



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

24 February 1993

Wednesday, 24 February 1993

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MADAM SPEAKER (Ms McRae) took the chair at 10.30 am and read the prayer.

PETITION

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

By **Mr Connolly**, from 126 residents, requesting that the Assembly create landlord-tenant legislation that addresses fair rent, lease agreements and security of tenure.

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

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 the 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.

Petition received.

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ANIMAL WELFARE ACT (AMENDMENT) BILL 1993

MR STEVENSON (10.31): I present the Animal Welfare Act (Amendment) Bill 1993.

Title read by Clerk.

MR STEVENSON: I move:

That this Bill be agreed to in principle.

Madam Speaker, Canberrans support circuses. The large majority of people in Canberra - actually more than 60 per cent as against less than 30 per cent - did not agree that circuses should be prohibited from visiting the ACT if they had certain animals with them. Why was the will of the people ignored? Is it that there are members in this Assembly who believe that they know better than the people? Is this not the problem we have had through the ages - that politicians, rulers, those who have dictatorial ideas, or elitists have felt that the people are really to be controlled; that they are not to be involved in directing their public servants, but are to be controlled? It is interesting that those who believe that the people are to be controlled for their own good introduced a Bill that controlled animals for their own good.

The question of circuses in the ACT is one that can certainly be looked at by this Assembly, and it is a valid matter to debate. However, if people felt concern about certain aspects of circuses and that they warranted legislation, why did we not introduce legislation to handle those particular problems? If there were concerns about cage sizes, about the feeding of animals, about the treatment of animals, why were those concerns not looked at and debated? By definition, banning circuses implies that circuses simply cannot be trusted to treat animals fairly. If there were concerns, would it not have been more reasonable and more consultative to have listened to the arguments presented by people on both sides and to have acted on the arguments? Would it not have been better to have listened to the people of Canberra?

Mr Moore: I raise a point of order, Madam Speaker. I believe that that is an imputation against all members who voted on the animal welfare legislation. The implication is that we did not listen to the arguments, weigh them up and make a decision. I seek a withdrawal from the member.

MADAM SPEAKER: What standing order are you referring to?

Mr Moore: The one that deals with an imputation against a member, Madam Speaker.

MADAM SPEAKER: That is standing order 55.

Mr Humphries: You will rule that out, won't you, Madam Speaker?

MADAM SPEAKER: Were you speaking to me, Mr Humphries?

Mr Humphries: I was just inviting you, Madam Speaker, to make a ruling.

MADAM SPEAKER: I am here to do that. Mr Stevenson, you were pointing out that members here were not listening to the debate. Am I correct in interpreting what you were saying?

MR STEVENSON: There was a distinct, definite and appalling lack of consultation. That is what I was alluding to, and I am happy to explain the specific points.

MADAM SPEAKER: I think that if you would stick to "distinct lack of consultation" that will be fine.

MR STEVENSON: Yes, indeed. It is very easy to do that.

MADAM SPEAKER: Just a minute, Mr Stevenson. But, if you put any sort of interpretation on that, then, of course - - -

Mr Kaine: If I say that Mr Connolly does not listen, is that unparliamentary? Is that what you are saying?

MADAM SPEAKER: Mr Kaine, I think that if you listened to me - - -

Mr Kaine: I am asking for clarification.

MADAM SPEAKER: I think that if you listened to me you would understand that that is not at all what I am saying.

Mr Kaine: But Mr Stevenson said that people were not listening, and you are ruling him out of order.

MADAM SPEAKER: Mr Stevenson, if I may be permitted to continue, I am simply pointing out to you that any interpretation then becomes an improper imputation; but, if you simply stick to the point that you believe that people were not listening, that is fine.

MR STEVENSON: I am certainly happy to stick to the point that there was no consultation. On the matter of banning circuses there was nothing that could have been called fair consultation with the circus industry, with the circus fans of Australia, with the Circus Federation of Australasia. When the amendment Bill banning circuses was introduced there was an unsuccessful attempt to pass it in about a week. That is an indication of the lack of consultation. These are facts. As I said, there was no worthwhile consultation at all with the circus industry. I grant that one of their representatives went to see Mr Lamont and called into the office, but as far as - - -

Mr Kaine: Did Mr Lamont listen?

MR STEVENSON: Once again I cannot comment on that, but there certainly was no fair consultation. Why was there none? Why do we believe that we know better? Why do we believe that we should take actions without consulting the people affected by the legislation that we propose?

It is probably worth while to look at why people in Canberra support circuses. I think it is a good point. They support circuses because they see the joy in the eyes of children who go along to circuses. They remember the joy they had as children when they went to circuses. I think that they would say that the circus folk, far from mistreating animals or acting cruelly towards animals, love the animals that they work with; that they love the animals that they live with; that they love the animals that are so much a part of their lives.

Mr Berry: Even you do not believe that, Dennis.

MR STEVENSON: I believe that as well. Mr Berry said, "You do not really believe that". That is interesting because my next comment was going to be, "I believe that as well". I believe that most people in Canberra believe that. Why would we not believe that, Mr Berry? Have you spent any time, as I have, with the circus folk? That is a valid question.

I ask Mr Berry to explain, when he gets a chance to talk about this, whether he has spent any time with the circus folk. Does he understand the circus folk, who travel around in fairly confined units, get up early in the morning and often work late at night doing what they love? They certainly would not do it if they did not love it. They do not do it for the money. They do what they love. They love working with circus animals and working with people, because what else is there?

Some people believe that there should be a total ban on the use of animals by all people and all industries. Some believe that the circus ban in the ACT is the thin end of that wedge. Some people would ban horseracing, trotting and dog races. Some would ban poultry farming. Some would ban fishing, meat consumption, the use of silkworms for silk and the use of sheep for wool. Some would ban companion animals. Some would ban zoos. Some would ban circuses, against the will of the people of Canberra. These people set up situations and try to get people to react emotionally to their arguments. The only defence against this dangerous few is freedom of speech and freedom of action - something that has certainly not been allowed with the banning of circuses in the ACT. Many people believe that the wrong circus was banned.

In the ACT at the moment horseracing and many of the practices associated with it are illegal. I do not believe that any charges have been laid against trainers, strappers, jockeys, managers or owners in the industry. Nevertheless, the law exists, and one wonders about a law that exists but is not upheld. Let me read from a letter from Jim Colquhoun. It is from Colquhoun Murphy, barristers and solicitors, representing the racing industry. Mr Colquhoun, on behalf of the racing industry, says, in talking about the Bill that became the "animal farewell" Act, the Animal Welfare Act:

The racing industry's difficulties with the Bill in its present form are threefold.

1. LACK OF DEFINITION OF AN ACT OF CRUELTY.

Clause 7 of the Bill provides:

"A person shall not without reasonable excuse commit an act of cruelty on an animal.

Penalty \$10,000.00 or imprisonment for one year, or both".

