to do that as far as we can with the money that we are provided with.

MR KAINE: I ask a supplementary question, Madam Speaker. The Minister took over five minutes to outline the very problem that I put to him, but he did not answer the question of what he intended to do about it. Do I have to conclude, then, that the Minister is going to throw his hands up in the air and do nothing while our health system deteriorates?

MR BERRY: What Mr Kaine said is not true. I told him very clearly that we are going to manage our health system differently and do things more efficiently.

Mr Humphries: Manage better! What sort of answer is that?

MR BERRY: Mr Humphries would suggest that we do what he did - abandon the whole show. We will manage the way we do business in the health system better. We have proven that we can do that. At the same time, we will take advantage of the extra money that has been provided to us by the Commonwealth to address waiting lists. Furthermore, we will also work, in the debate over the new Medicare agreement, to ensure that the ACT gets a better deal.

Mr Kaine: What - better than the one you signed yourself up for?

Mr Humphries: You have already signed the agreement.

MR BERRY: I am glad that Mr Kaine interjects, "You have already signed the agreement". That is patently wrong. While you spread that poison, it does your credibility no good. The agreement has not been signed. I have said clearly that this Labor Government supports the principles of Medicare and will continue to do so. We will not get on the band wagon that has been created by New South Wales and Victoria, as you have. We will not abandon Medicare. We will continue to work for it and with it.

Cooperative Research Centres

MS ELLIS: My question is directed to the Chief Minister. Can the Chief Minister outline the significance of the ACT's success in obtaining additional cooperative research centres, and what is the Government doing to support these initiatives?

MS FOLLETT: I thank Ms Ellis for the question. It is a great achievement for the ACT in obtaining two additional CRCs under the final round of the Federal CRC program and, of course, we are also a strong participant in a third CRC. These centres are potentially of very great significance to Canberra.

The Centre for Advanced Computational Systems is based at the ANU Centre for Information Science Research, the CSIRO's Division of Information Technology and four private sector computer companies. This program acknowledges the pre-eminent position of the ANU's centre in supercomputer technology in Australia, so it is further recognition of our significance there. The research data network centre which is also based at the ANU Centre for Information Science Research will ensure that the ACT institutions maintain an active role and a very important role in national science and technology activities.

Madam Speaker, the ACT Government has worked very closely with the ACT institutions in developing proposals for ACT based cooperative research centres, so obviously we are very pleased with the outcome. We support the ACT research and development activity for two reasons. It forms an important industry in its own right and it provides the basis for the development of new ACT based industries. We are well aware of the potential of ACT research. From 1993 the Economic Development Division of my department will be seconding a quite senior officer to work full time with the Centre for Advanced Computational Systems. That officer will be involved in promoting and developing opportunities associated with the advanced technology sector in the ACT. I think this is a very exciting opportunity for us to maximise the commercial development potential of research activities in this Territory.

The third CRC in which we are involved is the cooperative research centre on freshwater ecology. This is obviously a very important step towards the improvement of water quality in Australia's inland waterways. The ACT waterways are enormously significant in Australia's water resources. The Department of the Environment, Land and Planning under the Minister, Mr Bill Wood, has been, and will continue to be, very closely involved with the University of Canberra in this project. The centre will provide the knowledge for achieving sustainable use of surface waters in the temperate region of Australia, including those of the ACT region. In my view, it will provide a very important contribution to the achievement of the national water quality management

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strategy for Australia which is under joint development by the Australian and New Zealand Environment and Conservation Council and the Australian Water Resources Council. Madam Speaker, there will be six major research program areas within that CRC - - -

Mr Kaine: I take a point of order, Madam Speaker. I draw your attention to standing order 74, where ministerial statements are listed after question time. If the Chief Minister wishes to make a ministerial statement on this matter, I ask her not to do so in answer to a dorothy dixer but to do it, by leave, at the appropriate time in this session of this Assembly.

MADAM SPEAKER: Thank you, Mr Kaine, for drawing my attention to that standing order. It is, of course, appropriate under standing order 118 that answers should be concise and confined to the subject matter. Of course, I have a problem in determining whether this answer is concise because it is not yet complete. "Concise" is very open-ended - - -

Mr Kaine: You can see the several typewritten pages before the Chief Minister, just as I can, Madam Speaker.

MADAM SPEAKER: Excuse me, Mr Kaine. I would like to finish. Having had my attention drawn to this matter and given that it is already a quarter to three, I will allow the Chief Minister to finish her answer, but perhaps she could take this concern into consideration when she calls the end of question time. Would you like to continue, Ms Follett.

MS FOLLETT: Madam Speaker, I do not believe that I have ever given an overly long answer in this chamber, and I am not doing so today. I have been asked an excellent question about the significance of a particular achievement by the ACT, and it is a disgrace that these people here are not prepared to listen to it.

Mr Kaine: Madam Speaker, I object to being told that it is a disgrace to draw the Chief Minister's attention to standing orders. I would like her to withdraw that. It is not a disgrace at all. It is a reasonable thing for a member to do.

MADAM SPEAKER: Mr Kaine, I understand your concern, but I do not believe that a standing order has been transgressed. Please continue, Ms Follett.

MS FOLLETT: Thank you, Madam Speaker. I was, in fact, drawing very close to the conclusion of my answer to Ms Ellis's question. To finish up on the third of these CRCs, I think it is a very important contribution to improved understanding and much more professional management of Australia's water environment, and of course it will do a great deal to identify what is necessary to maintain the health and the ecological sustainability of our rivers. Issues such as algal blooms, which have been a significant difficulty recently, will be examined. That will provide a great deal of guidance for water resource assessment and planning and will avoid future water problems. That third CRC will be established at the Murray-Darling Freshwater Research Centre located in Albury, but there will be research nodes. One of those research nodes will be at the University of Canberra; the other will be at Monash. Madam Speaker, I think that this is a very significant development for the ACT and one which all members should be pleased to hear about.

Medicare Agreement

MR HUMPHRIES: Madam Speaker, my question is addressed to the Minister for Health. I refer to statements the Minister has made today and before today concerning his confidence in the process that the Federal Government has begun to revise the Medicare agreement and, in particular, to increase the Medicare levy. In light of the obvious confidence he has in this process and the capacity of the ACT health system to cope with the consequences of this process, I ask him why he moved and had his senior private secretary second a motion at the Labor Party conference which reads:

Further, we urge the Federal Government to recognise that the failure to maintain health funding has led to great stress on State and Territory governments. This has, in turn, led to longer waiting lists and reduced government services in the public system at a time when the effects of the recession have taken private insurance out of the reach of many ordinary Australians.

I ask the Minister: If you believe that, why have you rushed with such indecent haste into signing a Medicare agreement which puts those same principles in concrete and ensures that citizens of the ACT continue not to have access to important health services?

MR BERRY: Madam Speaker, I thank the member for the question. I am delighted to take it. Madam Speaker, that just goes to show how much notice the Commonwealth takes of ACT branch motions. They have put up the Medicare levy to raise more funds.

Pink-tailed Legless Lizards

MR MOORE: Madam Speaker, I am not going to ask Mr Berry why he has not answered my question No. 76 on the notice paper, which was put there in April. Instead, I am going to ask a question of Mr Connolly as Minister for Urban Services. It follows the answer given by Ms Follett just a minute ago with reference to water quality. No doubt, Mr Connolly, you are aware that a critical 10 per cent of the remaining 400 pink-tailed legless lizard population in the ACT live in the gully site preferred by ACTEW for the bypass dam in the Lower Molonglo. What action will you take to ensure that ACTEW protects these species when dealing with the spillage from the Lower Molonglo Water Quality Control Centre?

MR CONNOLLY: Madam Speaker, Mr Moore sought to ask two questions. Perhaps before answering the question that he actually asked I can give an answer to a question that I would like to have been asked. He raises a very serious question. The outflow into the creek from the Lower Molonglo is a matter of real concern and a matter which this Government has addressed. We have been very open about the problems at the Lower Molonglo; we have been happy to invite any members, including members of the New South Wales State Parliament, to have a look at the system; and we have been open in saying, "We have to do better".

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We have put \$6.5m up - the ACTEW board has approved the expenditure of that sum - to build a dam to ensure that there will not be a bypass. That is the only physical way of ensuring that material does not go into the creek. We are currently conducting an environmental impact study on how that dam could operate. I am aware of claims that the gully that we picked is the habitat of the legless lizard. I have said to the conservation movement, "Life is never easy and life sometimes involves choices". There is an issue of whether we want effluent in the creek or a dam in the gully. It is the only gully where a dam can be built, because it needs to be adjacent to the treatment place. It is not possible, Madam Speaker, to have no dams and no effluent. Either you have no dam and effluent or you have a dam and no effluent.

I look forward to the process of the environmental impact study which is going on with appropriate scientific detecting devices, and I look forward to the cooperation of the conservation movement. As I have said to them, we are not just making woolly statements about the environment here. We are putting up \$6.5m of ratepayers' money to ensure that the outflow of water from the ACT is up to the highest standards of quality. The ACT community is putting up that money, because it is coming out of the \$25 per household environmental works levy.

I am confident that we can have an outcome that preserves the water quality in the creek - indeed, enhances the water quality - and does not adversely affect the wildlife population. It should be noted that the dam will not be permanently full. It will be filled occasionally in times of flood, and I am sure that that will not lead to the eradication of the legless lizard. But it is not possible to have a solution which has both no dams and no effluent.

Public Hospitals - Interstate Patients

MR CORNWELL: Madam Speaker, my question is directed to the Minister for Health. I was very interested to hear Mr Berry, in one of his longer answers earlier today, say that we must engage in harder negotiations with the Commonwealth. Minister, you would be aware that 25 per cent of patients in ACT public hospitals are from New South Wales and that the new Medicare agreement includes direct payment for interstate transfer patients. I ask, therefore, whether ACT Health will be paid at a rate which will fully recognise costs incurred or whether payment will be made on the basis of average costs in other States.

MR BERRY: Madam Speaker, I am pleased to have the opportunity to answer that question. I question the 25 per cent; I think the figure is a few percentage points lower than that. It depends on what New South Wales does with its hospital system. The Liberals in New South Wales, it appears, are going to close the Bega Hospital.

Mr Humphries: He does not know the answer, in other words.

MR BERRY: No; hang on a minute. That may well affect - - -

Mr Humphries: He is fudging.

MR BERRY: No; it is very important that the quality of the question be tested. If you say 25 per cent, I assume - - -

Mr Humphries: It is not important to the question. It is irrelevant.

MR BERRY: Mr Cornwell obviously thinks it is important, or he would not have asked the question. It may fluctuate, depending on - - -

Mr Cornwell: If it is 24 per cent, I will not argue. Just answer my question.

MADAM SPEAKER: Order! The answers to questions will, in my opinion, be more concise if there are no interjections. Mr Berry, will you continue.

MR BERRY: One question grows to 22 with interjections, and it is a bit hard to deliver an answer in the required time. The percentage could ebb and flow. It will depend on what New South Wales does with its hospitals. I understand that Bega Hospital is in for a period of closure, and there may be an impact on the hospital system.

When it comes to costs, I have said time after time that we are in the process of negotiating with the Commonwealth about the outcomes for Medicare. Our preferred position was to take the Grants Commission process of providing funding for the cross-border trade, if I may call it that. The Grants Commission would make an assessment of the amount and we would receive an amount which was calculated according to the Grants Commission process. That has been our preferred position.

At this point it appears that the weight of support will go to payment for cross-border traffic, if you like, and we are to negotiate with the Commonwealth about the level of payment which will be made in respect of those services which we provide to people in New South Wales and which New South Wales provides for people in the ACT. We will argue a case which supports the costs that we incur. But at the end of the day it is going to be subject to a long process of negotiation involved in the determination of the eventual Medicare agreement which will carry us beyond the middle of next year.

That, in turn, demonstrates our commitment to the Medicare process and a willingness to get involved with the Commonwealth and other States in the development of a new program for the rest of Australia. I repeat what I said earlier. You cannot afford to grandstand with New South Wales and Victoria on this important issue. If the Liberals are serious about health care in the ACT, they ought to know that most people in Australia support Medicare - - -

Mr Cornwell: So, the matter has not been resolved. That is what you are saying.

MR BERRY: The matter will be resolved in negotiations with the Commonwealth, and a full statement will be made to this Assembly when the eventual arrangements are settled. It is a matter that is subject to negotiation.

Civic Bus Interchange Taxi Rank

MRS GRASSBY: My question is addressed to the Minister for Urban Services, Mr Connolly. Can the Minister inform the Assembly on the use of the Civic Bus Interchange as a taxi rank between 12 midnight and 6.00 am?

MR CONNOLLY: I thank Mrs Grassby for her question. This Government has always taken a holistic approach to crime prevention. We have been talking for some time about crime prevention strategies, and perhaps members opposite have thought that sometimes that has become a bit airy-fairy.

A very concrete example of how a crime prevention strategy can work to address a problem is shown in the recent very swift move to change the arrangements for taxi pick-ups after hours in Civic. As a result of concern about crime in the Civic area, we have taken a range of initiatives, including legislation now before the chamber, an increase in police foot patrols and a move to ensure that taxis will be able to pick up patrons of the late night establishments in the bus interchange. The interchange area in Civic is well lit and is sheltered. It is right in the centre of Civic and on the general beat of the beat squad. They are always wandering past.

I became aware of a problem when I was out there in the early hours of the morning. I did not bump into Mr Stevenson, who usually has a parking problem which I have to acknowledge. Perhaps he had gone. I was aware that there was a problem with large crowds of people congregating at the taxi rank at Bunda Street. It is dark and not well lit there. It is a point where fights often erupt. People skirmish over cabs. Young women in particular, are concerned. When they are waiting to get a taxi home they are being hassled by some blokes who have a bit too much grog under their belt. Moving the taxi rank into the centre of Civic, into the interchange, has proven to be very successful. All reports that I have from police, the taxi industry and the entertainment industry are that it has gone well. It is a good example of a concrete crime prevention proposal which is delivering good results.

I would like to acknowledge, Madam Speaker, the cooperation of the Transport Workers Union in ensuring that things went smoothly. There has traditionally been opposition to the use of the interchange for any purpose other than the buses. That is understandable because cars using the interchange could cause problems to the pavement. Taxis ranking could cause drippage of oil and so forth, leading to some problems. When we put it to the union that this was a crime prevention and community safety issue, we got very swift agreement to introduce the scheme. We will deal with any problems as they arise, but we got swift agreement to introduce the scheme and it is working well.

Bunda Street Taxi Rank

MR STEVENSON: My question is directed to Mr Connolly and concerns taxi parking in the Bunda Street area. Will the Minister have the use of the current taxi stand areas in Bunda Street after 12 midnight reviewed, as they appear to be no longer required to the same degree as they were before?

MR CONNOLLY: I must have missed Mr Stevenson when I was wandering around and making my observations. Yes, I expect that we will, Mr Stevenson. We obviously want to test how the bus interchange taxi rank is going. It seems to be going well. This measure was introduced very swiftly. In effect, I directed the department to move on Monday of last week and the interchange rank was operational by Friday. When we were announcing it on Friday, the signs in Civic were just going up. Signs will be going up in Bunda Street to advise people that the taxi rank there is not the after hours taxi rank. It would probably be appropriate then that after midnight that area be used for other purposes. But until 12 o'clock Bunda Street will remain a Civic taxi rank because the interchange is still being used by buses. Of course, problems may arise that cause us to review the whole scheme.

Better Cities Program

MS SZUTY: Madam Speaker, my question is addressed to the Chief Minister, Ms Follett. Can the Chief Minister inform the Assembly whether the ACT has signed the better cities agreement? If this agreement has been signed, when will the relevant documents be tabled in the Assembly and become publicly available?

MS FOLLETT: Madam Speaker, I thank Ms Szuty for her question. I can advise her that the better cities arrangements have not yet been finalised. I certainly hope that they will be finalised in the very near future. Of course, at that time I will be very pleased to inform the Assembly and the Canberra community of the terms of those arrangements.

MS SZUTY: I ask a supplementary question. The Chief Minister said that the better cities agreement will be signed in the near future. Can she tell the Assembly whether that will be before Christmas or after Christmas this year?

MS FOLLETT: I am aware of members' holiday requirements, Madam Speaker; but no, I cannot. It will be in the near future.

Hospital Waiting Lists

MRS CARNELL: My question is directed to the Minister for Health. Earlier in question time Mr Berry alluded to the money to reduce hospital waiting lists. As the Minister would be aware, he recently accepted \$647,000 for the 1992-93 hospital access program to reduce waiting lists. In accepting this specific purpose grant, the Minister obviously had a clear objective of how many he would reduce the waiting list by in this financial year. Could the Minister please tell the Assembly how many of the 2,000 people currently on the waiting list will get hospital treatment as a result of this money?

MR BERRY: This is a delight. Fancy somebody with the so-called health qualifications of Mrs Carnell jumping up and asking a question like that. How many hip replacements can you get for \$647,000 and how many tonsillectomies can you get? What a silly question!

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What it boils down to, Madam Speaker, is that the money will be put into the hospital system to deal with waiting lists. Members opposite know that it costs money to reduce the waiting lists. What it also boils down to, Madam Speaker, is what the doctors do in terms of their own waiting lists and how they deal with their own case mix which is to go to the hospital system. I could not guess, and will not try to guess, the numbers by which waiting lists will be reduced as a result of that money; but it will be a significant contribution to the hospital system to help us provide services to the people of the ACT. We welcome it and it is available only while we support Medicare.

MRS CARNELL: I have a supplementary question. I understand that the money we are talking about was available to the ACT only on the basis of the ACT being able to put forward specific proposals. I am quoting the Commonwealth Government statement on the issue. I would be interested to know what specific proposals were put forward to the Federal Government and what the outcome is likely to be.

MR BERRY: As I have said repeatedly in response to questions about the Medicare agreement which is still under negotiation - - -

Mrs Carnell: No; this is not part of the Medicare agreement.

MR BERRY: You asked your question. Wait for the answer. A portion of the money has been provided - not all of it. I will be providing for this Assembly a complete statement about the detail of the Medicare agreement in order that members who support Medicare can relish it and those who do not support it, like the Liberals opposite, can weep.

Hospital Redevelopment Project

MR LAMONT: Madam Speaker, my question is directed to the Deputy Chief Minister in his capacity as Minister for Health. There have been a number of reports quoting Mrs Carnell in relation to uncorroborated allegations of wastage of public money at Woden Valley Hospital. Minister, would you provide the Assembly with the facts behind these allegations?

Mr Kaine: If he will answer this question honestly, we will be delighted.

Ms Follett: I raise a point of order, Madam Speaker. Mr Kaine has made an imputation which I am quite sure was unintended.

Mr Kaine: I withdraw, and I insert the words "at all".

MR BERRY: Madam Speaker, I am pleased to answer this question because much was made about it over the weekend, again without information. The comments made were aimed more at causing a political stir than at dealing with the issues at large. I have sought advice in relation to the matter and I will give a run-down on the position.

Waterproof indoor-outdoor carpet was laid in both permanent and temporary links between building 1 and building 3. The carpet is in use in other hospitals and was chosen for its hard-wearing ability, its welcoming atmosphere and the resultant reduction in noise levels. Staff have since found that some hand trolleys and beds are tracking sideways on the floor, making movements very difficult

and raising occupational health and safety concerns. Consequently, the carpet is to be removed and a vinyl surface restored. The cost will be met by the contractor from within the current hospital redevelopment project and is not an additional expense to ACT Health. Wrong again, Kate.

In relation to the matter of tenders for the doors at the hospital, the architectural consultants specified that the doors should be either D.W. Revell Revco model CH of Australian manufacture or Speedmatic model 2w36 of American manufacture. There is an issue of commercial-in-confidence here, so I am not going to be as crude as Mrs Carnell and get into those areas which are matters of commercial-in-confidence. I thought that, coming from a business background, she would have understood that.

In accordance with ACT Public Works management procedures, three written quotations were sought and received for the supply of suitable doors. ACT Public Works is currently reviewing the technical specifications for the doors to establish performance standards, quality, client requirements and value for money. The tender process has closed and no contract has been let. Wrong again, Kate.

At this stage, along with the technical evaluation, ACT Public Works is undertaking a review of quotations prior to the acceptance of any tender. I understand from the media that one of the tenderers was able to reduce his tender by something like \$3,000. That caused me to raise my eyebrows a little bit.

Mr Cornwell: Why?

MR BERRY: I wondered whether the original tender was fair dinkum or not and whether the ACT taxpayer would be very happy about somebody winning a contract, knowing that the tender was \$3,000 too much.

Mr Kaine: That is a very interesting comment from a Minister - raising questions about a tenderer when you have not even finished the assessment yet.

MR BERRY: It was in the paper. I have to say that, on balance, it would be my preference for equivalent equipment of Australian manufacture to win the project. But they have to do it on merit. The ACT taxpayer would tolerate no less. These two particular doors were recommended by the architectural consultants who were engaged to deal with those sorts of things within the hospital redevelopment project.

I am committed to creating Australian jobs where it can be done fairly. I would like to test Mrs Carnell here. If she is really fair dinkum about protecting ACT jobs, I will go up to her chemist shop in Red Hill and help her unload the shelves that have imported products on them. I will also be prepared, after the Assembly breaks, to go to Queensland with her to help her take the stuff off the shelves of the pharmacy that she part-owns up there. If you are fair dinkum about it, let us go and rip them all out and throw them out in the street - all the French perfume, the lippy and all that stuff.

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

Supply and Tender Agency

MR CONNOLLY: Madam Speaker, on Thursday, 10 December, Mr Westende questioned me about a study being undertaken by Deloitte Ross Tohmatsu into the establishment of an ACT supply and tender board. Deloitte Ross Tohmatsu are not undertaking a study into the establishment of an ACT supply and tender agency. Deloitte Ross Tohmatsu have undertaken a study into the identification and quantification of corporate overhead costs for Public Works and Services within the Department of Urban Services. A proposal for further study is currently under consideration for Deloitte to identify activities which can be reduced or eliminated and to establish commercial best practice for the corporate areas.

Regarding the contract and tender agency, work is progressing towards its implementation within Public Works and Services. Data is being collected and a hotline has been established to enable advice to be given to potential suppliers. Discussions are being held with some industry associations, and a meeting with departmental purchasing officers is being held this week to discuss the aims of the agency. Further development of the computerised databases is scheduled for early next year, and I am confident that an effective contract and tender agency will be in place in the not too distant future. So, Madam Speaker, that particular consultancy is not in the area mentioned by Mr Westende.

Graduate Nurse Program

MR BERRY: Madam Speaker, I would like to respond to an issue which Mr Moore raised in relation to a question which was placed on the notice paper on 9 April. It is a very long and complex question and it has taken - - -

Mr Moore: Eight months.

MR BERRY: It has taken too long to get the answer, and I apologise to Mr Moore for that, but it has received a lot of attention. I accept responsibility for the oversight in not bringing it forward.

Mr Humphries: Can we see the answer?

MR BERRY: I will speed it up. I will get it fixed, because I am unhappy about it.

MADAM SPEAKER: I believe that it is the question he has in his hands, Mr Humphries.

MR BERRY: That is the question I have. It is a long and complex question and I have not been happy with attempts thus far to answer it.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS
Papers

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

The schedule read as follows:

Motor Traffic Act -

Determination of fees - No. 173 of 1992 (S224, dated 7 December 1992).

Determination of taxi fares - No. 170 of 1992 (S225, dated 3 December 1992).

Parental Leave (Private Sector Employees) Act -

Notice of commencement of uncommenced provisions (S226, dated 3 December 1992).

