



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

23 February 1993

Tuesday, 23 February 1993

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

PETITIONS

The Clerk: The following petitions have been lodged for presentation:

By **Mr Stevenson**, from 39 residents, requesting that the Assembly ban the production, sale and hire of X-rated videos.

By **Ms Szuty**, from 220 residents, requesting that the Assembly create landlord-tenant legislation that addresses fair rent, lease agreements and security of tenure.

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

X-Rated Videos

The petition read as follows:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly: that

Your petitioners therefore request the Assembly to:

Ban X-Rated Porn Videos

Landlord and Tenant Legislation

The petition read as follows:

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

The petition of residents and lessees of Campbell Shopping Centre draws to the attention of the Assembly the following concerns:

. That the livelihood of the lessees of the Campbell Shopping Centre and the continuation of this local shopping centre, including Pharmacy, Supermarket and Restaurant, is being threatened by the actions of the landlord.

The petitioners draw your attention to the fact that the pharmacy services the St. Vincent de Paul Aged Home and the general ageing population in Campbell.

Your petitioners therefore request the Assembly to:

Create Landlord/Tenant legislation that addresses fair rent, lease agreements and security of tenure.

Petitions received.

QUESTIONS WITHOUT NOTICE

Australian Public Service - Staff Reductions

MR KAINE: Madam Speaker, I direct a question to the Chief Minister. I note that over the last four years the Federal Labor Government has retrenched over 7,000 people in the Public Service. According to Senator Nick Bolkus, he has reduced the staffing numbers in the Department of Administrative Services by 5,000 people in that time. It is further said that they intend to retrench a further 2,300 from the Department of Administrative Services over the next two years and that they plan to cut over 14,000 jobs from the Defence Force. There is also a suggestion that further bodies will be transferred out of Canberra, and currently the Australian Broadcasting Authority planning organisation is under consideration. Does the Chief Minister support the continuation of the kind of reduction of the Public Service that has already taken place and which is foreshadowed to continue in the unlikely event that the Keating Government is returned to office on 13 March?

MS FOLLETT: Madam Speaker, I draw to Mr Kaine's attention that I am actually not responsible for the Federal Government. Having said that, I will say to Mr Kaine that it is a fact that the Commonwealth Public Service in the ACT has grown over the past few years. The figures to which Mr Kaine has drawn attention are, as far as I am aware, nothing more nor less than the normal movements within departments in an effort to make their own structure more efficient or, indeed, to take account of normal staff movements.

I think it pales into insignificance if you set it beside what Mr Kaine's party proposes to do in the unlikely event that they ever gain government in the ACT. Dr Hewson's Fightback package shows that there will be 3,200 jobs cut out of the Public Service. I do not believe that Mr Kaine can deny that. It is also a fact that nobody in the coalition has given any undertaking whatsoever to continue with the York Park development, which means another 1,500 jobs out of the ACT work force. The flow-on effect of those job reductions will be felt also in the private sector. A conservative estimate of the job losses in the private sector as a consequence is some 1,900 positions lost.

We can add to that the horrifying prospect of a Hewson government in industrial relations. The fact is that there is no guarantee that any of those people will have redundancy provisions honoured. Not only will people be losing their jobs hand over fist; they will also be doing so under extremely adverse conditions.

Mr Humphries: That is absolute rubbish.

MS FOLLETT: Madam Speaker, I remind members opposite that the coalition spokesman on industrial relations has declined to release his policy and has said that he will release it after the election. If anything was designed to frighten the working population, that is it.

I repeat that, on the figures I have seen but do not have before me, the Commonwealth Public Service has grown. There have been movements in and out; there have been significant movements of Commonwealth public servants to the ACT, and the Defence Signals Directorate is but one. Of course there is movement, but the big difference between a Labor government and the coalition is that the coalition has set out, in their own words, to cut Canberra off at the knees. That is what we would see if they were ever to gain power, which I doubt.

MR KAINE: I ask a supplementary question, Madam Speaker. I take it from the Chief Minister's response that she believes, and I use her own words, that reductions in the size of the Public Service that I mentioned are normal, and are therefore acceptable, under a Keating government, but that if anything even approaching it occurs under a Hewson government it will be unacceptable.

MS FOLLETT: The question is entirely hypothetical, Madam Speaker. I am not required to give an opinion, under the standing orders. However, I will. I am happy to do so. I believe that there is a difference between responsible and appropriate organising of work forces and departments in order to achieve the best possible and most cost-effective service for the community, which is Labor's approach, and the wholesale demolition of departments, which is the coalition's approach. There is a difference. Mr Kaine has sought my opinion, and I am happy to give it.

Dr Hewson proposes to abolish some of the organisations in the Federal Public Service that I think go to the heart of many of the most crucial issues in our community. He will be abolishing the Office of the Status of Women. He will be abolishing the Office of Multicultural Affairs. He will be setting up a ministry of privatisation - it sounds like something out of George Orwell - to oversee the wholesale destruction of the Public Service. There is no doubt about that. Members opposite, of course, are pretending that they do not understand that. Members opposite, and their Federal candidates in the ACT, have been at great pains to run for cover whenever this issue arises, and well they might. They know only too well the effect it will have on the ACT, and they are unable to defend that in this community. Nobody could defend it because it is an absolutely disgraceful approach.

Joint Venture Housing Development - Braddon

MS ELLIS: My question is directed to the Minister for the Environment, Land and Planning. I ask: Has the Minister seen a media report in the *Canberra Times* concerning the development of parts of section 22 in Braddon? Will the Minister comment on claims that there has been a denial of rights of justice in this case?

MR WOOD: Madam Speaker, in answering the question, I recognise the concerns of the residents who are very close to that proposed development. I should give the Assembly the full history of this matter. Members will be aware that this is a joint development proposal in which the Housing Trust has joined together with the owners of adjoining leases to promote urban redevelopment.

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There were two concurrent processes associated with the redevelopment of these four blocks in Torrens Street. The first was a variation to the prevailing planning policies for the area. This was finalised in December 1992. The second was a consolidation of the four blocks into one lease to allow for a medium density development. A decision was made on the leasing aspects on 10 February this year.

The planning variation is a process that includes open notification, the opportunity to comment, an assessment of those comments, a presentation to the Planning, Development and Infrastructure Committee of this Assembly, and approval of the plan by this Assembly. Objectors had an opportunity to give evidence to the Assembly committee and were represented by a neighbour, Mr Dickson. The lease variation process under the Land (Planning and Environment) Act 1991 normally includes appeal rights for people who have objected to the proposal during the public notification stage, as well as for the proponent.

In accordance with the Act, the variation to the Territory Plan included a provision, which was brought to the attention of the PDI Committee, that, where an application for a lease variation is accompanied by a development proposal complying with the provisions of the plan variation, no third party appeal rights apply. There are no appeal provisions in this sort of case because the approval of the development was encompassed in the planning variation which had the support of the Assembly. I am sure members would agree that it would be inappropriate to have a court override an Assembly decision of this nature. Sections 7 and 276 of the Land Act give the legislative authority for that course of action.

There have been at least three opportunities during this process for individuals to state their views on the redevelopment proposal: Firstly, through the public notification process associated with the variation to the planning policy; secondly, through the public notification process associated with the lease variation proposal; and, finally, by submission to the Assembly PDI Committee during its consideration of the proposed plan variation. Individuals can also put their views to members of the Assembly at the time a plan variation is tabled in the Assembly, in an attempt to influence the debate. If, after all, a plan variation is approved, it seems reasonable to me to allow a complementary and directly related lease variation to proceed without the intervention of the courts.

The final step in the approval process is design and siting. Under the design and siting legislation, public notification and appeal processes are required in residential development if the development does not comply with the quantitative standards of the development conditions annexed to the plan variation. In this case, the developer has proposed a development which meets those standards. I accept that, having set the rules for quantitative standards of design and siting, it is inappropriate to provide appeal mechanisms to third parties where a development meets those standards. This has been the Government's position, and neither governments nor courts should attempt to control individual design.

With particular reference to the *Canberra Times* article, it is incorrect to state that there remain no appeal rights. If the objectors believe that the process - and I emphasise the word "process" - required by the legislation or the plan has not been adhered to, they have rights to appeal to the AAT and, if they desire, to the Supreme Court. If objectors have a remaining concern, I urge them to make that appeal. I am more than prepared to see that process scrutinised, and I maintain that it can be well and truly justified.

Breast Cancer Screening Program Launch

MR HUMPHRIES: My question is to the Chief Minister in her capacity as Minister responsible for the status of women. I refer to the launch of the ACT breast cancer screening program at a function earlier today. May I congratulate the Chief Minister on the launch of this significant initiative and remind her of the Alliance Government's initiation of the project two years ago. Can the Minister tell the Assembly why Liberal members of parliament, particularly female members of parliament, both Federal and Territorial, were excluded from the guest list for this function when Labor ones were not? Can the Minister tell the Assembly whether Senator Margaret Reid's name was removed from the original guest list after the Federal election was called, at her direction or at the direction of her Federal counterpart, Mrs Ros Kelly? Were any unelected Labor candidates invited to the function? Is it ACT Government policy to use taxpayer-funded functions during Federal election campaigns to promote Labor candidates by parading them in front of TV cameras?

MR BERRY: Madam Speaker, I will take that question. The responsibility for the guest list lies with me, and people were appropriately invited to the launch. It is not something that has been kept a secret and nobody was excluded.

School Boards - Departmental Nominees

MS SZUTY: Madam Speaker, my question without notice is to the Minister for Education and Training. I refer the Minister to page 7 of the 17 February edition of *Connections*, the in-house journal of ACT Electricity and Water. Included on the notice board is a request for volunteers to serve as members on Department of Education school boards, which reads:

The Department of Education and Training is requesting expressions of interest from ACTEW employees who would be prepared to serve as departmental nominees on school boards in the ACT public education system.

What credentials and expertise are ACTEW employees likely to have which would enable them to represent the Department of Education and Training on school boards?

MR WOOD: Madam Speaker, I have not seen that, no doubt, fine publication, but I have no doubt that Ms Szuty has given an accurate reflection of what it says, as I have knowledge of the background that would have brought that about. We have close to 100 schools in the ACT. Each school has its own school board and, as part of the composition of that board, as Mr Cornwell knows, there is a departmental nominee. That nominee is any person from the community who seeks to bring to the board a view that is not a teacher view, not a parent view, and not necessarily a department view, even though they go there as a departmental nominee.

Mr Kaine: And ACTEW employees are particularly well qualified for this?

MR WOOD: I do not have a deep knowledge of the processes operating this year, but I have a general knowledge because many years ago it was my job to sit at a desk and find departmental nominees for those boards. So I am more than familiar with it. The process is simply that we search out interested people in the community, and any person of good interest and repute is a fine person to serve on those boards. A request often goes around the departments saying, "If you have a mechanism for advising people, please do so". I expect that that is what has happened on this occasion.

We need to find 100 people every year. It is an interesting job but it does take up people's time. It is an imposition that many hundreds of people over the years have willingly accepted. Perhaps there are some members of this Assembly who have served on school boards in the past. I take the opportunity offered by the question to pay credit to those people who have served as departmental nominees on the boards; they have done an excellent job over many years. I invite anybody who happens to hear this answer to give me their name if they are desirous of serving on a board.

Women - Protection from HIV

MRS CARNELL: My question is to the Chief Minister in her capacity as Minister responsible for the status of women. The *Women's Budget Statement* states at page 146:

The increasing incidence of HIV amongst bisexual men is another source of HIV infection for women.

Given that statement, and taking into account the results of a study carried out by the National Centre for HIV Social Research at the Macquarie University that 71 per cent of bisexual men practise unsafe sex with their female partners, what action is the Chief Minister taking to protect from HIV ACT women whose partners are bisexual?

MS FOLLETT: I will take the question on notice, Madam Speaker.

Police Numbers

MRS GRASSBY: My question is to the Attorney-General. Can the Attorney-General inform the Assembly of any proposed changes to the number of police in the ACT?

MR CONNOLLY: The Government has no plans to reduce the number of police protecting this community. Indeed, we promised during the campaign that that was our goal, and we have, during the period we have been in office, shifted somewhat the burden of who pays for those police by getting the number of police paid for by the Commonwealth from 40-odd originally up to, as a result of Senator Tate's latest offer, some 95. So the Government has no plans to change the number of police serving the ACT. We have achieved that despite a steady process of efficiencies and budgetary savings in the police - the police having to achieve a 2 per cent budget saving, like any other agency; the police budget being treated, as Mr Kaine repeatedly says it should be treated, just like any other agency.

I cannot give an assurance that the number of police serving this community would not drop dramatically were there to be a dramatic change to the way the ACT is funded from the Commonwealth. The coalition's bold assertion that it will come - - -

Mr Humphries: The Hewson government, perhaps.

Mr De Domenico: Here we go. Look at this. The longbow.

MADAM SPEAKER: Order!

Ms Follett: Madam Speaker, on a point of order: I am unable to hear the member standing behind me.

MADAM SPEAKER: I just called Mr De Domenico to order. I remind members of the requirements of standing order 39.

MR CONNOLLY: The Government has maintained the number of police protecting the Canberra community, it has achieved some change in the balance of who pays for those police, and it has achieved budgetary savings of some 2 per cent in each budget, treating the police budget, as Mr Kaine says it should be, like any other budget.

If the coalition's promise of a 10 per cent slashing in revenues to the States and Territories were to occur, that would result in a dramatic budgetary difference to this Territory, equating, when you look at the amount of ACT dollars to Commonwealth dollars - own source revenue to Commonwealth revenue - to a real reduction in a single year of an additional 5 per cent on top of our original 2 per cent cut that is already factored in. It would be impossible for me to assure the community that we would not have to sack police if we had to achieve a 7 per cent cut in one year, which is what your Federal colleagues want us to do.

For you to go out and grandstand on the policing issue when what your Federal colleagues are saying would result in a massive slashing of the dollars available to pay for policing, fire protection, ambulance and all emergency services is rank nonsense. This Government has been able to maintain the numbers of police protecting this community, shift the burden of paying for them in a more equitable direction to ensure that the Commonwealth assumes a more correct burden of policing the Commonwealth, and achieve some savings. It could not guarantee police numbers if our Federal funds were slashed.

Trades and Labour Council Picnic Day

MR DE DOMENICO: Madam Speaker, my question without notice is to the Minister for Industrial Relations. No doubt the Minister is aware that the courier and light freight sector of the Transport Workers Union have decided unanimously to allow work on Trades and Labour Council picnic day. Does the Minister concur with the view obviously held by delegates and observers that the TLC picnic day contributes to lower productivity? Will the Minister applaud the decision by the delegates to allow work on the basis that they are contributing to improvements in efficiency in the private sector? Finally, will the Minister therefore now pressure the Trades and Labour Council to observe their picnic day in future years on a weekend?

MR BERRY: Mr De Domenico should take a little time out to have a look at the awards which cover these classifications. He will find that the members who attend Trades and Labour Council picnic days do so in accordance with award provisions. While those award provisions remain in place, members will continue to attend the Labour Council picnic on the day on which it is held. When the Labour Council picnic is held is a matter for the Trades and Labour Council, not for me.

Gungahlin - Aboriginal Site

MR MOORE: Madam Speaker, my question is directed to the Minister for the Environment, Land and Planning and refers to the bulldozing of an Aboriginal site at Gungahlin in January, I think it was. What action have you taken as far as the developers are concerned, and how will such incidents be prevented in the future?

MR WOOD: The action I have taken thus far is to absolutely quarantine that site, to re-establish the fence, and to impress most particularly upon the developers that it is a site that is not to be touched. That was done instantly.

Mr Moore: Was that not done before?

MR WOOD: Yes, it certainly was done before but, unaccountably, despite the fact that the documentation on this site was in the sale conditions and was in the agreement between the developer and the department as to development conditions, and there was a fence around it, it was still knocked over.

Subsequently, I sought two other comments. One was a legal comment about what action we could take, and I had that fairly rapidly. Secondly, I sought archaeological advice from the person who drew up the details of what was on that site and assessed its importance. That advice has taken a deal of time to get. I understand that the gentleman was away at the time, perhaps on holidays, and it took a little time for him to come back, and the archaeological report has only just been received.