Some conduct which occurs during a horse race will prima facie be an act of cruelty. For example the use of a whip by a barrier attendant, the use of a whip by a jockey, the use of a tongue tie by a trainer and the use of hobbles in a trotting race could (and perhaps would) be considered acts of cruelty by a magistrate or judge or jury.

2. REVERSAL OF THE ONUS OF PROOF

Clause 8 (i) of the Bill provides:

"A person shall not, without reasonable excuse, deliberately cause an animal unnecessary pain.

Penalty \$10,000.00 or imprisonment for one year, or both".

This Clause is expressed so widely that it opens up a Pandora's box for the racing industry.

This is the spokesman for the racing industry talking.

Mr De Domenico: The chairman of the racing club - and at that stage the chairman of the TAB, too.

MR STEVENSON: Indeed he is, and was, Mr De Domenico. He said:

That pain is caused to racehorses daily is undeniable. Whether such pain is excessive or unnecessary should be a matter for the prosecution to prove. It should not be for the defendant to have to show that he had a "reasonable excuse" for inflicting the pain.

Again, jockeys, trainers, strappers, barrier attendants, float drivers and farriers are all put at risk of prosecution and thereafter forced to prove, in their own defence, that they had a reasonable excuse.

Section 20 provides that it is a defence to a prosecution for an offence under this Part that the conduct was conducted in accordance with an approved code of practice.

This again reverses the onus of proof. In addition the Bill will become law before any code of practice for the racing industry is even drafted.

This is untenable.

Members in the Liberal Party and I raised the matter that the Act would say farewell to the horseracing industry in the ACT unless amendments were made. We said that it was not good enough that at some time in the future there would be a code of practice that handled the problem. I must admit that after a couple of days and bringing up the matter again and again I thought we had an agreement that the Bill would not be gazetted until after the code of practice - in other words, the code governing the industry under the laws being introduced by the Act - was formulated.

It was much to my surprise that only this year did I realise that the gazettal had gone through almost immediately. The Bill was passed in August and gazetted in September. I could not believe that the horseracing Minister and other members in this Assembly had introduced a law that made horseracing illegal without introducing the code of practice beforehand. Is this good legislation? Is this the way that legislators should operate in this or any other parliament, or is this absolutely bizarre? It will be interesting to hear the comments of the Attorney-General, supposedly the senior lawman in the Territory, who should

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protect the principles of justice and the principles of natural law. Mr Connolly is frowning. I find it hard to understand why he is frowning. Am I not putting simply the case that it is not a good idea to introduce laws that you are not going to enforce? Is that not simple?

Mr Connolly: You are simply wrong, Dennis.

MR STEVENSON: Mr Connolly says that I am simply wrong. I do not know how I can be simply wrong. I quoted the horseracing industry spokesman. So what was wrong? Was he wrong when he quoted the Act? Are sections 7 and 8 of the Act wrong if their provisions relating to cruelty and pain make horseracing illegal?

Mr Berry: Horseracing is going along all right. I was up there on Sunday. They certainly looked like horses going around.

MR STEVENSON: Mr Berry says that there is no problem; that he was at the horseracing last Sunday and it was operating. That is the point I have already covered. I did not say that horseracing has been banned; I said that horseracing has been made illegal. You can make many things illegal, and obviously if there are no charges laid the illegal activity will go on. But in this town horseracing has been made illegal.

Mr Berry: Thankfully, Dennis, you do not make the decisions about what is illegal and what is not.

MR STEVENSON: Mr Berry said that it is good that I do not make the decisions on what is illegal and what is not. But if I did and if I had the nine votes that the Speaker was so good as to give me last night, I would not pass a law that made horseracing illegal. So was that a benefit - - -

Mr Moore: You would not be in here, because you would abolish this place. There is a certain amount of hypocrisy associated with this whole line.

MR STEVENSON: I have to comment on Mr Moore's remark that I would not be here if I had those nine votes. Indeed, none of us would. That is quite true. We would have a municipal council with a lord mayor - something that most people in Canberra agree with. What a good idea! I would be happy to vote for Ms Follett as the lord mayor. I will give you my acknowledgment now that when we get a council I will be happy to do that. If you vote for a council I will be happy to - - -

Ms Follett: Call us the legislative council. I do not care. That is a compromise. Would you settle for that?

MR STEVENSON: Would I settle for a legislative council? Yes, indeed, provided it had a lord mayor and provided the responsibility for health, education, and law and order were again undertaken by the Commonwealth, as is required by the Constitution.

In summation, it is eminently reasonable that we handle the serious problem of having a law in the ACT which makes horseracing illegal but which is not being enforced because it was accidentally introduced without taking any notice of the legal view that that was exactly what the law would do if enacted.

The other point is: Let us give Canberrans a fair go. Let us not decide that we know better in these matters. Let us acknowledge that Canberrans are capable of making decisions for the good order of Canberra; that they are capable of making decisions that will benefit their lives and the lives of their families and all Canberrans. Let us no longer assume that we are the elite, that we know better and that we can make decisions and ignore the will of the people. On behalf of the people I commend the Bill to this house.

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

OCCUPATIONAL HEALTH AND SAFETY (REPEAL) BILL 1993

MR DE DOMENICO (10.51): Madam Speaker, I present the Occupational Health and Safety (Repeal) Bill 1993.

Title read by Clerk.

MR DE DOMENICO: Madam Speaker, I move:

That this Bill be agreed to in principle.

Madam Speaker, this Bill quite obviously aims to repeal the occupational health and safety legislation that was passed in October last year and that will commence, we are told, on 1 July. Madam Speaker, I present this Bill for the consideration of the house because of what Mr Berry had to say a couple of weeks ago. It is not often that I agree with Mr Berry, but from time to time he actually comes up with some things that are quite sensible. On Monday, 8 February last, Mr Berry, with great fanfare, put out under the Canberra coat of arms a media invitation which said:

The Acting Chief Minister Wayne Berry MLA will hold a media conference on national uniformity in occupational health and safety standards and how national uniformity will be achieved by the end of 1993 ... Dr Ted Emmett, Chief Executive of the National Occupational Health and Safety Commission ... also will be present.

In line with the public relations advice Mr Berry gets from his advisers, that media alert was followed by a media statement headed "Complex health and safety laws to be simplified". I quote from that:

Nationally uniform occupational health and safety standards would reform the current complex system of regulations, the Deputy Chief Minister, Wayne Berry, said today.

"The key words will be simple, consistent, practical - and effective," he added.

Mr Moore: Very sensible, Wayne - very sensible, I must say.

MR DE DOMENICO: Mr Moore, the tail, once again comes in and says, "Very sensible". So it is, Mr Moore. Mr Berry wants uniform standards Australia-wide. He has a wonderful opportunity now to do something about uniform standards. I am aware of how you are going to vote on this, Mr Moore -

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as you always do. You always wag the dog, and for the next two years you will continue to wag the dog, until the people of the ACT chuck you out where you belong. We know that, so - - -

Mr Moore: I think you are barking up the wrong tree.

MR DE DOMENICO: No. We know that, Mr Moore. Notwithstanding any of that, though, I want what you say on the record.