Public Place Names Act - Determination - No. 171 of 1992 (G49, dated 9 December 1992).

Water Pollution Act - Water Pollution Regulations (Amendment) - No. 31 of 1992 (S229, dated 8 December 1992).

LAND (PLANNING AND ENVIRONMENT) ACT LEASES
Papers

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, pursuant to the Land (Planning and Environment) Act 1991, I present leases in accordance with the list circulated. I draw members' attention to a matter arising later in the day.

The list read as follows:

Leases granted pursuant to the *Land (Planning and Environment) Act 1991* for -

Duffy, section 7, block 2

Giralang, section 55, block 8

Kambah -

section 241, block 7

section 480, block 3

Melba -

section 73, blocks 4 to 10

section 74, blocks 1 to 6

section 75, blocks 14 to 19

section 78, blocks 5 to 9, 21 and 22

O'Connor, section 3, block 35

Waramanga, section 37, block 1

Yarralumla, section 50, block 9,

together with executive statements.

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CANBERRA IN THE YEAR 2020 STUDY
Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer) (3.12): Madam Speaker, I ask for leave of the Assembly to make a ministerial statement on the "Canberra in the Year 2020" study.

Leave granted.

MS FOLLETT: I thank members. Madam Speaker, on 20 August of this year the Assembly passed a motion:

That the Government inquire into and report on strategic planning in the ACT addressing the key question "What should Canberra be like in the year 2020?".

The motion requires the Government to provide quarterly reports on the progress of the study to the Assembly, with a final report on the first sitting day in August 1993.

I present the first quarterly report of the "Canberra in the Year 2020" study and I move:

That the Assembly takes note of the papers.

Madam Speaker, the report provides an outline of past strategic plans in Canberra and their applicability in the city today. It discusses potential social, environmental, technological and demographic trends which will impact on our quality of life in the ACT, and briefly outlines the fundamental goals, trends and challenges over the next three decades. The progress report also sets out the process by which the "Canberra in the Year 2020" study will be completed.

The study will be undertaken in four stages, coinciding with the reporting requirements of the Assembly motion. The tabled report represents the end of the preliminary work undertaken in the first stage. In the second stage of the study a number of issues papers will be prepared, to raise key issues and options for the range of subject areas mentioned in the Assembly's motion. These issues papers will form the basis for discussions with a range of government and non-government bodies during the third stage of the study. These discussions will further develop the issues and options raised in the issues papers and form the basis for the final report. The final stage of the study will draw conclusions based on the issues papers and discussions, and develop goals, implementation strategies and evaluation and review processes as called for in the Assembly's motion. At the completion of this stage a final report will be presented to the Assembly.

Madam Speaker, the approach set out in the tabled report allows for the participation of members of key government advisory groups and also members of peak non-government bodies in the ACT. The principal avenue of community participation will be through the "Canberra in the Year 2020" Reference Group, which will be formed to provide input to the development and review of issues papers and the final report.

This progress report outlines many challenges for the Government and for the population of the ACT over the coming decades. The demographic projections contained in the tabled first stage report indicate that some population trends appear to be clear, regardless of which demographic scenario is examined. For example, by the year 2020 the proportion of people in Canberra aged 65 years or older will be considerably higher than today, while the proportion of those under 19 years old will decline. The main working age population group - that is the 20- to 64-year-olds - will comprise about the same proportion of the population as today.

Increasing proportions and numbers of older people in our society requires careful thought about housing, home support services, health services and other issues. It also raises new commercial opportunities for the private sector. The relative decline in the younger population has implications for education delivery and health and welfare services. A key challenge will be in providing jobs for the working age population. To maintain population growth at around current levels we need to create almost 5,000 jobs each year. The emphasis I placed on economic development and employment creation in this year's budget will help the Territory in meeting this challenge. This emphasis must be pursued in the future.

The report notes a number of likely developments that will affect the community in the future. Rapid advances in technology are likely to be among the most influential, affecting almost all aspects of our lives, particularly employment, education and health. In education, technological advances may significantly change the classroom of the future. There will be need for a close relationship between senior school years, tertiary education and appropriate work force training so as to respond flexibly to changing demands and labour force skill requirements. In the area of health, advanced technology promises to significantly alter the way we deliver health services. For example, the further development of non-invasive surgery could mean shortened convalescence periods, and greater emphasis on care at home rather than in a hospital. Changes in societal values and attitudes will have impacts in the areas of law and justice, urban form and social justice.

In future, we can expect that the law and justice system in the ACT will be more accessible and affordable than it is today, as well as better understood by the community at large. It is likely that the community will play a greater role in crime prevention and community safety. A key goal for the future is for a sustainable society, and urban development is an important element of this goal. Within the community and government there is growing recognition of the social, economic and environmental costs of continued urban expansion by means of greenfields development. My Government's urban renewal policies, announced earlier this year, will help to avoid these problems. Development of the future Canberra should be aimed at a more efficient, equitable and environmentally sensitive city.

As part of these aims the Government has endorsed the national strategy for ecologically sustainable development and the national greenhouse response strategy. The ACT participated in the development of these initiatives and will vigorously pursue the implementation of both strategies. The environmental efficiency of our housing will become more fundamentally important.

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Future housing will be designed, sited and built to minimise energy use and maximise solar efficiency. The coming decades will bring a number of challenges for our society. For example, potential developments in relation to resource taxes and the polluter pays principle have implications for energy use and economic development in the future.

I am sure that the study, as it progresses, will uncover many issues for our consideration. The study provides a unique opportunity for a strategic vision of our future, allowing us to identify the actions we can take to ensure that Canberra retains its best qualities for future residents. Madam Speaker, I commend the first quarterly report of the "Canberra in the Year 2020" study to the Assembly.

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

RACING INDUSTRY - PROPOSED LEGISLATIVE CHANGES **Ministerial Statement**

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.20): Madam Speaker, I seek leave to make a ministerial statement in relation to the racing industry.

Leave granted.

MR BERRY: Thank you, Madam Speaker. I wish to inform the Assembly of legislative changes the Government proposes to make in relation to the racing industry. It is ACT Labor policy to back the achievement of statehood of ACT sporting organisations and the Government has supported the ACT Racing Club's bid for principal club status. It is not the only club in the ACT which is looking for ACT status. I understand that cricket is in the same position, as well as tennis, so it is nothing new for ACT sports. As we grow we have to support these sorts of moves.

All three racing codes have raised the need to consolidate a legislative base for racing in the ACT, particularly to cover such issues as stewards and appeals. Consultation on the details of such legislation is continuing with the racing codes. The Government, Madam Speaker, has agreed to prepare legislation which will control all forms of racing. We have also agreed to change ACTTAB operations from a Territory owned corporation to a statutory authority. Both these proposals will be brought forward as a package in next year's legislative program.

The change in corporate status of ACTTAB will not affect the day-to-day operations of ACTTAB. ACTTAB will continue to provide significant financial returns to the Government and the three local race clubs. It will continue a high-quality service to its customers. The functions of the authority will be: (a) to conduct or provide totalisator betting services within the Australian Capital Territory; and (b) to provide totalisator betting facilities within other jurisdictions if it is engaged to do so. An object of the authority would also be to maximise the returns to government from totalisator betting operations.

ACTTAB, Mr Deputy Speaker, is a major ACT enterprise with a total turnover of \$85.8m in 1991-92. Of this amount, \$5.1m was paid as turnover tax to the ACT Government and \$3m to prescribed race clubs. Given the importance of the racing industry and the amount of income generated, I believe it is a high priority for the Government to ensure that ACTTAB functions in a manner which achieves the maximum benefit to the Government and the people of the Australian Capital Territory. It is important to ensure that revenue returns to the Government are maximised while maintaining the viability of ACTTAB operations.

Mr Deputy Speaker, I believe that the current legislative framework limits the Government's ability to exercise a more positive role in ACTTAB's operations. For the Government to have more direct involvement and responsibility for ACTTAB's operations, the most appropriate structure is for ACTTAB to operate as a statutory authority. I propose that ACTTAB become a body corporate, with members of the board and the chief executive officer being appointed by the responsible Minister. I believe that it is essential to maintain a board of directors to provide a broad perspective for the day-to-day management of the authority. A board also provides an appropriate degree of arm's length management from the Government. Some degree of distance from government is appropriate, given the commercial competitive nature of ACTTAB operations with other gambling sectors, such as the casino and licensed clubs. The sensitive nature of decisions which have to be made in the management of a sector of the gambling industry is also a consideration.

Mr Deputy Speaker, the proposed amendments to the legislation will establish ACTTAB as a statutory authority, provide that staff of the new authority be employed under the new ACT public sector management legislation, provide for the necessary transitional arrangements to transfer all existing ACTTAB Ltd staff to the new authority, and preserve their existing terms and conditions and continuity of service. The legislation will also provide for the transfer to the authority of all ACTTAB Ltd's assets, liabilities and obligations, with the exception of those obligations required for the purpose of the Territory Owned Corporations Act 1990. Provision will also be made for any necessary consequential amendments to other legislation. This includes the deletion of ACTTAB from Schedule 1 of the Territory Owned Corporations Act. Mr Deputy Speaker, I move:

That the Assembly takes note of the paper.

MR DE DOMENICO (3.25): Mr Deputy Speaker, the Opposition also believes that the racing industry is a very important industry in the ACT. It is ironic that the first time that the community or anybody knew about the Government's intentions was when they woke up on Friday morning and saw a story in the back of the *Canberra Times*. This morning it has gone from the back page to the front page and we find that the Government apparently has intentions of doing something about not just the racing industry but in particular ACTTAB.

The question that people have asked since Friday is, "Why would the Government, or any government, dare attempt to change something that seems to be working very well?". That is one question that one would ask. The second question that has been asked by a lot of people, Mr Deputy Speaker, is, "Why would a government which says in this house how important the racing industry is, and how important all forms of the racing codes - harness racing,

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horse racing and dogs - are to the ACT economy, all of a sudden make up its mind to do something without consulting anyone?". Not one person who has anything to do with the ACT Racing Club, the Canberra Harness Racing Club or the Canberra Greyhound Racing Club knows anything about the intentions of this Government. We go a step further. Not only do they not know anything about it; they disagree with and disapprove of what the Government intends to do.

Mr Berry stood up and he waxed lyrical on a couple of reasons why he thought that changes needed to be made. He said:

I believe that the current legislative framework limits the Government's ability to exercise a more positive role in ACTTAB's operations.

He did not say how. He just suggested that out of thin air. Mr Berry suggested that ACTTAB Ltd might be converted back to an operation of a statutory authority. The reasons that Mr Berry gave apparently were that it would give the Government more control of the board's direction, it would improve the reporting to the Government, it would overcome the impression that the board may have been captured by industry interests, and it would provide a structure used by TABs elsewhere in Australia.

None of these reasons, I suggest, Mr Deputy Speaker, withstand scrutiny. The Government has complete control over the appointment of board members of ACTTAB Ltd right now. Right this minute it is the Government that appoints the board members. Mr Berry really strengthened that resolve by not reappointing two board members over the weekend. So, for Mr Berry to come in here and say that he has no control or limited control over ACTTAB is utter nonsense. It is not true. If the Government feels that the board is not conforming to its wishes, which is what Mr Berry is wanting to say, or that it has been captured by industry interests, he has but to replace the whole board, or certain members of the board. This can be achieved, Mr Deputy Speaker, without any change to the company structure or to the legislation. Alternatively, Mr Deputy Speaker, if the Government felt that the board was not conforming to its wishes, it has but to issue a direction.

I am advised, Mr Deputy Speaker, that one direction has been issued so far - just one - and ironically that direction to the board was to consult with the Government on industrial issues. It was nothing about revenue, or the amount of money coming in or going out. The only time that the Government issued this board with any direction whatsoever was to consult with it on industrial issues. On the other hand, Mr Berry now stands up in this house - first of all, it appeared on the front page of the newspaper - and tells that same board that he is going to change its structure. Mr Berry does not do any consultation. He expects everybody else to consult with him, but he has to change everything without one iota of consultation. It makes one wonder, Mr Deputy Speaker, whether Mr Berry has any reasons at all for making changes, or whether an orgy of ideology has suddenly struck him. He has not done something that is on the Labor Party platform.

ACTTAB seems to be doing all right. As Mr Berry said, it is providing over \$5m per year in terms of turnover tax and a further \$3m in other sources of income, but all of a sudden he finds that it is too successful. It is too successful; we have to bring it back into the public service so that we can control it, so that we can tell it what to do. We can tell it what to do about its industrial practices. The question that needs to be asked by this Assembly is, "Why change?". Certainly, the people involved have not been consulted. They do not want any change. It seems that Mr Berry and perhaps a limited number of his advisers are the only people that want change.

Let us have a look at the situation elsewhere in Australia. Perhaps Mr Berry is arguing that under mutual recognition we will have to get back to what the rest of the country is doing. It is a fact, Mr Deputy Speaker, that the ACTTAB set-up is being looked at by many other States and Territories as the one to base their changes on because it is running very well. In fact, Western Australia, which does not have a Liberal government, as people are aware, is even thinking of going a step further and privatising their TAB set-up - selling it - because that is the best way that they can maximise profits.

I am suggesting, through you, Mr Deputy Speaker, that ACTTAB should be left alone to make sure that it continues to provide the valuable service to the punter. After all, we on this side of the house are not interested in Mr Berry's orgy of ideology; we are more concerned about who is going to get value for money out of a well-run corporation, as it is now. Before you start changing things, Mr Minister, have a good look and see what the facts are; do not just base any changes on your political ideology, because it is not going to work.

Let us look at some other matters. It also has been suggested, apparently, Mr Deputy Speaker, that ACTTAB Ltd be converted not back to the usual statutory authority, as Mr Berry's statement said this afternoon, but to a corporate role structure without a board responsible directly to a Minister and subject to the Public Service Act. Mr Berry in fact said that he is going to be bringing it back to the Public Service Act. The other question to ask is, "Why?". I believe, and the Liberal Party believe, that this may be a retrograde step.

Let us look at the ACT terms and conditions of employment, for example. The only time that they were directed by this Minister to do anything was to consult with him on industrial practices. When we look at the terms and conditions of employment we find that they have never been aligned with the public service. As an organisation whose main trading day is Saturday, for example, it is essential that it not be bound by inappropriate Monday to Friday conditions if profitability is to be maintained. ACTTAB Ltd has its own industrial agreement. It has been negotiated with the Federated Clerks Union and it has been based upon the conditions applying in other Australian TABs. The agreement has been in place for many years and has the support of the company, the staff and the union, as an appropriate basis for TAB employment. The TAB as it currently is structured is happy, the staff is happy, the union is happy, and every other TAB in the country, working on the same agreement, is happy. The only person who seems to be unhappy is Mr Berry.

So, we ask, "Why is Mr Berry unhappy?". Quite obviously, it is because Mr Berry has been informed that he needs to get a bit more ideological in the way he looks at things. He has not been doing enough, apparently.

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Mr Kaine: He might have to move over for Mr Lamont if he does not do something.

MR DE DOMENICO: That is right; he might have to move over for Mr Lamont. That is an interesting question, Mr Kaine. I am glad that Mr Kaine interjected in his usual intelligent way. This may be the precursor for the establishment of the fifth ministry. Is it not interesting to note that all of a sudden - rush, rush, rush - the TAB is not doing the right thing by the people of the ACT? A week and a bit before Christmas there is this real urgency for Mr Berry to walk into this house and advise us of this magnificent change to something that is working well already. Last Friday we read about it on the back page of the *Canberra Times*. Today we read about it on the front page, but interestingly - - -

Mr Connolly: You should try to read the middle of the paper sometimes, Tony.

MR DE DOMENICO: No, it is not worth it, Mr Connolly. Interestingly, though, Mr Deputy Speaker, there are more leaks in this issue than God knows what. There certainly are a lot of leaks. Quite ironically, everybody else was informed per medium of the newspaper. It is interesting to note the views of the people directly affected by things like ACTTAB, namely, the ACT Racing Club, the Harness Racing Club and the Greyhound Racing Club, because they have a direct interest in the thing. This letter to Mr Berry, dated 11 December, says:

Dear Mr Berry,

Members of the ACT Racing Industry are alarmed -

I repeat, "alarmed" -

at the statement in today's *Canberra Times* that the Government now proposes to change the structure of the ACT TAB after only two years of operation as a Territory owned corporation. In this very short period ACT TAB Ltd has, notwithstanding the current economic recession, made many improvements for customers and has increased TAB turnover. Notwithstanding the introduction of the Casino from 14 November, TAB turnover has (although marginally) increased - - -

Mr Kaine: An Alliance Government initiative.

MR DE DOMENICO: Yes, an Alliance Government initiative. The letter continues:

the reverse to what has occurred in other states following the introduction of a casino where the circumstances were similar.

The racing industry in the ACT is almost wholly dependent on the successful operation of the TAB and any suggestion that the present successfully operated organisation be summarily changed, and without any consultation with the industry, is unacceptable.

And so it should be. Mr Berry waxes lyrical and says, "Listen, I have a mandate to do this; this is what the people want me to do about it", without consulting anybody whatsoever in the industry who is going to be more affected by these changes than anybody else. All of a sudden, let us throw it all out of the window; it is going too well. It is an Alliance initiative, as Mr Kaine said, and a very

good one. It is what is going to happen in the rest of the country; but no, let us take 14 steps backwards. Let us go back into the good old days of the old socialism. Let us make it into a socialistic experiment. Because something run very well like a private sector organisation happens to be providing a profit to the ACT community, you cannot have that. We have to change things, without talking to anybody.

Mr Berry, let me tell you that we will be very interested in seeing what sort of legislation you bring before this house. Hopefully, you will tell the house first, before it is leaked to the *Canberra Times*. I can assure you that, unless you can provide very good reasons why things should be changed, we will not be supporting your legislation.

MR MOORE (3.36): Mr Deputy Speaker, when the proposed legislation is before us is really the time to be debating the issues that have been raised by Mr De Domenico, in particular, this afternoon. I shall be looking forward to the time when that legislation is tabled so that we can debate the issue, but I will give some indication of my thoughts now. There seems to be a rush by conservative governments, almost worldwide, to sell off the things that are profitable and to retain in government the things that are unprofitable.

Mr Kaine: That is the conservative Labor Government in Western Australia.

MR MOORE: I said "conservative". I did not say from which side of the Australian parties. I find it quite interesting that here we have what seems to me to be a move to bring something quite profitable back into the public realm. I will be very interested to see the arguments presented by Mr Berry and by Mr De Domenico.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.37), in reply: If you listened to Mr De Domenico, we are creating some sort of ACTTAB gulag or something - whatever you like to call it. That is just nonsense. This enterprise is a good money-spinner for government and we are working to make it a better money-spinner. It is true that ACTTAB provides a service to the racing industry by way of funds through the Racecourse Development Fund, and that has been primarily responsible for the high standard of racing facilities that we have in the Territory. That Racecourse Development Fund will continue.

ACTTAB itself is in a position to provide a dividend to government and we will be seeking to improve that dividend where possible. It is most important that governments which intend to keep the silver, not sell it off, indicate that the family silver is to be kept within the family. This is an enterprise which is of significance to the Australian Capital Territory Government. I have to say that it is an enterprise that has performed well. All of the board members are to be congratulated for their effort, as well as the chief executive officer, Mr Neck.

We expect a long and improving relationship to develop with ACTTAB under the changes which are proposed, with more and more being provided for the Territory, not only for the Territory's budget but for the racing industry. They are positive changes. They will indicate to the people of the Australian Capital Territory that it is clearly a body which is theirs. It is owned by the people of the Territory. It is not the case, as Mr De Domenico says, that everybody in Australia is going to go the way that ACTTAB is currently. That is not the case and he should not say that, because it is misleading.

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We have made a move which I think will be welcomed. The industry knows that this Government is committed to the racing industry. We have moved to establish a principal club status for the ACT gallops and as part of that proposal we have to show our legislative commitment to providing our own regulations in the Territory. That is all part of this package. This is a kick forward for racing in the ACT. I am sure it is a move forward that will be welcome as a package and one which will benefit the people of the ACT and the industry as well.

Question resolved in the affirmative.

CORRECTIONS REVIEW COMMITTEE REPORT - GOVERNMENT RESPONSE **Ministerial Statement**

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.41): I ask for leave of the Assembly to make a ministerial statement on the Government's response to the report of the Corrections Review Committee, *Paying the Price*, and to table that response.

Leave granted.

Mr Kaine: Finally, you come back with a reply.

MR CONNOLLY: This, presumably, is slow-slow, as opposed to the previous one, which was fast-fast. The Corrections Review Committee report *Paying the Price* has been the subject of extensive community consultation since it was released on 5 February 1992. Almost 500 copies of the report were circulated to individuals and community groups and a series of public seminars were held to seek public comment.

The Government's response to the report, which I just tabled, reflects the careful consideration that has been given to the report's recommendations. I do not intend to go into the detail of the Government's response, but I would like to outline the Government's broad approach. The Government intends to progressively implement a wide range of corrections reforms that focus on adult corrections. The few recommendations that relate to juvenile justice are mostly covered with the major development in train for the Quamby Youth Centre.

The Government plans to introduce a wider range of community based sentencing options with sanctions that range from simple reporting requirements to intensive supervision, which incorporate, as appropriate, punitive, reparative and rehabilitative measures. This will enable sentencers to impose an appropriate flexible sentence tailored to the needs of the individual offender. The reforms contained in this response have been designed to complement other current Government initiatives in the criminal justice system and in the treatment of mentally ill offenders. They will also show the Government's firm support for implementation of relevant recommendations of the Royal Commission into Aboriginal Deaths in Custody. An essential part of this plan is the preparation of a new comprehensive legislative package that replaces existing legislation related to sentencing and corrections programs.

I am pleased to be able to advise that, in relation to the improvement of services to prisoners, some of the recommendations have already been taken up. A new agreement with New South Wales that includes clear standards of treatment, prisoner placement policies and costing definitions has been signed. A new system of notification of complaints to, and the results of investigations by, New South Wales official visitors in relation to ACT prisoners has also been agreed upon. A prisoner information booklet to provide prisoners and their families with information on conditions in New South Wales prisons has been drafted and circulated widely for comment. Members might recall that Chief Magistrate Cahill launched that some weeks ago. Measures to improve prisoner liaison will be considered by this Government in the context of the 1993-94 budget.

The proposed new corrections legislation will include provision for transitional release of prisoners, designed to assist in their successful reintegration into the ACT community. A feasibility study into the establishment of a bail/probation hostel will be conducted. These reforms are consistent with the Government's response to the recommendations of the Royal Commission into Aboriginal Deaths in Custody and many of the proposed changes directly meet important recommendations of that royal commission.

Replacement of the current Remand Centre, with its outmoded architecture and high operating costs, is clearly a matter which must be addressed by the Government. The Government will conduct a feasibility study into the provision of custodial facilities in the ACT. A detailed analysis of construction and management options will be undertaken to allow the Government to select the most appropriate arrangement that will satisfy social justice concerns and provide the most cost-effective solution for the ACT's longer-term needs.

I agree that ideally the Belconnen Remand Centre should not be converted or used for other correctional purposes. However, economic considerations may support the use of this facility for some other programs, provided that social justice concerns can be met. It may, for instance, be appropriate to use this facility to trial new programs and assess effectiveness before capital is committed. Therefore, I propose to review this situation in the light of the impact of the other sentencing reforms.