I want to assess that report, with the legal steps I may take. I want also to talk to the Ngunnawal Land Council to assess carefully what their views are. When that has occurred, I will be in a position to indicate what precise action I will take. It has taken a little longer than I expected, but that is because I needed to be quite clear what I was doing and to see that archaeological report in particular.

Belconnen Basketball Centre - Parking

MR WESTENDE: My question without notice is directed to the Minister for Urban Services. Will the Minister indicate why no parking has been provided for the ACT Basketball Inc. headquarters in Oatley Court, Belconnen, and whether this is a breach of the building regulations? Does the Minister accept that the lack of dedicated parking for patrons of the basketball centre is creating problems for nearby traders, particularly the Thai Rama restaurant, as well as for the basketball centre itself? Will the Minister undertake to rectify the matter as a matter of urgency?

MR CONNOLLY: The issue of parking space design or change for buildings is an issue for my colleague the Minister for the Environment, Land and Planning, and Mr Wood has assured me that I can assure you that he will provide the details of that on notice. On the issue of rectification of the instant problem, the secretary of my department has the matter in hand. We will be trying to introduce a parking regime which will allow the local traders to ensure that people using the basketball courts park up the road a little and walk a little way to their game - which would not seem to be beyond the fitness of people who are going out to play basketball - so that the traders can get their customers in. It will mean putting in either hour or half-hour parking restrictions, and that matter is in hand. I expect that the first step will be a parking survey of the traders, trying to get a comprehensive view of what they want.

Griffith Primary School

MR CORNWELL: Madam Speaker, my question is directed to the Minister for Education and Training. I ask: What is the current enrolment at Griffith Primary School? Has any decision yet been taken on its future?

MR WOOD: Madam Speaker, the enrolment yesterday was 34; I do not recall what the enrolment is today. Mr Cornwell may know that there is a further meeting of parents tonight, which I will also attend, during which we will discuss the options that are available to us all as we consider what is in the best interests of the students.

Goods and Services Tax - Health Care

MR LAMONT: My question is directed to the Minister for Health. Is the Minister able to advise the Assembly of any advice he has received on the implementation of a goods and services tax on health care?

MR BERRY: I am pleased that Mr Lamont has asked me the question because it raises an issue that turned up in the *Australian* on 19 February in relation to the GST. Dr Hewson has said, and we have to take him at face value, I suppose - we would normally hope that we could take him at face value - that there will be no GST on health care. His advisers are suggesting the opposite. The Cole committee is described by the *Australian* as an independent body that advises the coalition on GST planning. That committee has implored the coalition to impose the full 15 per cent GST on private health services, medicines and medical equipment, and then pay a cash rebate to patients. They want people who cannot afford it to pay up front and then to go through the process of getting the money back. Dr Hewson has amongst his armoury of plans other secret agendas, so I would not be surprised in the least to see this as one of those matters which would be proceeded with after an election.

We saw on the *Four Corners* program last night how the dries, or the New Right, have infiltrated the Liberal Party and are driving the Liberal Party as they proceed through this election campaign. There is no chance that the Liberals would be able to sell the policies of the dries, the New Right, to the electorate of Australia, so they have to have hidden agendas. Just take the industrial relations activities of Mr Howard. Mr Howard clearly has a hidden agenda. He has said, "I will not expose my legislation on industrial relations. I will keep it until after the election". I say to Mr Howard, "If you cannot give us your legislation, give us your drafting instructions. We will have a look at them". Then we will find out what the real agenda is.

The same applies to the GST on health services. This mob support a Hewson approach, which will mean fewer health services for the people of the ACT. We know that. Those opposite bleat, "Oh no; Dr Hewson has said that he will keep Medicare". I will tell you what he will keep, as one of the Labor candidates has already said. He will keep the name and the levy. That is all he will keep. He will gut it. There will be nothing left. It will be just a shell. The name and the levy are all that Hewson will keep. He will not keep all of the great support that has been developed for the community in Australia by Medicare.

"Our preferred approach is that services other than those subsidised under the Medicare system ought to be subject to GST at the standard rate, with a rebate of GST payable to the patient through a system similar to Medicare", is what - - -

Mr Kaine: On a point of order, Madam Speaker: You earlier referred the Opposition to the standing orders. I note that the Minister, in response to this Dorothy Dixier, has a very long prepared answer which could only be considered as a ministerial statement. I submit that it is out of order in terms of question time.

MADAM SPEAKER: Mr Kaine, he has been speaking for three minutes. I have been watching the time. I will leave the Minister for a couple more minutes and we will see how we go.

MR BERRY: It always seems longer when you are in pain - and no wonder, when we learn about these sorts of plans behind the scenes for the Liberals. It is these Liberals opposite that are supporting that sort of nonsense which is being attempted by the Federal Liberal Party. Madam Speaker, it will be left to the people of Australia to decide on this. I know that they will not cop hidden agendas.

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

SUBORDINATE LEGISLATION Paper

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 a gazettal notice for Supreme Court Rules.

The schedule read as follows:

Supreme Court Act - Supreme Court Rules (Amendment) - No. 4 of 1993 (G19, dated 19 February 1993).

LAND (PLANNING AND ENVIRONMENT) ACT LEASE Paper

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, I think for the last time, pursuant to the Land (Planning and Environment) Act 1991, I present a lease for Campbell, section 14, block 24.

BREAST SCREENING CLINIC Ministerial Statement

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport): I seek leave to make a ministerial statement about the ACT breast screening clinic.

Leave granted.

MR BERRY: Madam Speaker, I should at the outset say that anybody that wanted to go to the Health building today to visit the launching of the breast screening program could have freely walked through the front doors and mounted the escalator or walked upstairs. While the announcement was going on I was happy to talk to another user of the health system who strolled in off the street. There was no policeman out there to stop Liberals from coming in. You could have walked in at any time.

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Mrs Carnell: How would we have known that it was on?

MR BERRY: Just keep your ear to the ground. If you think it is my job to give you people a leg in, you have another think coming.

Mr De Domenico: We just expect you to be cordial and ethical.

MR BERRY: None of you were stopped. I did not see a line of you at the front door trying to get in. None of you were stopped from going, so do not give me that stuff.

Mr Humphries: We did not know that it was on. We did not know where and when it was.

MR BERRY: You might not like these sorts of things, but, if you cannot keep your ear to the ground, that is not my problem.

Mr De Domenico: No, we just do not like you.

MR BERRY: Well, I am happy about that. I can see that I am doing my job.

Madam Speaker, the breast screening clinic was officially opened this morning by the Hon. Ros Kelly, representing the Hon. Brian Howe, and me. The ACT breast screening clinic is part of the national program for the early detection of breast cancer and as such is jointly funded by the ACT and Federal governments. The ACT Labor Government, of course, was the one that took the decision to jointly fund this great initiative. The Commonwealth provided \$670,000 in seeding funding in the first year, with each government providing \$1.18m over the next two years.

Mrs Carnell: And then what happens?

MR BERRY: Mrs Carnell asks, "And then what happens?". Well might she raise that very question because governments have to make these decisions on the basis of available funding. I can say to you, Madam Speaker, that, very clearly, there will be less money for ACT Health under a Hewson government. They have made it clear; \$8 billion will be coming out of the health budgets across Australia, and in the first year alone in the ACT that will mean \$17m. There will be \$17m less for the people of the ACT to have applied to their health facilities. Madam Speaker, this Government made - - -

Mr De Domenico: Wait till they get done in two weeks. He will come in crying.

MADAM SPEAKER: I would like to point out to members that standing order 39 does require members not to interrupt. This applies to all members. Could we have some order, please.

MR BERRY: Thank you, Madam Speaker. This Government made an election promise to commit the ACT to participation in this very important program - an election promise that we have kept and will keep - and we are pleased today to honour that commitment. The purpose of the program is to detect breast cancer in its early stages so that women in the at-risk age group can be offered treatment

that will prolong and enhance the quality of their lives. As no cause for the disease is known, no preventive measures can be taken to delay the onset of the disease. However, there is strong evidence that the women who participate regularly in a high-quality mammographic screening program can halve their risk of dying from breast cancer.

The national program for the early detection of breast cancer is a clearly identified, integrated, systematic and coordinated program. The various medical colleges, including the royal Australian colleges of surgeons, pathologists, radiologists and general practitioners, have given their support to the development of, participation in, and evaluation of the program. The development of the ACT program has been overseen by a local advisory committee. The AMA, the College of General Practitioners, surgeons, radiologists and pathologists are all represented on the ACT advisory committee, as are consumers and women from non-English-speaking backgrounds.

Madam Speaker, at all stages during the screening and assessment process the client's GP will be kept informed of the progress and outcome of any tests, if the client so desires. At any stage during the proceedings the client will have the option of returning to her GP for continuing management. Cooperation with the medical profession is therefore an extremely important part of the program, and one which will be fostered by the ACT breast screening clinic. The advisory committee has been an excellent example of cooperation of the medical profession with the bureaucracy. A medical director for the ACT clinic has been appointed and will take up the position next Monday. She is an experienced practitioner who has been running the Townsville breast screening clinic.

The ACT breast screening clinic is centrally located in the Moore and Alinga Street building, on the first floor. It is easy to get into. This will enable women from all over Canberra to access the clinic, using either public or private transport. The clinic actually opened on 1 February 1993 and has already screened over 400 women. Public interest in and demand for the program is already very high and it is anticipated that eventually over 17,000 women will be screened annually. Women will be asked to attend for re-screening every two years until they turn 70. An active recruitment program to encourage women from non-English-speaking backgrounds and from socially disadvantaged groups to attend the clinic will begin shortly.

The ACT Government is extremely pleased to be able to participate in this important program aimed at improving the health and well-being of women. Continued funding from the Federal Government is conditional on the clinic and staffing meeting strict accreditation guidelines. These guidelines cover such things as physical layout of the clinic, staff training, number of women screened, and number of women going on to assessment. The ACT has applied for provisional accreditation at this stage and will apply for full accreditation within 12 months. Madam Speaker, in early 1992, as part of our election promises, we committed a Labor government to implementing a mammography screening program. Today we have honoured that commitment. Madam Speaker, I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

WOMEN - OPPORTUNITY AND CHOICE
Discussion of Matter of Public Importance

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

The Labor Government's failure to give Canberra women opportunity and choice.

MR KAINÉ (Leader of the Opposition) (3.13): In selecting my matter of public importance you have shown great perception, Madam Speaker, because this is an issue of real significance to the people of Canberra. It is a fact that this Follett Labor Government has failed to give Canberra women opportunity and choice. This Follett Labor Government is long on promises but short on delivery in many areas. It is true in financial management and economic management; it is true in health delivery; it is true in employment. But it is nowhere more true than in the case of the status of women.

I believe that it is an economic fact, it is a social fact and it is an indictment of this Government that in this day and age women in the ACT are still second-class citizens. It is still a fact that in recession it is women who are first out of work and who are last back into work. Women in the ACT community are the least well trained, and their lack of skills across a broad range tends to concentrate them in low-paid employment even when they find work. You find them as checkout operators, as typists, as word processors, as cleaners, as waitresses, perhaps occasionally as taxi drivers, as shop assistants; but you do not see too many of them, particularly in the Follett administration - - -

Mr Wood: Half our members are women. How about your party?

MR KAINÉ: We will come to you and your Chief Minister in a minute and we will see where the justice lies and where the words do not match the actions, where the promises do not match the delivery. The fact is that in the ACT Government Service as well as elsewhere you do not find too many women in the top management jobs. We are talking here after 10 years of Labor Federal government, after 10 years of Labor promises, after three out of four years of Labor government in the ACT and three out of four years of Labor government promises with Ms Follett as Chief Minister. For 10 years Labor has been making promises on this issue and for 10 years it has failed to deliver.

What all of this means is that women are vulnerable to economic change, to changes in the industrial composition of the economy. They are at the bottom end of the income scale; they are the first to suffer and they have the least skills available to them to get themselves out of the hole that our community, our society and this Labor Government put them into. They are likely to earn less; they are less likely to be promoted in their jobs; they have the least authority in the workplace where they work; and they have least chance at a career. I think this is a terrible indictment after 10 years of Labor government - not only at the Federal level but essentially at the State level as well - throughout Australia.

The other interesting factor is, of course, that the alternative to paid work, remaining home and raising a family, is consistently undervalued and is under-recognised in terms of its worth to the community. The role of the wife and mother has lost its status as the necessity for leaving home and for getting out there and trying to get a second income has - - -

Mr Connolly: Who says that? That is what you say when you are opposing women in employment.

MR KAIN: You and your Mr Keating, the world's best treasurer, have driven the Australian economy to the point where women have to get out there and get a second job. It is not so much a question of choice any more; it is a question of absolute necessity. It is a bad thing, because your Federal Government has driven the economy into the ground, to the point where women are obliged to go out and work whether they wish to or not. The point is that you have destroyed the economy, so that they are forced to go out there, and when you put them into the workplace you do not provide them with equality of opportunity. That is what I am saying. It is an indictment, Mr Connolly, and you are a part of this Government that is privy to all of this.

Madam Speaker, over the last 10 years or so there have been some changes, admittedly. There have been affirmative action programs which to some degree have advanced women's issues and a number of women have gained considerable advantage from them. I am not saying that everything is bad and I am not saying that everything that Labor has done is bad; there have been some good things done. I think that it can honestly be said that, in the broad, the opportunities and the status of women are not much better today than they were 20 years ago. That is an indictment, as I said, of Labor, which has essentially been in government, at both the Federal and the State level, in this country for at least 10 of those years. It is no less true in Canberra than it is everywhere else.

I do not think we need go much further than this Government's current budget and the *Women's Budget Statement* that was put out in conjunction with it for this current fiscal year of 1992-93. I point out that the *Women's Budget Statement* was initiated by the Alliance Government while I was the Minister responsible for the status of women. It was not introduced while Ms Follett was the Minister. Our intention was to be able to summarise in a practical and useful way what the Government was doing to advance the cause of women in our society. That has been subverted, because the interesting fact is that the *Women's Budget Statement* this year is the biggest document in the package of budget papers. It is even bigger than the program information paper.

So we have a big document that again says nothing. It does not say anything about really advancing the cause and the status of women. I will just draw on a few statistics. At page 21 of this document there are employment statistics. We are told that in June 1992 a total of 150,000 people were employed in the ACT labour force and, of those, just under half were females - it was 44.4 per cent. I suppose you can say that that is just under half, but there was a fair number of women in the work force. Full-time employment for women had fallen from a peak of 70,000 in 1989 to just 66,600 in June 1992. That was a fall of 4.9 per cent in the participation rate of women in the work force. This is in the ACT. I am not talking about any other place; it is right here.

Mr Connolly: You were just saying that the participation rate was too high.

MR KAINÉ: I am talking about the lack of performance of your Government, Minister. Just listen. If you would use your ears more than your mouth you might learn a great deal. While this was all happening, we are told at page 23 that the unemployment rate claimed for ACT females is generally higher than it is for ACT males. The unemployment rate for females averaged 6.2 per cent over the last 10 years compared to 4.3 per cent for males. Women are not doing too well, are they?

Females earn less than males. Page 25 states:

... ACT females in full time employment earn on average only 68 per cent of that earned by ACT males in full time employment.

After 10 years of Labor government, after 10 years of affirmative action in the ACT for which this Government is responsible, the average pay of a woman is only 68 per cent of that applicable to males, and we have this Government that keeps talking about social justice.

"Our budget", we are told, "is based on the principles of social justice". Where is the social justice in that and what is being done in this year's budget to redress the balance? The answer is absolutely nothing. I quote as an instance that one of the things that the Chief Minister is claiming to be doing to redress this imbalance is that they will provide 20 women with six months' work experience and training. That is, 20 women and six months' work experience and training are going to redress the imbalance between the unemployment levels of women and men and to jack women's wages up to where they should be. This is coming from a government that is committed to social justice. Hogwash!

We can go further through this document. There is page after page of it; in fact, how many pages are there? Even before you get to the annexures there are 147 pages. Let us see just how committed this Chief Minister is to the interests of women in the Territory. Let us look at boards and committees in the Chief Minister's own organisation. Under the Minister for Industrial Relations, on the various boards there are 18 men and one woman. That is some equality! In the non-statutory authorities, and this is under the Minister for Industrial Relations again, there are 17 men and three women. At least Mr Connolly can hold his head high; he does a great deal better. In the Attorney-General's Department there are 75 men and 56 women on the various boards that he runs, but what about the Chief Minister's organisation? Where is the equality for women in there? The answer is that there is none. We have a Chief Minister that talks a lot but does not act.