Mr Moore: My statement will have teeth.

MR DE DOMENICO: Good.

Mr Connolly: You should read last night's *Hansard*.

MR DE DOMENICO: I have. Mr Berry, you now have a wonderful opportunity to achieve uniformity by supporting this Bill, which we are aware you will declare urgent. Such a declaration is a nonsense, but let us see what the house has to say about that. By accepting this Bill right now, Mr Berry can achieve uniform standards by reverting to designated work groups of 20 or over, thus keeping us in line with New South Wales and keeping us closer to Queensland. As we heard the last time occupational health and safety legislation was before us, in Queensland the number is 30.

If you do that, Mr Berry, you will probably find every person in the business community saying to you, "That is a fantastic thing that you have done, Government. You really should not have done anything last year anyway". Business organisations were not consulted about the change, notwithstanding what Mr Berry and Ms Follett say from time to time about consultation. I think Mr Stevenson quite adequately covered that yesterday when he said, "It is always a smiling face and it is always said very nicely". The word "consultation" is very easy to say, especially when you are standing up smiling in front of a television camera. But when it comes to actually doing anything, nothing happens.

This Government talks about many things. It talks about concern for occupational health and safety; it talks about unemployment; it talks about consultation; but it does nothing. Here is a chance for Mr Berry to do something, to put his money where his mouth is. It is all well and good for Mr Berry to sing the praises of uniform standards in occupational health and safety. Mr Berry would probably say, "As long as those uniform standards conform to my standards". Mr Berry is wrong again. If he were really concerned about unemployment in the ACT, especially youth unemployment, he would not be attempting to target those industries which are in fact the greatest employers of youth in this Territory. But Mr Berry specifically targets those industries. We know that it is pleasing his trade union bosses. That is fine, but it is not pleasing the community.

Two weeks ago Mr Berry made a great fanfare about uniform standards. He thinks that is the way to go. Mr Berry and the Government, I invite you to support this Bill. Declare it urgent but support it. I urge Ms Szuty and Mr Moore to support it as well and to say, "Okay, we believe in uniform standards. Let us bring the ACT into line with what happens in New South Wales. Let us have 20 in a designated work group". I can assure you, Mr Berry, that we will never have the sweatshops that you claim that we would have here in the ACT, because the employer's greatest asset is his employees.

Mr Westende and other people who know anything about business will tell you that. We are aware that you do not understand, Mr Berry, because you know nothing about business; nor does your Government. The greatest assets of an employer are his or her workers. We should know that. In line with this call for uniformity, Mr Berry, put your money where your mouth is. Let us have uniform standards and let us accept this Bill.

Declaration of Urgency

MR BERRY (Deputy Chief Minister): Madam Speaker, I declare that the Occupational Health and Safety (Repeal) Bill 1993 is an urgent Bill.

MADAM SPEAKER: The question is: That this Bill be considered an urgent Bill. Those of that opinion say aye - - -

Mr Humphries: Madam Speaker, is it possible to debate that motion?

MADAM SPEAKER: Standing order 192 requires the question to be put forthwith.

Question put:

That this Bill be considered an urgent Bill.

The Assembly voted -

AYES, 10

NOES, 7

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

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

Question so resolved in the affirmative.

MR BERRY (Deputy Chief Minister) (11.01): I move that the following times be allotted for consideration of the Occupational Health and Safety (Repeal) Bill 1993: (a) for the agreement in principle stage, until 11.30 am this day; (b) for the remaining stages, until 11.45 am this day.

MADAM SPEAKER: This one can be debated.

Mr De Domenico: Madam Speaker, can I seek clarification on a point of order?

MADAM SPEAKER: This motion can be debated. Yes, you may seek clarification.

Mr De Domenico: Standing order 192 reads:

... the question "That this bill be considered an urgent bill" shall be put forthwith and if the question is agreed to a Minister may forthwith move a motion specifying the time which shall be allotted to the various stages of the bill.

Ms Follett: That is what we just did.

Mr De Domenico: I am addressing my comments to the Speaker, not to you, Chief Minister. It continues:

Debate on the motion to declare a bill urgent or on the motion for the allotment of time shall in each case not exceed 15 minutes ...

As I read that, Madam Speaker, it seems to contradict the notion that the motion be put forthwith, because how can you have a 15-minute debate on something that has to be put forthwith? So I seek your clarification of that, please, Madam Speaker.

MADAM SPEAKER: Thank you for that, Mr De Domenico. We uphold your point of order. On a second reading of that, my advice is that the wording does lend itself to that interpretation. Is it the wish of the Assembly that we go back and debate the declaration of urgency? There being no objection, let us proceed in that way. Mr Berry, it was your motion. My advice is that we can put it to the Assembly to rescind that vote.

Mr Connolly: We would have to do that because there is a vote on the record. Although there was a point of order and, on a subsequent explanation, an incorrect ruling, we have the problem of a vote of the Assembly which we would have to get over.

MADAM SPEAKER: Mr Connolly, I will take advice on that. No, Mr Connolly; I was right. You can, by leave of the entire Assembly, go back, and that is what I sought. I sought leave of the Assembly to do that.

Mr Connolly: Which will rescind the vote?

MADAM SPEAKER: Yes, that was the meaning of that. So we are back to Mr Berry's declaration of urgency.

MR BERRY: There is a strong case for this Bill to be declared urgent. Last October there was a lengthy debate on this very subject. It was overwhelmingly carried that a Bill to amend the then Occupational Health and Safety Act should be supported by this Assembly. That came into law in October and it has full effect on 1 July. So only last October this Assembly made a judgment on this very matter. Subsequent to that, there was a long consultation process with business and with unions. Furthermore, there was commitment by this Government, in an election which was subjected to the scrutiny of all of the people of the ACT, and as a result of that election we have a Labor government. We therefore have a situation where this Assembly last October made a decision about what the law ought to be in relation to occupational health and safety in the ACT. The Liberals are being very churlish about this.

I need to say a few more things about the Liberals on the issue of occupational health and safety. I will get to the debate about the issue later on, but in relation to the urgency of this Bill we need to understand where the Liberals are coming from. The Liberals have indicated nationally that they will abolish Worksafe Australia.

Mr Kaine: On a point of order, Madam Speaker: I understand that we are debating the question of whether this Bill should be dealt with as an urgent Bill. I suggest that the Minister confine his remarks to that question.

MR BERRY: Yes, I will; I promise.

MADAM SPEAKER: I believe that Mr Berry has taken your point of order, Mr Kaine.

MR BERRY: It is significant that this matter be dealt with quickly and concisely. We are in a Federal election campaign and there ought to be no mistake about what this Assembly intends. The Federal Liberals have said that they will abolish Worksafe Australia. These Liberals opposite support that view. This is participation by the Liberals opposite in the dismantling of occupational health and safety standards for Australian workers. That is what this entire campaign is about. That is why we need to ensure that out there in the community there is stability in the way we deal with occupational health and safety in the ACT.