The recommendations that relate to improving the services for mentally ill offenders are, to a large extent, answered by the recent government decision to establish an ACT Mental Health Tribunal and a forensic psychiatry service. The needs of intellectually disabled offenders will be carefully considered in the studies undertaken into the custodial and non-custodial programs. The need to consider them separately from other special category groups is supported.

The recommendations that relate to the administrative amalgamation of corrective services and juvenile justice were rejected, after careful consideration, on the grounds that common administrative support already exists within the Housing and Community Services Bureau; and the need to maintain and reinforce links between services for juvenile offenders and services for family and youth, in conjunction with the need to maintain clear separation between adult and juvenile corrections, so that we do not set up the expectation that young offenders will graduate to becoming adult offenders.

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I turn now to the recommendations that relate to the establishment of a Corrections Liaison Committee and a Corrections Advisory Committee. ACT Corrective Services has established a Corrections Liaison Committee to provide a forum for resolving issues of common concern at the service delivery level. A Corrections Advisory Committee will be formed early in 1993 to provide me with advice on corrections matters and to monitor the implementation of the recommendations from *Paying the Price*.

Mr Deputy Speaker, this Government is committed to the provision of socially just corrections programs in the most cost-effective manner possible and looks forward to community participation in shaping and delivering these programs. A series of public meetings will be held to encourage public discussion and to seek community support. Advertisements for these forums will be placed in the *Canberra Times*, and the community is encouraged to attend and contribute to the decision making process surrounding the future of corrections in the ACT. Mr Deputy Speaker, it is a tribute to the work of the Corrections Review Committee, and the community consultation that followed, that there is now a clear focus for the long-term development of corrections in the ACT. I move:

That the Assembly takes note of the paper.

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

PRIVATE HEALTH INSURANCE
Discussion of Matter of Public Importance

MR DEPUTY SPEAKER: Madam Speaker has received letters from Mrs Carnell, Mr Cornwell, Mr De Domenico, Mr Humphries, Mr Kaine and Mr Westende proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Mr Humphries be submitted to the Assembly, namely:

The important contribution made by private health insurance to a strong, viable and accessible public hospital system.

MR HUMPHRIES (3.48): Mr Deputy Speaker - - -

Mr Lamont: Is there a new shadow spokesperson for health?

MR HUMPHRIES: Members may have forgotten that I was once Minister for Health, and I am very happy to contribute to this important debate.

Mr Lamont: Yes, but you were not honest then.

MR HUMPHRIES: Mr Deputy Speaker, Mr Lamont might care to withdraw that comment.

Mr Lamont: I am quoting that which is reported in *Hansard*, Mr Deputy Speaker.

MR DEPUTY SPEAKER: Nevertheless, a withdrawal has been asked for, if you would not mind, Mr Lamont. I am aware that the remark is in *Hansard*.

Mr Lamont: If he feels sensitive about it now, although he was not then. It is indicative that there must have been some truth in the original statement.

MR DEPUTY SPEAKER: It is the festive season, Mr Lamont. Thank you.

MR HUMPHRIES: This matter of public importance is about improving access through the private health system to a strong and viable public hospital system. Mr Deputy Speaker, you do not need to be Socrates to realise that when we talk about a strong, viable and accessible public hospital system we are not talking about the present ACT public hospital system - far from it. The question, though, that we pose in the matter of public importance we have raised today is: How do we turn around the concerns which obviously are given rise to by the failure of this Government to harvest the benefits of the private hospital system and the private insurance system, and what can we do to make sure that the obvious problems endured by our public hospital system in the ACT do not continue?

Let me state at the outset that we in the Liberal Party are not against or for one sector or the other in this debate. We believe that both must cooperate to provide a valid and viable system for health in the ACT, just as we believe in both the public and private education system, public and private housing, and public and private distribution of food and other essential services. The problem, Mr Deputy Speaker, is that we have here a government which is clearly hostile to private health insurance but has nothing to offer in its place. It has no alternative vision which provides at least the same level of service and care which ACT citizens have enjoyed with the present dual system.

Let me make clear what we on this side do not want. What we do not want is a sort of two-nation syndrome where we have, on the one hand, an efficient private hospital system which offers high-quality care but only to the rich contrasted, on the other hand, with a public hospital system which is run down and overcrowded and basically catering only to the poor because only the poor have no choice in which system they go to. That is not what this party wants, Mr Deputy Speaker. What we want is an integrated system under which quality is available in both sectors and those who can afford it contribute properly to the cost of their own health care and those who cannot still have access to a high-quality health system. That, Mr Deputy Speaker, is the nub of this debate.

Mr Berry: Do you want tax subsidies?

MR HUMPHRIES: Yes, tax subsidies are an important way of achieving that. What has happened to the Australian hospital system? Let me explain, for the benefit particularly of Mr Berry, the changes that have occurred over the last 10 years or so in hospital care in this country. Of course, Medicare was introduced back in 1984, promising four things, essentially: Universality, which means everybody is covered by it; accessibility - everyone gets treatment when they want it; equity - that is, it is paid for fairly; and simplicity.

Those were the four principles on which Medicare was based, but it did not take long before it became very evident that it was very difficult to pay for those four principles in the Australian context - indeed, in the context of any nation in the Western world - and progressively we have seen all subsidies to those who maintain private health insurance, in contradistinction to the public system, gradually removed by the Federal Labor Government. The last of those subsidies were removed effectively at the end of 1987.

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What that has meant, Mr Deputy Speaker, is that there are no incentives for people to maintain the level of private health insurance. Mr Berry, in an interjection in the house earlier today, made the comment that people have seen the quality of Medicare and they are shifting towards it in droves. That is not really a very sustainable argument. Even Mr Berry knows that that is just utter codswallop. The fact of life is that Medicare has had to bear an increasingly large brunt of the cost of health care in this country because the Federal Government's quite deliberate initiatives and other factors have made it increasingly difficult for ordinary Australians to maintain private health insurance. The rises in the cost of private health insurance have been quite horrendous. For example, in 1991 there were increases ranging from 8 per cent for some health funds up to 27 per cent for other health funds around Australia. The overall increase in annual premium costs per family per year in Australia in 1991 was 16.4 per cent. That is a huge increase, a massive increase.

The other reason, Mr Deputy Speaker, that I challenge the argument that people want to go into Medicare because they see the quality in it and discard the private health insurance they have maintained up until now is that you only need to look at our public health system here or anywhere in the country to realise that it is not a system you want to abandon private health insurance to get into. It is a system under serious strain. It is a system with serious problems. For this Minister - who has presided over a massive blow-out in his health budget, a doubling in the size of the hospital waiting list, a dramatic shrinkage in the number of hospital beds he provides and a serious decline in the quality of services in some areas - to sit there and say, "People are coming to Medicare because they like it" really strains the credibility of us and anybody else who happens to listen to this debate.

The rises in premiums, of course, have had serious consequences. They have caused accelerated drop-out rates from private health insurance, and of course that means mainly the fit and healthy who believe that they might survive in straitened circumstances on so-called free Medicare. Fewer and older Australians are maintaining their health insurance because they have to. They have to have the hip replacements when they need them. They have to have the eye operation or whatever it might be. Mr Deputy Speaker, because the old use hospital services at four times the rate of the young and the healthy, health insurance premiums have had to rise commensurately, and so the downward spiral in the number of people with private health insurance continues. That is the nature of the problem we are facing.

Since 1986 two million more Australians are now relying solely on Medicare - that is, they have no health insurance. An extra 250,000 people each year are having to turn to the services of public hospitals instead of being patients in private hospitals, as they might have been previously, or private patients in public hospitals. The cost now runs at about \$700m extra per year. That is the nature of the problem we are currently facing in this country. That is why Ministers of Health recently met and negotiated ways of increasing Medicare levies. That is why the Medicare levy each year is covering less and less of the total cost of health care in this country. In 1989-90 the levy covered only 21.3 per cent of health costs. By 1990-91 it covered 19.2 per cent. Last year the figure was down to 17.2 per cent.

Mr Berry: Hospital costs. You are wrong.

MR HUMPHRIES: These are total health costs, Mr Berry. The projection for 1992-93 shows that the figure will be down to 17 per cent. That is the nature of the problem we are facing at this time. The system just cannot cope. What does this Government do in response to that problem? There is clearly a contracting base of funding and an expanding number of people requiring the services that that base supports. What is this Government doing about it? We do not know, we are told, but we are going to manage better to find the solution to our problem.

Mr Berry: And negotiate with the Commonwealth.

MR HUMPHRIES: I beg your pardon. Manage better and negotiate harder. That is just codswallop. There is no way that this Government is going to face what in this financial year, on my calculations, will be a shortfall of at least \$2m and probably much more. How is it going to cope with a shortfall of that kind without making drastic changes to the nature of health care and health services in this town? It is impossible.

We are going to see supplementation. We are going to see heaps and heaps and buckets and buckets full of supplementation. We can see it coming. If you cannot see it coming, Mr Berry, you must have blinkers on. Everybody else can see it. It is a factor which can be controlled. It is a factor which we can do something about if we are prepared to take on board the sorts of factors that the Minister himself raised at the Labor Party conference when he said that the health system in this country was under increasing pressure because of the policies of his own Federal Government. If he took that on board something would happen.

Madam Speaker, the fact is that private insurance contributes 11 per cent of total health funding in Australia; only 8 per cent is contributed by the Medicare levy. Clearly, there is an increasing problem in meeting the costs of our system. We must deal with that problem of restoring some equity between the two systems. If private health insurance falters, it means that we have to find the money somewhere else. Mr Berry, that means finding money from your pocket. Private health insurance is important for two principal reasons. It contributes revenue to the running of public hospitals and it allows people to be treated in private hospitals, allowing the pressure on our congested public hospital system to be alleviated.

I put it to the Government, Madam Speaker, that it is not being consistent here. It has a different policy according to the ideological bent of the Minister concerned. Mr Wood administers an education system which apparently he is happy to see as a dual system. We have private education and we have public education. Indeed, the ACT Government contributes handsomely every year to the cost of the private education system in our town. Mr Connolly maintains a system which is a dual system. We have private housing and we have public housing, and there is no mention from the Government of problems in that respect. I have heard neither Minister say to me, "We wish to stamp out the private part of this market and establish a public one instead. We want to make sure that there is no more private housing. We want to make sure that there is no more private education". We have not heard that.

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We have heard from the Minister for Health a clear animosity to the maintenance of a private health insurance system in this country. Mr Berry is happy to see more and more patients leave the private system. In fact, he positively encourages it, as indeed does the Prime Minister, who makes the foolish statement that there are people in the private health insurance system who should not be there; they should abandon private health insurance. Frankly, Madam Speaker, I doubt that he has spent much time in a public hospital in this country in recent years. If he had, he would not be saying that.

The fact of life is that we have a system which is under increasing pressure. Short of huge increases in taxes - which the Federal Labor Government says that it does not want, apparently - the only way of relieving that pressure is to find extra money or reduce the number of people who are using the system. Finding extra money is not going to work, because the money is not there; but you can reduce the number of people using the system by encouraging people who can afford to have private health insurance, for example, the people in this chamber at the present time - and I wonder how many of your colleagues have private health insurance, Mr Berry - to take the step of taking out private health insurance and letting those who genuinely need it, who have no other choice, use our increasingly pressed public hospital system. That is social justice. That is applying the principle of equity. That is giving those who most need that access a real chance to get it.

Those four principles of Medicare I referred to - universality, accessibility, equity and simplicity - simply do not hold up very much these days. Perhaps universality does, except when you take out everybody who can afford to and who wants to - and that is quite a lot of the rich in this country - take out private health insurance. Universality does not really matter any more, because we all do not want to use a system which is universal when it offers a low quality of care. The answer is to find some solutions other than the straitjacketed ones which the present local and Federal Labor governments have found. I want to end by quoting the comments of a State Health Minister - not a Liberal Minister, but a Labor Minister - about the approach being taken by the Federal Government. He said:

It's a very unintelligent addressing of the issue and it shows that he -

that is the Federal Minister, Mr Howe -

is ideologically hung up in a way which prevents a commonsense approach.

We have the most inefficient and ramshackle hospital funding system one can imagine.

Madam Speaker, hear, hear!

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.03): Madam Speaker, nobody denies that the private health system makes an important contribution to the delivery of health services throughout Australia. I have never denied that. Indeed, it will continue to provide an important part of hospital services throughout this country for a long time. Nobody denies that private health insurance, in conjunction with the private hospital system as well as the public system, provides an important element of health care throughout Australia.

The difficulty for those who provide public hospital services throughout this country is when people start to walk away from private services. That is the situation that we are confronted with now. If those opposite truly believed in market forces they would not complain about the fall-off in people privately insuring. They would not complain about people not using the private hospital system. There is an element of duplicity in the arguments which have so far been put. They say that this Government does not support the private health system and the private insurance system. That is quite untrue. I think it is up to the private insurance system and the private hospital system to look after themselves. They are out there in the free market and the Liberals opposite, I would expect, support them operating on a competitive basis.

Mr Humphries went on at length about access to hospital services. Of course, that is an important feature of Medicare. First, Medicare provides access to all on the grounds of clinical need, not - as Mr Humphries said - when you want to go to hospital. Secondly, there should be equity in service provision. Thirdly, the public will be informed about what they can expect under Medicare as public patients in hospital. Fourthly, eligible persons will be given choice to receive care and treatment free of charge as public patients.

Madam Speaker, the great contrast between what is supported by Labor governments and that which is proposed by Liberal governments can be found in the appendages to the Fightback package, which is falling apart at the seams. The Liberals propose to support the private sector by way of tax concessions to ordinary taxpayers throughout Australia. Who will pay for that? The Liberals say that they will pay the Medicare levy and provide extra taxation dollars to the private sector by way of tax concessions. So, everybody will pay. Even those people who do not use the private system will pay through their taxes to support the private system.

The aim, of course, is to improve profitability within the private sector. The Liberals have never made any secret about their philosophical position. They are more interested in profit amongst their supporters than they are about community services and the community service obligations of governments. The private sector have no community service obligations, as governments do. They are established for profit, and that is fair enough. The companies that insure people for private health care do it in the marketplace and they do it for profit, and that is fair enough. But you cannot support a system merely on that basis. You have to take into account the community service obligations of governments, particularly governments committed to social justice. That is why Labor governments throughout this country wholeheartedly support the Medicare approach, and no-one more than this Government.

Madam Speaker, on issue after issue you can expose the Liberals in their approach to health care. Take what the Liberals are doing in New South Wales. They are going to have - - -

Mrs Carnell: Did they close hospitals?

MR BERRY: They are going to close all right and not build a public hospital in Port Macquarie, handing it over to the private sector.

Mr Connolly: Flog it off.

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MR BERRY: Flog it off. Who will benefit from that? We are going to have a hospital for profit, with no community service obligations.

Mrs Carnell: That is absolute rubbish.

MR BERRY: We heard Mrs Carnell talking about revolving doors a little while ago in the media. She did not support the free market system then. She wanted a special leg-up for somebody. Members opposite say that they support the free market system, but now they are not prepared to let the private health system survive in the free market. That is what it is about.

Pressures have come about as a result of people walking away from private health insurance. Of course, much more money is provided for hospital services and health services generally than is collected by way of the levy throughout Australia, as people opposite would know. That is particularly so in the ACT. Mr Humphries got it wrong when he talked about percentages of money going to health care. I think he confused the total budget that goes to health care with that which goes to hospitals. Other types of health care also soak up funds from the health budget. Hospitals soak up a proportion of it, pharmacists soak up a proportion of it and so does the medical profession.

Some things could turn this around. If some of the health professionals would bulkbill, that would help. That would make more money available for hospital services. But I do not hear the Liberals saying to people in the medical profession, "You should bulkbill". No, what they say to them is, "You should take advantage of the free market". That is what you say.

Mrs Carnell: That does not make sense.

MR BERRY: My word it does, because more money in the hands of the community would be available for hospital services. If people had more money to spend as a result of bulkbilling, they might be able to afford the Liberals' private hospital insurance. So, Madam Speaker, we have this conflict amongst the Liberals.

The issue for us to consider is whether or not we can provide quality public hospital services for all of the people in the ACT. If members opposite are prepared to sit back quietly and listen as I speak on this matter, they will get a little bit more information. Under the current Medicare arrangements, individuals with private health insurance have a choice to use or not to use private health insurance on admission to a public hospital. There is much anecdotal evidence around to suggest that those with private health insurance often elect for public patient status when admitted to public hospitals. The draft principles for the new Medicare agreement make it very clear that patients can continue to choose public or private status at the time of admission or as soon as practicable after admission.

The principles also provide that access to public hospital services should be on the basis of clinical need. The patients charter which is to be established jointly between the Territory and the Commonwealth under the terms of the new Medicare agreement will set in place a mechanism for patients to make more informed choices about public or private status. Private health insurance is available to those who want it and are able to pay for it. Private health insurance does not, however, substitute for free high-quality health services; it just cannot do it.

Mr Humphries: They go hand in hand, don't they?

MR BERRY: I do not think they go hand in hand. There is no need for anybody to be concerned about the public hospital system when it comes to the provision of services to the community. Emergency services are provided to the community and they are freely available. A full range of services, including high-level tertiary services, are also provided by the public sector. These are not generally provided in the private sector because of the high costs involved in providing them.

A universal public health scheme such as Medicare is a more progressive measure than simply allowing tax relief, as the Liberals would, to those who purchase their own private health insurance, some of whom may be below the income tax threshold. In the ACT we are confronted with the hundreds, perhaps thousands, who are walking away from private health insurance. That is understandable. When people sit down and analyse the public hospital system and weigh up what is available, they can see that in many cases it does not make much sense to be privately insured. In other cases, where people have to take into consideration the likelihood of some elective procedure and the interests of their work or their business, some choose to privately insure. That is up to them, and good on them if that is what they want to do.

We have to make sure that we do not attack the public hospital system as a means to develop support for the private hospital system. The private hospital system is not as good as the public system. It clearly does not provide the level of services which is provided throughout the public sector. It would provide that level of services only if we were prepared to force people out of the public hospital system. Nobody would argue that it is not difficult right now. That is why this Government is pursuing a course of action in the Medicare negotiations which will achieve for us as much as can be achieved by way of those negotiations. It is a sensible way to proceed. On the other side of the coin, we see a Federal opposition which is committed, if in government, to reducing the average living standards of people right across Australia. They are also prepared to force people to make tax contributions to the private health system to ensure its viability.

The Liberals are not fair dinkum. If they were fair dinkum they would support the free market system. If they were fair dinkum about Medicare they would support it instead of taking the approach which has been taken by the New South Wales and Victorian governments over the new Medicare agreement. Quite simply, these people are politicking and trying to play off the people's health care system for their own electoral gain. If that is the way the Liberals want to play the game, they deserve to hear the cries of shame from the community, because that is what it is all about.

The hidden health agenda of the Hewson Liberals ought to be exposed and discarded along with the other ratbagery that is to be discarded soon. Although it will be discarded, we want to see what happens after the election. The Australian people will never trust the Liberals again after what they did in Victoria. They said one thing before the election and did something different after. The whole Fightback strategy is about to be gutted and dropped, and so it ought to be. It is a disgraceful package that would do nothing but harm to the people of Australia.

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MRS CARNELL (4.18): Madam Speaker, in the last few days we have heard a lot about the proposed Medicare agreement. There is more than one aspect to this shocking new agreement that Mr Berry has agreed to sign. We have already seen how this agreement will help send ACT Health further into the financial mire. The pockets of ACT taxpayers will be hit with an \$8m slug when the Federal Labor Government raises the Medicare levy from 1.25 per cent to 1.4 per cent - an increase, by the way, that will not occur under Fightback. We could at least expect the money being raised to come back to the ACT; but no, Mr Berry is keen to subsidise other States to the tune of many millions of dollars. He has said on radio and in other places that he is quite happy for that subsidy to exist.

There is another aspect of the proposed Medicare agreement that will badly impact on the ACT. This is the negative effect the agreement will have on private health insurance. Private health insurance has a very important role in securing a strong, viable and accessible - I stress that - public health system. Private health insurance contributes \$3.4 billion annually to health funding in Australia, which is 11 per cent of the total health bill. It is a little known fact - Mr Kaine brought it up in question time - that this is more than the Medicare levy contributes. The levy currently raises in the order of \$2.5 billion, so there is \$3.4 billion funding from private health insurance and only \$2.5 billion from the levy. That \$2.5 billion is only 8 per cent of the total, and without the hefty financial injection that comes from private health insurance we would be in a mess. At the very least, the Medicare levy would have to double. There would not be just a 0.15 per cent increase; the levy would double. This, of course, would hurt low income earners most - those who have the least capacity to pay.

Without the assistance of private health insurance in alleviating public hospital waiting lists, ACT Health would also be in a mess. As an example, on 26 November - just one day, just a snapshot - the ACT's one and only private hospital had 193 staff on duty and 108 patients, and performed 52 operations. Without the private sector, all of these patients would have been on our ever lengthening public waiting list.

Unfortunately, Australia's private hospital insurance system is in a slow but very steady decline. Let us look at the national decline in health insurance. Nationally, 66.9 per cent of the population had private health cover in June 1977. That figure fell to 50 per cent in June 1984, and in every year since the figure has fallen by approximately one per cent. By June this year, only 40.7 per cent of Australia's population were covered. On the basis of these trends, the Australian Health Insurance Association has predicted that by June next year the figure will be 38.5 per cent and by mid-1998 the ratio of privately insured people in the population will have fallen to a tragically low 29.1 per cent. These are the national figures.

We know that the ACT, which has traditionally had a high rate of private insurance, is not immune from these trends. We know that, in 1991, 35.5 per cent of patients admitted to ACT public hospitals were privately insured. By the time of the budget last year, this had fallen to 32.7 per cent, and the September quarter activity report shows that we are now talking about a figure of 29.4 per cent. This indicates that people either are not declaring their insurance status at the point of admission or are dispensing with private health insurance altogether. Either way, the local figures confirm the national trend.

Under Labor, private health insurance is on the way out in this country. The Federal Labor Government wants no more private insurance. I do not think there is any doubt about that. As yet, we have heard no admission from Mr Berry that this is a bad trend. I was not quite sure what he actually said about that in his speech. He seems to be pleased that the level of private insurance is declining. I find it hard to believe that he could be happy about it, given that it has meant less revenue for our public hospital system and has already led to budgetary problems. Last financial year \$4.624m in supplementation was needed to meet increased costs and revenue shortfalls, all to do with patient mix.

Certainly, the Chief Minister has acknowledged the problem. She clearly acknowledged in her budget strategy statement in June, in the budget itself, and again last Wednesday that changes in patient mix were causing very real revenue problems. We still have to get that basic acknowledgment from Mr Berry. We still have to get to first base. Will he acknowledge that the trend is a bad one, or is he secretly glad? If he is glad that private insurance is falling, he also must be pleased to see the revenue shortfalls resulting. Is he letting his ideology get in the way of commonsense yet again? One would have to assume so.

A particularly regressive part of the Medicare package is proposals which will force State and Territory governments to treat a minimum of 51.5 per cent of total bed days in the public sector. Penalties for failing to meet this threshold are designed to ensure that a greater proportion of patients are treated in the public system. This approach is beyond reason and can only be counterproductive. I wonder whether Mr Howe is suggesting that private patients - who, by the way, also pay the Medicare levy - should somehow be discriminated against? Because the public hospitals will have to take steps to reduce the proportion of private patients being admitted, this may mean a further decline in in-patient revenues. As yet, we have not been guaranteed adequate compensation for that.