Mr Wood: You need to look at the composition of many of those; they are constrained by the composition.

MR KAINÉ: Have a look, Minister, at the number of men and the number of women on the boards in the Chief Minister's own department. Have a look at the ACT Government Service as a whole. How many women occupy senior management positions across the breadth of the ACT Government Service?

Ms Follett: Two more than when you were there, and you complained about it.

MR KAINE: You are the Chief Minister that talks about social justice. Your budget, you say, is based on the principles of social justice and you talk about the status of women. You talk about the rights of women and you do not deliver. I think that, by and large, the women in the ACT would have to say, if they were asked for an opinion, that they have made few gains under this Follett Government. Where are the jobs for women in that budget? Where are the improved health conditions for women in that budget? Where is the personal security for women in that budget? They cannot even walk the streets of Canberra at night, and Mr Connolly ought to be absolutely ashamed of that. I think the bottom line is, when we are talking about commitment to the interests of women: How many women officers does the Chief Minister have on her staff? My case rests.

MS FOLLETT (Chief Minister and Treasurer) (3.26): I think his case collapsed, actually, Madam Speaker; I think it is having a terminal rest. At the outset of my remarks today, I want, as did Mr Kaine, to take members' minds back to 1989 and the first of the Labor governments in the ACT. Mr Kaine said, and he was absolutely wrong, that he initiated the women's budget statement. I released a women's budget statement in 1989 and that is the document which I will table for Mr Kaine's edification. He clearly has not read it. He is wrong. I would refer members also to the debate on the Appropriation Bill in 1989. As I have said, I did in fact issue a women's budget statement and in 1989 I had a number of programs aimed at assisting women.

In the debate on the Appropriation Bill, Mr Stefaniak - I believe that he is a member of the Liberal Party - moved, in the course of debate, to delete those women's programs from the budget. I will quote from the *Hansard* of November 1989 in which Mr Stefaniak says, and I will read in part:

There are three items there anyway: antidiscrimination activities ...; women's enterprise service ...; and women's employment strategy ...

Those are the three he identifies, and then he goes on:

In relation to the women's enterprise service and the women's employment strategy, I believe both those are unnecessary items of expenditure and that \$200,000 can be saved there, totalling a quarter of a million dollars.

He had included in that the anti-discrimination money as well. He continues:

Those are the areas, I submit to the Assembly, in the Chief Minister's Department where money can be saved and the amount of expenditure reduced accordingly.

So the hypocrisy of the Liberals in even broaching this subject defies all belief. The hypocrisy of their broaching it at a time when we are in a Federal election campaign where their party in government has sworn to demolish the Office of the Status of Women just defies belief. It absolutely defies belief. Nevertheless, I will address my remarks to the substance of the issue, which Mr Kaine quite clearly did not.

Madam Speaker, my Government's approach to enhancing the status of women in the ACT has been based on maximising opportunities and choices for women. We have concentrated our efforts in three main areas - in women's work force participation; in the right of women to be free from violence in their own homes; and in involving women in the decision making process. In all of our work we have sought to keep the women of the ACT informed so that they, in turn, can make informed decisions on matters regarding their futures. The Government, of course, keeps in touch with the needs of all ACT women through my Women's Consultative Council, a council which has a very proactive role in the community in finding out at first hand what it is that women believe needs to be addressed.

We also provide a deal of information to women in the ACT so that they can make informed choices. That information is provided through our excellent Women's Information and Referral Centre, which operates here in Civic and provides information on a wide range of issues to all women. It also conducts some workshops and training and so on for women and is a very well used facility. We also publish *Women ACT*, which is distributed to over 600 organisations and individuals in the ACT to keep them informed on matters of interest. We have, in addition, promotional activities such as "Working opportunities for women", which was held last year and which focused on employment and training choices for women in the ACT. Over 1,000 women attended that particular function and I believe that it was a great success.

Mr Kaine also made some very erroneous statements with regard to women's employment. Perhaps I should not say "erroneous"; he made very selective use of statistics to support his cause, but not very convincingly. I will turn to employment. The January 1993 labour force survey reveals that there were 70,800 women employed in the ACT. That represents 45 per cent of all ACT employment, but I think the good news is that between January 1992 and January 1993 full-time employment for women increased by 6,400, or 15 per cent, to over 48,700 jobs. I think an increase in full-time jobs of 15 per cent in a year is something that both sides of politics ought to be applauding. Over the same period there was a small fall in part-time employment for women; in fact, 200 jobs or one per cent.

So in the past year we have seen a 15 per cent increase in full-time employment and a one per cent decline in part-time employment. In January 1993, to use those figures again, the female participation rate was 66.7 per cent - a phenomenally high figure in Australian terms, but in fact it was up from 62.3 per cent in January 1992. So the participation rate grew substantially in that year as well. Female labour force participation in the ACT continues to be very much higher than the national average, which in January of this year was 50.8 per cent. So we are some 16.7 per cent up on the national average.

The unemployment rate for women in the ACT rose from 6.3 per cent in December 1992 to 8.4 per cent in January 1993. The present unemployment rate for ACT females is, however, substantially lower than the national average, which in January 1993 was 10.6 per cent. But in looking at this issue the Government has introduced a range of initiatives. Mr Kaine can stand over there and denigrate those initiatives, but I would say to you, Madam Speaker, that, compared to his own party's actions in trying to write off those initiatives in 1989 and again at the Federal level in trying to destroy the women's affairs machinery, I think they should be looking very closely at these initiatives and perhaps learning something from them.

I will just list some of them. We have the women's workforce development scheme which, as Mr Kaine said, provides 20 women with six months' work experience and on and off the job training. This particular scheme targets women who are over 30 years of age and who have been out of work for over two years. Mr Kaine can say that that is not a good initiative. I say that, for the women who are able to participate in it, it is an excellent initiative which targets their specific needs. We also have small business seminars which have been held in the Tuggeranong Valley to let women know how to set up a small business. Particular emphasis has been given to the information needs of women from a non-English-speaking background.

We have also the women's breakfast seminar series, which is a continuation of a very successful initiative. It has in fact attracted some private sector sponsorship as well. These seminars enable a network to be developed by women in business or planning to go into business, to provide practical support for them and, of course, to exchange information. We have also a skills recognition service which has assisted women's re-entry to the work force through the recognition of prior learning. We should not forget that many skills gained by women are in fact gained by managing a home and a family. I think Mr Kaine would be interested in that, had he stayed to hear my remarks.

We have also assisted women through employment and training grants programs. Grants allocated for assistance to women in 1992-93 totalled \$155,464. They included: \$25,000 to Caloola Farm for the provision of four prevocational training courses in keyboarding, which will target 48 women; \$7,308 to Caloola Farm again for prevocational training involving Tuggeranong community houses; and \$39,826 to Involve for work experience for 150 women aged 26 to 40 years who are wishing to re-enter the work force. I will turn briefly to the tradeswomen on the move program. The full-time coordinator of tradeswomen on the move assists women and school students to consider wider career choices. Again, I think that it is very important that women have access to the full range of employment opportunities and I think that the tradeswomen initiative is a very important one.

One of the most significant aspects of women in the paid work force is, of course, their need for affordable and reliable child-care, and in this aspect I believe that my Government has well and truly taken the lead. We now have two centres operating for ACT Government Service employees. A total of 110 places are provided at the two centres located at Acton and Campbell. There will be another 125 places provided over the next two years.

Madam Speaker, many women engage in unpaid work and I think that in addressing the issue today it is also appropriate to address that kind of work. In all of our discussions on employment, we have sought to recognise those unpaid workers, the carers in our community. The Discrimination Act 1991, a Labor government initiative, makes discrimination unlawful on a number of grounds including status as a parent or as a carer. At a more practical level, the extension of women's neighbourhood groups, another budget initiative, will help to bring together those women who do choose to stay at home.

Violence against women is an issue that has been of great significance in past years and it is one to which my Government gives a very high priority in the protection of women and children. We are using the national strategy on violence against women to measure our own initiatives in the ACT.

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Those initiatives include that we have had a thorough investigation of the laws and practices related to domestic violence by the Community Law Reform Committee and they have been assisted in that by my Women's Unit and the Women's Consultative Committee. We have on our notice paper the discussion paper on domestic violence and, of course, there is also circulation for community comment.

At a practical level, the provision of a domestic violence support worker at the Women's Information and Referral Centre has been made in the budget to assist women survivors to gain access to government services. The sponsoring of domestic violence support groups by the Women's Information and Referral Centre is a further initiative, again in the budget, aimed at assisting those women. The review by the Community Law Reform Committee into sexual assault - again with the assistance of the Women's Unit and the Women's Consultative Council - will further enable us to make sure that our laws are relevant, are appropriate and are the most effective that we can possibly have. On 11 March, there is a seminar on sexual harassment which is co-sponsored by my youth and women's councils in cooperation with the ACT Human Rights Office. This will raise the issue of sexual harassment and seek some practical suggestions for further handling this problem. Of course, we also - and I think other speakers will address this - are developing an integrated crime strategy which will include initiatives further to secure women's freedom from violence.

Madam Speaker, in closing, could I refer very briefly to women in the decision making process. It has always been my view that women have a great deal to offer the community and, as a government, we have sought to involve women in the decision making process. We have done that through public consultation on major pieces of legislation on issues such as the discrimination, adoption and domestic violence Acts. We have also adopted a policy of appointing women to half of the positions on all government boards and committees. In this respect I think we have taken a very proactive approach to appointments which has led overall to 37.5 per cent of such appointments being filled by women. Believe me, that is a remarkable step forward since we have been in government. I cannot speak too highly of the advice that is provided to me by my Women's Consultative Council. As I have said, they do conduct their own consultations in the community on a regular basis, on both general and specific issues, and the council's Tuggeranong consultation late last year is a very successful example of their work. In closing, Labor's policies are designed to protect the rights of women to be respected as equals in the workplace, in the home and in the community, and I believe that our record thus far bears that out.

MRS CARNELL (3.41): It is often said that politics is about perception. In other words, it is not what is done but what appears to have been done, and I think the last 10 years of politics in this country is a very apt description of this philosophy. However, women, like the rest of Canberra, are sick and tired of window-dressing and words. They would like to see some real action and something that is actually done, for a change, not words, not glossy brochures, not ads in women's magazines as we have seen recently, but real action; not committees, not positions on boards, not small - very small - programs for a very few women, but something that actually affects and improves the lifestyle of the vast percentage of women we see in this town.

I feel sure that the average woman does not relate to many of the reviews, the committees, the talkfests, the reports on women and women's issues that we hear constantly in this place. Most of these activities bear little relevance to the real world in which women live. The massive amount of money spent on promoting "women's issues" in reality has very little success. The Chief Minister earlier made comments about the Federal Office of the Status of Women in the Department of the Prime Minister and Cabinet. Yes, it is true that a coalition government would look at getting rid of that area. I am amazed that the Chief Minister would believe that setting up a bureaucracy was in some way going to affect the lives of the women out at Tuggeranong, at Belconnen and elsewhere. I am amazed that she believes that the women in those sorts of ivory tower positions really make a difference to the issues that concern women out there.

There is a tendency for those on the Labor side of politics to concentrate their efforts on the obvious, the more vocal, and often the less representative groups in the community. This is almost certainly the case when it comes to issues affecting women. Labor policy is directed towards the more vocal activists, while the large silent majority of women go forgotten. The Labor Party promotes itself as the saviour of women's rights when the fact is that it is ignoring the vast majority of the women out there that do not have time to worry about community, about breakfasts.

Last week in the house the Chief Minister made a commitment to produce a social justice budget statement as part of the budget process this year. Unfortunately, producing another document at substantial cost will do nothing to improve the lot of Canberra women. One of the most important things for Canberra women is to have real choice, to be able to make decisions and not to have the decisions of others imposed upon them. Without real choice, women will never be able to fulfil their potential really to be equal. Women must have the choice on whether they join the work force or whether they stay home to look after their children. They must have the opportunity to compete on an equal footing in the workplace and they must have the opportunity to buy their own homes and to become financially independent.

They should have the right to choose the lifestyle that most suits them and their families and they should not become economic conscripts - women who have to work even though they would rather stay at home and look after their children. They should have access to employment as well if they choose to have it, to both full- and part-time and casual employment. They should have access to flexible working hours, hours that will allow women better to schedule both work and family commitments. The unions will not allow this. Unions do not represent women in the workplace well at all. Women also must have access to education, to training and to quality health care.

Women in business should be encouraged by a system which allows their businesses to grow and to prosper, free from government intrusion and red tape and the current crippling tax burden. It is no use whatsoever to have courses or to have seminars to encourage women into small business if when they get there the only road ahead is to go broke. Older women should be confident that in their later years they will have financial security, respect and safety as well. Without the ability to choose for themselves, as I said earlier, women will never have real equality. Labor has failed the women of Canberra, and I suggest that we could actually make that a wider statement: I think Labor has failed women across the board.

We had better look at the record of Labor. Women, as Mr Kaine rightly said, are still earning substantially less than their male counterparts. I think the figures are that in the ACT in February 1992 the average male wage was \$660, while women were still earning \$461.40. Women are still not represented well at senior management level, and I think Mr Kaine covered that exceedingly well. I accept that that is also not just in the ACT but in a wider range as well. The Commonwealth Public Service has a lot to answer for still in this area.

Mr Wood: Would you like a couple more women in the Liberal Party to support you across there?

MRS CARNELL: Absolutely. Women suffer substantially more through unemployment, as the figures show. Women are still less skilled. They often work only part-time - when, of course, they can get those sorts of jobs - and they are the first to go when business is bad. The unions continue to press the last in, first out principle which many unions actually enshrine in their requirements. These principles, of course, make women suffer the most. This means that women who have had time off to have a family will often be the first to lose their jobs when times get bad. Surely this shows that the majority of women really have not progressed terribly far. We are not talking about the women who sit here in this house, women in the upper echelons of the public service or women who are in the Office of the Status of Women; we are talking about women out there looking after their kids, attempting to make ends meet and pay the mortgage. Women still are at the lower end of the income spectrum and they are still particularly vulnerable.

Labor has failed to provide access to and participation in flexible employment for women. There are hundreds of women in Canberra who do not show up in the ACT employment statistics, as we know. All of these women are suffering as a result of the inequitable employment system that, on 13 March, will be scrapped. At that stage women in Australia, women in the ACT, will be able to look at a truly flexible working environment; they will be able to look at truly being able to get out there and get jobs that actually fit in with their families and with their workplace.

We will talk about women at home for a moment. Women at home are the great group ignored by Labor. After 13 March - it is a very important day - women at home can look forward to a doubling of their family allowance. They can look forward to increases in their dependent spouse rebate, up to \$300 in fact. They can look forward to more occasional care. They can look forward to superannuation that will actually respect the fact that they are women in the unpaid work force. Their husbands will be able to contribute to superannuation on their behalf while they are home and their husbands will be able to get tax deductions on the same base that they get for their own. That superannuation will be owned by those women so that they will have actual security - security to do their own thing, security for real choice. Family allowance supplement will go up by 6 per cent, and the story goes on. Women, for a change, for the first time in this country, will actually have a capacity to control their own lives, to have true choice. Choice is something that they have been denied greatly.

Even in the health arena, the Labor Government has dramatically overlooked the needs of Canberra women and women in Australia. It is interesting that earlier Mr Berry was talking about mammography; what about densitometry? Most women at some stage suffer from problems with osteoporosis. Under a coalition government densitometry will be available as a Medicare schedule item. There was nothing to stop the ACT Labor Government going ahead with something that is exceedingly needed in our health environment but they did not. I think all we can do is thank goodness that there will be a change coming up in the very near future, when real changes and real opportunities will be presented to ACT women.

MS ELLIS (3.51): Madam Speaker, I find it quite amazing and a little bit appalling - frightening in fact - that the people opposite bring this subject up today and more than once espouse the virtues of a Federal leader who has the sort of attitude to women that he displayed on the TV news that I saw last week. We are talking about perceptions here and we are talking about how people form their opinions and their stance on particular subjects. The subject happens to be women and the status of women. The perception that Dr Hewson has of women horrifies me. He stood in a press conference, in some location somewhere around the country one day last week, mopping the floor. He turned around and picked the mop up and stood it head up and said, "Have you met my friend? I will introduce you to her". You can pooh-pooh if you like; it is the same man who said that Mr Carr is not a man because he has no children and does not drive cars. It is a person who at any person's cost will do what he can to get a cheap laugh. I find it pretty appalling.