Madam Speaker, \$50,000 was put aside by this Government to ensure that the structures that are in place in relation to occupational health and safety as a result of the law that was passed last October are implemented in a consultative framework. There has been broad agreement and long consultation between my Office of Occupational Health and Safety and employers. There is broad agreement to advertising being placed in employers' magazines to facilitate the introduction of these new occupational health and safety laws on 1 July. Employers are moving along in the structure which has been developed by Labor. We have a big investment in occupational health and safety in the ACT. We have a big investment because there are great returns, returns that I will talk about later on in the debate.

The people of the ACT know about this. The Assembly has made a decision in relation to it. The decision of the Assembly is clear and overwhelming. Employers are working with government to ensure that the transition to different standards in the workplace is smooth, and my office has committed much of its resources to that transition. It is necessary to ensure that there is stability and out there in the workplace a clear understanding of where we are heading on occupational health and safety, and that is why it is urgent.

MR Kaine (Leader of the Opposition) (11.09): Mr Berry defeated his own arguments by his own words. He talked about legislation that was put in place only last October, and he was right, but it was put in over the objection of the Opposition in this Assembly and it was put in over the objection of the employers in this Territory. That was done only in October, and in February of this year Mr Berry starts talking about uniform laws. What he is on about is that everybody else has to be uniform with him. He is anticipating the debate about what uniformity will be, and he wants to impose on the ACT a new standard that is not uniform with anybody else. He wants to be out of step with everybody else.

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The other reason he put forward is the real one. The real reason why Mr Berry wants this debated now instead of in three weeks' time is that there is a Federal election on 13 March and he is trying to anticipate the outcome of that election. He knows darned well that on 14 March the Labor Government at the Federal level is gone and there will be a completely new approach to industrial relations. He is going to have to live with a Hewson coalition government with a vastly different attitude towards industrial relations from Mr Berry's, at which time he will be out of step with the rest of the country, as he is now. He will be totally out of step with the rest of the country on this issue, as he is now.

Madam Speaker, on those two points alone he has completely destroyed his argument that the matter should be dealt with urgently. It should not be dealt with as urgently as the Minister puts forward. There should be further debate with the community out there - the thing Mr Berry talks about but does not do. There should be further debate to see whether this move is a good thing. I repeat: It was put into effect in October, over the objections of the Opposition and over the objections of the employers in this city.

Mr Berry: You have done this without talking to them. Shame on you!

MR KAINE: I have not done it without talking to them. How many of them have you spoken to? You claim to be a consultative government; but, on the Health Bill yesterday and a couple of others you are going to ram through the Assembly this afternoon, you have consulted with nobody. You have consulted with nobody on this issue either - except the trade unions. That is why you want to get it fixed. You want your cosy deal with the trade unions before John Hewson can stick you on this issue, and he will. He will put into effect an industrial relations regime that is going to get this country off its knees, and you are trying to put the ACT out of this framework. You are trying to set in concrete arrangements that nobody else in Australia will have, and yet you talk about uniformity. You are not interested in uniformity. You are interested only in imposing on industry in this Territory the trade union regime you support. That is to the detriment of the Territory.

I submit, Madam Speaker, that he has in no way established any case for urgency in this matter. Quite frankly, I am appalled that a Minister seeks to establish urgency for a private members Bill. I thought that was for private members to determine; but no, not this Minister. He can see that his position is going to be very hard to sustain in less than three weeks' time, so he wants to set it in concrete now, thinking that somehow this is going to be perpetuated. Frankly, it does not matter what the Minister does today. In three weeks' time the industrial regime is going to change in Australia and he is going to have to live with that, no matter what he does today.

MR MOORE (11.13): I rise to support the urgency motion for a number of reasons. Unlike Mr Kaine, I shall address the issue of urgency, Madam Speaker. The issue of urgency has come up because of the pain to small business that will be caused by this Bill sitting on the table and providing some doubt over what is going to happen.

Mr Kaine: You cannot let any Bill sit on the table for five minutes around here - even a private members one.

Mr De Domenico: It does not take effect until July.

MADAM SPEAKER: Order, members! Standing order 39 does not permit you even to interrupt. Would you please refrain.

MR MOORE: Madam Speaker, the point is that there was a great deal of consultation on this Bill. As you may recall, Madam Speaker, Ms Szuty and I on a number of occasions, together and separately, met with both sides of the debate. We met with a whole range of people in small business presenting one point of view. We visited the Trades and Labour Council's occupational health and safety school. We went through a great deal of consultation, culminating in a meeting at the National Convention Centre, where we heard the views of both the Minister and industry. Having listened very carefully to their views, we then drew our conclusion, and that is not going to change.

We have a situation where small businesses are now being approached, thanks to Ms Szuty's amendment relating to 1 July, by officers from Mr Berry's department explaining the ramifications for them of the occupational health and safety legislation. If this Bill were to lie on the table, there would be some doubt over whether it would go through - if the Bill was genuine, if there was a possibility of change. There is no possibility of change, and I think therefore that it is most appropriate that the Liberals do not have the opportunity to try to convince people and to undermine small business in doing this. They know that it is a matter that has been lost. This is a simple election ploy where they are prepared to sacrifice the feelings of small business to build up false hopes. That is what this is about - building up false hopes and then undermining those false hopes.

Following my discussion with Ms Szuty, we are not prepared to allow the Liberals to build up false hopes just so that they can give Mr Stefaniak and the person they have standing for Fraser the opportunity to give small business some indication that they might in some way be better off under a Liberal Federal government. Maybe they will and maybe they will not; but, giving this tool to the Liberals, which would in so many ways build up those false hopes and then undermine them, would be entirely inappropriate. For that reason in particular, Madam Speaker, I think it is appropriate that we consider this matter urgent, and that we protect small business by dealing with it today.

MR HUMPHRIES (11.17): We have heard it all now: The Liberals might convince people. That is a reason not to consider legislation. Consider the precedent you are setting, Mr Moore - through you, Madam Speaker. You do not think the Bill is going to get through. You know that it is not going to get through because you know which way you are going to vote. You know what is going to happen to the Bill, but you do not want it to lie on the table because it might get people's hopes up. Some people in this community who have spoken to you and to Ms Szuty and others and who believe that what has happened with this Bill is the wrong decision for this Territory might be spending some time trying to get their point of view across to you and to Ms Szuty and to this Government. You do not want them to have that time, do you? You want to knock them off before they have a chance to make their point of view known to the Government and to you lot, and you cannot stand the pressure. That is the answer. You cannot stand the pressure.

Think of the precedent you are setting. We have a private members Bill which has been brought forward in good faith by this Opposition and put before the Assembly. Opposition Bills, like everybody else's Bills, have the right to lie on the table until they can be digested and dealt with properly by this Assembly. In this Government's terms, that means in seven days; in most people's terms, it means longer than that. But if we take the standard we set last night of seven days, why should not this Bill sit on the table for that seven days? The urgency motion requires the Bill to be dealt with today. Why today? What is the urgency today? What would change if this Bill were dealt with in three weeks' time, when we resume in March? What would change? Absolutely nothing. For that reason, the precedent you set today will come back to haunt you, if you vote for this Bill to be debated today.