Meanwhile, our public hospitals are full to overflowing and we have long waiting lists, while at the same time the national trend is that private hospitals are being underutilised. It would not take long for any intelligent person looking at this situation to realise that the solution involves encouraging a shift of patients from the waiting lists at public hospitals to the empty beds in private hospitals. Neither Mr Howe nor Mr Berry seems to understand that.

Here in Canberra, some of our problems are of a slightly different nature from those occurring nationally. Unlike other States, particularly Victoria, we do not have an extensive private hospital sector that is being underutilised. In fact, as we all know, in Canberra we have a real problem: We do not have enough private hospital beds to encourage people into private insurance. We need to encourage a shift of people from public to private systems, from uninsured to insured. Those who can afford it must be encouraged to pay. It is shocking that this does not occur under the Labor approach to Medicare. This seems to be contrary to all Labor Party principle, if they have any. Here we have a Labor government which is not interested in encouraging the well off to pay for their medical treatment. Talk about giving welfare to the middle classes! That is what this Labor Government appears to stand for.

Mr Berry should realise that those on higher incomes are getting a subsidy under his proposed Medicare deal. Contrary to what Mr Berry said recently, the 1.4 per cent Medicare levy is not a progressive tax. Obviously, Mr Berry does not know any basic economics.

Mr Kaine: He does not know basic health, either.

MRS CARNELL: That is true. Under so-called progressive tax systems, the tax rate would increase as you went through the various tax brackets, unlike the Medicare levy, which will be a flat 1.4 per cent, regardless of your income. This is a technically regressive tax - quite the opposite of what Mr Berry said. The Australian Health Insurance Association has said:

We question the equity of a situation which applies progressive taxation to higher income levels as the basis of funding most Government programs, but applies flat rated taxation in respect of the Medicare levy.

MADAM SPEAKER: Mrs Carnell, your time has expired.

MS ELLIS (4.29): Over the years we have witnessed a steady improvement in the health status of Australians. Life expectancy has progressively increased, with a reduction in death rates over all age groups and for a wide range of conditions. The improvements can be attributed to the effectiveness of health and hospital services and to the fact that access to health care is guaranteed by Medicare. Australians are committed to a universal system of health care coverage - a system where access to public health services is based on clinical need rather than financial status, which those on the opposite side openly support. Medicare has proved an efficient format for bringing health services to all Australians.

There have been some changes to Medicare since its inception, but the principles of universality, equity and choice are still integral parts of Medicare. Perhaps I should explain what these mean. Choice of services means that an eligible person must be given the choice of receiving public hospital services - which might include in-patient, outpatient, emergency services and day services - free of charge as a public patient. Access to public hospital services is to be on the basis of clinical need, which means that it should not be influenced by a person's financial status or place of residence or whether people have health insurance. Equity in service provision means that States will ensure that eligible persons, regardless of their geographical location, are able to have reasonable access to public hospital facilities. The result of Medicare has been to enable ready access by Australians to free health care based on clinical need.

Australia's level of health expenditure as a proportion of gross domestic product falls in the mid-range of other OECD countries, remaining relatively steady at about 8 per cent. Australia has a quality hospital service, with a skilled work force, modern technology and good standard facilities. However, there is recognition by all governments that, despite the quality services provided and guaranteed access, we need continually to improve the system to keep up with the times and changing demands. Medicare, so long as it is not destroyed by the Liberals, will continue to guarantee access for all Australians to these services.

However, at times there is still discrimination against patients based on financial status. We have all seen the misleading ads run by private health insurance companies that use purely emotional blackmail against fellow Australians. These ads make you believe that without private health insurance you will not have access to hospital treatment. Let me assure you, Madam Speaker, that

Medicare and the public hospital system guarantee treatment. In the private sector, you and your family are guaranteed treatment if you pay the \$40 a week for top cover. That is what private health insurance is all about - making money out of health care.

The AMA's campaign in marginal seats to promote private hospitals is grossly irresponsible. Many people without access to all of the information stand to be conned by the AMA. You cannot ignore the majority of Australians who require a strong public hospital system - those who, after buying the groceries, clothing and school requirements and paying the mortgage, have little change left. They cannot afford to fork out \$40 a week for hospital cover when Medicare is what they want and what they can afford. The ads and campaigns that use emotional blackmail are sickening, as treatment in our hospitals is guaranteed for people who need it.

The Liberals' position on health is just as sickening. Hewson wants to force 1.5 million people into top cover insurance. He wants to gut the public sector and transfer resources into the private hospitals. As Minister Berry said earlier, we need only to look at the Port Macquarie hospital in New South Wales. A referendum held by the local council resulted in an overwhelming No vote to the proposal eventually carried out by the New South Wales Government. This idea is not a new one, nor is it an idea that has received much support from people living under such a system. In the United States, President-elect Clinton has already stated that he is looking at options for a universal health care system. In fact, the US system, as it is, is the example often used to show how not to go ahead with health care. Hewson and the Liberals, including those sitting opposite, want to adopt the discredited United States-style system. Australians do not deserve a two-class hospital system - one well equipped for those with money and one run down and poorly financed for the less well off.

Madam Speaker, this MPI today is about the Liberals showing their colours. They do not understand the importance of Medicare. Their inflexible ideology says, "Force the people into private health coverage. The private sector does it better". Health care is about more than money. It is about providing accessible care based on clinical need to all Australians. Only Medicare can provide that.

MR KAINE (Leader of the Opposition) (4.35): Madam Speaker, I think it is quite clear that the Labor Party has lost the debate today hands down. First of all, we had the Minister with his usual mumbling speech that gave no facts but was based totally on ideology. He put nothing forward to justify the position his Government adopts. Because Mr Berry says it, we are supposed to believe it. Well, I do not believe it. I would have been more impressed if he had brought forward some real statistics to show how effective his hospital system is. We know and the people who use the hospital system in the ACT know that his hospital system is not effective. There are 2,000 people at least out there who know that when they want medical treatment and need to get into a hospital they cannot.

The Government was going to make a distinction about elective surgery. People who need an operation do not regard it as elective; they want to get their medical conditions fixed. For the Government arbitrarily to set up a waiting list and say, "You are not important because you are in for only elective surgery" is a cop-out. My position is that the length of the waiting list in our hospital system is a direct reflection of the failure of our hospital system to meet the needs of this community; it is the ultimate measure.

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When Mr Berry had finished, in his very unpersuasive way, they had to send in the Second XI. Where were the other Ministers, the members of the Executive, who were prepared to stand behind Mr Berry and support his case? They had to send in the Second XI because they did not have anybody else to support him. Nobody else would stand behind the Minister, because they did not believe what he was saying either. Mr Wood is writing Christmas cards; he is very interested in this debate! The Chief Minister has not been here during the debate. Mr Connolly is reading *Time*. They are not interested in making any contribution to this debate.

On the other hand, Mr Humphries and Mrs Carnell have put their case forward persuasively, with adequate statistics to support what they had to say. Mr Berry and Ms Ellis said that the Liberals are concerned only about destroying the fabric of society, destroying our hospital system. I would submit, Madam Speaker, that the Minister and his Second XI talked about a universal Medicare system. What they should have been talking about is a universally mediocre medical system - not one that provides the best available medical service, but one in which you have to fight to get into the hospital in the first place. When you get there, the idea is that you get out as quickly as you can. No matter whether you have anywhere else to go, you are expelled from the system at the first opportunity.

The Liberals recognise that our health system in Australia is in tatters. It does not matter whether you go to Perth, Brisbane, Hobart or even Canberra, the health system is in tatters. The Labor Party, with its unqualified commitment to Medicare with nothing else, is going to force it further and further down the bottom of the black hole. The waiting lists are going to get longer and longer and the quality of service that is provided is going to get worse and worse.

I asked the Minister in question time where the money was going to come from to maintain the level of health spending in the ACT. He could not answer the question; and of course he cannot, because the money is not there. Despite that, the Minister signs an agreement - or, if he has not signed it, he expressed an intention to do so - that takes an additional \$8m out of the hands of ACT taxpayers and puts it into the coffers of the Federal Labor Party. How much of that comes back into our health system? The answer is: Very little. So, the Minister is prepared to give away even more money.

The Minister should get down off his ideological horse and have a look at what the Liberal Party is saying about providing an alternative health system that is a matter of choice. Any minute now, presumably, based on this argument, Mr Wood is going to get up and say, "There shall be no private schools because you are not entitled to have choice. Even if you want to send your children into some other education system, we will not allow you to have private schools, so you cannot send them there". This is exactly the same argument that applies to the public health system. We are not saying that we want to destroy the public health system.

Mr Lamont: I wish you people would stop having Enid Blyton write your speeches.

MR Kaine: I do not need a written speech. I can do very well off the cuff; I speak better than you when you have a 10-page prepared speech, Mr Lamont.

Mr Lamont: You should go to Enid Blyton.

Mr Berry: Go back to the written ones.

Mr Connolly: The written ones are better.

Mr De Domenico: Madam Speaker, it is very difficult to hear the wonderful things Mr Kaine is saying, because of the noise.

MR Kaine: I started off by saying that they had lost the debate. It is just like feeding time at the zoo. When they are losing the debate they all start to interject, although when somebody over here interjects they protest and even try to get people suspended. I might move shortly, Madam Speaker, that somebody over there should be named, because they are interjecting while I am speaking. But it is indicative of the level of the debate.

Mr Lamont: You can do that, but we interject only when you have nothing to say, which is most of the time.

MR Kaine: So do we, but that does not make any difference. The simple fact is that people are entitled to a choice. If people who can afford to want to contribute to a private health scheme so that they can go into a private hospital when they need medical attention instead of taking a bed which is in short supply in the public system, why would the Minister stop them?

Mr Berry: I am not going to.

MR Kaine: You have already done so, Minister. You have done nothing, since you have been Minister, except discourage private sector development of hospital facilities in the ACT. When you took government last year there was a strong proposal to build another private hospital on the north side of Canberra. You did everything in your power to prevent that occurring. You make these snide remarks about people not wanting to invest in private beds. I remind you that at John James they have just lifted the roof to put in another floor of wards. So, there is a demand for it and there is an intention and there is a willingness on the part of the people in this city to put their money into private health facilities because they know that there is a need.

They are not like the Minister; they do not have their minds closed to the necessity or the desirability of providing them, and they are prepared to do what the Minister will not do: Put their money where their mouths are. The Minister will not do that; he will not give them any encouragement. He just makes noises about people not wanting private health cover, people not being able to afford it. Of course they can afford it. Mr Berry can afford it, and if he can afford it almost anybody can.

Mr Lamont: The Leader of the Opposition's salary is obviously as big as the Minister's, because I cannot.

MR Kaine: I admit that I have always been privately medically insured, and I will continue to be so because I do not want to take a bed in a public hospital from one of those people who cannot afford it.

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Mr Lamont: Mr Kaine, our party room meetings are not as dangerous as yours. I can understand why you have private insurance.

MR KAINE: You can have the bed. You can deprive the little old lady of the bed in the hospital, but I will not. I will go into a private hospital and pay my own way, which I suggest is what you should be doing, and so should anybody else who can afford to provide their own cover. Reduce the cost of the public health system, but make provision through the public health system for those people who cannot afford to take out their own cover; you have to provide for them.

As in every other field of endeavour in Australia, there is room for a partnership of public and private facilities. For any government to set about discouraging people, first of all, from providing private health facilities to take people out of the system and, secondly, from contributing to private health insurance when they can well afford it and forcing them into the public health system - that is what the Minister advocates; he has done it time and time again - is misplaced enthusiasm for an ideology. It is imposing an enormous burden on the whole community. Those of us who can afford it should remove ourselves from competition with the people who cannot, as I do. I suggest, if Mr Berry would only admit it, that he is privately insured too, and he has done it obviously to protect himself and, I am sure, to take himself out of the public system and leave room for the people who have to go in there.

Let us get down to the facts about this. Let us stop this raw ideological argument that goes on every time the Minister gets to his feet. Let us acknowledge the reality that the position adopted by the Liberal Party is the correct one and encourage people to do the right thing, which is what all Australians are about, except perhaps the Minister. We will have a better health system for everybody, and those who can afford it will pay their own way.

MR LAMONT (4.45): Madam Speaker, I understand that there is just a short time left. It was interesting to note that in a number of the presentations this afternoon reference was made to the AMA and the marginal electorates campaign they are proposing to run.

Mrs Carnell: No, we did not.

MR LAMONT: I did not say that Mrs Carnell mentioned it. Mrs Carnell mentioned no matter of substance, so she certainly would not have mentioned that one.

Mr Kaine: And I did not mention it.

MR LAMONT: Equally, you mentioned no matter of substance either. It was mentioned by the people who contributed properly to the debate from this side of the house, much to the chagrin of those people sitting opposite. They have lost probably their only competent person, a former staffer of the Opposition who, I understand, has gone to work for the AMA, to try to run the AMA's campaign. I think that speaks for itself in relation to the ideologies adopted by this side of the house and the ideologies adopted by the AMA and how they see the health industry operating. I think that is the question we needed to address this afternoon, and it has been adequately addressed by this side of the house.

It is interesting to note that Mr Kaine talked about who wins and who loses debates of this nature. It is very hard in this house to judge that, and I am sure that Mr Kaine would appreciate and agree with that. There is, however, a wider judge. This debate has been going on in Australia since Medicare was introduced by the Whitlam Government, probably the most reformist government in Australia's history. It has stood the test of time and will continue to stand the test of time. On the twentieth anniversary of the election of the Whitlam Government in 1972, it is appropriate that we reflect on that. It has stood the test of time, despite the attempts of the people opposite to break it down and do away with it. They were wrong then, they are wrong now, and they will be wrong in 20 years' time. With their blinkered approach, they still will not be able to concede that it is a proper social reform in this country.

Talking about who wins the debate, I will be listening with interest to Matthew Abraham in the morning, when the marks come in. He will be asking for a positive comment on the Kaine Opposition, and the only positive comment I can make about it is that it is good to see them still in opposition.

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

MRS GRASSBY: I present report No. 21 of 1992 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement on that report.

Leave granted.

MRS GRASSBY: Report No. 21 contains the committee's comments on 13 Bills, 10 pieces of subordinate legislation and three government responses. I commend the report to the Assembly.

**CONSERVATION, HERITAGE AND ENVIRONMENT -
STANDING COMMITTEE
Report on Tuggeranong Homestead and its Site**

MR MOORE (4.49): I present the Standing Committee on Conservation, Heritage and Environment's report entitled "The Cultural and Heritage Significance of the Tuggeranong Homestead and its Site", together with extracts of the minutes of proceedings. I move:

That the report be noted.

Madam Speaker, the concerns of residents of Tuggeranong were really the grounds upon which this issue was taken on by the Standing Committee on Conservation, Heritage and Environment. The submissions all sought to protect the Tuggeranong Homestead and there was a general fear, I think, coming through all those submissions that the heritage significance of the homestead would be lost. We were very fortunate, through the Minister, to have available to us the report of Peter Freeman and Associates on the Tuggeranong Homestead, and in particular the heritage aspects of the homestead, which assisted us

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significantly in clarifying the issues. There is no doubt, Madam Speaker, that there was a significant wish list by members of the community and also by various people who were interested in developing the area. All of them, though, had behind them the unanimous position of supporting and protecting both the homestead and its outbuildings. The real question became what was necessary to protect those areas.

There can be no doubt, Madam Speaker, that the overbearing nature of the developments that have already occurred in that area have had a significant impact on the nature of the Tuggeranong Homestead in terms of its heritage significance as a rural homestead. The response of the committee in regard to protecting the rural character was to suggest that there will need to be significant tree plantings and other plantations in order to protect that rural atmosphere, but the point has already been reached where the overbearing nature of the surrounding suburbs will have an impact on that site. There is no doubt that the current boundaries of the site are there by historical accident. The streets that surround the site, and the creek which has been moved, are there not through design in terms of the heritage nature of the Tuggeranong Homestead but in terms of planning for a suburban area.

Madam Speaker, the one suggestion that had the most impact on the committee in terms of its heritage significance resulted in the recommendation that what ought to be recognised is the work done by the First World War historian Charles Bean. Therefore, the committee has recommended that the Charles Bean Memorial Study Centre be established as part of any development of that site.

None of the submissions that were presented to us suggested that there should be no development on the site. In fact, there was a whole range of ideas, ranging from residential development to development for community use and other forms of commercial development. I think it is significant to say that the committee saw as most significant, apart from the Charles Bean Memorial Study Centre concept, the concept that the areas for residential development should continue, provided they fit in with the normal planning areas and the planning commitments, in line with the submission of the Heritage Council, which varied slightly from the original submission of Peter Freeman and Associates, and reduced to a certain extent the area available for development. Of particular concern was the impact that that would have on the flora and fauna of the area. That is an issue that I believe still has not been resolved and does have to be dealt with. That fits in with one of our recommendations.

I think that some people who had perhaps expected more would have preferred to see us say simply that the whole site should be left untouched and protected. I think that to a certain extent it comes as a shock when you arrive at the Tuggeranong Homestead. I expected to see the sorts of characteristics that are demonstrated by the outbuildings, characteristics that belong with a turn-of-the-century or perhaps pre-1920 building. In fact it has been developed and the impression on arriving at the front of the homestead is of a post-1950 building. There are questions over whether or not that should remain. Those are questions that we have raised in our recommendations and they need to be dealt with in determining the best use for that particular site.

The critical question for the time being was: Should the Minister be able to proceed with plans for urban development? That was critical in the minds of some members of the Tuggeranong community. The committee as a whole - I am delighted to say that it is a unanimous report - believes that there is room for residential development on that site without having any further impact than there is there now on the Tuggeranong Homestead.

Madam Speaker, in conclusion, I would like to thank members of the committee for their work and time in looking into this issue. I would like to thank members of the public who took the time and effort to make their submissions. Considering the short time that was available, the submissions were particularly sensitive to the issues. They were of high quality, without exception, and it seems to me quite appropriate that they be recognised as such. I would also like to thank the members of the department who were made available to us. Most of all, I wish to record the very good work of Mr Bill Symington, the secretary to the committee. The often difficult task that committee secretaries have is recognised by members, but not perhaps so much by the public. The efficiency with which they carry out their tasks needs to be recognised by members. I would like to thank Mr Symington. Members, I commend the report to you.

MS ELLIS (4.58): Madam Speaker, I was very pleased to be involved with the Tuggeranong Homestead inquiry, not only because of my interest in the Tuggeranong Valley but because this homestead is part of the rich history of the Canberra region. Also, Madam Speaker, I had a close involvement with this inquiry because of my knowledge of community opinion on this issue. The future of the Tuggeranong Homestead and its surroundings has been debated many times in recent years. I was determined that this particular chapter of the debate would be well constructed and would have a positive and lasting effect. To this end, I heartily agreed with Michael Moore that an inquiry of this nature would be constructive and would also provide for differing views to be expressed and heard. The Freeman report, commissioned some months ago by the Government, provided excellent background material on the history of the homestead building, the associated buildings and the environs.

From the very outset I was of the view that the homestead should be preserved. The information available to me, at first anecdotal and later confirmed in greater detail by the Freeman report, impressed on me the historical significance to the ACT of this important homestead. Like many in the community, I believed that the homestead should be preserved, as I have said; but, also like many in the community, I was not sure how. This inquiry recommends what I believe to be a very sensible approach to the preservation of the homestead that will provide money to be spent to preserve it at a level we would all expect. At the same time, however, this preservation does not mean that sensible urban renewal planning should be delayed in this part of Tuggeranong. The committee is recommending, unanimously, that, in consultation with the Heritage Council, restricted development take place to complement the historical and pastoral nature of the homestead.

You will also see from the report that some commercial development conducive to the architectural and historical design of the property is also recommended. I see these two initiatives as a means by which financial investment to preserve the heritage area can be made. As we know, Madam Speaker, the national capital was developed in an old settled rural area. We call ourselves the bush capital, a title that I hope we never see disappear. It is essential that we remind ourselves of this heritage and do what we can to preserve and enhance it.

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Madam Speaker, the committee was lucky enough to inspect the property a couple of weeks ago. I, along with the greater proportion of residents of the ACT, had never been inside the property before. This visit really put into perspective for me what we are really talking about when we are discussing preservation of the homestead. As the Freeman report notes, Madam Speaker, the homestead includes a variety of architectural styles over a considerable period, and I must confess to a degree of surprise as I drove into the property. It is not, at first glance, as I imagined it to be, that is, a colonial-style structure with verandah and so on, but rather of pink brick reminiscent of the 1950s architecture. I am pleased to say that there are parts of the homestead building that have great appeal as they came from what I would consider a more significant part of our history. The associated buildings on the property are, I believe, of great value and should be preserved and enhanced at all costs. I was particularly impressed with the stable, which I understand is convict built, and in that sense it is very rare in the Canberra region. The stable has magnificent potential. The schoolhouse, the maids quarters and the woolshed also have significant heritage value.

Even though the current homestead building reflects, as I said, a variety of architectural designs over the years, seeing those changes and being told how much of the original homestead has disappeared made me firmer in my resolution that, at this stage of its life, the homestead be handled with a great deal of care. Today, Madam Speaker, it is hard to imagine 50,000 sheep from Lanyon per year being shorn at the Tuggeranong Homestead, and it is exactly that type of memory that needs to be captured at places like that homestead. Just leaving the homestead as it is, or alternatively building houses all over the property, or developing a convention centre on the property, or whatever other options there are, without heritage value and good planning in mind, will not capture those memories and will not preserve the homestead. What is needed is good planning, commonsense, strict guidelines and considerable investment - in other words, lots of money.

Madam Speaker, the homestead, let alone options for its future, is a very emotive subject in the Canberra community, and the number of submissions received by the committee indicates the strong level of interest in the community. I would also like at this stage to mention my appreciation to the individuals and groups who went to such trouble to present their views to the committee at the public hearings.

It was unfortunate that some confusion arose from conflicting opinions and reports presented to the committee. These included claims that significant Aboriginal sites were on the property, along with archaeologically important remnants of the early days. These claims could not be substantiated and served only to confuse the relevant issues. Some groups and individuals also placed great significance on the current boundaries of the property. They did this by asking that the whole 31 hectares be preserved. At the same time the ACT Planning Authority conceded that the current boundaries were more a result of urban planning than historical significance.

Madam Speaker, I believe very strongly that it is what is done inside the boundaries that will really matter. It is, after all, the homestead and the associated buildings that are the vital part of this property, not necessarily all 31 hectares surrounding it. It is more important that the activities within the property and within the walls of the homestead buildings reflect the heritage value than merely to argue the fence line.

Madam Speaker, this is an extremely important point to make because it is the use of the land around the homestead also that has been such a contentious and emotional issue in the past. The committee carefully considered this and concluded that the land surrounding the homestead was indeed important; but, unlike some in the community, we looked at it from the homestead's point of view - literally. Madam Speaker, we had to ask ourselves what historical and heritage value the land surrounding the homestead had, and to what extent it would add to the historical and heritage value of the homestead. I believe that we, as a committee, have recommended a fair and reasonable use for the land that does not damage the significance of the homestead at all. In fact, I believe that the recommendations will improve the homestead as a useful and vibrant part of Canberra's history.

As you can see, Madam Speaker, the future of the homestead itself was only part of our committee's concerns. I believe that the question of preservation of the homestead was assured before this inquiry and is more so now. What was not assured, however, was how best to preserve it, considering all the players, the cost, the future use and the community interest. Madam Speaker, these recommendations suggest ways in which that preservation can take place. The community can now, I believe, play a very real and important constructive role in this project. Should the Government adopt these recommendations, there is great scope for members of the community to participate in the next stage when, I understand, from evidence given to the committee by officials of the Department of the Environment, Land and Planning, expressions of interest will be called for the lease development of the site.