Madam Speaker, I have been more than interested to hear some of the speakers in this debate today. I find it particularly surprising that the Liberals are now showing any concern at all for women's choices and opportunities, because in my experience this is one area that they have had little or no interest in historically. It is also surprising that the Opposition finds fault with the Government's achievements in this area as their lack of interest corresponds directly with their own lack of policy and action in the area.

As the Chief Minister has stated today, the ACT Government has a series of successful programs which assist in providing choice and opportunity for women of all ages and backgrounds in the ACT. This has particularly occurred for women in paid employment; however there are many other areas integral to providing support and assistance that are not directly related to employment. In the areas of law reform, child-care and community based programs and education, women in the ACT are benefiting from this progressive Government's policy and funding directions. There are several recent initiatives that provide extra assistance and protection for women who are victims of domestic violence. One very important development has been the introduction of reciprocal recovery of orders. Victims who reside in other States can now register domestic violence protection orders at the ACT Magistrates Court. This offers protection for women who may leave the State in which the offence occurred and who move to the ACT and choose to have a safe environment.

The Community Law Reform Committee of the ACT has recently issued a discussion paper on domestic violence. This is the first stage in a wideranging review of the effectiveness of the current Domestic Violence Act. There will be intensive public consultation on this review, with public hearings set down for March this year. This will ensure that the protection of victims of domestic

violence can be enhanced. As a result of the Community Law Reform Committees's interim report last year, legislation to strengthen police powers in domestic violence disputes was enacted. The Australian Federal Police can now inform the Domestic Violence Crisis Service of domestic disputes as they occur and the police are now able to search for and seize weapons in domestic violence incidents. This is regarded as particularly important. Previously, police were able to seize weapons but they had no power to search for them. The ACT Government is acting on providing protection for women who are victims of domestic violence. As I have stated and as the Chief Minister has stated, there is a continuing review of the Domestic Violence Act. I believe that as a result women in the ACT can feel more secure and protected, as is their basic human right.

Another very important area that provides women with support and the freedom of choice they are entitled to is child-care. This is not an area that the Liberal Party has been particularly progressive on until the recent announcement of a Federal election, but thank goodness the Labor Government recognises - and has for some years - the importance of child-care, both for the children and for the parents. In fact, the ACT Labor Government recognises the importance of accessible and affordable child-care to enable women to make a choice about entering the work force. The agreement between this Government and the equally progressive Commonwealth Government has allowed for the establishment of 230 new long day care places, 660 outside school hours care places and 230 family day care places in the ACT by 1996 under the terms of the national child-care strategy.

This funding by both governments provides extra support for the many women who make the choice of entering paid employment. Just last year the ACT and Commonwealth governments jointly funded 30 outside school hours care places at Fraser, Turner and Telopea Park primary schools. The ACT Government has also demonstrated its commitment to providing affordable, high-quality child-care for its employees by opening two child-care facilities this financial year. The first of these centres opened at Acton in October last year. This service is managed by Southside Community Service and it accommodates 55 children. The centre is currently operating very successfully at almost its full capacity.

The ACT Government also recognises that some women choose not to enter the paid work force but will require short-term care for young children from time to time. Therefore, recent initiatives to increase occasional care places have been undertaken. There are now 20 new occasional care places at the Calwell neighbourhood centre and a new occasional care service at Taylor Preschool in Kambah is soon to open. By the end of this year the Conder neighbourhood centre will include 10 occasional care places. What we are talking about is choice.

Affordable child-care is a fundamental social and economic necessity in our society. For many women it is one of the most basic requirements for satisfactory and fulfilling lives. Many of the community centres which are funded by the ACT Government also provide child-care for women not in paid employment, but community centres provide much more for women in the ACT, including playgroups and craft and recreational programs. They support the women while educating and caring for their children in the preschool years. Community centres and organisations such as the Majura women's group, the O'Connor family centre and the Calwell neighbourhood centre provide this support to parents. They also provide family support and welfare programs that assist women on low incomes.

Tuggeranong Link is partially funded by the ACT Government, along with the Federal Government. Tuggeranong Link coordinates the activities, courses and services of the three neighbourhood houses currently in the Tuggeranong Valley. They concentrate on women who wish to re-enter the paid work force or who choose to remain outside the paid work force. Again, we are talking about choice. These houses provide venues for playgroups, craft and recreational activities, parenting skills development courses, health advancement courses, TAFE outreach courses and employment related courses for women wishing to return to the work force.

I listened to Mr Kaine's comments regarding equality of opportunity for women. I agree that at times some women may be on the back foot when entering the paid work force. One of the most essential elements in increasing women's opportunities in the work force is education, and re-education after being out of the work force for some time. At the Canberra Institute of Technology slightly more than 50 per cent of enrolments are women. This ensures that vocational training for women in the ACT is of a high standard and is reaching just as many women as men. Under the national plan of action for women in TAFE, the ACT institute has allocated \$200,000 which will include the establishment of women's officers positions; literacy programs for women in Tuggeranong; pilot implementation of a national project titled, "Gender Inclusive Teaching"; a pilot model of providing support for potentially at risk women from a non-English-speaking background in mainstream courses; a pilot support strategy and workplace communication skills for women with an intellectual disability; and an information program for new female enrollees in non-traditional areas. Again, I am amazed that we are being accused of not offering choice.

The Canberra Institute of Technology also offers special courses called "New opportunities for women", including those for Aboriginal women and women from a non-English-speaking background. A very important area that has been addressed in recent years, particularly by the Follett Labor Government, is the promotion of women in non-traditional areas. These courses at the CIT have a target of 50 per cent of places for women. There is no doubt that this Government has implemented initiatives and programs that continue to support women, both in paid employment and outside it. This Government supports women in education and women from minority groups; women at risk of domestic violence and at risk socially are being supported more and more. This Government will continue to improve the opportunities, support and protection of women in the ACT as I doubt very much the Opposition either in government here or federally would do.

MR HUMPHRIES (4.00): Madam Speaker, I am delighted to join in this matter of public importance and debunk some of the, frankly, stupid things which have been said by some of the speakers opposite. I have to say that, as my colleague Mrs Carnell indicated, perception is very important in this kind of debate. The perception that has been generated and seems to be generated by the Labor Government, not just here but in the Federal arena, is that they are the only party interested in the advancement of the position of women. I must say that, if rhetoric was the only criterion for that title, clearly this Government would be the king pin or the queen pin on the question of the advancement of women.

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I am afraid that we need to go beyond the question of what we are saying - of what rhetoric we put forward about the position of women - to what we are actually doing about women and what we are actually doing to ensure that women in this community can look forward to an advancement of their position in all terms to the position in which women, even 10 years ago, might have found themselves. In particular, we need to look at whether women in the society of the late 1990s and early twenty-first century can expect to be employed just as those in earlier periods might have been. The fact of life is, of course, that women have suffered very much in this recession that we had to have. Women are today bearing the brunt of that recession in many ways. The electors of the ACT, as well as of Australia as a whole, will be making that very clear to the present Government in a few weeks' time.

Madam Speaker, I want to respond to a few points that some of the earlier speakers referred to, before I go on to talk about unemployment and the way that has affected women in this community. Ms Follett was very glib in rattling off all the initiatives that her Government has taken in respect of women. She indicated what boards she has now placed women upon and what bodies are now established to coordinate and consult with in respect of the fate of women in this Territory and all the programs that have now been announced. I go back to the fundamental question which has to be asked of any government program; the bottom line is: Does it work? Does it have an impact on the position of women?

The Chief Minister has said that she has all these programs in place to improve the position of women in the ACT work force. What is the position of women in the ACT work force? In June 1989 there were 3,700 unemployed women in the ACT. These are, of course, only official figures. In December 1991 that figure had risen to 5,700 women. I do not have any more recent figures but I believe that that figure has risen yet again since then. If women can expect today to encounter a greater likelihood of being unemployed than two years ago or three years ago, in what way or what ways has the Chief Minister's program on employment of women worked at all? Clearly, it has failed.

The figures for women across the country are not particularly attractive. As late as the early part of 1990 there were some 160,000-odd women looking for full-time work in the Australian work force. That figure shot up to almost double that, to about 280,000, at the beginning of this year. That almost doubling of the number of women looking for full-time work is an indictment of the process whereby we articulate the myth that we are concerned to provide equal opportunities to women in this society. Women are not being treated equally here. Women are suffering a far greater rate of decline in their position than are men in this community, and that is as true in the ACT as it is anywhere else in Australia. So what do the Chief Minister's programs have to show as far as the employment of women is concerned? The answer is absolutely nothing.

The Chief Minister said, "How dare you raise your heads on this issue, because you are going to abolish the Office of the Status of Women". I might point out that it was the Federal Labor Government that emasculated the Women's Bureau in the Department of Employment, Education and Training not more than a year ago. In a critical area where women's employment was being targeted as an issue of concern, that was an indication of that Government's concern about the level of employment among women in this country.

Ms Ellis made the contemptible statement that historically the Opposition has shown little or no interest in this subject - that is, the advancement of women - and the offering of choice and opportunity to women. That might sound very glib coming off some prepared speech but it does not stack up very well. Ms Ellis might not be aware that it was Sir Robert Menzies - or Mr Menzies at the time - who admitted women to the armed forces in this country for the first time. It was also a Liberal government that removed the Commonwealth Public Service marriage bar in 1966 and gave women the chance to participate fully in the Public Service. It was a Liberal government in 1972 that enacted the country's first equal pay legislation giving women the right to equal pay for equal work. It was the Liberal Government of 1976 under Malcolm Fraser that first paid family allowances directly to the mother rather than to the father. Those were initiatives of a Liberal government.

Let us look at the Liberal Government in the ACT and at an area that I am personally familiar with - health. It was the Liberal Government, the coalition Government headed by Mr Kaine not more than two years ago, that decided that the ACT would establish its first birthing centre and in fact it was almost completed at the time of its losing office. We decided that we would proceed with an extra 75 obstetrics beds at Woden Valley Hospital. We decided that there should be child-care centres at Calvary Hospital and Woden Valley Hospital. We made those decisions. So where is this rhetoric coming from that we are not interested in women? I think that is a little bit rich.

Madam Speaker, the argument that really got me, that really indicated to me the depth to which the Opposition - I am ahead of myself here; I am referring to 13 March - those opposite are going to go in their scare campaign was the argument that said that Dr Hewson is anti-women because he looked at a mop and he said, "This is my friend, Molly; look at her". As if that is going to prove a single thing to any woman anywhere in the country, with the sole exception of Ms Annette Ellis; I ask you!

I wonder too: Has Ms Ellis read the maiden speech made by Mr Paul Keating, the member for Blaxland, when he entered the Federal Parliament back in 1969? She has not; she shakes her head. Has she read that speech? Obviously not.

Mr Cornwell: What did he say?

MR HUMPHRIES: "What did he say?", I am asked by Mr Cornwell. He said that women are better off at home in the kitchen looking after their husbands and their children; that is what he said. He has seen the polls, no doubt; he knows where women's votes stand these days and he has changed his mind. What a coincidence! The fact of life is that this Government pays regard - lip-service, if you like - to the position of women when it suits them and it lets them down, and lets them down badly, when it comes to the crunch of actually putting into practice the things that will make a difference to the livelihood of women.

The Federal coalition, of course, has answers to those problems; it has articulated them very clearly. My colleague Mrs Carnell indicated what sort of advances women in this country can look forward to after 13 March: There will be substantial increases in family allowance and superannuation benefits paid for the first time in respect of women at home outside the paid work force. This will be for the first time outside the paid work force. There will be substantial benefits

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as far as child-care is concerned. Those opposite might not like this, but the women of the ACT and Australia are going to get the benefit of those changes after 13 March, and I, for one, will be there applauding it. Let us see then whether these people across the way are going to be applauding those initiatives the way they say we should be applauding theirs today. Let us see whether they are going to applaud the initiatives to improve the access of women to decent services and to equal opportunity. I very much doubt that they will.

The bottom line is that the position of women has deteriorated seriously over the last three years or so and, in particular, since the beginning of the Labor Government - the Hawke-Keating Government. Those changes have affected women's access to employment and affected their right to a whole series of other things, including safety in the home. I think that those opposite should be hanging their heads in shame rather than pretending that they have all the answers in all the programs that we have heard about today. The bottom line is results, not rhetoric. It is not what you say you have done and, "Look at this program. Look at how many people I have appointed to that committee", or whatever. It is results, and there are not any results to point to.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.10): This mob opposite have no shame. The Hewson led government, Mr Humphries says, has all the answers. Here are some of them. Concerning the trade union movement: You can wind its strength back by the weakening of the trade union structures - the establishment of enterprise unions so that the trade union movement is weakened and the abolition of their rights under the Federal Industrial Relations Act. That is principally targeted at those sorts of people who are weaker in society. Women industrially have always been in a weaker position and the trade union movement has a strong record, and a long record, of protecting and developing the rights of women out there in the work force. What the Liberals are about is destroying that structure.

Mr Humphries: They were men's unions. They were men's unions in the old days.

MR BERRY: They were in the old days; but we have come out of the old days now, Mr Humphries. We are in the 1990s. The fact of the matter is that the trade union structure will be undermined by a Hewson led government - perish the thought - and that will ensure that women are less protected out there in the work force, and they are amongst the groups which require most protection. So that is one answer the Liberals have.

Let us have a look at the education system. What the Liberals intend to do, of course, is to hand over a whole heap of money to the private education system where, of course, women who are disadvantaged will have no access. Those women in the disadvantaged sectors of the community will again be attacked by the Liberals. So that is another they have. Let us go to the health - - -

Mr Humphries: Let us not. Time is up.

MR BERRY: We will get to health another day.

MADAM SPEAKER: The time for the matter of public importance has expired.

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

MRS GRASSBY: I present report No. 2 of 1993 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement on the report.

Leave granted.

MRS GRASSBY: Report No. 2 of 1993 contains the committee's comments on eight Bills and four pieces of subordinate legislation. I commend the report to the Assembly.

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

MR LAMONT (4.13): I present report No. 11 of the Standing Committee on Planning, Development and Infrastructure on a draft variation to the Territory Plan - Kingston, section 7 (part), and section 8 (part), (Industrial Buildings), together with a copy of the minutes of proceedings. This report was provided to the Speaker for circulation on Friday, 19 February 1993, pursuant to the resolution of appointment. I move:

That the report be noted.

Madam Speaker, members will notice that this is a proposal for deferral of consideration by the Planning, Development and Infrastructure Committee. It is the first time that such a proposal has been put forward by the PDI Committee. I believe that the PDI Committee, unanimously on this occasion, has sought the best outcome for the use, on an interim basis, of the buildings currently within the precincts of the area known as the Kingston foreshores.

The changes that the Planning, Development and Infrastructure Committee suggest are as follows: That that portion of the site that is Commonwealth land be excluded from the draft variation, the position being that the intention is that this area is for interim uses, short-term uses. The Government has indicated that the estate development section of the Department of Urban Services will actually "own" the lease for this area, and will then sublease it to anybody wishing to become a tenant on the site. That will allow the timeframe for activities that take place on this site to be adequately controlled. We do not have such control over the Commonwealth. The Commonwealth tenants on that land were in the position of being able to issue variations, or to issue leases or subleases, for any period that they saw fit. That would not be in keeping with what the Planning Committee saw as the long-term appropriate usage of this site.

Madam Speaker, we have also suggested that "ancillary uses" be more appropriately defined in the advertisements of the actual variation. A range of uses is proposed for this area. One example may be something like a woodcraft shop, which would be not only the turning shop, the workshop, but also the point of sale. Ancillary to the point of sale activity, the commercial activity, there may be a desire by the proponents to conduct, say, a small cafe. In the advertisements which appeared notifying this variation, no such ancillary uses were identified. It is interesting to note that there were no objectors to the variation. If these ancillary uses are more clearly defined it may well be that the lessees of shops in the Kingston-Manuka area wish to lodge objection. It was the Planning, Development and Infrastructure Committee's judgment that they should be given the opportunity to do so if they have concerns. It may be that residents in close proximity also have a concern if it is demonstrated that an ancillary use is something which they may not have thought of when they saw the original advertisement.