Mr Moore has shown his true colours. He does not really care what is happening here. I do not think he cares that people see him more and more as Labor's lap-boy, Labor's stooge, a little poodle running along beside the Labor Party, doing its bidding, bringing forward its Bills for it, doing deals for it, making tawdry little arrangements with it behind closed doors. The fact is that people will know, Mr Moore, because they will look at your voting record. Your voting record shows very clearly that you have a lot more in common with those people over there than with the express views of the majority of the community in a whole series of areas such as occupational health and safety, where the community which is most affected by it, that is business in this town, has made it very clear that they think it is the wrong decision. Madam Speaker, we are under no illusion about what is happening here today. It is Mr Moore fulfilling his obligations to the Labor Party. He should be ashamed about it. We should all be ashamed about this motion.

MADAM SPEAKER: The time for this debate has expired.

Question put:

That this Bill be considered an urgent Bill.

The Assembly voted -

AYES, 10

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

NOES, 7

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

Question so resolved in the affirmative.

Allotment of Time

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

That the following times be allotted for consideration of the Occupational Health and Safety (Repeal) Bill 1993:

- (1) for the agreement in principle stage - until 12 noon this day;
- (2) for the remaining stages - until 12.15 p.m. this day.

MR STEVENSON (11.21): I wish to speak on this matter. I do not think there should be so little time allowed for debate on this Bill. For a start, there is the principle of forcing the Bill to be debated today, before members have had an opportunity to read it, to take consultation.

Mr Moore: One line, Dennis. I showed it to you. You have read it.

MR STEVENSON: I well understand that the Bill is a brief Bill, but I made the point deliberately to indicate that that is how little time there is. I have no personal doubt - it is only an assumption but it is well supported by experience - that there are members in this Assembly who have not read the Bill. Let everybody stand up and say, "Yes, I have read it". I bet we will miss a few hands. Mr Wood, did I hear your - - -

MADAM SPEAKER: Mr Stevenson, please address your remarks in my direction.

MR STEVENSON: Yes; I am sorry, Madam Speaker. I did not hear Mr Wood say it. I think we have one.

Mr Wood: You must assume nothing, Mr Stevenson.

MR STEVENSON: I think that is confirmation that we have one, which is why I made the point. I think there are members of this Assembly who have not read the Bill. I admire Mr Wood for not being prepared to say that he had when he had not. I give the guy credit for courage.

Mr Wood: I am a speed reader, Mr Stevenson.

MR STEVENSON: Mr Wood can say that and make 15 other comments. All it does is reinforce our understanding that he had not read the Bill. That really highlights the point, even though it is only one line. There has not been time. How do we know? He may not have known that it was going to be forced through for debate. He may have thought, like any reasonable person, that when a Bill is to be debated there is going to be some time allowed, even though someone may have thought it was only seven days, which is fairly consistent in this Assembly. I think that would have been a reasonable assumption.

I would disagree with the time limit imposed of 45 minutes or less for the debate. What is fair about that? The suggestion that the Bill should be forced on today is wrong anyway, and that relates to the time for the debate. We had a Bill last year, or in the past, that was narrowly passed. Mr Berry said that it was overwhelmingly passed. Until there is a better understanding of the word "overwhelmingly" I would not let any such person go out with any of our surveys. When we get a 10:7 result on our surveys, let me tell you, you will never in a million years catch me suggesting that it is an overwhelming result; it is less than 60 per cent.

If this Bill is going to be forced on today, members are not going to be allowed to go out and work to gain support for the Bill. It should not be against the law to introduce a Bill, even though you may not have the numbers. If that were the case, I probably would not get any in. Members have a right to introduce a Bill and, once the Bill is introduced, to go out and discuss the matter in the community, hold public meetings and so on. The community - the business community mainly, in this instance - then have a right to contact their members. There should never be a situation where we say that the matter is sealed and we will never change our viewpoint. If that is the case, that would be the greatest condemnation that anybody could level against this Assembly. We should not have forced it on today. It is an appalling precedent. If we are going to force it through, we should allow time for debate.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (11.27): Madam Speaker, I think the time allocated for this debate is quite reasonable. I make the comment too, while I am on my feet, that it seems that I can read a good deal faster than Mr Stevenson. There certainly are not many words in that Bill.

Mr Kaine: Did you understand what you read, though?

MR WOOD: It seems also that I can understand things faster than Mr Stevenson or Mr Kaine, because it is a fairly clear situation. It is a repeal Bill. It is repealing an Act that Mr Stevenson knows well because he has been in this Assembly since the day we first started discussing occupational health and safety. It has been long on the agenda here, and it is a clear matter of whether we continue our support of the Act or the Opposition continues its opposition to the Act. That is not a very difficult thing to understand. It can be debated quite quickly. Mr De Domenico does not suggest for a minute that he has to go away and spend hours writing up a speech and giving it consideration. I have no doubt that he has clearly in his mind the arguments he will use. We all understand the purposes behind the Bill and, on this side, the importance of the Bill. We should get onto it very quickly and get through it very quickly.

Question put:

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

The Assembly voted -

AYES, 10

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

NOES 7

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

Question so resolved in the affirmative.

Agreement-in-Principle Stage

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.30): Madam Speaker, Mr De Domenico has pulled this stunt, along with his Liberal colleagues, at a time when the stunt would have more relevance to a Federal election than to what is going on in the ACT. He says that it is because there is talk about national uniformity. Mr De Domenico either is in blissful ignorance of what is being achieved in workplace safety across this country or is deliberately ignoring the facts in the interests of his stunt. Had he taken the time to do some research in relation to recent events in the ACT and in particular in relation to the media invitation to which he referred, he would have known of another media release which talked about national uniformity in occupational health and safety standards, and Worksafe Australia is a key to that national uniformity. It carries out research, provides employers and workers with various OH and S products and kits, updates chemical assessments, awards grants for training and research, and carries out education and training programs in OH and S. It is most important that that process continue.

On the day to which Mr De Domenico referred there was a seminar in the ACT organised by the National Occupational Health and Safety Commission on the draft national health and safety standard for plant, which is one of the important standards that are being developed by the commission. That process is a continuing one, and the key to that process being successful is to have the proper structures in place in the various Territories and States to ensure that there is a consultative network, and a cooperative one, which implements those standards as they are being announced. I said earlier this morning that already my office has reached agreement with employer groups in the ACT to advertise in employer magazines and newspapers to assist in the implementation of the new legislation, which is to have effect on 1 July. That process is going smoothly and it ought not to be interrupted by these sorts of stunts.

Clearly, this is not well thought out; it is back-of-the-envelope stuff aimed at taking a political point or two. But you are being exposed at the same time to the truth that what the Liberals are about is more dangerous workplaces. That is what the Liberals are about, because they have said that Worksafe Australia will be abolished. They have said that, and therefore with it goes that national organisation - - -

Mr De Domenico: No, we have not said that. That is just not true.