I would personally like to thank the current lessees for their great assistance in giving us an understanding of the property on our visit. I would also like to thank the officials from the Heritage and Museums Unit, particularly, of the Department of the Environment, Land and Planning for their cooperation and advice in our tight timeframe. The committee secretary, Bill Symington, and the committee secretariat also provided the committee with great assistance, and I thank them for their professional and hard work. I join Michael Moore in commending this report to the Assembly.

MR WESTENDE (5.06): Madam Speaker, I rise to add a few words and voice my support for the report on the cultural and heritage significance of the Tuggeranong Homestead. I think the report is a fair balance between preserving our heritage and at the same time making use of available vacant land to the benefit of the Canberra community as a whole. The report recommends to the Government that sufficient land be kept surrounding the homestead and its outbuildings to make it truly a community facility of benefit to the whole of Canberra, but especially to the people of the Tuggeranong Valley. Yet it realises that land is becoming scarcer as the city continues to grow and that we must utilise existing infrastructure surrounding vacant land to its fullest potential.

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The committee took into account all the submissions received and especially the Freeman report, which, in my opinion, was invaluable and very thorough in its summary of all the pros and the cons.

I wish to thank the other two members of the committee, who took on board the questions I would like to have asked had I been able to be present during the public hearings. Unfortunately, I was not able to. Whilst I was not able to contribute to the hearings, I was able to read all the submissions and the Freeman report somewhat more thoroughly than I would normally have had time to do. Once again I thank my fellow committee colleagues and commend the report to the Assembly. I would also like to thank the committee secretary, Bill Symington, for his hard work in compiling the report in a relatively short time. It has been said many times recently that we are well served in this Assembly by the committee secretariat, and I gladly add my support to those sentiments.

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

PUBLIC ACCOUNTS - STANDING COMMITTEE **Statement by Presiding Member**

MR Kaine (Leader of the Opposition): Madam Speaker, I seek leave to make a statement regarding a new inquiry to be undertaken by the Standing Committee on Public Accounts.

Leave granted.

MR Kaine: I inform the Assembly that on 23 November 1992 the Standing Committee on Public Accounts resolved to inquire into and report on financial management of ACT Health. The terms of reference for the inquiry into that matter are:

The Committee inquire into and report upon:

the existing financial management arrangements and systems in place in ACT Health, including the efficiency and effectiveness of those arrangements and systems, and with specific reference to funds control measures;

changes in the financial management arrangements in ACT Health since the "Inquiry into Management in ACT Health" by Mr J.D. Enfield and the efficacy of those changes; and

any other matters in relation to the financial management of ACT Health that the Committee considers should be examined.

CASINO CONTROL (AMENDMENT) BILL 1992

MS FOLLETT (Chief Minister and Treasurer) (5.10), by leave: Madam Speaker, I present the Casino Control (Amendment) Bill 1992.

Title read by Clerk.

MS FOLLETT: Madam Speaker, I move:

That this Bill be agreed to in principle.

This Bill will amend the Casino Control Act 1988 by allowing food and beverage staff employed at the casino to accept gratuities from casino patrons. At the moment, Madam Speaker, all casino employees are prevented from accepting any form of gratuity from the patrons they serve. This is entirely appropriate for gaming staff because it ensures that a casino patron does not obtain any advantage or influence by offering a croupier or other gaming staff an additional benefit. However, Madam Speaker, it is not considered to be fair to restrict casino food and beverage staff in this way. These casino staff are currently at a disadvantage in comparison to their counterparts in other establishments. The Bill will permit casino food and beverage staff to accept gratuities and thus bring their employment conditions into line with their peers in the rest of the industry. I now present the explanatory memorandum for the Bill.

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

Sitting suspended from 5.12 to 8.00 pm

**LAND (PLANNING AND ENVIRONMENT) (AMENDMENT)
BILL (NO. 2) 1992**

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (8.00), by leave: I present the Land (Planning and Environment) (Amendment) Bill (No. 2) 1992.

Title read by Clerk.

MR WOOD: I move:

That this Bill be agreed to in principle.

I am confident that no Bill will be better supported. The Land (Planning and Environment) Act 1991 introduced a new regime for dealing with land, planning, environment and heritage matters. When the Land Act, as it is known, was first laid before the Assembly in September 1991 it was recognised that, because of its complexity and its far-reaching nature, further fine-tuning and adjustment would be required. This amendment to the Land Act responds to genuine concern raised by members on various occasions, both inside and outside the Assembly, about the purpose and administrative costs involved in the onerous process of tabling leases in the Assembly.

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The Land Act provides that, where the Executive grants a lease by direct grant - for example, to community organisations or for special purposes - a copy of that lease has to be tabled in the Assembly. The Executive is also required to table a statement of the amount, if any, paid for the grant of the lease and a copy of any agreement collateral to the lease. This has to be done within five sitting days after the day on which the lease is granted. Members would note that the non-tabling of the lease would not invalidate the grant of the lease. The requirement to table such leases reflected a concern over the need for greater public accountability in the granting of leases.

This scrutiny has, in reality, been achieved in the Land Act requiring that such leases be granted only in accordance with specified criteria. There is no proposal to alter this procedure and this scrutiny will be maintained. It should be noted that the criteria are in themselves a disallowable instrument; that is, the Assembly may disallow such an instrument. The Land Act also provides that, where a lease is granted over public land, as is defined in the Act, or the Executive decides to issue a lease notwithstanding that the ACT Planning Authority has advised that it is not appropriate to grant the lease, a copy of the lease will be tabled in the Assembly.

The tabling of the leases has proved to be administratively onerous. Since the Land Act commenced 229 leases have been tabled in the Assembly, which includes 83 leases being tabled on one occasion. Had not my department and the Assembly Secretariat come to some arrangement over the number of copies that had to be provided, 30 copies of the required documents would have been forwarded to the Assembly. Among other matters, that is environmentally unsound. While the principle of public accountability is supported by this Government and the Assembly, it should not place an overwhelming burden on the administrative processes, especially when it is possible to implement an alternative arrangement that achieves the desired objective.

The Land (Planning and Environment) (Amendment) Bill (No. 2) 1992 repeals those provisions in the Land Act that require a lease to be tabled in the Assembly and introduces instead a provision that a list of such leases that have been granted during a quarter be tabled in the Assembly. Members of the Assembly and the general public would then be able to obtain a copy of that lease from the department if they so desired. In fact, when I table the leases I present such a list.

This amendment provides for a scheme that can be easily administered, requiring less resources than the previous arrangement, while affording the opportunity for members of the Assembly and the public to examine a particular lease in which they may be interested. It enables the accountability and scrutiny of the leasing process to be maintained. Madam Speaker, I present the explanatory memorandum for the Bill.

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

CRIMES (AMENDMENT) BILL (NO. 3) 1992

Debate resumed from 10 December 1992, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR HUMPHRIES (8.06): Madam Speaker, I rise to indicate that the Liberal Party will support this Bill. This is a very simple piece of legislation. It states in its pertinent part, quite simply, that a person shall not fight with another person in a public place. That is a fairly simple and straightforward piece of - - -

Mr Berry: That is going to knock us about here, isn't it?

MR HUMPHRIES: I do not think that includes the Assembly, Mr Berry.

We see a great deal of merit in a piece of legislation like this which answers what I think we would all acknowledge to be a serious problem in public places in the ACT at the present time, particularly areas such as Civic. That problem is that the ACT's Civic night spots and areas around the drinking establishments have become increasingly difficult from a law and order point of view in recent months. We have seen what appears to be a serious escalation in the level of violence and unruly behaviour in those places, and an increasing level of concern on the part of not only ordinary citizens but the police themselves about the extent to which the problem is getting out of hand. I must say that I am pleased to see that the Government has reacted so quickly to that problem by proceeding with legislation of this kind. The Liberal Party is supportive because it has argued for some time that an appropriate response to a serious rise in crime is to provide for a meaningful increase, where appropriate, in the powers of police in the Territory to deal with that crime.

The offence of street fighting is not new on the statute books. It did appear in the Crimes Act, I think, until about eight years ago, at which time it was removed, with a number of other pieces of legislation, in a wave of clearing out the statute books. It was seen at the time to be inappropriate in a society which was evolving new and better ways of dealing with problems, and we had a very great consciousness about the civil liberties of citizens.

Ms Follett: We still do.

MR HUMPHRIES: Indeed, as the Chief Minister interjects, we still do have that concern. I think that we have also reached, with the introduction of this Bill, an understanding of the fact that liberties cut both ways. Whereas one person has the right to engage in behaviour which is fairly unrestrained up to a point in places like the Civic Centre of Canberra, others have an equally important right to move around in those places without any fear of intimidation or physical violence. Regrettably, that balance has been a little bit one-sided in the past, and I believe that this Bill will provide our police with the proper ammunition to deal with that problem and restore some kind of balance.

As I understand the problem, as stated by the Minister, we have seen difficulties with the police coming onto the scene of a fracas not knowing exactly how it started. Because no individual involved in the altercation was prepared to lay charges, it was very hard for the police to discern who exactly had been assaulting whom. In the circumstances it has caused the police some difficulties.

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The police have argued, I think fairly strongly, that there needs to be the capacity to have this kind of offence within their armoury, and for that reason it ought to be there. I think, Madam Speaker, that we can support legislation which restores it.

I have great confidence in the police of this town, that they will use powers of this kind with great responsibility. I do not believe that police in the ACT are going to abuse this power. Certainly, a person who is involved in a fight might have the defence of saying that he or she was assaulted by somebody else; but in those circumstances I am quite confident, Madam Speaker, particularly if the police can see clear evidence of what the person has said, that the police would proceed on a charge of assault against the person that the other person claimed had assaulted him or her. In those circumstances this kind of general offence, this sort of unspecified offence, would not be used. But where no such person comes forward it is obviously appropriate to have a general power to deal with street fighting.

In the brief time available to me I have consulted with a number of parties interested in this sort of thing. I believe that the Bill has support. In the circumstances it would need to be watched and its use monitored. I hope that in due course the Minister will advise the Assembly of the number of prosecutions launched under this piece of legislation, and how many were successful. Madam Speaker, I believe that the Bill does provide us with a small but positive answer to the very serious problems of street violence in our town at the present time, and for that reason it has the full support of the Liberal Party.

MR MOORE (8.12): Madam Speaker, I think we have to get things a little into perspective. The recent increase in violence in Civic occurs with a very small number of people. I must say that there is a certain amount of beat-up associated with the violence, in terms of - - -

Mr De Domenico: Yes, a lot of beat-up.

Mr Cornwell: An unfortunate choice of words.

MR MOORE: It was quite deliberate. The beat-up is not only part and parcel of what goes on in the fighting, but also part and parcel of what is going on with some conservative elements of our society, not the least of which are members of the Liberal Party.

Madam Speaker, I also will support this Bill, but I have some doubts which I will raise and which we will deal with. The question, I guess, that many of us consider is that we have to watch different impacts on our liberty by any piece of legislation. I remember Gary Humphries standing in this chamber on many occasions, supporting the Bill Stefaniak move-on powers and pointing out the great difference it was going to make and how the police would need these powers; that they would be able to use them constantly and it would be the end of difficulties. They could just tell people to move on and it would stop fighting. Now we are being told, "Well, thanks for those powers, but that is not enough. It did not work, so give us some more power". The police, in speaking to the Select Committee on Drugs last week or the week before last, ran through a whole range of what I guess could best be described as their wish list in terms of the powers that they would like to have. They were quite extensive and there is no doubt that they would make the job of the police much easier. To the vast majority of citizens that would seem to make the job of the police easier.

Madam Speaker, what we have to take into account is that fighting is an abnormal operation. It is an abnormal thing to be doing. I think that is the message that we have to get across to members of our community, and to this extent I agree wholeheartedly with Gary Humphries and the Minister in introducing this legislation. This concept of fighting to resolve problems, or fighting for the sake of it, is certainly an unacceptable part of the way we conduct our society. In my 40-plus years I have never had occasion, since I left primary school, to be involved in a fight. I have never found a particular reason to be involved. It would seem to me that for most people - - -

Mr Connolly: Even in Residents Rally days?

MR MOORE: Mr Connolly interjects with an extreme example. Even under those circumstances, Madam Speaker, there was absolutely no need for violence. It was far better simply to walk out or to walk away. I think that is the solution on many occasions. Our young people should be getting the message that fighting is simply an unacceptable way of behaving. That is one of the reasons why I am prepared to support this Bill. The other reason why I am prepared to support this Bill is that, by and large, our police force represents us very well and it has a very positive role to play in the Canberra community. The Canberra community recognises that. Like Mr Connolly and other members of the Assembly, having been fortunate enough to go out with the police and see how they conduct themselves on an evening in Civic encourages me as to the approach that they are taking and their ability to deal with this.

The question that I raise and that I hope Mr Connolly will be prepared to answer this evening is, "What about when somebody is genuinely forced into a situation of self-defence?". Maybe it is because I can run faster than some people that I have not been forced into that situation myself. Speaking seriously, I think most of us avoid fighting, but I can imagine a circumstance where somebody is forced to defend himself. Under those circumstances I think being charged with fighting would be inappropriate. We can imagine the situation, Madam Speaker, where a police officer comes around a corner and there are two people fighting. One person has been threatened with an iron bar and the other person decides, since he has nowhere to go and is in a corner, that he is going to defend himself. One can imagine the sort of circumstances.

Mr Lamont: Do not go drinking with Wilson Tuckey.

MR MOORE: I hear an interjection from Mr Lamont, "Do not go drinking with Wilson Tuckey". I assure Mr Lamont - - -

Mr Cornwell: I take a point of order. I suggest that Mr Lamont might withdraw, Madam Speaker.

Mr Connolly: He was convicted of belting somebody with an iron bar.

Mr Cornwell: I think it is an unreasonable statement against a member of the Federal Parliament.

Mr Lamont: I would withdraw, were it not for the fact that an offence does stand in the books in relation to "Iron bar". It is a name by which he is quite often referred to, even by his own colleagues in Federal Parliament, Madam Speaker.

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MADAM SPEAKER: Mr Cornwell, it is a valiant attempt; but our standing orders protect our own members, not the ones on the hill. I am afraid that I will have to let that one pass.

Mr Cornwell: Thank you, Madam Speaker, for your guidance. I will make use of it in future.

MR MOORE: Thank you, Madam Speaker. Is it not wonderful to see Liberals jumping to the defence of their close colleagues?

Mr Cornwell: Colleagues.

MR MOORE: "Their close colleagues", I said. Self-defence is an issue that is appropriately raised in dealing with this Bill and I will be interested to hear the Minister's response. This Bill is such a complicated Bill that it took us a quite long time to assess its ramifications, Madam Speaker, having, apart from the business side of the Bill, two lines to consider, namely:

A person shall not fight with another person in a public place.

Penalty: \$1,000.

Mr Connolly: Yes; 12 words, in fact.

MR MOORE: Thank you. Yes, 12 words. I think it is appropriate that we respond to those requests from the police for a method to deal with violence in Civic in particular. I think this is a quite reasonable way of going about that and I congratulate the Minister for his quick response to this issue.

MS SZUTY (8.19): Madam Speaker, there has been much debate in recent years about the control of offensive and assaultative behaviour by people, especially in Civic. I am sure no-one would disagree with the view that the mixture of alcohol and aggression often leads to incidents that seriously affect the lives of those people who suffer injury and those people who subsequently appear before the courts charged with offences in relation to incidents of violence. While many people in the community once thought it was honourable to step outside to sort out differences, and some people still do, I believe that the emphasis in the late twentieth century should be on defusing situations that may lead to violence. In that vein, some deterrent must be placed in front of people who would seek to use violence against others.

I agree with my colleague, Mr Moore, that the move-on powers introduced by the Alliance Government in the First Assembly have not been effective in preventing violence from occurring in our community. In the rhetoric that surrounded the introduction of the move-on powers and from the reports I have received since becoming a member of this Assembly, it appears that they can unfairly target groups of young people. Yet most of the incidents of violence that have resulted in serious injury and death appear to have involved younger and older adults and not teenagers. This is somewhat ironic.

I believe that the Government is placing the correct emphasis on individual responsibility for action in proposing this amendment Bill rather than attempting to assess some potential threat posed by any particular group within a community. In making it an offence to fight in a public place, the Assembly, in passing this law, will again be putting forward a community standard.

The fight does not need to be of affront to another person, as was the case under the old Police Offences Ordinance 1934, as fighting is in itself enough to constitute the offence. The law also does not discriminate against any particular age group and it will be universally enforced no matter what the public venue and no matter what the ages of the people involved.

Bar owners in and around Canberra's popular entertainment areas may also like to make the effort to ensure that their patrons are aware of the new law and encourage those people who may be showing a tendency to resolve conflicts with their fists to leave before the situation becomes acute. The Attorney-General may wish to elaborate in his closing remarks on how managers and bouncers in nightclubs will be affected by this law and whether the nightclubs in themselves constitute public places. My belief is that they would.

There is also a strong message in this legislation for people who access night-time entertainment in Canberra. Appropriate action can now be taken by police officers in individual incidents where fighting occurs. Apparently, in the past there have been difficulties in identifying the aggressor, in many instances, and also with producing sufficient evidence to secure convictions on charges arising from fights. With the passage of this amendment Bill, these difficulties should be overcome. Of course, there are still charges that can be laid if one person causes actual physical harm to another. The passage of this amendment Bill may mean that many people who become aggressive will be stopped before actual bodily harm occurs.

I would not want my support for this amendment Bill to sound as if I believe that no further assaults will happen in Civic or anywhere else in the ACT. Sadly, this cannot be guaranteed by any amount of legislation. However, my hope is that it will give police officers a better opportunity to intervene in potentially violent and violent incidents at a much earlier stage than has been possible in the past. With any legislation that purports to protect people, review mechanisms must be in place to ensure that the stated objective is being achieved. I would encourage the Attorney-General and the Government to monitor the frequency of charges made under this amendment, as well as the general levels of violence occurring in and around Canberra's nightspots as Mr Humphries has also recommended. If we do this we will demonstrate our interest in positive legislation.

I, too, commend the Government's prompt action in introducing this amendment Bill. Additional moves being taken to improve the physical environment of Civic for all users of the area will also help in the longer term in curbing the incidence of violent crime. The meeting with traders and police officers, referred to by the Attorney-General in his speech, raised a number of other issues concerning the sale and consumption of alcohol, and I look forward to hearing the Attorney-General's comments in regard to these issues at some future time. I note that a group of nightclub and hotel licensees in Melbourne have recently discussed what they call the "West End Code of Practice", the result of which will lead to the banning of a number of the drinking practices in their nightclubs as well as banning promotional alcohol activities.

Mr Lamont: Lou was not in hospital at all.

MS SZUTY: My apologies to Mr Westende. That was not the way it read at all. While I believe that these games and rituals can be considered as part of the rites of passage of drinking in some quarters, it may be time to look at not only how much but also how Canberrans consume alcohol in bars, clubs and pubs, with a view to identifying dangerous practices and to educating people on responsible drinking. Madam Speaker, I, too, commend the Bill to the Assembly.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.24), in reply: Madam Speaker, I am pleased to hear the general support from members for this legislation. This new measure recognises that, just as crime and violence in the inner city is a multifaceted problem, so the appropriate response from government must be multifaceted. It is not a simplistic problem. It is not something that can be solved by simple lines like "Let us set the police dogs onto the kids", as one prominent former member of this Assembly was wont to utter the other weekend.

We are approaching the problem of crime and inappropriate behaviour in the inner city with a range of measures. The other week I tabled for members' information the discussion paper on bouncers and the security industry. Obviously, we need to look at the way the private security industry operates in Canberra. There may be appropriate legislation which will come out of that discussion paper. I indicated in question time today our safer city initiative in relation to the way we have late night taxis and the way we move crowds out from the city. We have increased the foot patrols of the beat squad in the inner city area and we have also cracked down somewhat on late night random breath testing, again to encourage responsible drinking.

Also, we have brought forward an additional law. Madam Speaker, the Government is always cautious about bringing forward additional laws, because we are wary of a philosophy that would say that the way to solve crime is to increase police powers. The move-on power is a good example of that. That was much heralded at the time as the solution to problems; yet we see that despite the law the problems are occurring and the use of the move-on power is seen to be somewhat ineffective. The Labor Party's criticism of the move-on power always was that it was a law that was by its nature open-ended and somewhat arbitrary, and that you do not solve problems with open-ended, arbitrary laws.

That is one of the reasons why these sorts of minor public order offences were repealed in the mid-1980s, both here and in other States. The Police Offences Act, which contained the old "fight in a public place" provision, also contained provisions for things like offensive language and offensive behaviour, and quite properly there have been concerns about the way those laws have been implemented.

Probably the best example was that ABC television documentary a year ago on policing in Redfern which featured a video camera that was cruising around Redfern for a couple of weeks with a police patrol. We heard the police, in confrontation with an Aboriginal person, using foul language with extraordinary regularity, and when the Aboriginal person said, "[Blank] off, copper" he was brought in and charged with offensive language. We saw him being put through the charge process. That film, when shown, caused national controversy and the New South Wales Government at the time acted fairly swiftly with a range of measures to educate the police. They were moved fairly swiftly from Redfern.

But it shows the risks of those sorts of open-ended and subjective laws. What is offensive language and what is offensive conduct? It varies with the individual. This law is different because it relates to a very objective form of behaviour. It relates to fighting in a public place.

Madam Speaker, Mr Moore made a very appropriate comment when he said, "We are really sending a message here that violence is unacceptable". We would endorse that. The Chief Minister, only in the last sittings, brought forward the report on the national strategy to deal with violence against women. We tabled a discussion paper from the Law Reform Committee on domestic violence. We are dealing with issues of violence on a range of fronts, and this is one other way of saying that you do not solve problems with the use of violence. We see this law as quite different from the open-ended and subjective laws such as the move-on power or simple, offensive language or offensive behaviour provisions.

Madam Speaker, a concern was raised by Mr Moore, and had been raised privately by Mr Humphries - a quite proper concern - and that is, "What is the position of someone who claims or can show that they were attacked and were merely acting in self-defence?". I am able to assure the Assembly that that is covered. This is a law which relates to fighting in a public place, and the courts have ruled. The relevant authority is the *Queen v. Sharp* and another, a 1957 decision, reported in Volume 1 of the All England Reports at page 577 - a decision of Lord Goddard, the then Lord Chief Justice. He said that, if two men are found fighting in a street, one might be able to say that the other attacked him and he was only defending himself. He went on to say that, if he was only defending himself and not attacking, that is not a fight. That is the relevant common law authority that the courts here would go to for the proposition that, when you are merely defending yourself, that is not a fight. So, this law would not apply. If, however, you go beyond self-defence - that is, if the person hits you with a fist and you produce the iron bar - then that is a fight, and you would be properly subject to the law.

Madam Speaker, we will keep an eye on this law. We will monitor its operation. Ms Szuty is right in saying that merely changing the law will not solve the problem. We have to continue with crime prevention strategies. We have to continue working with the industry to make Civic a safer place for Canberra's young people, but this law will help. Rather than talking about increased police powers, we should talk about increased police flexibility.

This law provides a maximum penalty of \$1,000. It is a minor summary offence. Currently, the only way to deal with a fight is by laying an assault charge. If one is convicted of assault, one is liable to a penalty of two years' imprisonment - more, if it is a more serious assault and actual bodily harm or grievous bodily harm is involved. A young person now would have to be dealt with, if at all, on an assault charge, which means that that person has a conviction for assault on his record. That conviction carries a maximum penalty of two years' imprisonment. As members would be aware, that of itself can operate to disqualify a person from various offices. It could disqualify a person from eligibility to join the military forces, join the police force, or engage in various other occupational activities. It is a very serious thing for a young person to have on the record.