So the proposal is that the definition of "ancillary uses" used by the ACT Planning Authority be tightened in regard to this variation so as to create appropriate parameters for possible commercial activity ancillary to the specific use prescribed in the published documents and advertisements. That, we believe, will provide appropriate community consultation and appropriate opportunity for the community to put their views to the Planning Authority and to the Planning, Development and Infrastructure Committee when it reconsiders this matter.

We also propose that the Kingston Power House site be excluded from interim use. This recognises the building's acknowledged heritage listing. Mrs Kelly recently announced a grant for work to be undertaken to appropriately list this site as a heritage site. I would suggest that this may also allow for appropriate restoration of that building following such a review.

We are also proposing that consideration be given to defining a process that would remove any other heritage sites from use during the period of interim use. We acknowledge in our ultimate paragraph on page 1 that a study is to be undertaken to identify other areas of heritage, industrial or archaeological interest. Those areas should be able to be removed from the lease. We believe that if the Planning Authority and the Government accept those issues the document which comes forward for consideration will be an appropriate document and will provide an appropriate mechanism for the interim use of this site. The Minister at some stage this week may care to comment further, but it is my understanding that the Government is giving consideration to each of the recommendations and at this stage appears to be favourably disposed to proceeding on the course outlined by the Planning, Development and Infrastructure Committee. I commend the report to the Assembly.

Question resolved in the affirmative.

MEDICAL PRACTITIONERS REGISTRATION (AMENDMENT) BILL 1993

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.20):
Madam Speaker, I present the Medical Practitioners Registration (Amendment) Bill 1993.

Title read by Clerk.

MR BERRY: I move:

That this Bill be agreed to in principle.

Madam Speaker, for a number of years Australian Health Ministers have been examining the desirability of adopting consistent standards in relation to the regulation of health occupations. In March 1992 I agreed with other Health Ministers to revise the various registration laws to ensure a uniform approach to the regulation of health occupations across all States and Territories in the interests of public health and safety.

The Health Ministers' exercise is consistent with the mutual recognition principles endorsed by heads of government in the Special Premiers Conference context which led to the signing of the intergovernmental agreement on mutual recognition. Madam Speaker, the mutual recognition arrangements which are scheduled to come into effect on 1 March 1993 will involve mutual recognition of occupational registration arrangements across participating jurisdictions, regardless of any difference in standards or requirements. Mutual recognition does not, however, preclude uniform standards where these are perceived to be necessary.

The agreement reached by Health Ministers will mean that mobility of health occupations will be subject to uniform educational and training standards as well as disciplinary provisions across all jurisdictions. The Medical Practitioners Registration (Amendment) Bill 1993 is the first of a number of ACT health professionals registration laws to be amended in line with the Health Ministers' agreement for uniformity. Madam Speaker, the Bill provides for nationally agreed uniform standards and arrangements for regulating medical practitioners and uniform disciplinary sanctions.

I refer now to the proposed uniform qualifications for registration. To be eligible for general registration medical practitioners must be graduates of a medical school accredited by the Australian Medical Council. All medical schools in Australia and New Zealand are accredited by the Australian Medical Council. Graduates of other overseas medical schools, including those from the United Kingdom and Ireland, will be required to pass the Australian Medical Council's examination before being granted registration without conditions. Overseas qualified medical practitioners may, at the discretion of the Medical Board, be granted conditional registration whilst they undertake training to prepare to sit for the Australian Medical Council examination.

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Turning now to the introduction of uniform categories of registration, the new registration arrangements will distinguish initial registration from subsequent streamlined mutual recognition procedures for practise in other jurisdictions. Registration may be granted without conditions or with conditions to limit the person's ability to practise in a way the Medical Board considers safe or appropriate for that person or for protection of the public. The Medical Board's disciplinary powers have been expanded to provide for a uniform range of sanctions to be imposed or recognised across jurisdictions under mutual recognition.

The transitional arrangements will ensure continuation of registration for all medical practitioners who were registered, practising and living in Australia on 31 January 1992, whether they were trained in Australia or overseas. Madam Speaker, overseas trained medical practitioners who have gained registration since 31 January 1992 and were registered immediately prior to the commencement of these new provisions will be entitled to continued registration. Overseas trained medical practitioners who were not practising in Australia on 31 January 1992 and had not practised in Australia for three out of the last six years, or for aggregate periods of six years at any time, before 31 January 1992, will be liable to deregistration unless the board is satisfied that there are good reasons not to deregister them. Decisions by the Medical Board will be subject to appeals to the Administrative Appeals Tribunal.

In addition, the Bill provides for a number of amendments of a housekeeping nature to update the penalties for offences and to remove redundant provisions dealing with registration of interstate practitioners and personal attendance requirements which will now be dealt with under the mutual recognition legislation framework. I commend the Medical Practitioners Registration (Amendment) Bill to the Assembly and present the explanatory memorandum for the Bill.

Debate (on motion by **Mrs Carnell**) adjourned.

HEALTH BILL 1993

[COGNATE BILL:

HEALTH (CONSEQUENTIAL PROVISIONS) BILL 1993]

Debate resumed from 16 February 1993, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

Mr Humphries: I rise on a point of order. Madam Speaker, I refer you to standing order 172 of the Assembly, which says:

The question "That this bill be agreed to in principle" shall not be determined by the Assembly during the sitting at which the bill is first introduced, except in the case of a bill declared to be an urgent bill.

Madam Speaker, I would ask you to consider the argument that this Bill was introduced in the Assembly last Tuesday, by leave of the Assembly, and that it is, under that standing order, being brought on for debate during the same sitting. I understand, Madam Speaker, that there would be some argument as to what the term "sitting" means in the context of that standing order, and I direct you - - -

Mr Moore: As opposed to a sitting session.

Mr Humphries: It means this session?

Mr Moore: No, I am not interpreting; that is the Speaker's job.

MADAM SPEAKER: Mr Humphries, I am sorry; I do not understand. I have not yet put the question.

Mr Humphries: It may well be, Madam Speaker, that we should not be considering the question at all; that we should not be debating this matter at all today. The matter has been brought on for debate - - -

MADAM SPEAKER: No, I am sorry, Mr Humphries. What I do not understand is this: It says, "The question 'That this bill be agreed to in principle' shall not be determined ...". I have not yet put the question.

Mr Humphries: No, Madam Speaker, but we are proceeding to debate that question now. It has not been put yet; we are going to proceed to debate it now. I would argue that it should not be debated because at the end of that debate, presumably, you will be putting the question "That the Bill be agreed to in principle". Since, I would argue, under the standing order you are not entitled to put that question today, we ought therefore not to be debating this Bill at all today.

MADAM SPEAKER: It does not sound right to me, Mr Humphries, but I will speak to my Clerk. I believe that it is the wish of the Assembly to suspend the sitting.

Mr Humphries: No. We are in the middle of a matter, Madam Speaker.

MADAM SPEAKER: I understand that, Mr Humphries; I am worrying about it. I believe that I heard that it is the wish of the Assembly to now suspend for dinner.

Mr Humphries: No, it is the wish of Mr Lamont, not of the rest of us.

MADAM SPEAKER: Fine; that is okay. Mr Humphries, to pursue this point of order properly, I would like to clarify with you the nub of your concern. Are you concerned with the definition of a sitting, or whether I am or am not putting the question?

Mr Humphries: Madam Speaker, I would certainly argue that a sitting would include, at the very least, this sitting fortnight, and therefore that you should not be putting this - - -

MADAM SPEAKER: Okay; thank you. On your point of order we are taking, firstly, the definition of a sitting.

Mr Humphries: Yes.

MADAM SPEAKER: I take my advice from page 277 of our green book to which we defer. It says:

A sitting of the House is the period from the meeting of the House until the time it adjourns by its own resolution or pursuant to standing orders.

The day that the Bill was introduced we adjourned and we did not take the question in principle on that day; so I am afraid that this is a new sitting, in which case we can address the question "That this Bill be agreed to in principle".

Mr Humphries: Can I put an argument to you on that standing order?

MADAM SPEAKER: On a further point of order, Mr Humphries? Of course.

Mr Humphries: Thank you, Madam Speaker. Madam Speaker, I would argue that the standing orders in fact do not allow that interpretation to arise. You will see, Madam Speaker, that in standing order 172 reference is made to the phrase "the sitting". I also ask you to compare that with standing order 28. The very last words of standing order 28 are "the next sitting day". I think there is an assumption that in the drafting of these standing orders the words have been used consistently throughout. I argue therefore, Madam Speaker, that a "sitting day" is different from a "sitting". If they were the same thing, presumably we would, when enacting these standing orders, have used the same expression to mean the same thing. They are used in a different sense because they have different meanings. "Sitting day" means a day on which the Assembly sits. A "sitting" is a period of sitting of the Assembly and ought not therefore to be confused with the other.

As far as the standing orders are concerned and as far as the definition of "sitting" is concerned, I would suggest, with respect, that that definition that you have quoted from *House of Representatives Practice* is a circular one. It reads that a sitting commences pursuant to the standing and sessional orders or in accordance with a resolution of the house at a previous sitting, and concludes with the adjournment of the same sitting. "Adjournment of the sitting" begs the question: What is a sitting? Is a sitting a two-week fortnight, is it a day, or is it a six-month period? I would suggest, Madam Speaker, that in fact a sitting ought to be considered not to be a single day. My support for that view comes from the very next sentence of *House of Representatives Practice*, which says that the same sitting may extend over more than one day. If a "sitting" means a sitting day, then logically it cannot be over more than one day. But clearly, Madam Speaker, it can. I would argue that this is a matter of some importance and that you ought to consider this advice before you rule on it.

MADAM SPEAKER: Thank you, Mr Humphries. I did consider the advice and I take your point that there are, possibly, two different interpretations of a "sitting"; but, as always, whenever something is not clear in this book, we refer to our green book. My understanding of this green book is that a "sitting" is the duration of a sitting until it is adjourned. On the day on which this Bill was introduced the sitting was adjourned. Therefore - - -

Mr Humphries: The house was adjourned.

MADAM SPEAKER: The house was adjourned.

Mr Humphries: With respect, the Assembly was adjourned on that day, not the sitting.

MADAM SPEAKER: No. I am ruling that the sitting was adjourned. I understand your point, Mr Humphries, but my understanding, on my advice on what the green book means, is that the Assembly was adjourned on that day. Therefore the sitting was adjourned on that day. Therefore we are enabled to discuss this matter of the Bill in principle on this day. My understanding of the spirit of standing order 172 is that a determination in principle is not made on the same day. I think I will let it sit there, Mr Humphries. You understand that a review of standing orders is being undertaken. Perhaps the Assembly would like to turn its attention to that detail and to the matters you have raised in clarification when considering the new set of standing orders. I think we can proceed.

Is it the wish of the Assembly to debate this order of the day concurrently with the Health (Consequential Provisions) Bill 1993? There being no objection, that course will be followed. I remind members that, in debating order of the day No. 1, they may also address their remarks to order of the day No. 2.

Motion (by **Mrs Carnell**) put:

That the debate be adjourned.

The Assembly voted -

AYES, 8

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Stevenson
Ms Szuty
Mr Westende

NOES, 9

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

Question so resolved in the negative.

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MR HUMPHRIES (4.38): Madam Speaker, I seek leave to move a motion concerning the business of the Assembly.

MADAM SPEAKER: Is leave granted? Yes, proceed, Mr Humphries.

Mr Berry: You did not give notice. Let us know what you are doing.

MR HUMPHRIES: We anticipated not being able to get this far, Mr Berry. Madam Speaker, I move:

That the Assembly notes with concern the indecent haste with which the Government is bringing forward legislation for premature debate after its introduction.

Madam Speaker, I will not take a long time for this debate because I do not intend to be accused of simply talking for the sake of delaying the inevitable passage of a Bill. What I do want to do is to indicate very clearly, if that is not already perfectly plain to anybody who follows the debates in this place, that we are deeply unhappy with a government which brings forward legislation, major legislation, for passage into law mere days after those laws have been introduced into this Assembly and therefore into the public arena for the very first time.

Madam Speaker, there are six Bills before the Assembly this week which entered the public domain, which were introduced and tabled in this Assembly, at most seven days ago - I think in a couple of cases only five days ago. The public of the ACT and members of this Assembly have been required to digest and understand the contents of those Bills in only five days. It is poor law-making that we should be put in this position. No reason has been advanced by the Government as to why these Bills are being debated today. No reason has been put for the urgency with which the Government has approached this matter. No reason has been advanced as to why citizens of the ACT have no right to a fair period of time in which to peruse these initiatives and it is grossly unfair to expect that we should have to digest them in that short period.

Madam Speaker, I am addressing my comments here principally to Mr Moore, through you, rather than to the Government because I know that they have no interest in listening to these arguments. We have heard them all before. Mr Moore at least will recall that there were several occasions in the past when Bills of this kind were introduced and brought up for debate very quickly after that introduction. Mr Moore in the past has agreed on some occasions to delay those Bills, and I would ask Mr Moore to reconsider whether it is appropriate once again for him to do the same thing.

The fact of life is that these are extremely important Bills. Only today I heard a representative of the Australian Hotels Association express deep concern about the impact that one of these six Bills will have on his members as they go about their business of providing hospitality services to people in the ACT. Indeed, the Scrutiny of Bills Committee met only this morning and recommended that changes be made to some of these Bills. Madam Speaker, the pace of change, the process of making legislation good legislation, just is not there. We are letting ourselves and our electors down if we put these sorts of important initiatives in place with so little thought and so little proper scrutiny by the people who have the mandate to give that scrutiny, that is, the 17 members of this place. It is a disgrace that the Government attempts this kind of charade on the processes of democracy in this Territory.

The fact of life is that there is no reason at all to consider these Bills in this sitting week. Take for example the health Bills that have been brought forward. I understand that the decision by the chairman of the Board of Health to resign was made back in November, and I am sure the decision was taken long before that by this Government that it should, at the first opportunity, abandon the present structure - - -

Mrs Carnell: In about 1989, I think.

MR HUMPHRIES: Indeed, in 1989 it decided to move for a structure of health provision in this Territory which did not include a Board of Health. Now, given this long lead time, why should it be that we get legislation in week one of the February sittings and are expected to debate it into law in week two of the February sittings? What is the reason for that? None other than the fact that either you cannot get yourselves organised as a government or you set deadlines with your public servants, those who draft this legislation for you, which say that the real deadline is a few days before it has to be passed into law. You say that that is the real deadline because the Assembly will swallow whatever garbage you put up because you are the Government. It is not good enough and we will not.

Madam Speaker, I do not think anybody here, Mr Moore included, can sit in this place and say, "I believe that we have legislation here which is good legislation because I have properly digested it and I have consulted on it".

Mr Berry: I can.

MR HUMPHRIES: You might. You might because you have had the benefit of having looked at the legislation for quite some time. We and the public of this Territory have not been so privileged.

Mr Connolly: If you were doing your job instead of Federal electioneering you would be right.

MR HUMPHRIES: It is not a question of doing our job. Nobody can expect - - -

Ms Follett: Stop pumping petrol and read your Bills.

MR HUMPHRIES: It is not a question of reading the Bills, Chief Minister; it is a question of having proper time. How many citizens of the Territory do you think have read the Bills that you introduced last week in this Assembly? I can tell you - almost none.

This is the Government that talks about consultation. Where do you get consultation with seven days to debate the Bills into law? What do you think this Assembly is - a sort of sausage factory? The fact is that it is not. This Government treats the processes of democracy with contempt when it brings legislation forward with this short timeframe. I recall what was said by one of our Independents in this place - I think it might have been Mr Moore - in the middle of last year when we were faced with a similar situation; when we were faced with a whole succession of Bills being put through the Assembly with very little notice indeed. He said to me, as I recall, "Do not worry; I think the Government has learnt its lesson". It will not be doing this again, in other words; it has learnt its lesson. The fact of life is, Madam Speaker, that it has not learnt its lesson.

If we pass these Bills today and the taxation Bills tomorrow we will be doing precisely what the Government wants, and we can expect more of the same. Look at the program for this week. We have all seen that program. It contains only two new Bills to come before the Assembly. That means that to have any worthwhile work to do in the sittings in March, about a month away, we will have another series of Bills introduced into the Assembly in the first sitting week of March and we will be expected to debate those into law in the second sitting week of March, will we not? Is that not true, manager of government business? Is that not true, Chief Minister? Of course it is. I ask you: How much more of this do we have to take? Are we doing our job if we pass legislation in this kind of timeframe? We are not. It is a disgrace to the whole process of giving important legislation affecting the future of the Territory a decent chance to be digested and understood by the people that matter, and that is not only ourselves in this place but those outside it.