MR BERRY: It is true. Go and check your Federal policy. Worksafe Australia will be abolished, and with it goes that national organisation which is responsible for these important changes to the culture of workplace safety.

There are some other important issues I will touch on in this debate because they are relevant. Assisted by the occupational health and safety push in the ACT, since 1987-88 we have seen a fall in workers compensation rates from \$4.09 to \$1.98 - a more than 50 per cent reduction over the last five years. Certainly, the occupational health and safety laws of the Territory cannot take all of the credit for that; negotiation between the various parties can take some of it, but occupational health and safety laws can surely take some of the credit as well.

Mr De Domenico would turn the clock backwards. Would he like us to have insurance rates comparable to those in other States? For example, would he like to have us on \$3.41, as it is in Western Australia in comparison to an overall \$1.98? Mr De Domenico would have us turn the clock backwards. What is most important about developments in occupational health and safety law across Australia is that in those jurisdictions where the structure has been created for employers, unions and governments to work together to increase workplace safety it has worked. It has clearly worked in the Territory and it will continue to work. It will not work under any Liberal philosophy because they are not about participation by the various groups; they are about conflict. They have shown themselves as people who can live off conflict.

As I have said, the structure is the most important part. We have done that here in the ACT and we have been congratulated for it in the past. The structure we have created, first of all, imposes a duty of care on employers, but at the same time involves unions, employees, employers and the Government in the process of cleaning up the workplace. It is working. Why turn the clock back? You people are living in the past.

Mr De Domenico goes on to say that we should do something about changing our designated work groups. You cannot compare our legislation with what goes on in other States. For example, does he want us to have committees, as in New South Wales? Does he want us to increase our four days training to five days, like Western Australia and Tasmania? Does he want us to change the training down to nil, like some other States? Our legislation is the most advanced, and it is most advanced on that very important point of creating the right structure and involving more people in the overall culture of improving workplace safety. That is what we are about. Costs are falling and will continue to fall, and the benefits to employers will continue to flow. The Liberals hate that - a progressive policy that can proceed without conflict and produce results

and, indeed, profits. There is nothing the Liberals hate more than something that can move ahead smoothly, in consultation with unions, and produce results and even profits for business. They hate it. They would rather have the conflict and try to do some workers over. That is the process the Liberals favour.

Madam Speaker, we are faced today with a lightweight piece of legislation which arises as a lightweight stunt in this Assembly. It has to be dispatched quickly because we need to ensure that those people who are interested in improving workplace safety are allowed to continue with their work and not be diverted from that important task by stunts such as this. As I have said, we have committed a lot of energy and resource to the development of that culture about which I talked a moment ago, and we will continue to resource the development of that culture in accordance with the legislation decided upon by this Assembly. We will do it in the interests of everybody in the ACT, even Liberals.

Mr De Domenico: Ha, ha!

MR BERRY: They can laugh and chuckle all they like, but the benefits will flow to some of the people they think they are traditionally supported by. I can say to you that the people you think support you are walking away from you in droves because of this naive and backward attitude. Employers are represented on the Occupational Health and Safety Council here in the ACT. The peak employer groups are represented nationally, and they want this to happen. Employers want this to happen. They want this culture to develop. The national employer organisations - right-wingers like you lot - do not want it to happen because they do not want any progress. They want to go back into their cave and start flogging each other again. I am not into that.

Mr De Domenico: You are not interested in talking to them?

MR BERRY: We are not into flogging each other to death, like you lot. You right-wingers would love to get back into your cave and start taking pot shots at workers. It is not going to happen. We have to continue down this progressive path, and that is why we will continue to resource it.

It is most important, as we move towards 1 July, when this legislation will take effect, that we have in place an arrangement that has been developed jointly, and we are doing that with employers and unions. We are all working on training. We are arranging for training for supervisors. We are assisting where we can to ensure that the culture develops at the best rate possible. If you interfere in the process - this is merely interference; that is what is intended - it disturbs the pace of change and the pace of improvement. You do not care; that is quite obvious.

Mr Humphries: On a point of order, Madam Speaker: We have truncated this debate to just over 30 minutes on the in-principle stage. The Minister obviously proposes to take the full 20 minutes to which he is entitled. He leaves other speakers almost no time to contribute to this debate. Could I ask him, through you, to keep his remarks short, to allow other contributions to this debate.

MADAM SPEAKER: I would be very loath to set a precedent where I cut in on any member's speaking time, Mr Humphries. I take your point, but I am sure that you would not like me to exercise that authority over you.

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Mr Humphries: I am just asking you to ask him.

MADAM SPEAKER: I think the point has been taken.

MR BERRY: Madam Speaker, I think enough has been said in relation to the matter. People know what is going on. They know that this is a stunt. We intend to ensure that we resource that pace of change which is occurring out there. The Liberals are trying to stand in the way of it, and it will not work.

MR MOORE (11.43): Madam Speaker, taking Mr Humphries's point, I shall attempt to be brief. Some time ago I read a story by John Steinbeck called *The Grapes of Wrath*. No doubt many members have read that excellent novel. I am drawn, in my mind, to the scenes after the Okies had moved to California. There was a huge pool of workers there and the employers took more and more advantage of that group of employees. With the Liberal industrial relations policies that are being proposed federally and taking place in Victoria, one cannot help wondering to what extent the same sorts of principles and concepts are applying here. Obviously they are not applying to that extent because there are protections for workers. The point is that in these circumstances, as in the Okies' circumstances, we have far too great a pool of unemployed people, and the protection of those who are working would be an important part of any piece of legislation. That is why I supported this legislation a few months ago, Madam Speaker, and that is why I intend to support it again.

We have the idea coming from Mr De Domenico that they are incredibly concerned about consultation and that is why they wanted this Bill to sit on the table. They are so concerned, Madam Speaker, that nobody knew that it was going to come up until this morning, when it was tabled. Although I accept that that is a fairly normal approach in many ways to putting a Bill on the table, in this instance I think there could have been further consultation, as I have suggested with the Bill on euthanasia. That is a very controversial Bill that I will be introducing into this Assembly and people know that it is coming. Mr Cornwell even thinks there have been deals done about it.

Madam Speaker, there is no doubt that this is a stunt - that is the word Mr Berry used, and quite correctly - to do with the Federal election. We have had two or three interjections from the conservatives over here, suggesting that we will see what happens in three weeks' time. Quite clearly, their minds are focused on an election and this is part of that election campaign. It is therefore important that we do not allow them to build up the hopes of people which are simply going to be dashed and that we deal with this Bill directly.

We had the debate very clearly a few months ago. The bulk of that debate can be re-read by referring to the *Hansard*. The very simple and straightforward Bill we have here refers to the repealing of a very simple and straightforward Act, the most important part of which is section 4, which reads:

Section 36 of the Principal Act is amended by omitting "more than 20" and substituting "10 or more".

I know that Mr Kaine had a great deal of difficulty in reading and understanding that, as he indicated to the house earlier today, but most of us have reached the stage where we can comprehend what that means, especially considering that we gave it a great deal of consideration only a few months ago.