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A summary offence, with a \$1,000 penalty and no term of imprisonment, is a better way to deal with that sort of low-level behaviour. So, rather than talking increased powers, we should talk increased flexibility. The police now have a range of measures to deal with violent behaviour, from this simple offence of fighting through to the more serious offences, which will continue to be used for serious levels of violence that cause real injury. I am pleased that there has been unanimous support for this measure. It will send a strong message to the community that the whole Assembly, as well as this Government, is serious about dealing with problems of public disorder in the streets and violence against our young people.

I am particularly pleased at the comments that were made by all members about the way the AFP police the city. The thing that is most striking, when one goes out with the beat squad in particular, is the good relations that generally apply between that squad and young people, who realise that the police are there to ensure that they can go out and have a good time, have a few drinks, have a dance and enjoy themselves. That is the way I am sure we would all like to see it continue.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

HOUSING ASSISTANCE (AMENDMENT) BILL (NO. 2) 1992

Debate resumed from 26 November 1992, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR CORNWELL (8.33): Madam Speaker, the amendments proposed by this legislation fall into two categories. The first concerns the internal operations of the Commissioner for Housing's administration, specifically, firstly, increasing from \$500,000 to \$1.5m the monetary limit on the value of contracts the commissioner may enter into without ministerial approval; secondly, extending the housing loans HomeBuyer program; and, thirdly, improving the review process for decisions made under housing assistance programs by the Commissioner for Housing. The second category covered by these amendments concerns alterations agreed to, I understand, by all State and Territory governments to improve the planning and accountability provisions and the extensions of housing assistance under the Commonwealth-State housing assistance scheme.

The Liberal Party has no problem with the second category. However, two aspects of the first category call for explanation, we believe. While the Liberal Party supports any sensible and responsible action that would enable people to be housed, preferably in accommodation they ultimately will own themselves, we wish this to be done responsibly.

I took the liberty this morning of advising the office of the Minister for Housing that I wished to raise two significant questions that are of concern to the Liberal Party, and, I believe, to other people in the community. I would therefore like to place on record those questions. Hopefully, at the end of the in-principle debate on the Bill, the Minister will be able to answer them for me. Those questions, if the Minister would - - -

Mr Connolly: I am sorry; I was just checking. I am aware from my staff of the questions.

MR CORNWELL: Thank you; I am delighted. You have good staff, Minister.

Mr Kaine: He was just checking to make sure that you are asking the same questions that you said you would.

MR CORNWELL: Indeed, I have every intention of doing that. The first question I ask is: Why does the Commissioner for Housing need a 200 per cent increase in the opportunity to approve funding, from \$500,000 to \$1.5m, without ministerial approval? All I have discovered in the tabling statement of the Minister is that the increase reflects commercial realities and amends the original limit of \$0.5m set in 1987 to take account of inflation, escalating land costs and housing industry trends. It has been pointed out before - certainly, it has been pointed out by some of my colleagues - that approving something over \$500,000 for the Minister should not involve an enormous amount of time. We would therefore like to understand why this approval has been given. It appears that there is no real justification for it, and I would welcome the Minister's comments.

The second point I wish to make is that I can find only two references in the 1992-93 budget concerning the extension of the HomeBuyer program through the use of an "off-budget funding mechanism". I would like to know what the details are of this really quite significant change. The Minister has disappeared again.

Mrs Grassby: He is getting information for you.

MR CORNWELL: The Minister is not in the chamber, Mrs Grassby. For example, is there a financial limit, and is it the \$19m mentioned and listed in the budget overview on page 70? If not, why has it not been identified in his speech or, indeed, in his program?

We on this side of the house are not at all sure just what is proposed. We believe that, if we are going to go forward onto matters such as the Commissioner for Housing having an extension of 200 per cent on what he can approve without ministerial approval, and if we are going to have an off-budget funding mechanism which, it appears to us, is open ended, we do need some more information. The Liberal Party will be listening very carefully to the Minister's answer to these questions because on that answer will depend whether or not we move amendments to the Bill on the matters I have referred to.

MR KAINE (Leader of the Opposition) (8.40): I would like to reinforce the concerns Mr Cornwell has expressed about this Bill, and they have to do with financial accountability. As Mr Cornwell has pointed out, the first of those matters is the proposed increase in powers for the commissioner to enter into contracts. It is proposed that that limit be increased from the present \$500,000 to \$1.5m without ministerial approval. Given that the housing budget is only, on my recollection, something of the order of \$45m a year, the \$1.5m to be entered into by the commissioner without the prior approval of the Minister is a very significant amount of money. The commissioner would not have to enter into too many such contracts before he used up the entire budget.

I think it is a matter of relativities, and I am sure that the Minister has a good reason for putting this to us in the form of a Bill. However, he has not really explained it to my satisfaction, nor has he explained how that \$1.5m commitment that the Housing Commissioner can make compares to the kind of contract that other senior officers of the ACT Government Service of similar status can enter into. I do not know whether, for example, the Secretary to the Department of Urban Services can enter into a contract for \$1.5m without the Minister's approval; I very much doubt it. Yet here we are saying that the Housing Commissioner will be able to do that under this Bill, once it is passed. So, it is a question of accountability and what the factors are which make it necessary or desirable that the commissioner should have this flexibility and freedom of action when other senior officers of the ACT Government Service do not.

The second point Mr Cornwell referred to is the question of off-budget funding and borrowing. It appears to us that clause 7 of the Bill permits the Housing Trust to receive borrowed money without limit. It does not say that the Minister can set a limit on how much money the Housing Trust can borrow. I would like to see some limitation placed on this. The State of Victoria recently got itself into deep financial trouble. It borrowed some billions of dollars more than it was authorised to by the Loan Council, and that appears to be the same kind of arrangement that is now being proposed for our Housing Trust. A lot of that money was borrowed by Victorian statutory authorities, who were able to borrow without the Minister formally approving it.

I would like the Minister to amplify the proposal here, to see whether that is intended, whether the Housing Commissioner has unlimited powers to borrow for this purpose, and whether that borrowing is off-budget and beyond the scrutiny, for all practical purposes, of this Assembly. If that is the intention, then I have to say that I cannot agree with it, for the same reason that the situation needed to be changed in Victoria to get control over it. I think we would be moving in the wrong direction, in the light of that experience, in allowing the Housing Commissioner or any other statutory body in the ACT unlimited borrowing authority without the Minister setting some limits to it.

I would like the Minister to give us some assurance on both of those points - what the justification is for the proposals that appear in the Bill and whether our reading of those matters is wrong or unreasonable. If he can demonstrate to me that we are off the track, we would be prepared to accept his Bill; but unless he can do so I agree with Mr Cornwell that we would seek to amend those two clauses.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (8.44), in reply: At the outset may I say that Mr Cornwell made various comments about my leaving the chamber or not listening to his comments. For the purposes of the *Hansard* record, I should make it clear that I was organising advice from my advisers to ensure that I could most effectively respond to the criticisms or issues raised by the Liberal Party.

The Liberal Party raised two issues which are of legitimate concern. The first one related to the increase in the ability of the Commissioner for Housing to enter into contracts. Mr Kaine made the point that \$1.5m seemed a little high, and he asked rhetorically whether I would approve the Secretary to the Department of Urban Services entering into such contracts without approval. Indeed, across my two portfolios I have in place a standing provision that for consultancies and those types of matters I want approval for matters over \$50,000. So, the answer generally is no.

The Commissioner for Housing was established by a conscious decision of former governments as a statutory authority somewhat at arm's length from government. They deal in real estate in Canberra - an area of some sensitivity and an area where the community needs to know that the politician is not getting too closely involved in the buying and selling of houses. Under successive governments the practice has always been that Ministers do not make the decisions about which house to buy and which house to sell and how to move. One could move into fairly murky ground.

Mr Kaine: How many houses do you buy at \$1.5m a throw?

MR CONNOLLY: If you were talking about a redevelopment proposal in one of the inner city areas, \$1.5m would probably be only two or three houses. When we are talking about some of these schemes that the Housing Trust is moving towards, where we are redeveloping some of our properties or buying some properties adjacent to, say, two of our inner city properties and then entering into a joint venture arrangement with the private sector for urban redevelopment, while the Minister should have policy guidance of that and while that should be accountable here and through the Estimates Committee, the actual contracting process is, I think, a matter that is probably best left on an arm's length basis.

Mr Kaine: Certainly; but the Minister needs to be across the top of it.

MR CONNOLLY: The Minister certainly needs to be across the policy of moving into that type of redevelopment venture, and this Minister certainly is; but the actual process of letting the contracts is perhaps another matter.

Madam Speaker, the limit does reflect commercial realities, and I think that is the view of the private sector in this area. The fact is that since the limit was set in 1987 there have been steady increases in commercial property values of around 70 per cent. This is, I will credit you, taking it above a 70 per cent increase; but it is giving some scope for the future. Of course, any activities of the Housing Trust are accountable through this Assembly - through questions on notice, as Mr Cornwell knows, through regular use of questions, down to very intricate levels of detail, and through the Estimates Committee.

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I acknowledge that the Opposition is making a valid point here. We set \$1.5m; it could equally have been \$1m or \$1.25m. We picked \$1.5m to have some scope for growth. I think it does reflect commercial realities. I think the industry accepts that it reflects commercial realities. I accept the Opposition's flagging this as a point of caution, but the Government would not be supporting amendments to move it a little bit this way or a little bit that way. We accept the proposition that it is prudent to have a housing program established through a housing trust, with a commissioner operating at arm's length from government on a lot of the commercial intricacies of buying and selling real estate, because that is essentially what we are talking about here. We get beyond the policy issues of how one might move into urban consolidation. The planning issues, of course, generally come later.

The commercial issues of buying and selling real estate are ones where I think the community is well served, and has been well served, by an independent housing commissioner exercising those purchase and sale decisions without political interference. The Housing Trust has been constituted as a trust in the ACT over about five years or so, and I am not aware of any allegations having been made by any community groups, or any party that happens to be in opposition, of any impropriety in relation to involvement in the real estate market. It is important that the probity of successive commissioners for housing in the way they move into the market and purchase or sell properties has never been questioned as some sort of political interference or corrupt practice.

Given that, members can have some confidence in giving the commissioner power to deal in sums of money which are considerable but, at the end of the day, are accountable back to this Assembly, and which reflect the commercial reality of the size of the dollars we are now talking about when we are talking about real estate transactions. When you adjust for inflation and rises in property values, they are in the order of the figure originally in the Bill. So, this is a proper note of caution raised by the Opposition but a matter which we think, on balance, ought remain.

Mr Kaine and Mr Cornwell then made the point about the off-budget borrowings, and I think Mr Kaine embarked on a bit of politicking there. He wanted to make some points about Victoria and borrowings, and I guess one can expect the Liberal Party to do that. The fact is that these off-budget borrowing programs are established, as set up in the Act here, as trust funds under the Audit Act. It refers you to a section 85 Audit Act trust fund, so they are funds which do appear in the budget papers. The term "off budget" really is shorthand for not using Consolidated Revenue, not using government revenue.

Mr Kaine: And not accountable to the parliament.

MR CONNOLLY: No, Mr Kaine. The figures appear in the budget papers as borrowings. We are required under this amendment to operate these off-budget programs through trust funds which are Audit Act trust funds and which come back through that whole accountability mechanism. So, if we were talking off budget in the sense that you had an organisation, an arm of government, running around borrowing sums of money that no-one was aware of, your point would be very valid; but I would say that that is not the case here.

Mr Cornwell: Why?

MR CONNOLLY: "Off budget" means not using Consolidated Revenue. The source of these funds is off budget, but they will appear in the trust funds which are published in the budget papers. The Act requires us to do this - - -

Mr Cornwell: Before or after?

MR CONNOLLY: We have announced this year our proposals. In this year's budget papers you have correctly identified the proposed figure for the forthcoming budget year of some \$19m. That is the figure we are talking about for this year, assuming that we get this through. We announced in the budget what our proposal would be for off-budget borrowings for this year, and we would continue the practice of announcing in the budget context what our borrowing proposals are. This is central to the Government's economic strategy in that what these funds are for, members, and Liberal members in particular, should remember, is to provide home buyer assistance to lower income earners, to assist them into the private home ownership sector.

Mr Cornwell: You heard what I said.

MR CONNOLLY: Yes, I did, and the answer, Mr Cornwell, is that you correctly picked that the figure in the budget does refer to this. So, the answer to your suggestion that this could all be done on the quiet is that it is not correct. We will publish each year in our budget papers our projections for borrowings for the future year. What we are doing will be flagged in advance. The funds are required to be held in trust accounts that are established by virtue of this Act as trust accounts under section 85 of the Audit Act. You have the various accountability mechanisms that can come through there, we have the Estimates Committee, we have questions, and we have the Public Accounts Committee, should that committee wish to go down that track.

So, there is publication in advance of what we are doing. We will always do that. This will be another mechanism the Government has to look at - intervening in the market to provide additional funds. At the end of the day, Liberal Party members, this is money which has been borrowed to go out into the private sector, which you say you so strongly support, to buy houses to create employment for Canberra's young people in particular. This is a measure that relates very directly to the level of activity in our home building sector, and any suggestion that it would be opposed would have serious implications for the level of activity in that sector.

As I said at the outset, most States have gone down this path. We have differed from New South Wales in that we are running it as a government program as opposed to a private sector program. That is something that one might have thought a few weeks ago the Liberal Party would criticise; but the report recently published in the New South Wales Parliament on the Housing Department's involvement in private sector funding, which raised enormous queries and problems, would be a good reason why the Liberal Party has not raised that issue of principle tonight. They seem to be happy with the concept that if we - - -

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Mr Kaine: We are concerned about public accountability.

MR CONNOLLY: And rightly so, Mr Kaine; but, as I say, we are not talking here about government instrumentalities borrowing without any recording in the budget papers of money for recurrent ongoing government purposes. We are talking here about a program announced in the budget papers of projected borrowings for the future year for home buyer assistance, and at the end of the day these dollars - - -

Mr Kaine: It is like the health budget; it gets out of control.

MR CONNOLLY: Mr Kaine, that is a silly thing for you to say. One would assume that as a former Treasurer you have a good understanding of administration. We are proposing here a program to facilitate funds being borrowed on the basis of the Government's good credit rating, which will then be put into real estate in this Territory for home buyer loan schemes, thus generating - - -

Mr Kaine: We have a good credit rating, so we will never make a mistake.

Mr De Domenico: Is that borrowing unlimited, though?

MR CONNOLLY: I will say it for the third time because I know that you have to say it slowly and repetitively for the Liberals: The borrowings are announced in the Government's budget program, projected for the future year.

Mr De Domenico: What if the borrowing is greater than the amount announced in the budget program? Who is responsible?

MR CONNOLLY: If Ministers lie, they are responsible. As I have said, the borrowings will be published, as they have been this year, in the Government's budget papers, and this Assembly can scrutinise the Government to ensure that it keeps to those borrowing programs, just as it can for any other form of government borrowings. There is no difference. They are necessarily structured through Audit Act accounts, and the full accountability mechanism applies here as to any other form of government borrowings. I would say to the Liberal Party that these are borrowings that at the end of the day are going into private sector constructed bricks and mortar, providing assistance for the building industry here and jobs for Canberrans.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 4 agreed to.

Clause 5

MR CORNWELL (8.57): I move:

Page 2, paragraph (c), line 16, omit the paragraph.

This amendment will simply omit the proposal to increase to \$1.5m from \$500,000 the amount of money the Commissioner for Housing may approve without seeking the approval of the Minister. The reason I do this is very simple. This morning my office contacted Mr Connolly's office to advise him that I would be raising questions in relation to this matter and one other and that I would be seeking a more reasonable explanation of what we discovered in the explanatory memorandum about the increase from \$500,000 to \$1.5m. As far as the Liberal Party is concerned, we have not had that reasonable explanation.

Mr Connolly said in his comments that no corrupt practice was suggested, and indeed the Liberal Party would not for one moment imply that there was any suggestion of any corrupt practice by any public servant in this matter. I want to make that perfectly clear. Mr Connolly rightly said that there was a reasonable point of caution in relation to how much money could be allocated to any public servant in terms of their approval, without any suggestion of impropriety. We have not, however, been convinced by the Minister, either in his explanatory memorandum or in his comments tonight, following my request this morning for further information, that the amount the Commissioner for Housing can approve should be increased from \$500,000 to \$1.5m. Therefore, we find ourselves in the position where we must move an amendment to delete the Government's proposed amendment to the Housing Assistance Act.

MR KAINE (Leader of the Opposition) (9.01): As I indicated earlier, I support Mr Cornwell in this amendment. It is not a question of corruption or bad business practice or anything else. The simple fact is that the Minister has not justified why \$1.5m is a good figure. He indicated that other officers of fairly senior status in his organisation do not have the authority to approve contracts of this dimension. He has not convinced me that the Commissioner for Housing should have it.

He said that he did not think the Minister ought to be involved in a contract to buy houses. I agree with him, but that is not what this does. This does not give him first-hand involvement in the contract, but it is partly justified on the basis that the Housing Commissioner is now getting not into the purchase of housing but into the redevelopment of housing. That is a different matter altogether. Once you get into the redevelopment of housing you can get into some very big contracts. But that is not the point, I do not think. I am not arguing on the basis that the Housing Commissioner should not get into that kind of contract. If it is perceived to be in the public interest that that is a good way of providing housing and the housing that is being purchased is priced reasonably, is well located and the like, there is no argument against it.

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When any manager, I do not care whether it is in the Housing Trust, in Urban Services, in ACTION or anywhere else, starts committing very large sums of public money, you have to get to a point where you say that he does not have unilateral authority to make that commitment. He has to come back to the responsible Minister. When you start talking about housing redevelopment projects, it is even more of a persuasive argument that the Minister should know what it is that the commissioner is doing. Why is the commissioner committing \$5m or \$10m or \$20m or \$25m, or whatever the sum is? The only way the Minister can know is for the commissioner to be obliged to come to him and say, "This is the proposal".

I come back to the point, though, that the Minister has not justified why \$1.5m is a good figure. Why not \$5m? If we are going to say to the Commissioner for Housing, "You can get into housing redevelopment projects", knowing that housing development projects can be very costly, why \$1.5m? It has no logic to it. I repeat: The issue is not how much the money is; it is what the money is going to be spent on. I believe that the Minister has a responsibility to satisfy himself or herself on the particular project on which this expenditure is to be made.

To say to any manager, "You go ahead and spend the money; I do not want to know about it until it hits the fan, or until some auditor picks it up in an audit report", is waiting until the horse has escaped. The Government is responsible, and it has to accept the responsibility before the decision is made, not afterwards. There is no accountability if it is only a matter of catching up with the thing after the event. In any language, \$1.5m is a very significant amount of money. Quite frankly, Madam Speaker, if I were the Minister, I would want to know what my managers are doing when they start talking about money of that order of magnitude. I would not be happy that any manager, even at the highest level, should go about his or her business as though I had no interest in it, committing the government to expenditures of money in \$1.5m doses without my even being aware of it or knowing what they were proposing to do with it. I think that it is poor management. It is not being accountable, and I would like to see some control over it. If the Minister can tell me why \$1.5m is a good figure, I might change my mind; but he had his opportunity and he did not do it. I do not see the relevance of it.

That being the case, I support Mr Cornwell. I believe that until we have some justification for making this change the limit ought to remain at \$500,000 - a very princely sum, even today, and one that one could argue the Minister might allow his senior managers to deal with without reference. I will not go beyond that until the Minister persuades me as to why I should, and he has not done so.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.05): Full marks for mock outrage from the Liberal Party. The explanation that was originally given to you in shorthand was that this reflects commercial reality. I know that the Real Estate Institute has advised you, as it has advised me, that it believes that this provision reflects commercial reality. So, you have had that advice from industry. I told you that, industry has told you that, and yet you have produced these histrionics. Mr Kaine rhetorically says, "Can you justify \$1.5m?". Mr Kaine, you certainly cannot justify what you are doing in this amendment, which is justifying keeping it at \$500,000. We know that since that \$500,000 was introduced in 1987 there has been an escalation in the Canberra real estate market of in the order of 80 to 90 per cent. So, the figure as it was in 1987 would now need to be about \$800,000 to \$900,000.

Mr Kaine: A long way from \$1.5m.

MR CONNOLLY: Exactly, Mr Kaine. As I indicated, it makes sense when you adjust these things to put some provision in for future expansion, other than having an indexation provision. We are really saying here: At what level should the Minister be involved in the contracting for the buying and selling of houses? I do say again, as I said before, that that is the area where you get the danger of perception of ministerial involvement and impropriety in real estate transactions. You then get the perception that the Minister approved or did not approve buying those six houses from a spec builder.

We expanded our housing acquisition program very dramatically in last year's budget, because the home building industry in Canberra was in significant decline then. One of the ways we achieved that very quickly, to provide quick stimulus for the local building industry, was to spec purchase a large number of homes. We called tenders for those. We publicly said that we were interested in spec purchasing 30-odd homes. Six of those homes in one lot would be of this order. They are the sorts of situations where I do not want to be approving which builder we buy them from.

Mr Cornwell: Really?

MR CONNOLLY: No, Mr Cornwell, really. I want to set the global policy and I want to set out in budgetary papers which we bring before this Assembly what we are doing about spending public money, but I do not want to be the person who is making the decision that we purchase Mr Smith's homes or Mr Brown's homes.

Mr Cornwell: So, half a million is not enough; is that right, Mr Connolly?

MR CONNOLLY: Clearly, half a million is not enough, Mr Cornwell. If it was correct in 1987, it is clearly not correct now. You are left with saying: Do we take it up to in the order of \$875,493.17, by some mathematical calculation of escalation in homes prices, or do you set a limit which has some factor for growth? The principle then, and this is the important one, is: Do you want the Minister to be involved not just in the setting of the policy and the setting of the monetary amounts that can be spent on public housing, which are always brought before this Assembly, and for budgets, but also in making the decision that we buy Smith's house rather than Brown's house?

Mr Kaine: No, but we want you to make up your mind where the money is spent.

MR CONNOLLY: You are right in saying no, Mr Kaine. That decision is well vested in the Commissioner for Housing, and the fact that there has been no perception in this community that there has been favouritism or shenanigans over the five years or so that the Housing Trust has been in existence and since this half million limit, as it then was and has remained, has been in existence, is testimony to the fact that that system works well.

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MR MOORE (9.10): Madam Speaker, in some ways it would have been easier for me to deal with this amendment had I been given prior notice that Mr Cornwell was intending to present it. On the other hand, we have had the benefit of listening to the arguments presented by Mr Cornwell and Mr Kaine and the response by the Minister.

I must say that I am persuaded by the Minister that there is appropriate accountability through the normal budget system and that we are not at risk of losing huge sums of money. I suppose that, at best, the risk - and I am talking about risk, not about any inference in terms of the Housing Trust; rather to the contrary - would be that the money might go towards one builder rather than another, or one development proposal rather than another. That is the level of risk that appears to be involved. Considering the work done to date by the Housing Trust, I think it is appropriate that we provide them with the flexibility to move. I am certainly prepared to support the Minister in increasing the sum for that reason, and therefore I intend to vote against the amendment.