Madam Speaker, we will clearly be subjected to more of the same if we pass these Bills today. I ask Mr Moore to consider whether it is appropriate to once again be put in the position of ramming legislation through in this short timeframe. I have seen no reason to rush legislation through in this timeframe. None has been advanced. None has been offered. Offering briefings to members of the Assembly is a laudable change in direction. It is rather nice to see Mr Berry indulging in that for the first time in a long time, but it does not solve the problem of people in this Territory knowing what is going on through their parliament. There would not be a person in this place who has not heard someone at some time say to them, or within their earshot, "What the hell is the Assembly doing now? What is this bunch of turkeys up to?". I, for one, do not appreciate it.

Mr Connolly: No, they are talking about the Liberals.

MR HUMPHRIES: They are talking about all of us, Mr Connolly; every single last one of us. Face the facts. This Assembly is running a serious risk of losing touch with the electors who put it here, of losing touch with the people of this Territory who expect some degree of consultation before legislation is rammed down their throats. They are not getting it and I, for one, resent being put in the position of being lumped in with a majority that might decide to consider legislation with indecent haste. That is what this motion is about.

Madam Speaker, I ask the Assembly to pass this motion and to indicate that we have concern about the speed with which this is happening. I say again to those opposite who might be in some doubt in this matter that if we do not indicate now that we are not prepared to put up with this it will happen again. As sure as the sun will rise tomorrow, we will have the same thing happening in March, and again in June, and again in August and again in September, because the Government cannot get itself organised enough to put legislation in place in time to let the Assembly and the community properly digest it. It is a disgrace.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.48): Manual of opposition tactics, volume 1, says, "Fast, fast, slow, slow. If you cannot criticise the Government on substance, criticise them for going too slow". That was done by Mrs Carnell last week when she was berating us for not bringing in some health related amendments quickly enough. Then, when you have exhausted that and you still have nothing of substance to say, criticise them for being too fast and use rhetoric

such as "sausage factory". I think I was the first to use that in a press release when we were in opposition once, Mr Humphries, but it is always a good old opposition standby - "The parliament is being used as a sausage factory; the Government is treating us all with contempt".

Madam Speaker, in a chamber like this - elected on proportional representation, with no one party dominating the chamber - the fact is that the chamber selects its own course and speed for legislation. If the chamber has difficulties with a Bill it can refer it to a committee. It has done that in the past. I will not reflect on the debate but we differed with the view of the Assembly on a particular Bill. The view of the Assembly was that it would be sent off. It can always do that.

Is this process unprecedented? Madam Speaker, as you were ruling on the issue of "a sitting", I was looking for precedents to see whether this issue of introducing a Bill within a few days without an urgency motion could be establishing a precedent. One finds that it can. On 11 December 1990, a Tuesday, the Alliance Government introduced two Bills - the Motor Traffic (Alcohol and Drugs) (Amendment) Bill and the Magistrates Court (Amendment) Bill - and two days later the Assembly passed those Bills. Interestingly enough, there was some debate in the detail stage on some of that. The Opposition then had gone out and done its work and had a debate with the Government on some issues. There was certainly no urgency motion. So there is a clear precedent establishing that the point of order that Mr Humphries took was fanciful. This Assembly has previously well established that it can take Bills within a single sitting week.

If you want to look at examples of substantial legislation introduced one week and passed the next week, those last two sitting weeks in 1990 saw the passage by this place of some very substantial legislation - the abolition of the Gaming and Liquor Authority and the Territory owned corporations legislation. They were substantial pieces of legislation. This debate about our treating the Assembly with contempt because we are bringing in important Bills and seeking to have them debated is merely Opposition rhetoric when they do not have any substance to debate. We have shown in the past, when we were in opposition, that we were prepared to debate matters of substance when they were important issues. The Territory owned corporations legislation was a good example.

Mrs Carnell: Declare it urgent.

MR CONNOLLY: No, that was not the practice that the Liberal Party adopted in the past. The Territory owned corporations legislation is a good example. The issue and principle there was one that had been subject to community debate and discussion for some time, as one could say of the issue of these Bills - whether the administration of the health system of this Territory ought be under a statutory authority or ministerial direction. The issue has been in the public domain for quite some time and the Bill implementing it has been introduced and we bring it before the Assembly for debate. The simple fact of the matter, Madam Speaker, is that members opposite, when in government, conducted themselves in exactly the same fashion in which we conduct ourselves; that is, they brought legislation into this Assembly when it was ready, when they thought it was - - -

Mr Humphries: That is untrue. Those were isolated incidents. They were not consistent, as yours are.

MADAM SPEAKER: Order!

Mr Humphries: There were good reasons for it.

MADAM SPEAKER: Order!

MR CONNOLLY: Madam Speaker, Mr Humphries is agitated but the fact remains; if you look at *Hansard* for the latter months of 1990 it is there for anyone to see. There were Bills introduced on a Tuesday and passed on a Thursday. A raft of Bills were introduced one week and passed the next week - some on quite substantial matters, like the abolition of the Gaming and Liquor Authority and the Territory Owned Corporations Bill. It is a standby for oppositions when they have nothing to say - fast, fast, slow, slow. Let us get on, Madam Speaker, with the substance of the matters. To the extent that Mr Humphries says that the public can get a little cynical about proceedings in this place, it is probably because they expect their elected members to get on with the substance of matters before the Assembly, to get on with the substance of good law and good administration for this Canberra community, and not muck around with these fairly shallow debating points - "You are going too fast; you are going too slow".

MR DE DOMENICO (4.53): Madam Speaker, I am going to be very brief. Here is Mr Connolly's rhetoric once again. He mentioned "good legislation". Madam Speaker, we have just been handed a sheet of paper and we have counted 46 changes that are to be made.

Mr Kaine: That is just the consequential amendments Bill.

MR DE DOMENICO: That is just the consequential amendments Bill, as Mr Kaine quite rightly says.

Mr Lamont: One change.

MR DE DOMENICO: "One change", says Mr Lamont.

Mr Humphries: One change over four pages.

MR DE DOMENICO: One change, 46 times. This is how perfect this Bill is.

Mr Lamont: Thank you, and remember that it is Colquhoun.

MR DE DOMENICO: No, it is Lamont and this is monstrous. As my colleague Mr Humphries said, shame on people opposite in this house, and shame basically on Mr Moore. If we talk about quick, quick, slow, slow, and people changing their minds, Mr Moore, not too long ago, would have been voting with us on this side and saying, "Oh, listen, I have not had enough time to look at this legislation, so I will vote for you". What has happened today is that the tail has split. The tail is still wagging the dog, but it has split. I ask the question through you, Madam Speaker: Why has the tail split? Why has Mr Moore, once again, changed his mind? What makes Mr Moore think, or the Government think, that this Bill is so urgent? This Bill is completely changing the way the Health Department is run in this Territory and it is giving all the responsibility for running the Health Department to Mr Berry.

Mr Kaine: He has screwed it up already.

MR DE DOMENICO: Mr Berry has already demonstrated that the Health Department is down \$6m on its budget. Quite frankly, Mr Connolly, I, for one, do not care what happened in 1990. This is 1993 and this Opposition still has not had a chance, and, I put to you, Madam Speaker, nor have the Independents, to look at this major legislation for long enough to make an informed comment. We are here, elected as 17 representatives of the people in the ACT, to make sure that we do the best possible job; to make sure that you lot over the other side do not treat this house like a Labor Party meeting in Belconnen or somewhere. We will not allow you to do that.

If you think this Bill is so urgent, why did you not declare it urgent? You do not think it is. You are playing politics, Mr Berry - through you, Madam Speaker - and you know that you are. We will not allow you to do that. We will not debate in this house any Bill that we have not had enough time to look at seriously. For that reason, Madam Speaker, I support Mr Humphries's motion.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.55): Madam Speaker, I will run through a list of things. The Liquor (Amendment) Bill 1990, which was introduced on 21 November 1990, was passed on 28 November - this is just a few of them, Mr Humphries - the Magistrates Court (Amendment) Bill 1990, which was introduced on 11 December 1990, was passed on 13 December; the Motor Traffic (Alcohol and Drugs) (Amendment) Bill was passed on 11 December.

Mr Humphries: You agreed to all of those, didn't you?

MR BERRY: Yes, we did agree to them because we had the energy to look at the legislation. We do not go and sleep somewhere. The Motor Traffic (Amendment) Bill (No. 7) 1990 was introduced on 18 October 1990 and passed on 24 October; the Motor Traffic (Amendment) Bill (No. 8) 1990 was introduced on the 22nd and passed on the 28th; the Pool Betting (Amendment) Bill 1990 was introduced on 22 November 1990 and passed on the 27th. The list goes on and on. Madam Speaker, their arguments were fallacious. Their history demonstrates that this is nothing more than a stunt.

MR KAINE (Leader of the Opposition) (4.57): Madam Speaker, Mr Berry just demonstrated how shallow the members of the Government are. What he is trying to say is that we put Bills through in a hurry too. The difference was that we put them through after discussing them with you. If you did not agree with them, why did you not object at the time? In other words, you did not do what you were being paid to do. You did not act as an opposition; you just sat there and got yourself raped. That is rubbish, and you know it. Those Bills were discussed with you and you agreed to them before they were tabled. That is why they went through.

That is not what is happening now. You have put significant Bills on the table. Not only have you not discussed them with us; you have not discussed them with anybody. You show me the people out there who are concerned about the consequences of this Health Bill and that you have discussed it with. Show me with whom you have discussed your hotels Bill that is coming up tomorrow. You did not discuss it with the Hotels Association. If you did not discuss it with them, whom did you discuss it with? The answer is nobody. So do not try to pull this backhanded stunt. If you passed legislation two years ago without knowing what it was about you were derelict in your duty. We do not intend to be.

MRS CARNELL (4.58): Madam Speaker, I felt that it was necessary to get up to put this into context. I do not believe that anyone on this side of the house would have any trouble at all debating a Bill, or a set of Bills, had we been given any indication at all as to why they were urgent. Yesterday when I was briefed, and I appreciate the briefing, by senior members of ACT Health on the two Bills in front of us today, I asked them, "Is there any need for these Bills to be debated this week? If there is, if you could get me that information, I will be able to relay it to my colleagues". I was told, "Well, no, there really is not any good reason. We are ready to go", I was told, "Well, we are ready to do it because the Minister has told us to do it".

When I asked, and I asked on a number of occasions, whether there were any good reasons, whether there were any financial implications in not going ahead this week so that we could look appropriately at these bits of legislation, I was told, "Well, no, there really are no real problems. There is no real reason that they have to go through this week". So there you go. The Board of Health is to change back to the Department of Health. The bit that is rather interesting in these pieces of legislation is the enshrining of the Medicare principles.

Mr Berry: You do not like that, do you?

MRS CARNELL: Actually, I think you do not like it. I think it is really quite funny. I am sure everybody has read Part II. By the way, I have read the bits of legislation. I have read it but have not had a chance to consult with people out there in the marketplace - something that I would assume everybody does. Part II - Mr Berry's very strongly held principles - goes on for a whole page - "Objectives", "Medicare principles and commitments". The bit that I just love - - -

Mr Berry: I raise a point of order, Madam Speaker. We will debate that after dinner.

MRS CARNELL: Okay, I will accept that. I was just making the point about how silly it is to believe that this legislation is in any way urgent or needs to be debated this week. Clause 6 of the legislation goes on to give us the legal effect of the whole of Part II. There is none.

Mr Kaine: You do not want to hear about it.

MRS CARNELL: You do not want to hear about this?

Mr Berry: I take a point of order, Madam Speaker. We will debate that later on. She will have ample chance. Madam Speaker, we just want to talk about the attempt by the Liberals to adjourn debate on this issue.

Mr Kaine: We are just trying to explain to you why.

MRS CARNELL: Yes, why.

MADAM SPEAKER: Mrs Carnell, I think you took the point of order before. Perhaps you could confine your comments to this motion before us.

MRS CARNELL: Thank you. The point I am making is that the legislation that is before us today will achieve two things. It will enshrine Medicare principles in legislation. It then goes on in clause 6 to say, "Nothing in this Part is to be taken to create any legal rights" that were not already in existence, and really it does not mean anything anyway. So that means that the enshrining of the Medicare principles means nothing; it has no legal right - all of that sort of stuff. So we do not have to do it today. Your senior executives themselves say that there is absolutely no reason to put this legislation into place today - no reason at all. There are no financial implications; there is no drama. So why are we doing it? It is not urgent.

MR STEVENSON (5.02): Without information, there can be no democracy.

Mr Connolly: I have heard you say this before.

MR STEVENSON: It is a very simple situation. Mr Connolly says that I have said it before. I have said it before and I will continue to say it until the wave of public concern makes sure that the people have an opportunity to find out about legislation that is proposed in this house before it is passed. Someone told me a story a couple of days ago about a Minister in this house. I will not indicate who or when. The particular Minister was suggesting that the public should not be too involved with legislation because they do not have the capability of making the decision on it; they do not have the information. The gentleman said, "I asked. Give us the information. Will you make available to me the documents that you have concerning this particular area?". The Minister said, "No, I cannot do that; it is confidential". I think it is a very common - - -

Mr Connolly: This is a slur on the four of us. Are you prepared to say who this is so that someone can defend themselves?

MR STEVENSON: It is not necessarily a slur on any one of the four of you. I said, "A Minister in this house". I made a point of not saying when. Who would disagree with the principle? Who would disagree that so many members in this house think that the public are not up to making decisions, otherwise they would move to give them rights under citizens' referenda? Who would disagree that many members in this house will not make information available? I wanted to get some information on health matters. We applied for the data and we were told that we would have to apply under freedom of information. Why? Why not just give me the information? Under freedom of information I was told that it would cost me \$700 to get some information on health matters so that I could check some of the decisions that are of grave concern to many people in this community.

Ms Follett: I raise a point of order, Madam Speaker, about the relevance of the remarks. We do have a motion before us that I think is pretty specific.

MADAM SPEAKER: Mr Stevenson, the motion before us is, "That the Assembly notes with concern the indecent haste with which the Government is bringing forward legislation for premature debate after its introduction". Would you keep your remarks to that motion, please.

MR STEVENSON: Thank you, Madam Speaker. I thought they were rather pertinent. Indeed, I was answering a suggestion that was made.

MADAM SPEAKER: Mr Stevenson, would you please address your remarks to me and not respond to suggestions that are made.

MR STEVENSON: Whatever members might say, in fact 35 per cent of the 81 Bills last year were passed in less than seven days. I grant that some of them were of a minor administrative nature. Some of them could have been debated as being urgent, but there were many that were not. Attempts were made to pass many of the others in one week but they were not successful. Everyone listening would understand that the way to make sure that there is not much community opposition to many of these things is to ram them through like a sausage factory.

Mr Connolly: That is from my press release.

MR STEVENSON: That picks up the point that Mr Connolly makes. I have never used that phrase but I thought that it is pretty popular today and it is not a bad statement. I know that most of the laws that pass through this house, including this particular Bill that we are debating at the moment, probably will not impact too much on members of this Assembly. This Bill may impact on some but probably not.

But there are many people in this community who have a right - you know it and I know it, and everyone out there knows it - to be consulted. It is not good enough for the Chief Minister to use the word "consultation" without doing it. It truly is not. You say it so well. I hear you on the ABC. I see it written in the *Canberra Times* and other places. You really put the point well. If only you followed it. If only you agreed with the principle that you say again and again to people. If only you believed in community consultation. If only you gave people an opportunity to find out, to get involved in the Assembly. How on earth are we supposed to have people in this community involved in their political process when they do not have an opportunity to know what is going on?

A week is just a joke. Two weeks is not enough. Three weeks is not enough. Most people in Canberra say "between two to three months". I have moved that it be two months and I will do so again soon. When I brought the matter up last year some members said that they agreed that Bills could be debated under an urgency motion, but there are many minor administrative matters that should be allowed to go through. I agree entirely. I did not handle it as well as I could at that time. I have looked at it and I will next time. I will exclude minor administrative matters as well, provided it is passed by an absolute majority in the Assembly. That will be coming up soon. I totally agree with Mr Connolly's comments last time that those matters should be allowed to go through. The amendment I will move to the standing orders will allow them through and will allow urgent matters.