We have a situation where my colleagues on this side of the Assembly, who call themselves Liberals but are really conservatives, raised the issue earlier that my vote has been constantly seen to go with Labor, and I presume that that is the case. I do not count it; they are quite happy to. It will continue to go that way as they become more and more conservative. What I have seen over the last four years, in the two assemblies, is the Liberals getting more and more conservative. It must be getting very close to the time when they will change their name from Liberal, because their name is a lie. It is a lie for them to call themselves Liberals; they are anything but liberal in any particular way. I have yet to see them vote for something that could be described as liberal with a small "l". They are the conservatives and, as from now, I think I shall refer to them as the conservatives. That is what we are talking about with this Bill. It is a totally conservative Bill that attempts to undermine the protection of workers, and I will not be supporting it.

MR HUMPHRIES (11.48): Madam Speaker, I will not take long either. In the debate on industrial relations in this country in the last few weeks in particular we have heard an enormous number of untruths, half-truths and outright, barefaced, unashamed lies. Let me run through some of those lies. Worksafe Australia will be abolished. That is an outright, absolute, blatant lie. The Liberal Party has not released its industrial relations policy. That is an outright, blatant lie.

Mr Berry: On a point of order, Madam Speaker? The imputation is that one lied. He ought to refer to his policy. Worksafe will be abolished. You cannot accuse me of lying - not in here.

MADAM SPEAKER: I did hear you say, "That is a lie", Mr Humphries.

MR HUMPHRIES: Absolutely, Madam Speaker.

MADAM SPEAKER: Please stay with that, so that there is no imputation that you are dealing with Mr Berry.

MR HUMPHRIES: Absolutely. It is clearly an unambiguous, barefaced, unashamed lie, Madam Speaker. The Liberal Party intends to attack workers' conditions - another barefaced, unashamed lie.

Mr Berry: So anybody that says that is a liar. I will not cop that. The imputation is clear.

Mr De Domenico: Sit down!

MADAM SPEAKER: Mr De Domenico, I do not like to hear that form of interjection. Mr Berry, I believe that Mr Humphries was alluding to it in the abstract and was claiming not to be alluding to you. Mr Humphries, if you are alluding to Mr Berry, that is most improper, and I ask you to refrain from doing so.

MR HUMPHRIES: Madam Speaker, the Liberal Party intends to return to the mores typified by John Steinbeck's - - -

Mr Berry: Are you going to withdraw it? Is there any imputation?

MR HUMPHRIES: She has not asked me to withdraw it. Madam Speaker, another lie: The Liberal Party intends to return to the mores of the 1930s, of *The Grapes of Wrath*; that is a complete and utter lie. The Liberal Party intends to remove the safety net from behind workers, to remove minimum pay and conditions; that is another blatant lie. All those things are lies, and all those things, Madam Speaker, need to be put to rest immediately. The fact of life is that we have proposed, in a Federal context - this has been raised, so I refer to it - to reform industrial relations to give workers in this country the flexibility to deal with their own workplace conditions. What is wrong with that? Absolutely nothing.

This issue before us today is not about Federal politics; it is about the situation of industrial relations in the ACT and, in particular, occupational health and safety standards in this Territory. Mr Berry, as Mr De Domenico has pointed out, made it very clear that he believed in consistent standards across the whole of Australia, that we should remove barriers to national uniformity. That is what he said in his media statement; it is here in black and white. If the conditions that operate on workers are not affected by workplace committees, why do we have those committees in the first place? Clearly, these sorts of standards impact very differently in small workplaces and large workplaces. There is a very relevant difference there. Therefore the question of uniformity between other States and the ACT is a very real issue.

On the basis of Mr Berry's statements that we should be aiming for uniformity, Mr De Domenico has accepted on face value - perhaps a little foolishly - what Mr Berry had to say and has brought forward a Bill to create an important measure of uniformity between the ACT and other States. Yet we hear those opposite say that this is a stunt. The fact of life is that we are about trying to create in the ACT a system which is practical and consistent. It is neither of those things. Another lie, by the way, is that employers in this Territory supported these changes to occupational health and safety laws in October - another blatant and outright lie. The fact of life is that employers in this Territory are deeply unhappy with those changes, and this Bill is an attempt to bring those changes back into line with the expectations of our industry and, indeed, the practices of other employers and other workplaces across Australia. What could be wrong with that?

MS SZUTY (11.53): Madam Speaker, I wish to speak very briefly to this Bill proposed today by Mr De Domenico. One of the reasons I stood for election to the ACT Legislative Assembly last year was the very real instability of the First ACT Legislative Assembly. In our first three years of self-government in the Territory we had three governments. This instability contributed in no small way to Mr Moore and me declaring our support for Chief Minister Rosemary Follett and for stable government in the ACT for three years.

I believe that stable government also demands consistent decision making. What Mr De Domenico is seeking to do with this repeal Bill is to overturn directly a decision taken by this Assembly only last year, presumably with the expectation that either Mr Moore or I will change our minds with regard to this legislation. As Mr Moore has stated, this is emphatically not the case. I supported the Occupational Health and Safety (Amendment) Bill at the in-principle stage and successfully moved an amendment to bring the Bill into effect from 1 July 1993.

The delay in commencement hopefully has given small business breathing space to prepare themselves for the requirements of the legislation. Any perceived delay at this point in preparing for the implementation of the legislation would be to small business's and the community's disadvantage. In conclusion, Madam Speaker, it is important that this Assembly sends clear messages to the community about decisions that are taken here and that the ACT does have and enjoy stable government.

MR DE DOMENICO (11.55), in reply: Madam Speaker, I rise to close the debate, if I speak for more than four minutes. If Mr Lamont wants to extend the time for debate, I am quite happy to entertain a motion along those lines. We have heard what Mr Humphries said about some of the untruths that have been bandied around in the media and other places over the past week or so. I would like to remark on what Mr Berry said. Mr Berry used the words "consultative network". I remind Mr Berry that he consulted with nobody. I will repeat that: Mr Berry consulted with nobody last year, except perhaps the trade union movement, before he put in his initial amendments to the Act.

Mr Berry then attended a meeting of, I am told, 112 employer representatives - I will provide you with a list of signatures if you want, Mr Berry - who all disagreed with what Mr Berry wanted to do. They were also prepared to disagree with Mr Berry in writing, not just at the meeting but beforehand and afterwards. We are not talking about people who shove workers out into the street. Mr Berry used some colourful phrases such as "taking a pot shot at workers". That is outrageous, even coming from your mouth, Mr Berry. It is outrageous because you know that that is not true. You continually say it, even though you know that it is not true. For you to say that when you know that it is not true is outrageous.

As I said before, the greatest asset any employer has is his or her workers. It is commonsense, Mr Berry - if you would like to sit down and listen - that I am going to look after my greatest asset. Employers in the ACT with designated work groups of 10 or less will continue to look after their staff. They did not need this piece of legislation to require them to do so, because they are their greatest asset.