MR KAINÉ (Leader of the Opposition) (9.11): Madam Speaker, I am interested in Mr Moore's position, but I assume that he has misunderstood the argument I was putting. First of all, he said that accountability is through the budgetary process. There is no accountability process through the budget. This Assembly appropriates very large sums of money to ministerial portfolios for expenditure. The accountability arrangements follow from that but they are not part of it. The accountability arrangements have to do with the responsibilities that you put on managers, who are responsible to the Minister for how they manage the money. The budgetary process has nothing at all to do with it. They are two totally different procedures. My concern is not whether Bill Smith gets too many contracts as opposed to Joe Bloggs. That is not what I am on about. What are the guidelines? How does the Housing Commissioner know when he or she has gone beyond the guidance of the Government? I presume that the Government issues some guidelines; I do not know how else the commissioner knows what he or she is supposed to do.

The Minister talked about redevelopment projects, and he outlined one. We know which one he was referring to; I do not intend to describe it specifically. Maybe that is a reasonable size redevelopment, but what happens if the Housing Commissioner decides to buy six houses in Forrest and redevelop them? Does the Minister not want to know how much money is being spent, where it is going to go, what it is going to go for? Is it within the guidelines of the Government? If the Minister is not across what the manager is doing, how can he know? How can he know until after the event? That is not what accountability is about. Accountability is about knowing beforehand and exercising the ministerial role - - -

Mr Connolly: Yes, on policy, not the contract.

MR KAINÉ: Exactly. We are talking about policy, not whether Bill Smith gets the contract or not. That is not what I am talking about. I am interested, and you ought to be, I submit, Minister, in where in a general sense the money is going and in what amounts. If you do not know that, how can you argue that you are managing your budget? Your responsibility to this Assembly as a Minister is to be accountable to the Assembly, which makes the appropriation in the first place.

There are some examples of Ministers who have virtually no control over their budget. We know all about that already. Are we about to produce another Minister who has no control over his budget and who, at some stage during the fiscal year, discovers that his budget has blown out and he did not know because he was not on top of the magnitude of the contracts being let? It is not a matter of where the contracts went but the magnitude of them and the direction in which the money was going.

Quite frankly, this reflects an abdication by a Minister of his responsibility. He wants to hand over the responsibility to a public servant, and then if something goes wrong he can say, "But I did not make the decision. It was not my problem". That is not what ministerial accountability is about; it is not what the appropriation of budget funds is about. I do not think it is acceptable for a Minister simply to abdicate and pass that responsibility over to a public servant and say, "I do not want to know about it any more".

If that is what this Government is about, let us have it on the table as a clear government policy that they are going to abdicate from ministerial responsibility and do not want to know about it, because that is what is implied in this amendment. I find that unacceptable. I would have thought that Mr Moore would have found it unacceptable also and that he might vote accordingly. I still rely on his good sense to do so.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.15): Madam Speaker, I will just briefly respond. Mr Kaine and I have a common cause on this. Mr Kaine and I agree, I think, that the Minister should have responsibility and accountability for policy but not for the issue of the letting of individual contracts.

The problem is that the section we are changing here, when you go to the Housing Assistance Act, refers to "exercising a power involving the payment or receipt of moneys". So, this \$500,000 to \$1.5m is the contracts. It is the payment or receipt of moneys; it is not the policy stage. I can assure you, as I said in my opening remarks, that I do inform myself of the policy. If we decide as a policy that we will spot purchase 30 houses and we will put X million dollars out for that spot purchase, I will satisfy myself as to that. But when you go to the head Act, this section refers to "exercising a power involving the payment or receipt of these amounts". So, it is at the contract stage. Mr Kaine, while I agree with your principles of ministerial responsibility, I say to you that this relates to the contract stage and, for the reason I advanced earlier, I oppose the amendment.

MR CORNWELL (9.17): Madam Speaker, I must disagree with the Minister on this point. Firstly, may I apologise to Mr Moore. Mr Moore said that he had not been advised of the amendment I proposed to put forward. The reason is very simple, Mr Moore: I wanted at least to give the Minister the opportunity to answer to the full Assembly the questions I raised. I repeat that this morning my secretary gave the Minister's office the questions I sought to have answered tonight on the floor of the house. In fairness to the Minister's office, I might add, they passed them through to Mr Connolly and Mr Connolly attempted to answer them. However, in my opinion and in the Liberals' opinion, he did not answer them; but that is a matter for debate. I apologise to Mr Moore that it was not possible to give him advice of the amendments I was proposing until such time as the Minister had responded to the questions I put forward this morning.

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I cannot accept, and the Liberals cannot accept, the arguments put forward by the Minister. The question of increasing the Commissioner for Housing's authority from \$500,000 to \$1.5m may be very easily passed through. The Minister speaks in terms of various controls that can be put into place, but we would argue that it is just as easy for the Minister to leave the amount that is available for authorisation by the Commissioner for Housing at \$500,000.

In the event that the Commissioner for Housing, or the Housing Trust, wishes at any time to go above that amount, surely to heaven it is not going to take as long as it takes to amend legislation in this Territory? Surely it will not take as long as to amend matters like the ambulance legislation or any other legislation we debated recently. Surely the Minister could immediately be apprised of the situation. Mr Connolly, you are a diligent Minister - if you are not, you should not be there - and all you have to do is to tick it and let it through. We are not convinced that what you have said so far justifies this amendment and we will oppose it.

Question put:

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

The Assembly voted -

AYES, 6

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Kaine
Mr Stevenson
Mr Westende

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Ms McRae
Mr Moore
Ms Szuty
Mr Wood

Question so resolved in the negative.

Clause agreed to.

Clause 6 agreed to.

Clause 7

MR CORNWELL (9.23): Madam Speaker, I move:

Page 4, proposed new subparagraph (a)(i), line 10, after "money borrowed", insert ", within limits set by the Treasurer,".

Madam Speaker, the reason for this, frankly, is that there has been far too much evidence across Australia of the opportunities given for unrestricted off-budget borrowing getting governments and States into a great deal of difficulty. I am very concerned that the best figure I can find in relation to how much may be borrowed off budget is a quote at page 70 of the *Budget Overview 1992-93*. I will quote the entire sentence because that is all that I can find. It states:

In addition to these measures, \$19m is to be made available for home loans to low and moderate income earners through an off-budget financing arrangement operated by the Housing Trust.

It is interesting, Madam Speaker, that this comment was made in the tabling statement by the Minister:

This Government announced in the 1992-93 budget that the Commissioner for Housing Loans program, the HomeBuyer program, would be extended through the use of an off-budget funding mechanism.

That is the only reference I can find in the entire budget to what appears to be this new initiative. I and the Liberal Party certainly have no problem about an initiative - call it HomeBuyer if you wish - that would allow people to purchase their own homes; but we do have a great deal of reservation, if I could put it mildly, about allowing anybody to borrow an amount of money without any restraint and without any control. It seems to the Opposition that there should be some responsibility sheeted home to somebody in relation to this borrowing.

I asked the Minister earlier to explain what this was all about. As I have already told the Assembly, this morning we sought information from his office so that he could give an answer this evening. The Minister has given an answer this evening and we are not happy with it. Therefore, I find it necessary to move this amendment. What we would like to do with this amendment is simply to tie somebody in to be responsible for the amount of money borrowed, so that we do not have a situation such as occurred in Victoria, in South Australia, and perhaps - - -

Mr Stevenson: New South Wales and Western Australia.

MR CORNWELL: Yes, indeed, in Western Australia, where it was nobody's fault. I could be accused of being biased if I suggested that the circumstances that occurred in each of those States occurred under a Labor government. Far be it for me to suggest for one moment that Labor governments were incompetent in allowing this sort of thing to happen.

Mr Stevenson: Coincidence.

MR CORNWELL: Indeed, as my friend Mr Stevenson says, that was a coincidence. We would not wish, Madam Speaker, that another Labor government fall into the same trap, or another State or Territory. We do not wish to see a situation such as we see now, Madam Speaker, where people in the previous Government in Victoria, and in the South Australian and Western Australian governments are running around trying to blame somebody else for what happened because it was not clear who was ultimately responsible. We now wish, Madam Speaker, to make it quite clear, unequivocally, that the money borrowed is within limits set by somebody. It could, of course, be Mr Connolly, who I notice has gone a little whiter, as Minister for Housing; but I have decided - - -

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Mr Kaine: You mentioned Victoria, you see. That is what happened.

MR CORNWELL: I also mentioned South Australia and that worried him even more because he comes from there, I understand. I have decided that it will not be the Minister for Housing. We in the Liberal Party have decided that it would be better that the Treasurer should be held ultimately accountable and responsible for this type of borrowing limit. Therefore, I am happy and pleased to move, on behalf of the Liberal Party, to amend this clause of the Housing Assistance (Amendment) Bill (No. 2).

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.29): Madam Speaker, the Liberal Party says, by Mr Cornwell's closing remarks, that the purpose of this amendment is to make sure that a Minister is politically responsible for the activities of the Home Loan Trust, and they seek to insert in proposed new subsection 18(6) - - -

Mr Cornwell: No, the borrowing.

MR CONNOLLY: Just a minute. Madam Speaker, members who are interested in being informed - - -

Debate interrupted.

ADJOURNMENT

MADAM SPEAKER: Order! It being 9.30 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.

HOUSING ASSISTANCE (AMENDMENT) BILL (NO. 2) 1992 Detail Stage

Clause 7

Debate resumed.

MR CONNOLLY: Madam Speaker, I will seek to explain very clearly and simply, for members who are interested, why Mr Cornwell's amendment is superfluous. Mr Cornwell is proposing that a Minister should be accountable, responsible, or whatever word you want to use, for these loan raising activities.

Mr Cornwell: The borrowing.

MR CONNOLLY: Borrowing, loan raising - six of one and half a dozen of the other. Madam Speaker, he proposes to do that by inserting in proposed new subsection 18(6), which sets out the purposes of the Home Loan Trust Account - that is important; that is the account - that money will be raised within limits set by the Treasurer. That is superfluous. That account, whose purposes are set out at proposed new subsection 18(6), is established in the new subsection (2), which says that there shall be an account named the Home Loan Trust Account established by the Treasurer as a trust account under subsection (2) of section 85 of the Audit Act. So, that references you into that whole Audit Act accountability provision.

It then says that "the Treasurer shall maintain those accounts under that section". So, the Act already provides that the Treasurer maintains the Home Loan Trust Account, and it is the Home Loan Trust Account through which our loan raising activities will occur. So, the amendment is superfluous. If the Liberals wanted some accountability mechanism to the Assembly, they could have moved that, but what they have moved does not do that at all. All it says is that the Treasurer can set limits. The Treasurer could set a limit of \$20 billion and you, presumably, would say, "Shock, horror!".

Mr Cornwell: And be accountable accordingly, sir.

MR CONNOLLY: She is accountable because the account, as it is set up, is an Audit Act account, and the Treasurer is statutorily charged with the responsibility of maintaining that account. So, your political responsibility is there.

Madam Speaker, Mr Cornwell also was trying to weave a web to suggest that somehow we have been less than open about what we were doing in our borrowings. He said that the only reference he could find was in the *Budget Overview*. If he had turned to page 167 of Budget Paper No. 3, *Program Information and Estimates 1992-93*, which is the substantial budget paper, he would have found this statement:

Home Loan Trust Account

This trust account exists to account for the provision of home loans to low income earners through new off-budget funding arrangements being introduced in 1992-93.

That is these proposals. There we have it set out. In the column for 1991-92, under "Actual", there is nothing. That is not surprising as it is a new provision to be introduced. The 1992-93 estimate, a loan through ACTBIT, is \$18,975,000. The total capital shown is \$19,000,000. The ACTBIT loan which we propose to raise is the main one, as we say, and ACTBIT will raise that through the private sector. It will then on-loan it to home buyers. "Off budget", Madam Speaker - I say this again - does not mean not in the budget papers, because there it is at page 167. "Off budget" is a form of shorthand that we use, and indeed every other State uses, to mean that the source of the funds that we are putting into these home programs comes from the private sector. They are not raised through the current revenue.

They are accountable; they are in the budget papers. There they are. This is not some throwaway line in the *Budget Overview*. This is set out at page 167 of Budget Paper No. 3, under a heading "Home Loan Trust Account", which is the account which is required to be established under subsection (2) of the proposed new section headed "Financial arrangements", by the Treasurer, as a section 85 Audit Act trust account, and statutorily maintained by the Treasurer. As for the political responsibility, if you ask, "Is there a Minister who is answerable?", at the end of the day, yes, statutorily there is. The Treasurer is answerable for these proposals. The Treasurer has, of course, published the proposals in the budget papers, saying and explaining that this is the proposal based on new off-budget borrowings to be introduced in this financial year, and we are introducing them.

MR KAINE (Leader of the Opposition) (9.34): Madam Speaker, all I can say to the Minister is, "A good try". That was a lot of words, and they meant nothing. He relies on the fact that in the back of the budget papers there is a reference to this matter, but the budget papers can be changed tomorrow. The budget papers have not taken the same form for any two consecutive years in the last four years. They change from year to year and the information that is in there varies from year to year. For the Minister to say that because it is in there this year it is always going to be there, and it is always going to be a reflection of the Treasurer's approval, is, of course, sheer rubbish. It will go in there only if the Minister and the Treasurer agree that it should go in there. If they do not so agree, it will not be there in next year's budget papers. That is not the mechanism for the Treasurer to authorise a level of loan anyway. That is the first point.

Secondly, Madam Speaker, he says that this is all superfluous because the Treasurer is responsible for maintaining the account. Certainly, the Treasurer is responsible for maintaining the account, but that says nothing about approving loan levels or loan limits. The two things are totally different. They are totally divorced from each other. I keep a bank account, but I do not authorise borrowings. My wife has an interest in that too, and she tells me what I can borrow and what I cannot. So, the two things are totally divorced privately and they are totally divorced in terms of government accounting. It was a good try, but it is totally lacking in persuasion. What he said was totally irrelevant to the point that we are trying to make. We are talking about the Housing Trust raising off-budget borrowings, despite his trying to obfuscate the issue of what "off-budget" means. I know perfectly well what it means and he might do better to try to disambiguate the thing rather than ambiguate it. We want to see some limit imposed by the Treasurer on how much the Housing Trust can borrow.

If you talk about figures being set down in budget papers in some obscure scale at the back, that is not a conscious decision of a Minister to set a borrowing limit. Mr Cornwell has made the point. We saw the shambles that Victoria got into with its borrowing because all sorts of people were borrowing money without their Ministers knowing about it - or so they say now. They say now, "We did not know that we had borrowed more than the global limit set by the Loan Council". Why did they not know? They did not know because all these statutory bodies were borrowing money without the Minister knowing about it.

We are saying to you, Mr Connolly, and to the Treasurer, that we want to put a stop to that and ensure that it is never likely to happen in the ACT. The only way to do it is to prescribe specifically that the Housing Trust can borrow only to limits set by the Treasurer. That is a very reasonable management precaution,

I submit; a precaution that this Assembly ought to impose. If it does not, it is derelict in its duty and it is setting up the very conditions that can lead to exactly the same outcomes as we have experienced in Victoria, South Australia and Western Australia. There is nothing sinister in this - nothing sinister at all. It is merely saying to the Housing Commissioner, "You have an approval to go and borrow money to do these things, but the Treasurer sets the limit that you can borrow to". If anybody in this room is going to tell me that that is an unreasonable prescription to put on any manager, I would be interested to see on what basis they put that proposition. It is a totally reasonable proposition that a Minister should set the limit. We are not talking here about \$500,000 or \$1.5m. The Minister argued before that it is chickenfeed; it is only \$1.5m. We are not talking about \$1.5m now.

By Mr Connolly's own figures we are talking about \$19m this year, although I am not clear from what he said that that is in fact the limit. He said that it would be supplemented by \$19m, I think; so what is the total limit imposed? I do not think that document tells him and it does not tell me. We are talking about a very significant sum of money. Through the Speaker, I am addressing you, Mr - what is your name again?

Mr Lamont: I hope that I have this much fun at Christmas.

MR KAINE: You will not have half as much fun. I have been diverted. I was making a strong point there, Madam Speaker, and he destroyed my concentration.

Mr Connolly: You reiterate whatever it is you were going to say, Mr Kaine.

MR KAINE: I know exactly what I was going to say and in fact I had already said it. I will say it again; it is the responsibility of this Assembly to place accountability requirements and constraints on the actions of Ministers and to impose such constraints on managers through their Minister. It is eminently reasonable that we place a constraint on this occasion. Despite Mr Connolly's rhetoric, I think that the reasonable members of this Assembly will be convinced by my argument.

MR MOORE (9.40): We have had the arguments put by the Minister and the arguments put by the Opposition. Once again I am in that awkward position of having only just seen this amendment. In the Minister's response he basically said that the amendment is superfluous. When I refer back to page 3, clause 7, proposed new subsection 18(2), I see these words:

On the day on which this section commences, the Treasurer shall establish the following trust accounts under subsection (2) of section 85 of the Audit Act: ...

The account that we are dealing with is then mentioned. That is my reading of this amendment to the Housing Assistance Act. It seems to me that the Treasurer still has the responsibility. At this stage I am not convinced that what you are doing is going to add anything. On the other hand, I also do not see that it is going to do any harm having it in there. It is, perhaps, providing an extra safeguard in setting a tone about loans. Whether it is necessary or not is the question I would like the Minister to address. What harm is this going to do and how does it change what actually happens? Does it provide some administrative awkwardness or does it clarify a position that is already there?

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MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.42): Madam Speaker, to answer Mr Moore's point, the statutory position already locks responsibility onto the Treasurer to maintain the accounts; so, there is your accountability. The accounts are published in the budget. I should have added something for those who have not read this part of the budget papers. Obviously, the Opposition had not, because they were not aware that it was in the budget papers. They led members to believe that there had been only some fleeting reference in the *Budget Overview*. We not only have published what next year's estimates are; we have, in accordance with the practice shown throughout the budget papers this year, gone through with estimates through to 1995-96.

Mr Cornwell: Which page?

MR CONNOLLY: Page 167 of Budget Paper No. 3. So, in terms of accountability, there is your accountability. This is part of the budget process. That is the fundamental accountability of any administration, published in the budget papers which are taken to the Estimates Committee for more thoroughgoing scrutiny than anywhere else. Merely saying in another section that the Treasurer will approve it adds nothing. I suspect that it will add a Liberal Party press release saying, "South Australian State Bank scandal stopped in the ACT by the Liberal Party", although at 9.45 pm on a Tuesday I doubt whether anyone in the media would be gullible enough to run it. That is the only thing it adds.

Really, the purpose of our general legislative program is to disambiguate. I am really not an anti-disambiguitist. In fact, I am very much a strong disambiguitist. We are constantly bringing in statute law revision Bills to use, as Mr Stevenson is fond of saying, plainer English. Basically, there is no point, we would say, in being disambiguitors. There is no point in having two additional words in Acts to create ambiguities when you have your clear accountability provisions by way of an account established under the Audit Act, with all that that entails, and maintained by the Treasurer, and when you have the documentation published in the annual budget papers and subject to the most rigorous scrutiny through the estimates process. This adds nothing and I, with the Government, will be opposing the amendment.

MR DE DOMENICO (9.44): Madam Speaker, I am going to be very brief. I have listened to all the arguments, too, and I would like the - - -

Mr Lamont: You are being convinced by your colleagues.

MR DE DOMENICO: Madam Speaker, do I have the floor or is it the interjector from the peanut gallery?

MADAM SPEAKER: Please continue, Mr De Domenico.

MR DE DOMENICO: Thank you, Madam Speaker. I am aware that under the Audit Act the Treasurer is responsible for establishing and maintaining the account. The question now, Madam Speaker, is this: Should the Housing Trust, under this trust account, decide to increase its off-budget amount by an unspecified amount of money, who is responsible? I do not think the Minister has answered that question. I believe that he has not answered that question.

By putting in the amendment moved by Mr Cornwell, "within limits set by the Treasurer", should there be any unspecified amount of borrowing over and above that projected - the word is "projected" in the budget and the forward estimates - the Treasurer, he or she, would then be responsible under the legislation?

I agree with Mr Moore this time. Even if it is superfluous, perhaps it is erring on the safer side. I do not think it is superfluous. I will repeat myself again. Realising that under the Audit Act the Treasurer has the responsibility of establishing and maintaining the account, should someone other than an elected member of the Executive then, in an off-budget sort of a way, overborrow that limit specified, who is responsible? I believe that the words being inserted by Mr Cornwell will fix up that problem.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (9.46): I will answer briefly on two points. Firstly, the Treasurer and the Government collectively are responsible for this document which is the budget. If there are borrowings in excess of the budget we are collectively, as a government, responsible.

Mr De Domenico: What about off budget, though?

MR CONNOLLY: You see, they just do not understand. Listen, I will speak slowly. "Off budget" does not mean not in the budget. That is the budget. "Off budget" means that the source of funds is not in the budget. At page 167 of the budget is the loan account we are talking about, projected through for the next several years. If that differs, Madam Speaker, the Government collectively and the Treasurer are responsible.

Mr De Domenico, your earlier question was, "Who is responsible if someone gets more money in?". The section that we were dealing with earlier - I had to draw members' attention to this - relates to a requirement of ministerial approval. The Minister administering the Act, the Minister for Housing and Community Services, must approve payment or receipt of funds - that is the key clause - exceeding a certain limit, and the Assembly has said that that limit is \$1.5m. So, there is another lock-in there. Before there is any receipt of moneys in excess of that limit, I, as Minister, have to approve it. As for the fundamental question, "Who is responsible?", this is in the budget and the Government is responsible and accountable for the budget.

MR CORNWELL (9.48): Madam Speaker, I do not accept the Minister's assessment of the word "maintain" in proposed new subsection 18(2), which says that the Treasurer shall maintain those accounts under that section. I accept the point that the Treasurer shall maintain it, but I do not believe that legally it necessarily leads to what we are concerned about; that is, that we wish somebody in the Government and not in the bureaucracy to be accountable for the amount of money borrowed. As I said earlier, we have the problems of Victoria under the previous Kirner Government. We have problems right now under the Government in South Australia, which is now Mr Arnold's Government.

Mr Kaine: Who is the present Premier?

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MR CORNWELL: It used to be a fellow called Mr Bannon, Mr Kaine. We have the same problems over in Western Australia with Ms Lawrence, the Premier there.

Ms Follett: Dr Lawrence.

MR CORNWELL: Dr Lawrence. Thank you very much, Chief Minister. She obviously is not a doctor of economics, judging by what is happening over there. We wish to see some further control than we have seen to date.

I am interested that the Minister for Housing commented that something was listed at page 167 of the budget papers. I found, as I mentioned earlier, a reference to this whole question of off-budget funding on page 70. I thank the Minister for his reference to page 167 as well. My staff went through it to some considerable extent. Therefore, I find it rather strange that the Minister, in his tabling statement, should make a comment that this Government announced - I stress the word "announced" - in the 1992-93 budget that the Commissioner for Housing loans program, the HomeBuyer program, will be extended through the use of an off-budget funding mechanism. It is a pretty strange mechanism that can be referred to on only two pages of a considerable amount of budget papers - one the *Budget Overview*, at page 70, and the other one the *Program Information and Estimates*, at page 167. This is a major development - that you can tell me that the Government announced in its budget - - -

Mr Connolly: We put out lots of press releases, too.

MR CORNWELL: Goodness gracious; we are going to have to read all these budget documents very carefully, my friends, because it will be coming up again and again. But, really, the point I am making, Madam Speaker - - -

Mr Lamont: And attend estimates committees, too.