The Liberal members made the point very well that there is no suggestion of urgency. There is not even a suggestion of it. We hear a lot of things that may not be correct but in this case there has not even been a suggestion of any urgency here. There is certainly no suggestion that it is a minor administrative matter.

Mr Moore: But you do not think we should consult with people at all. You do not think we should exist. If we do not exist, how can we consult?

MR STEVENSON: I have never said that you should not exist. I just said that you should not exist in the Assembly; that is all.

MADAM SPEAKER: Order, please! Mr Stevenson, please address your remarks to me.

MR STEVENSON: I am sorry, Madam Speaker; I got carried away.

Mrs Carnell: It is his fault.

MR STEVENSON: No, it is my responsibility. The truth of the matter is that Mr Connolly got up and made some good points. Mr Berry did the same thing. Any of us can do it. Mr Humphries, when he was Minister, and some of the other Liberal Ministers may have moved too quickly on some legislation, but they have seen the error of their ways and are now standing up for the people of Canberra.

Mr Moore: Now that they are not in government they can be honest.

MR STEVENSON: I was not going to say that. The truth of the matter is that it is not good enough just to say that other people have done it as well. What we need is a genuine attempt by the people in this Assembly to give Canberrans an opportunity to get involved in their government. This does not do it. Is this debate really going to achieve anything? There is only one thing that is going to achieve anything, and that is legislation that will make it extremely difficult for members to force legislation through the Assembly without the public having a say in it. That is the only way. Again and again we hear lip-service about it on the various matters of public importance that I have brought up and at other times. It is only lip-service. I have not the slightest doubt that members will go on ramming through the Assembly legislation that the community cannot possibly have time to find out about, comment on or improve, and is that not one of the most important possibilities?

Question put:

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

The Assembly voted -

AYES, 8

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Stevenson
Ms Szuty
Mr Westende

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

Question so resolved in the negative.

Sitting suspended from 5.13 to 8.00 pm

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MS SZUTY (8.00): It is a shame that the Liberals have left the chamber and are not prepared to listen to what I have to say on this Bill, because there are some points about it that I wish to make. However, the Minister for Health may well be interested, as may his Labor colleagues. The Minister for Health has introduced the Health Bill and the Health (Consequential Provisions) Bill as a consequence of the impending resignation of three members of the current Board of Health, including its chairperson, Mr Jim Service, and the deputy chairperson, Ms Gail Freeman. Two of these resignations have occurred in response to stated interference by this Assembly in the activities of the Board of Health. The fact that this Assembly asked the board for copies of information in relation to its budget, does not, in my mind, constitute interference. Nevertheless, notice of impending resignations followed.

It is interesting to note Mr Service's remarks in the September and December quarter activity reports. The September report, dated 26 October 1992, states:

I am delighted to present the first quarterly report of the ACT Board of Health.

I notice that my colleague Mr Moore has just assumed the status of the Leader of the Opposition for this debate. The December report, dated 1 February 1993, states:

It is with mixed feelings that I present to the ACT community the second quarterly report of the ACT Board of Health.

It is indeed unfortunate that the change of heart occurred following the success of Mrs Carnell's motion put to this Assembly on 17 December last year, requesting that full financial reports be made available to members of this Assembly. The Minister has, quite appropriately, reassessed whether he feels that he wants the Board of Health to continue to operate, and he has decided that he does not. I believe that that is the Minister's prerogative.

I now wish to address several provisions of the Bills. In clause 4 the Health Bill 1993 includes its objectives in providing health services in the Territory. I believe that the inclusion of these objectives is a positive step. However, I also believe that the community now has considerable expectations that these objectives, given that they are enshrined in legislation, will be met. The clause 4(c) objective is:

to maintain a strong and viable public hospital system and a full range of community health services.

It creates an expectation that indeed a full range of community services will be provided to meet community need. Preparing and disseminating information to the community about available services will be an important step in addressing these expectations.

Clause 5 outlines Medicare principles and commitments and again enshrines them in our health legislation. They are fine ideals. However, as clause 6 indicates, the objectives and Medicare principles and commitments are not intended to create individual legal rights. I would suggest, however, that community expectations will be raised that will again need to be met.

In the Minister's speech he referred to the fact that access to public hospital services is to be on the basis of clinical need, and that also applies to referrals to booking lists. I sought from the officers of ACT Health who provided me with a briefing yesterday clarification regarding the definition of booking lists and whether they were the same as waiting lists. Booking lists are different from waiting lists. Waiting lists refer to the number of people who are waiting for elective surgery. Booking lists refer to the number of people who have booked times for elective surgery. I believe that it is important that both lists continue to be kept to inform the community of the exact situation with regard to access to health services. The continuation of the role of the quality assurance committees is to be commended. As the Minister has outlined in his speech, these committees fulfil an important function in assessing and evaluating health services and, in particular, in investigating deaths in hospitals. It is important that this work continue.

I now wish to refer to the explanatory memorandum for the Bill - this is the Health Bill 1993 - which points out in relation to clause 5, "Medicare principles and commitments", the important role of an independent complaints body. It is stated that the complaints body needs to be independent of both hospitals and the Department of Health, that it will have powers to investigate, conciliate and adjudicate upon complaints and that it will have a role in recommending improvements in the delivery of hospital services. The Minister has developed a discussion paper on an independent complaints body which has been in circulation for community comment for some time. Given the passage of these Bills, it is important that that work be finalised and an independent complaints body be brought into being.

It was stated in the *Canberra Times* on 17 February this year that Health's methods of purchasing, accountability and engaging staff were different from the more rigid departmental requirements. Presumably the change which enables Health to operate as a department will lead to significant improvements in these areas and should be seen by the community as positive. The Department of Health is accountable and responsible to the Minister for Health, Mr Berry, who in turn is accountable to this Assembly. If Mr Berry wishes to be fully accountable to this Assembly for ACT Health, then it is my belief that we should enable him to be so by supporting the abolition of the board.

It is my understanding that the chief executive of Health, Ms Gillian Biscoe, will chair an audit committee of which the Auditor-General of the ACT will be a representative. The Auditor-General will also continue to audit ACT Health for the next three years. The community will have every right to have faith in the process which will be overseen by such scrutiny.

Finally, I wish to address the issue of the timing and scheduling of debate of these Bills. I supported Mr Humphries's motion earlier today which noted the indecent haste with which Bills have been coming forward for consideration by this Assembly. I believe, and I have stated on a number of previous occasions, that legislation which is introduced in one sitting period should not normally be debated until the next or subsequent sitting period. I have also stated that the Government should always have the prerogative to declare a Bill or Bills to be urgent. However, in declaring a Bill urgent the Government needs to consider the parameters of the debate which will then necessarily take place.

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What is needed therefore is an identification of particular Bills which need to be dealt with more quickly than others. The Health Bill 1993 and the Health (Consequential Provisions) Bill 1993 are two such Bills. The impending resignations of Mr Service and Ms Freeman have been known for some months and the Minister has indicated that he would prefer the Department of Health to be directly accountable to himself as Minister. The impending resignations take effect from 1 March. It is therefore not unreasonable that we are debating these Bills before 1 March. This situation should not be a normal one. I wish to recommend that in its review of the standing orders the Standing Committee on Administration and Procedures consider the question of Bills which need to be dealt with more quickly than others or, in other words, Bills which are introduced in the first week of sittings and debated in the second, and report on its findings in due course to this Assembly for consideration and debate.

MR LAMONT (8.09): The introduction of the Health Bill 1993 and the move by ACT Health to being a department have come about as a direct result of the difficulties that the ACT Board of Health has experienced in carrying out its appointed management tasks because of constant interference by the Opposition in the business of running ACT Health. It is appropriate this evening that they have thrown a wobbly and walked out, for indeed that has been the attitude which they have displayed to the operations of this board over a considerable period of time.

Madam Speaker, in his letter of resignation the chairman of the board publicly stated:

It simply becomes impossible for the Board to discharge its statutory responsibilities if its management and the Board itself are continually engaged in defending, in the political arena, every management action taken or contemplated.

At the same time, he noted that the board:

was established by legislation introduced by the Alliance Government ... with one exception all the present Board members were appointed by that Government.

The chairman went on to say that he found it:

very sad that the Assembly group which promoted and legislated -

for the concept of a board -

have now chosen a path which will make their scheme unworkable.

If that was said about me, I, like the Opposition this evening, would lower my head in shame. In fact, when this matter was being debated, had I been responsible for such action, I, too, may have considered withdrawing from this chamber. I think it is highly appropriate that they have done so and that in shame they have taken the coward's way out.

The Government has appreciated and would like to publicly acknowledge its appreciation of the contribution made by the board in the development of a tangible culture of quality, efficiency and disciplined planning which has become the prevailing environment within ACT Health. Increased accountability is now a hallmark of ACT Health, as can be seen in processes such as formal monthly financial reporting, improved figures and an ability to determine underlying problems at an early stage, thus allowing for early intervention. It is interesting to note that ACT Health is the only government organisation in this town which is required to undergo such a stringent level of scrutiny, and it is to the credit of the organisation that it is able to provide the people of Canberra with such a high level of quality services.

This culture of quality not only will continue into the Department of Health but will be expanded and enhanced by the skilful management ability already demonstrated by the current senior management team of ACT Health. The time is now right for ACT Health to move on. The conditions which prevailed at the time the board was established no longer pertain. The management of ACT Health is now disciplined, accountable and forward looking. The movement to a department structure will further enhance accountability by removing an extra layer of management which is no longer a necessity for the continuation of rigour in management practices. It is timely and valid to ask, "Why should not Health be a department like all other agencies? Why should such a sensitive area as Health be handled any differently to any other portfolio?". The answer is that it should not, and the move to the department status is the right move at the right time for the ACT Department of Health.

I would go on to make one other point. Every single day we hear the carpings of the Opposition - I mean, the Liberal Party; I do apologise to the Independents and the minor parties. In fact, we hear the carpings of the Liberal Opposition. They carp and they carp. They say, "Why is not this board and why is not this management more accountable to this Assembly?". Here is a procedure which will ensure that. A procedure is being put into place which will ensure that the head, the person responsible, the person with whom the buck stops, reports and is present in this Assembly where the processes that he as the Minister for Health is responsible for will be subject to the direct scrutiny and questioning of this house.

So it is indeed a travesty that they have got on their bikes and pedalled them out of here this evening in shame. It is shame at what they have done, shame at what they have caused to be done and shame for finally realising that their carping has not worn away at the Government, it has not worn away at the officers in the ACT Department of Health who will be responsible for the provision of health in the ACT, but in fact it has worn away the people whom they appointed to head up their Board of Health.

It is appropriate that this Bill pass this week. It is appropriate so that on the commencement of next month the ACT Legislative Assembly will have directly responsible to it one of the areas of major concern to people in Australia. It is appropriate that this Bill have as part of it the Medicare arrangements that have been so ably negotiated by the Minister for Health and for which he should be congratulated. Madam Speaker, I could probably go on for the next nine-and-a-half minutes about the level of desperation of the Opposition, but I do believe that that could be taken - - -

Mr Connolly: You have convinced us all.

MR LAMONT: I have convinced everybody. Dennis? Some things in life will never change, Dennis, but I thank you for giving me the opportunity at least to attempt to convince you.

Madam Speaker, this Bill should be commended. I certainly hope that in the reporting of the proceedings of this evening not too much weight is given to the fact that the boys and girls from across the corridor have picked up their ball and gone home tonight, understanding that, indeed, that which they put into place, that which they have rent asunder, is now being fixed by this Government.

MR STEVENSON (8.15): First of all, I might say to Mr Lamont that I do not mind at all being called Dennis; I have been called a lot worse things. I think Mr Lamont said that it was appropriate that this Bill be passed this week. I think it perhaps would be more appropriate if the Bill were passed in June, towards the end of the year, to come into force at the start of the new financial year. That would probably be more appropriate, although there would be very few Canberrans that have a view one way or the other. Most of them know nothing about it because of the entirely inappropriate manner in which the Bill is being passed this week instead of being allowed to sit on the table at least until the next session.

As the Liberal members are not here, there has to be someone here to call for a division. I thought I would volunteer. I thought it was interesting that the Liberal members departed. They obviously did that to make a protest. It is unfortunate that they feel that that is the only way they can make a decent protest. I understand that this is often the same plight of Canberrans with what happens in this Legislative Assembly where they get no say in the matter either. At least the Liberal Party and Michael and Helen and I - pardon the earlier names - get something on our table to say that these Bills are going to be debated in this parliament. It is a lot better than most people get in Canberra.

As I said, most of them have not the faintest clue what we are doing in here. When Mr Berry says occasionally that I am not here, I am certainly out there doing my best - and it is not easy - to let people know what is happening. So one could debate the Bill but, more importantly, the Bill should not be debated today. It is a part of the constitution of the Abolish Self Government Coalition that, if Bills are presented when there is not sufficient time for community consultation, either I will move to adjourn - we tried that this afternoon; it did not work - or I will vote against the Bill. That is, of course, what I will do tonight. Mr Berry or Mr Lamont said something about not being able to persuade me. I will never be persuaded that we should pass Bills before Canberrans have a chance to have a say on them - and a genuine one.

MR MOORE (8.19): Madam Speaker, I think that the importance of this Bill can be demonstrated by reference to what happens at the Estimates Committee. It was not the board that appeared before the Estimates Committee but the Minister and the senior bureaucrats. It was not the board that explained to the Estimates Committee and to members of this Assembly the financial ramifications of the decisions made. It was not the board which had to justify the decisions that they were making. It was not the board that was accountable.

One thing that has happened in the ACT since the board was introduced by Gary Humphries is that the public health system has become less and less accountable. It is in the work of this Assembly in ensuring that the people of Canberra knew about the decisions of the board, they knew about the financial dealings of the Department of Health, that some members of the board were unable to deliver. They felt that there was undue interference. Certainly, we have heard this Minister argue that there was undue interference with the board. No doubt, in his concept of how the board should operate that may well have been the case. The best solution to this problem, to making health more accountable, is to ensure that the Board of Health is removed and that the Minister answers for the department as, indeed, all the other departments are represented in this house.

As I move directly to the Bill, I think it is important to note and to reiterate what my colleague Ms Szuty drew attention to - the objectives in clause 4 and the Medicare principles and commitments in clause 5. The difficulty with those is that they are undermined, to a certain extent, by clause 6, the legal effects. I will quote just a little from that:

Nothing in this Part is to be taken to create any legal rights not in existence before the enactment of this Part ...

In an interjection earlier today, the Minister suggested that the Interpretation Act gave some power to clause 4 and clause 5 in spite of the effect of clause 6. I will be interested to hear Mr Berry explain exactly how the Interpretation Act is going to achieve that. The temptation is to vote against clause 6, which would remove the legal effect and make the Medicare principles, for example, and the objectives absolutely compulsory in having legal status under those circumstances. Then we would certainly see some significant accountability to foster disease prevention in primary health care. Under those circumstances we would vote against clause 6 to ensure that the community is aware of the range of health services that is available and that patients have information that is sufficient to enable them to make informed choices. Imagine if that was a legal right enshrined in a Bill of this nature. What would be the case in terms of patients' rights? They currently have difficulty accessing information that medical practitioners within the health system have written about them.

I think that what Mr Berry has done here and the intention of these two clauses is to ensure a general principle and a general concept which underlies the whole Bill and as such sets out the tone with which Health should operate. As such, I believe that that is a useful exercise and something that is important. For example, if we were to manage to remove clause 6, we would be left with a section like 4(c), which is a legal right "to maintain a strong and viable public hospital system and a full range of community health services". "A full range of community health services" would be a legal right and it would, of course, then be up to the courts to interpret whether Mr Berry was providing a full range of medical services. One's imagination could take flight. I see Mr Connolly indicating the longbow. My imagination has already gone as to what may be drawn as a longbow in terms of a full range of community health services.

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I think it is important for us to note that the principle of the board, when it was introduced into this Assembly under Mr Humphries as Minister, was to provide a situation where health was taken out of the political arena. That experiment has failed and has failed miserably. I do not think health can ever be taken out of the political arena because it is such a vital and critical part of what this Assembly delivers for the people of Canberra and what this Government, on behalf of the Assembly, manages for the people of Canberra. It is critical that it be accountable.

I think one of the reasons that the Liberals have taken their bat and ball and gone home is that they really do not want to have to argue this case. The reason they really do not want to have to argue this case is that they are so conscious of the failure of their experiment. Their experiment, with a board of health and an attempt to separate it from the political arena, has been incredibly unsuccessful. That lack of success began at the end of the previous Assembly when the Assembly demanded financial figures for the Board of Health - and with good reason, I might add - because the Assembly had watched a health department blow out its budget. We could go back, if I remember, the best part of a decade looking at how a department had been blowing out its budget under all its different or various names. It was only right that members of the Assembly sought regular reports on the financial status of a major budget item of the Assembly accounting for, as I recall, in the order of 25 per cent of the budget.

Under those circumstances, what we had was a board that simply did not want to follow the instructions of the Assembly. The board did not have to answer to the people of the electorate. They were appointed by the Minister and did not have even that style of accountability. As members fulfilling our role, we do know that no matter how we act we still, every three years on the third week in February, have to account to the people of Canberra on how we have contributed in this Assembly. I remember raising this issue towards the end of the last Assembly and being laughed at by a large number of members who are no longer here.

The failure of the system that the Liberals implemented has indeed brought about the necessity for this Bill. If I were being kind to the members of the Liberal Party who are not with us tonight, I would say that perhaps they are concerned about the undue haste of this particular Bill but part of the reason they are not here is that they have not yet raised a single logical, appropriate objection to this action, because there are none. They have not been able to identify where there is a major problem with this Bill. They have not been able to do more than say this evening, "Oh no, we have another 45" - or 48, or whatever they said the number was - "amendments to be moved by the Minister for Health just this afternoon. This is terrible. What are we going to be able to do about it?", instead of just reading and realising that in fact it was the same amendment to the Bill moved 45 times.

A very easy look at it would have indicated that in fact it was because of the Bill that we passed last week, the Poisons and Drugs Act. Had we put these amendments in the Poisons and Drugs Act last week we would have pre-empted this Bill which would have been entirely inappropriate. So what is being done by the Minister this evening is a perfectly logical move. It is very simple, requiring very little brain power; nevertheless, it has seemed to cause a great deal of trouble. It was Mr De Domenico who interjected in that way. It seemed to cause a great deal of trouble for those not prepared to study what was in front of them before opening their mouths. Part of the reason, I think, is that there are times when the mouth seems to operate significantly faster than the brain.

I think that the only other important factor to add is that one of the reasons why I believe that there is a need for some haste with this Bill - not enough haste to declare it an urgent Bill, but some haste - is that it is important for the Department of Health that has already had so many changes and has already been going through many transitions and for the workers at the coalface. I do not think I have heard any member in this Assembly ever lambasting the hard work that is done by the nurses, the doctors and various other health professionals throughout the department, and it is important that their work can continue with as little disruption as possible. It is important for that sort of reason and the concern at that level that the administration have as few changes as possible so that they can concentrate on the support for those people of the coalface.

That is the reason for some urgency about this Bill. Not being able to find any other difficulties with it, I indicate that I am quite happy to support this Bill in principle. There is just one side issue that was raised by Ms Szuty and I think it does need to be commented on. That is the need we have, in our review of standing orders, to look at not only the urgent Bills but also that middle range where we have Bills that we need to do quickly rather than declaring them urgent. I would like to support Ms Szuty in her call for that modification to standing orders. Madam Speaker, I know that that is a matter that we will be looking at within the Administration and Procedures Committee as part of the review of the standing orders that you are conducting.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (8.30), in reply: There are two cases which have been argued from different directions from those in opposition. Mr Moore and Ms Szuty together argue a particular case; the Liberals argue another one - and it would be nice to see them here. Mind you, I like their arguments that they are putting forward right now. They are the ones that make the most sense.

The Liberals put in place - and they clearly understood this - a board which had specific functions set out in legislation. They ought to have understood it; the former Minister who enacted the legislation clearly would have understood it as it was prescribed in legislation. It was set out clearly that the board would operate as an arm's length organisation, free for the most part from control by the Minister, though Ministers would have the right to direct in cases where they so chose. On falling into opposition the Liberals felt that they had the right to continue to interfere in the operations of the board which were those set out specifically in legislation for that board to perform.

Mr Moore: It was to prevent you in opposition, not to prevent them.

MR BERRY: I will get to you in a minute. They continued to interfere in the operations of the board which they well knew were set out clearly in legislation. It was therefore an hypocrisy for them on the one hand to enact legislation and then to try to undermine it by doing or attempting to do what the very board that they had put in place to do was now being prevented from carrying out because of the political hyperbole that was created from time to time by those opposite.

On the other hand, I think Mr Moore probably shared the same view as I had originally - that there was no real need for a board. That was a view that I shared pre-board and one that I was prepared to carry through. Subsequent to its enactment by way of legislation, it was most important to me to ensure that the management of health matters in the Territory was given some stability.

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There were going to be no moves from me to undo that board because of the requirement, particularly during the redevelopment of our hospital system, for there to be stable top level management and to create a placid arrangement for people to work in within the health system.

Mr Moore talks about public accountability. I do not have any difficulty with what he says in principle, but what happened in practice is quite another matter. Leaving aside a position one way or the other about whether the board should be there, it strikes me as odd that a responsible politician in this place would take a different position in relation to a high profile portfolio such as Health from that which was taken in relation to other high profile portfolios of at least equal significance in the Territory context. I say that the board was treated unfairly by the Independents. They have a different view and I accept that, but I say that it was treated unfairly and it ought to have been allowed to carry out its legislative functions in much the same way as other departments were allowed to carry out theirs and were subjected to the usual scrutiny of Estimates Committee procedures and so on. The Liberals are in an inexcusable position because they in fact put the board there and then undermined it, so I think there are two different positions.

In response to what Mr Moore said in relation to the chief executive: The chief executive is a person set up by the legislation and was involved in the Estimates Committee process in that position and also as the secretary of the Department of Health - wearing two hats. The chief executive therefore strode the highwire to deliver to the Estimates Committee the information that they required. I think that in the circumstances there was no real reason why the Board of Health-Department of Health ought to have been treated any differently from other departments. Indeed, prior to this term of government there were directions from this Assembly for the Board of Health to provide financial figures and it was not news that the board was opposed to that. They expressed the view that they should not be treated any differently from any other department at that time - and bear in mind that they were a young board. I think they had a legitimate beef about that extra scrutiny.

A whole range of people were appointed to that board by the Liberals. From my observation, they intended to get on with the job of the redevelopment of the health system as a whole and they put all of their efforts into it. I particularly applaud Mr Jim Service for his skill, care and attention to the affairs of that board. Mr Service, in the company of all those board members whose names I will not read onto the record but all of whom played an important part in the process, was committed to continuing with the legislative requirements as set out in the legislation. The difficulty for those members of the board was that they all, in one way or another, held professional business positions - in Mr Service's case, in particular - which would be undermined were they to be continually harassed, on issues where they thought they were being treated unfairly.

I think Mr Service and those other board members who resigned should receive some sympathy for being put into the position where they felt that it was necessary for them to resign, both in their professional interests as board members and to protect themselves from notoriety because of some political actions which we might take in the Assembly. These actions might not be able to be taken by people out there because of fear of other actions which could have been taken by those individual members. So I have the greatest sympathy for the board members; I think they have done a good job. But now we are past it. It is a bygone era.

Mr Stevenson and some of the Liberals raised the issue of the time we have had to consider this matter. This is not new. This happened in December and there was wideranging comment about the circumstances which gave rise to the resignation of board members. There was plenty of opportunity for people to discuss it, debate it, raise questions, do what they liked about it. But I have to say that the heat of the debate was quite low; in fact, it was almost non-existent.

As far as public consultation is concerned, I am quite certain from my contacts with members of the community that what they want is stability in the management of our health system. That is why it is very important from the Government's point of view to ensure that we move from one era to another as smoothly as possible. We can have all the political point taking we like, but at the end of the day the most important aspect of this whole debate is to ensure that the public health system in the ACT survives unscathed. Whilst there are some scars and ebbs and flows in confidence in management because of the disruption caused by the demise of the board, I am sure that we will survive it because amongst all of those people working in the health system there is an overwhelming majority who will ensure that the health system survives and that it survives with bells on. It will survive as a good system because it is destined to become a good system and an efficient system.

Ms Szuty raised the issue of the independent complaints unit and I should bring her up to date on that issue. Already there has been an officer appointed to head up that unit and we are in the process of developing the legislation; so it is a promise that will be delivered. Madam Speaker, one other matter that Mr Moore raised was the issue of clause 6 of the Health Bill. That is not a particularly unusual provision; in fact it largely reflects similar provisions which are incorporated in the Federal Act, the Medicare Agreements Act 1992, though it is in different language. Amongst other things the Federal Act says:

In this section, '**adopt**' means to enact legislation that establishes the Principles and Commitments as guidelines that will govern the delivery of public hospital services to eligible persons in a State, but neither the obligation to enact that legislation, nor the State legislation so enacted, operates to create in any person legal rights not in existence -

and so on. So it largely mirrors those provisions; but, whilst it enshrines in legislation the commitments of this Labor Government to those objectives and the Medicare principles and commitments in accordance with our Medicare agreement, it also sends a strong message to the community that any government that picks up the responsibility for the administration of this legislation has to deliver. However difficult that may be, those will always be the guidelines upon which the public can judge politicians in this place. I am quite proud to have been able to incorporate those particular clauses, clauses 4 and 5, in the legislation because they do say what should be said about health legislation.

May I also say, Madam Speaker, that there is one other important part of the legislation which may have passed unnoticed, and it is the absence of any secrecy provisions. Members who were here some time ago may recall a long debate about secrecy provisions in the earlier Act and those who supported the principles of the Labor Party then will, I am sure, welcome the absence of those very provisions from this piece of legislation.

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Mr Moore: So you will support my Crimes (Against the Government) (Amendment) Bill tomorrow, will you?

MR BERRY: I did not know that it was coming up, Mr Moore.

Mr Moore: We can bring it on if we need to.

MR BERRY: Right. So those secrecy provisions are absent from that health legislation. They are picked up by the general public service disciplinary provisions and by the very piece of legislation that you refer to, but it is important that there is secrecy in some respects in relation to some matters of health care, particularly patients' confidentiality and so on and so forth.

So, Madam Speaker, there we have it - a piece of legislation which is designed to replace a bygone era and get on with a new task and set the pace for health in the future. It is legislation that I think will hold us in good stead. As has been said, there are a number of amendments around in relation to it, particularly the consequential provisions. On the face of it they look as though they are weighty, but close examination reveals that they are not weighty at all; they are merely changes in references from such things as "the Board" to "the Minister" and those sorts of things. It just represents the transfer from the board to departmental status.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 10

NOES, 1

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

Mr Stevenson

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

HEALTH (CONSEQUENTIAL PROVISIONS) BILL 1993

Debate resumed from 16 February 1993, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 10

NOES, 1

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

Mr Stevenson

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (8.58):
Madam Speaker, I move the amendment to Schedule 1 and present the supplementary explanatory memorandum in relation to that matter. I move:

Schedule 1, page 25, before "*Public Health Act 1928*" insert the following:

"Poisons and Drugs (Amendment) Act 1933

Paragraph 4(b) (new definition of 'Board') -
Omit the definition.

Paragraph 4(b) (new definition of 'Drugs and Poisons Standard') -
Omit 'Board', substitute 'Minister'.

Paragraph 4(b) (new definition of 'recognised institution', paragraph (a)) -
Omit the paragraph.

Paragraph 4(c) (new subsection 3(4)) -
Omit 'Board', substitute 'Minister'.

Section 8 (new subsection 47A (1)) -
Omit 'Board', substitute 'Minister'.

Section 8 (new subsection 47B(1)) -
Omit 'Board', substitute 'Minister'.

Section 8 (new paragraph 47B(1)(a)) -
Omit 'it', substitute 'Minister'.

Section 8 (new paragraph 47(1)(c)) -
Omit 'it', substitute 'Minister'.

Section 8 (new subsection 47B(2)) -
Omit 'Board', substitute 'Minister'.

Section 8 (new subsection 47D(1)) -
Omit 'Board', substitute 'Minister'.

Section 8 (new subsection 47D(3)) -
Omit 'Board', substitute 'Minister'.

Section 8 (new subsection 47E(1)) -
Omit 'Board', substitute 'Minister'.

Section 8 (new subsection 47E(2)) -
Omit 'Board', substitute 'Minister'.

Section 8 (new subsection 47E(3)) -
Omit 'Board' (wherever occurring), substitute 'Minister'.

Section 8 (new paragraph 47E(4)(a)) -
Omit 'Board', substitute 'Minister'.

Section 8 (new subsection 47E(5)) -

- (a) Omit 'Board', substitute 'Minister'.
- (b) Omit 'it' (first occurring), substitute 'he or she'.

Section 8 (new subsection 47E(6)) -
Omit 'Board', substitute 'Minister'.

- Section 8 (new subsection 47E(7)) -
Omit 'Board' (wherever occurring), substitute 'Minister'.
- Section 8 (new subsection 47F(1)) -
Omit 'Board' (wherever occurring), substitute 'Minister'.
- Section 8 (new paragraph 47F(1)(b)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new paragraph 47F(1)(c)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new subparagraph 47F(1)(d)(ii)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new section 47G) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new subsection 47J(1)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new subsection 47J(2)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new subsection 47N(1)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new subsection 47P(1)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new paragraph 47P(1)(c)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new paragraph 47P(1)(d)) -
(a) Omit 'it', substitute 'Minister'.
(b) Omit 'him or her', substitute 'the applicant'.
- Section 8 (new subsection 47P(2)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new subsection 47P(3)) -
Omit 'Board may grant him or her', substitute 'Minister may grant the applicant'.

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- Section 8 (new section 47Q) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new subsection 47R(1)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new subsection 47R(3)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new subsection 47S(1)) -
Omit 'Board' (wherever occurring), substitute 'Minister'.
- Section 8 (new subparagraph 47S(1)(b)(ii)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new paragraph 47S(1)(d)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new paragraph 47S(1)(f)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new subsection 47U(1)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new subsection 47U(3)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new paragraph 47U(5)(b)) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new section 47V) -
Omit 'Board', substitute 'Minister'.
- Section 8 (new subsection 47Z(1)) -
Omit 'Board', substitute 'Minister'.
- Paragraph 10(a) (new subsection 49 (1A)) -
Omit 'Board' (wherever occurring), substitute 'Minister'.
- Section 12 (new subsection 54A(1)) -
Omit the subsection."

Madam Speaker, this amendments was referred to in the course of the earlier debate. I think it mentions "the Board" 23 times and has a few "it"s and one "he or she". The changes all refer to the transfer of authority in relation to the Poisons and Drugs (Amendment) Act, as is explained by the explanatory memorandum. So the amendments to the schedule to the Health (Consequential Provisions) Act 1993 change the references to the Board of Health in the Poisons and Drugs (Amendment) Act to references to the Minister. This is consistent with the change from administration of health services by the Board of Health to administration by the Department of Health. So whilst bulky at first glance, it is a quite simple amendment.

It is a great pity that the Liberals have not taken the time to be here. I understand their embarrassment about the matter. I think Mr Kaine is on the record as saying that the Minister should take responsibility for these matters. He has indicated clearly that he is in support, or so it would seem, of this transfer, though I think I have seen Mrs Carnell in the negative. That might explain why they are not here. But there it is. I commend the amendment to the Assembly.

MR MOORE (8.59): Madam Speaker, I have heard on the grapevine this evening that the Liberals are upstairs having a leadership challenge and dealing with that. To remain relevant, the issue raised by Mr Berry has put such a major division in the party - and you will note that there are no interjections to the contrary - that I think that there may well be a major leadership struggle going on at the moment with the Liberals. I would not be surprised in a short while to have the Liberals come down here and declare that Mr De Domenico is the new Leader of the Opposition. Madam Speaker, I mentioned these very simple sets of amendments in the in-principle debate. Unlike Mr Berry's suggestion, that in fact it was a statement in principle as far as the Liberals were concerned, I understand that it was the reading of these amendments that caused difficulty within the party and caused such dissension. The party was not able to be down here because they had other priorities. I support the amendments.

Amendment agreed to.

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

Bill, as amended, agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 9.01 pm