MR CORNWELL: Do not challenge me about attending estimates committees, Mr Lamont. I was there much more than you were, my friend. Madam Speaker, Mr Lamont's attendance at the Estimates Committee, I would suggest, was about as regular as that of the phantom in *Phantom of the Opera*.

Mr Connolly: The highlight of the show, Mr Lamont.

MR CORNWELL: He may, indeed, have been the highlight of the show; nevertheless, his attendance was not as regular as my own. I support my leader, Mr Kaine, in this. There is nothing wrong with this amendment; there is nothing threatening in this amendment. This Government, indeed, this Minister and this Treasurer, after all, have no reason to imagine, Madam Speaker, that they are not competent, surely. What I am suggesting, very simply, is that there is nothing wrong with this amendment. It simply ensures that this Government has the opportunity to uphold the principles that it espouses; that it believes that it is not going to make the mistakes that have befallen its colleagues in Victoria, South Australia and Western Australia. We are saying that this amendment should be inserted in the Housing Assistance (Amendment) Bill (No. 2) simply because we wish to hold them to what they believe will not happen. Therefore, we wish to make their Treasurer, the Chief Minister of this Territory, accountable.

Question put:

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

The Assembly voted -

AYES, 6

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Kaine
Mr Stevenson
Mr Westende

NOES, 9

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Ms McRae
Mr Moore
Ms Szuty
Mr Wood

Question so resolved in the negative.

Clause agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill agreed to.

ORGANOCHLORINE PESTICIDES Ministerial Statement

Debate resumed from 19 November 1992, on motion by **Mr Wood**:

That the Assembly takes note of the paper.

MR WESTENDE (9.57): Madam Speaker, I would like to make some brief comments in response to Mr Wood's ministerial statement on banning organochlorine pesticides in the ACT. Madam Speaker, from the inquiries I have made since the Minister delivered his statement, I have come to the conclusion that the proposed banning of chlordane and heptachlor has come about as a result of misinformation and overreaction on the whole matter of organochlorines. The irrefutable facts pertaining to the use of the two pesticides chlordane and heptachlor are as follows: They have an excellent record in the successful long-term prevention of termite infestation - 20 to 30 years, according to the Flick Pest Control head office in Sydney. Secondly, there is no substantive proof in Australia, or for that matter anywhere else in the world, that these pesticides are unsafe to humans. Thirdly, Canberra is located in a termite infested area.

From a commonsense point of view, one cannot but ask why these pesticides are being banned at all; but it is even more astonishing from scientific evidence. They are effective in treating termites and there is no medical evidence of harm to humans. We gather that the green movement has been extremely successful in mounting a scare campaign to suggest that these pesticides are in fact harmful.

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However, as is often the case, these kinds of scare campaigns take a narrow perspective. Madam Speaker, the problem here is that the so-called harmful effects promoted by the green movement have now reached the consciousness of some of the consumers and, politics being what it is, they have responded to the will of those people. So, it is the end of the story for organochlorines.

However, Madam Speaker, is it the end of the story? There has been some suggestion that heptachlor was banned in the USA, but that is not the case. In fact, the experience in the use of the organophosphate chlorpyrifos was that the need for retreatments actually rose and the health risk also increased. Heptachlor was reintroduced as the only effective treatment. At a meeting of the Agricultural and Veterinary Chemicals Council in Darwin the week before last it was decided not to take any definitive action on organochlorine pesticides for termite treatment. It was also concluded that a lot of caution was needed on this matter.

This is an interesting point which the Minister has not addressed in his statement - the social reasons. The Minister did not address the matter of the human consequence of the effect of termite infestation - for instance, loss or damage to property. It is a fact that termite infestation is more prevalent in Darwin than in Canberra. However, the point remains that, if organochlorines are banned and people lose their homes because of termite infestation, we have a major social problem and a potential huge compensation claim.

The problem, Madam Speaker, is that alternatives are not as effective as organochlorines. One of the alternatives, chlorpyrifos, an organophosphate, is nowhere near as effective as the organochlorines and it would require retreatment every three years. That is not to speak of the cost. The health authorities would also regard organophosphates as presenting a more serious threat to health than organochlorines. The other suggested alternatives in the policy paper are the use of physical barriers such as termimesh and granitgard, but these are not proven.

I refer the Minister to page 10 of his policy paper where, under the heading "Conclusions", he says, "The only positive effective alternative to the use of organochlorines at this stage appears to be termimesh products". Only the week before last I was listening to a local radio program in which there was a talkback and that question was asked of a building adviser. He pointed out that, whilst this termimesh may be effective under a slab or under footings, the minute you reach the outside of your building and it comes in contact with leaves or roots it is an ideal way for the termites to climb up and it is no longer effective. It is also very expensive.

Madam Speaker, I must reiterate that, even though the organochlorine pesticides chlordane and heptachlor have not been proven to be harmful, we have to contend with the recommendation that states:

Chlordane and heptachlor are allowed to be used for termite treatment in the construction of buildings but not for the treatment of infestations in existing buildings.

Madam Speaker, this is a ludicrous situation. I understand, however, that in serious cases people can apply to the Department of Health to use the organochlorines chlordane and heptachlor. So, why the problem in the first case?

Madam Speaker, it would seem eminently sensible to retain the use of chlordane and heptachlor at least until a viable and effective alternative has been developed. There seems to be no reason at all why the Minister wants to hasten the banning of these pesticides by the end of next year. The Minister may wish to ponder on this thought: If, by banning these pesticides, there is a major outbreak of termite infestation in Canberra, will the Government be liable to compensate people for damaged property? It might make the compensation bill on asbestos removal look like peanuts by comparison. I would therefore urge the Government and the Minister to move slowly on this one, which I understand is the case in all the other States.

There are positive steps that can be taken. Firstly, the building code can be amended to require the use of non-timber materials for elements of construction, in particular the footings and flooring, and could require building sites to be cleared of waste timber offcuts. There would be many more ways to minimise the risk of termite infestation. Secondly, there can be further time given to the development of alternative chemicals to deal with termites. This will take some time to enable adequate and substantial proof of its effectiveness. Thirdly, there can be further research into increasing the understanding of termites and located nests.

Madam Speaker, I believe that these are the kinds of steps that present a much more practical way of dealing with the matter in the immediate sense. Until these steps are taken it would seem foolish to rush with the ban on chlordane and heptachlor. If this is introduced as the Minister has suggested, the National Health and Medical Research Council would have to reveal new evidence to substantiate why. From my inquiries, there needs to be much more concrete evidence on alternatives before proceeding to banning termite organochlorine pesticides. Once again I would like to urge caution. If the Minister is interested in the persons that we got our information from, I am quite happy to make those names available.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.06), in reply: Madam Speaker, I thank Mr Westende for his contribution. I might say at the outset, to pick up his concluding words, that indeed there has been caution on the part of the Government. I have to say that we have not rushed into this decision. There are many who would say that we have been far too slow in reaching it. I must dispute his claim that it is not demonstrated that there is a health hazard. I accept the advice of the National Health and Medical Research Council and the ample evidence that is broadly available in the community that it is a substance that is toxic and builds up in life forms and is, as it does so, damaging to those forms. When this is sprayed quite liberally around houses it is a quite significant problem.

The NHMRC has been considering the matter for some time. It originally proposed to phase out its use over five years. I understand that it is still considering the matter and there was a likelihood that it would phase it out within two years. Given the circumstances that apply in the ACT, I think our phasing it out within one year was a reasonable proposition. I note the comments that Mr Westende made about the Agricultural Council that met in Darwin and the comments it made, but I think they were looking at the matter from a different perspective.

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We propose to ban the use of organochlorines in existing buildings from 1 December this year and to allow the use of less toxic organophosphates. I note what Mr Westende says - and I cannot dispute it - that they too can bring about a health problem, but those problems are not at the level of significance of the organochlorines. I want to point out, and Mr Westende conceded this, that we have said quite clearly that we will phase these out in a year's time if suitable alternative measures are available. It was on that basis - that suitable alternative measures are available. It is my information that the speed of development of other measures, in particular termimesh, is such that they will be available; but we have made it clear that we will be considering that availability. We have said also that we will look at exceptional circumstances where there may be justification for a one-off tolerance for organochlorines to be used.

As this debate has gone on I have been interested to note that there is a considerable project - I think it is at the University of Canberra - of mapping termite infestations in Canberra. I am being quite objective about all this because, as I looked at that map, there appears to be a spot right where my house is. But I am proceeding with this. Again I concede that Mr Westende has done some accurate work on this, because one of the best preventative measures is to look at where the infestations of colonies are, and this map is going to enable us to do so. There were a few other points, not a great number, around Canberra where there is evidence of a greater problem than applies elsewhere. By looking for those colonies in those areas I think we can go a long way towards removing the problem. By the passage of a year, when this comes into effect, with the ifs and buts I have mentioned, I think we ought to be in a position to assure security for all of us in our homes. That includes me.

Let us put this in perspective. How great is the threat? The information we have is that there are something like 100 cases reported in the ACT in a year, and we must have about 100,000 homes in the ACT. Of those, one-third are treated with organochlorines. Something like 33 homes a year are so treated. That is the case with existing buildings. Further to that, in the case of new buildings, only 10 per cent of new buildings are sprayed first. The ground is sprayed first with organochlorines. So, the problem is not so great. It is not used to such an extent that we could say that it is going to be a problem bigger than the measures that Mr Westende mentioned. It is not as big a problem as the asbestos. It can never be, because it is simply not used to that extent.

I also contest the point of view that has been given that we have a particular problem in the ACT. It is true that there is termite infestation from time to time around the ACT, but it is not bad by Australian standards. It is not the best either, but it is by no means a critical problem or even a very serious problem in the ACT. So, we are not looking at some disaster down the track following what we do.

I do agree with Mr Westende when he says that we should look at other measures. I think that is not the long-term but the short-term answer to this problem. Mr Westende mentioned some of those measures. I think the steps we have taken here will encourage an acceleration of the attention to those. I looked, for example, as you indicated, at the building code; just to take some simple steps there, to watch those ant caps, to do various things; for people more carefully to

inspect their homes once a year just to ensure that things are safe. I have here a list of things that probably could happen around a home. I can assure you that I am going to be doing that. I think that with a little bit of education, a bit of good advice, there will not be a problem. There will not be any further problem emerge, because the matter will be well and truly controlled.

To sum up, I do not think we are walking into a problem here. I think the health problems are sufficiently significant for us to take action. The action is, I believe, fairly modest, and in all the circumstances it is appropriate.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 10.15 pm

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**ANSWERS TO QUESTIONS
MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION 230**

Midcall Program

Mrs Carnell - asked the Minister for Health:

As at 22nd July 1992:

- (1) What were funding levels for the "Mid Call" program in 1990-91 and 1991-92.
- (2) How many new mothers visited in 1990-91 and 1991-92.
- (3) What was the average length of stay in obstetric beds in 1990-91 and 1991-92.
- (4) What is the cost per day in an obstetric bed.
- (5) What is the cost per day in the birthing centre.

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

The Midcall Program is based at both Woden Valley (and RCA prior to closure) and Calvary Hospitals. It was established at Calvary Hospital in December 1991.

- (1) Commonwealth funding allocations for Miscall are as follows:

Table included.

In 1991/92 the ACT met the cost of Birdcall at Woden Valley Hospital,
\$164 000.

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(2) In 1990/91, 595 mothers were visited.
In 1991/92, 1033 mothers were visited.

(3) The average length of stay in Obstetric beds in:

	1990/91	1991/92
WODEN VALLEY HOSPITAL	5.0	4.8
CALVARY HOSPITAL	5.7	5.1

(4) & (5) No accurate estimate of the total costs of any particular part of either hospital is available as yet, although systems to produce this data are currently being developed.

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

Question No 240

Rural Workers Accommodation Legislation

MRS CARNELL - Asked the Chief Minister upon notice on 11 August 1992:

- (1) Are persons currently appointed as inspectors under the provisions of the Rural Workers Accommodation Act 1938.
- (2) What does this cost the Government.
- (3) Are inspectors needed.
- (4) Is it necessary that the Rural Workers Accommodation Act 1938 remain on the statute books, or could other laws presently in force satisfy needs in this respect.

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

- (1) Yes. One person is currently appointed as an inspector under the provisions of the Rural Workers Accommodation Act 1938 Act). The appointment was made on 17 April 1968.
- (2) There is no current cost to the Government. I am advised that the last inspection under the Act was at the Yarralumla woodshed during the 19601s.
- (3) There appears to be no need for inspectors.
- (4) As regards whether the Act needs to remain on the statute books, this Act among others has been examined in a forthcoming report about laws which impact on ACT business, under the ACT Legislation Review Program. The Government will determine its view in the light of that report.

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MINISTER FOR HEALTH

LEGISLATIVE ASSEMBLY QUESTION

QUESTION 301

Woden Valley Hospital - Intensive Care Unit

Mrs Carnell - asked the Minister for Health:

- (1) How many intensive care beds were available in the ACT prior to the closure of Royal Canberra Hospital in (a) June 1989; (b) June 1990 and (c) June 1991.
- (2) How many intensive care beds are now available.
- (3) On how many occasions during the last four months has the Intensive Care Unit been closed to admissions.
- (4) On how many occasions have admissions been refused, and to where have those refused admissions been referred
- (5) What are the current nursing staff numbers working at Woden Valley Hospital Intensive Care Unit
- (6) What is the overtime bill for nursing staff working in intensive care over the last 6 months.

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

- (1) The number of available intensive care beds in the ACT prior to the closure of Royal Canberra Hospital were:

June 1989 14

June 1990 14

June 1991 15

- (2) The member of available intensive care beds in the ACT at June 1992:

Woden Valley Hospital 12

Calvary Hospital (High Dependency Beds known as Intensive Care) 4

- (3) On no occasion in the past four months has the Intensive Care Unit been closed to admissions.

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(4) All patients within the Hospital or who are referred to the Intensive Care

Unit have been assessed by the Intensive Care Specialists. There have been times when the intensive Care Specialist has decided that patients industry refereed for admission to Intensive Care do not require it immediately. These patients can be supported with High Dependency Care within the ward situation, and therefore have not been admitted to Intensive Care.

At times of high occupancy it has been necessary to delay arranged surgical ICU bed admissions. In addition, these have been several occasions where NSW outer-lying hospital admissions to Woden Valley Hospital have been deferred to Sydney hospitals. This also at times occurs without the knowledge of the Intensive Care Staff, so it is impossible w know ante numbers of these deferments.

A few patients have been transferred to Sydney hospitals because they have other injuries that cannot be adequately managed within the facility at Woden Valley Hospital Such cases are patients with spinal injuries.

(5) At the end of the roster period to 9 September 1992, the current nursing

staff number working in the Intensive Care Unit at Woden Valley Hospital was 71.39 FIE (full time equivalent staff).

(6) The overtime bill for staff working in Intensive Care over the last six months is as follows:

Bemis

March 1992 \$2 927 \$14 200*

April 1992 NIL \$21900*#

May 1992 \$7 544 \$16 200*

June 1992 \$12 467 \$14 660*

July 1992 \$1277 \$14 819

August 1992 \$7 814 \$18 618#

* Estimate: During 1991/92 Registrars/RMOs were not charged to their work areas. There are no accurate figures for the intensive Care Unit. The estimate is based on a percentage of total overtime.

3 pay periods in these months

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CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 335

Treasury Portfolio - Committees Boards and Advisory Groups

MR KAINÉ: To ask the Treasurer - For all Government Committees, Boards and Advisory Groups within the Treasurers portfolio

- 1: How many people are appointed to each of these bodies and what is the date of appointment of each member?
2. What are the terms of reference for each of these bodies?
3. What is the total time of the appointment for each of these bodies?
4. What is the gender breakdown of each of these bodies?
5. What cost is associated with each of these bodies, ie fees or salaries paid to members?
6. How many public servants service each of these bodies, by position and salary, and how much time is devoted by these officers to that task daily, weekly etc?
7. How many of these bodies produce a publication, how are these distributed and how much does it cost to produce them?

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

1. 5 people are appointed to the Bookmakers Licensing Committee and the names and date of appointment of current members are set out below.

Mr G Faichney Chairperson (21/2/92 - 20/2/95) Mr M Owens ACT Racing Club (9/4/92 - 8/4/95)
Mr B McArthur Canberra Harness Racing Club (9/4/92 - 8/4/95) Mr J Crump ACT Bookmakers
(9/4/92 - 8/4/95)

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The position reserved for a delegate from the Canberra Greyhound Racing Club is currently vacant, awaiting nomination from that Club.

2. To consider and determine applications and other matters relating to bookmakers licences under the Act.
3. Holds office for such period, not exceeding 3 years, as is specified in the instrument of appointment. Members are eligible for reappointment.
4. 5 Males - 0 Females
5. Chairperson - Nil.

Members - \$194 per person per day.

Travel Allowance - Nil paid.

6. The Committee is chaired by the Commissioner for ACT Revenue (SES Band 1 PN 5148) and secretarial services are provided by the Registrar of Bookmakers (SOC PN 1370).

The Committee meets on an ad hoc basis to consider licence applications and other matters relating to the licensing and conduct of bookmakers.

During 1991/92 the Committee was convened only once, for a period of 3 hours.

7. The Committee does not produce a publication, but the Commissioner is required to report to the Minister on an annual basis. This report is included in the ACT Treasury Annual Report.

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**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 401**

Teachers - Gender Statistics

MR CORNWELL - asked the Minister for Education and Training on notice on 17 November 1992:

(1) How many male and female teachers respectively are there in ACT Government (a) primary schools; (b) high schools and (c) colleges.

(2) What steps are being taken to recruit additional male teachers to ACT primary schools?

MR WOOD - The answer to Mr Cornwells question is:

(1) ACT Teaching Service Staff
(as at 19 November 1992)

Sector	Males	Females	Total
Admen Centres	30	63	93
Colleges	275	312	587
High Schools	285	499	784
Primary Schools	182	984	1166
Pre Schools	1	100	101
Combined Schools	33	59	92
Education Centres	29	124	153
Special Schools	12	74	86
-TOTAL	847	2,215	3,062

(2) The ACT Department of Education and Training recruits teachers according to the merit principle and Equal Employment Opportunity policy. The Department advertises vacancies widely within the ACT, and considers each application carefully to ensure that neither males nor females are discriminated against in the recruitment process.

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Question No. 434

Police Force - Resignations

Mr Humphries: To ask the Attorney General - In each of the last two financial years

- (a) how many police officers (ACT Division) have resigned from the Police Force and
- (b) after how many years of service did each police officer resign.

Mr Connolly the answer to Mr Humphries question is as follows:

- (a) I am advised by the Australian Federal Police (AFP) that 11 police members resigned from the AFP ACT Region over the period 1 July 1990 and 30 June 1991. A further 11 members resigned over the period 1 July 1991 and 30 June 1992.
- (b) The length of service for each member is detailed below:

1990/91 1991/92
Years Months Days Years Months Days

Table included.

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**ATTORNEY-GENERAL FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION No 435**

Courts Complex Project - Public Works Contract

MR HUMPHRIES: Asked the Attorney-General upon notice on 25 November 1992.

In relation to work contracted out to ACT Public Works for the Magistrates Court Complex and related travel costing \$9,952 (Gazette Ref. 012589) (1) What work was carried out. (2) What are the details of the travel costs.

MR CONNOLLY: The answer to the Members question is as follows

As an integral part of the initial design phase of the Courts Complex Stage 1, relevant staff from the Magistrates Court, the Attorney-Generals Department and ACT Public Works undertook inspections of similar facilities in Perth and Adelaide. These included: In Perth, the new Childrens Court and the Central Law Courts. In Adelaide, the Central Magistrates Court plus Courts at Holden Hill and Port Adelaide. Information obtained related to courtroom layout, building design and operation plus facility management.

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**ATTORNEY GENERAL
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 440**

Public Trustees Office - Budget Support

MR HUMPHRIES - asked the Attorney General:

"What action is the Public Trustees Office taking to reduce its reliance on Budget support . (Budget Paper No. 3, page 124).

MR CONNOLLY - The answer to the Members Question is as follows:

The Public Trustees Office is currently preparing a Business Plan and a Marketing Plan in association with the Office of Public Sector Management in the Chief Ministers Department to address this issue.

It should be noted that, between 1 July 1990 and 30 June 1992, substantial progress has been made to reduce the reliance of the Office on Budget support. In the year ended 30 June 1991, the Office received appropriations totalling \$776,200. In the year ended 30 June 1992, appropriations totalled \$459,000. The Budget for 1992-93 provides for appropriations totalling \$325,000.

These results have been achieved by reducing costs to a minimum while providing increased services and without loss of revenue.

As further significant cost reductions are not sustainable, continuing reliance on Budget support can best be reduced by increasing revenue. The Office is gradually taking a higher profile and promoting its services more widely.

The Office is also introducing updated information technology and will continue improving efficiency wherever possible.

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MINISTER FOR THE ARTS

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 449

Gorman House - Tenants

Mr Cornwell asked the Minister for the Arts - In relation to Gorman House and your answer to question on notice No 362 .

- (1) How many of the presented organisations and 17 individuals occupying space receive Government funding?
- (2) What is the amount in each case?

Mr Wood the answers to the Members questions 1 and 2 are as follows:

- (1) Gorman houses centrally located and currently houses a significant proportion of peak ACT arts cultural organisations and individuals. Fourteen of the present Gorman House tenants received ACT Government arts-funding for 1992. Eight of the present tenants have so far been allocated funding for 1993.

The Manor round recipients for 1993 will be announced early in the new year.

- (2) Details about the amount of funding provided for those tenants is attached.

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FUNDING PROVIDED TO GORMAN HOUSE TENANTS IN 1992

TENANT TOTAL AMOUNT
OF FUNDING

AUSDANCE ACT \$ 42,652
(Previously AIDE (ACT))

CANBERRA CONTEMPORARYART SPACE Inc \$103.,224
CANBERRA YOUTH THEATRE COMPANY \$ 99,060
GORMAN HOUSE ARTS CENTRE \$ 56,325
INDEPENDENT VIDEO \$ 5,000
JIGSAW THEATRE COMPANY \$ 33,000
LATIN AMERICA ALIVE \$ 4-,000
MERYL TANKARD, COMPANY . . . _ \$173,90 1
MUSE MAGAZINE \$ 34,000
PEOPLE NEXT DOOR \$ 34,000
RAIL PRODUCTIONS. \$ 10,000
CEIBA SHELTON-CAMPBELL \$ 1,800
SPLINTERS \$ 18,000
(Splinters/Jigsaw project)
UPFRONT COMMUNITY THEATRE \$ 30,000

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FUNDING PROVIDED TO GORMAN HOUSE TENANTS FOR 1993
as at 7 December 1992

TENANT TOTAL AMOUNT
OF FUNDING

AUSDANCE ACT \$ 43,505

(Previously AIDE (ACT))

CANBERRA CONTEMPORARY ART SPACE Inc \$102,230

CANBERRA YOUTH THEATRE COMPANY \$ 83,965

GORMAN HOUSE ARTS CENTRE \$ 47,200

JIGSAW THEATRE COMPANY \$ 12,000

MERYL TANKARD COMPANY \$120,000

MUSE MAGAZINE \$ 34,680

PEOPLE NEXT DOOR \$ 25,500

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 453**

Housing Trust - Rental Rebates

MR. CORNWELL - asked the Minister for Housing and Community Services -

What is the average cost of each recipient of rental rebate to rent on the private market (not including the interest free loan of bond monies).

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

The current average cost of each recipient of rent relief is \$47.98.

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