What you are saying, Mr Berry, is that you are the only one in Australia that knows anything about occupational health and safety. That is what is implied by your invitation to the media. You are standing on your high horse and saying that you, Wayne Berry, want uniform standards all over the country. The rest of the community will say, "Yes, we agree with you, Mr Minister", and my repeal Bill says, "Yes, I agree with you too, Mr Berry. Let us have uniform standards. Let us bring to the ACT the standards we have accepted for many years in New South Wales".

There were no accidents in workplaces with below 20 employees, prior to this. You talk about workers compensation. As you know, Mr Berry, I represented the insurance industry in this town and other places for over 15 years until elected to this place. As you should also know, Mr Berry, I was the person who on behalf of the insurance industry negotiated workers compensation rates. I can tell you, and the Insurance Council has told you and others in writing, that your occupational health and safety legislation had very little, if anything, to do with

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lowering workers compensation premiums. I can also tell you that, as long as the private sector underwrites workers compensation in this town, the marketplace will determine what the rate is. As long as the private sector continues to administer workers compensation in the fine way it does, employers will benefit.

Comcare and the other schemes such as in Victoria under Labor governments went bankrupt and put the States into bankruptcy, and that is what you want to do. Until such time as the public sector takes over things like that, we are in a good position. You are trying to undermine the good position we are currently in. Mr Berry, let me tell you - through you, Madam Speaker - that nobody in this town wanted the changes you implemented in October, save the trade union bosses that you are a dupe to. They are the only ones who wanted it. They were not kicking doors down to say, "Hey, we want changes". You yourself said three weeks ago, "We want uniform standards". Put your money where your mouth is: Vote for this Bill.

MADAM SPEAKER: The time for this stage has expired.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 7

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

NOES, 10

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

Mr Humphries: Madam Speaker, I rise on a point of order. Standing order 154 states:

Members shall vote in accordance with their voices (either "Aye" or "No") and their votes shall be so recorded.

I think Mr Moore knows that he cast his vote for the Ayes in the course of the - - -

MADAM SPEAKER: Thank you, Mr Humphries, for bringing that to my attention.

Mr Moore: I draw your attention to standing order 165, Madam Speaker, which resolves the problem.

MADAM SPEAKER: Thank you for bringing that to my attention, Mr Moore. I believe that matters are now in order.

Mr Humphries: Madam Speaker, in what way are they in order?

MADAM SPEAKER: There was confusion and the vote was corrected.

Mr Moore: The vote has been called.

Mr Humphries: Madam Speaker, I think that means that there has to be another vote taken, not that we correct the vote.

MADAM SPEAKER: No, Mr Humphries.

Mr Berry: It appears that Mr Humphries is confused, Madam Speaker. It may be preferable, to rid him of that confusion, that we proceed to another vote.

MADAM SPEAKER: I will talk to my Clerk.

The advice I have sought is on the basis of who is judge and jury on this; and of course I am, because you have brought the matter to my attention, Mr Humphries. The reason for my confusion was that I did not hear which way Mr Moore voted in the first place. Mr Moore, I have to put to you the question: Did you vote Aye or No on the voices?

Mr Moore: Madam Speaker, I incorrectly and inappropriately voted Aye on the voices and then changed my vote. I am quite happy to go to another vote, if members would like to clarify it.

MADAM SPEAKER: If there is no confusion, then it is my duty to instruct the Clerk to amend your No vote to an Aye vote in this instance, Mr Moore. I will proceed along that line.

Mr Connolly: We will call another vote in that case.

MADAM SPEAKER: Another vote can be taken only if there is confusion about the vote, Mr Connolly. There is no confusion about the vote.

Mr Berry: On a point of order, Madam Speaker: There was some confusion developed by those opposite. In terms of the vote that was recorded, I assume that it was recorded accurately. I think that what these people are referring to is when you call for a decision from the Assembly in relation to a particular matter. That is not a recording of the vote. I said "No" and said that the Noes had it. The roll call is the declaration of the vote. If the roll call is properly recorded by the Clerk, that is the end of the matter. I do not think there is any confusion about the roll call.

MADAM SPEAKER: No, that is right, Mr Berry, but it is not that standing order that is the problem. The standing order that is the problem is 154, which says:

Members shall vote in accordance with their voices ... and their votes shall be so recorded.

I queried Mr Moore because I was not sure which way he voted. He is obliged, as he has admitted, to follow through from his voice vote to the recorded vote, in which case it is my duty to direct the Clerk to change the roll call vote to an Aye. The two have to be consistent.

Ms Follett: Madam Speaker, under standing order 165, I submit to you that there is confusion. I heard Mr Moore say that he was confused. Under the same standing order, Madam Speaker, I take it that your ruling is that Mr Moore's admitted error cannot be corrected otherwise. I therefore put it to you that under standing order 165 the Assembly should proceed to another vote.

MADAM SPEAKER: Ms Follett, the committed error was not in the roll call; it was under standing order 154.

Mr Connolly: On a point of order, Madam Speaker: On that ruling, it is very common practice in this place, when a less contentious matter than this is being dealt with, for the vote on the voices to be carried with perhaps two people muttering yes and one person muttering no. If that resulted in a vote, the ruling which you say cannot be corrected would mean, on a strict ruling, that as people said nothing they would have to give an absent vote. It cannot mean, when there has been a genuine error, when a person muttered a yes but meant a no, that the vote cannot be corrected.

MADAM SPEAKER: We are dealing with two standing orders at the same time. I will ask my Clerk about standing order 165.

Members, the vote will be altered, unless the Assembly chooses to rescind that ruling. We will now proceed with the calling of that vote.

Mr Humphries: Which vote are we calling, Madam Speaker?

MADAM SPEAKER: I have changed Mr Moore's No to an Aye, in accordance with his voice, and it is that that I am about to call the result on. I changed Mr Moore's vote, in accordance with his voice, to an Aye. The vote on the question that the Bill be agreed to in principle has been resolved in the negative, with the Ayes 8 and the Noes 9.

The result of the vote was thereupon declared as follows -

AYES, 8

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

NOES, 9

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

Mr Moore: On a point of order, Madam Speaker: Standing order 165 provides that in case of error the Assembly shall vote again. I believe that there is some confusion over my intention. That confusion over my intention will be recorded in *Hansard* as it is now, and I want to correct that. The way to correct that is to call on you, under standing order 165, to call the vote again so that there can be no confusion, as recorded in *Hansard* or in the minds of people, about the way I voted. I want to make it very clear that my intention is to vote against this Bill. At this stage, as far as I am concerned, there is confusion about that. I seek your support in providing for this vote to be called again in order to rectify that confusion.

MADAM SPEAKER: Yes, it is correct. I am unable to do that.

Mr Humphries: Are you upholding the point of order or considering it, Madam Speaker? I wanted to address you on the point of order.

MADAM SPEAKER: I will further consider it if you want to address me, yes.

Mr Humphries: If you are inclined still to consider the matter, I submit to you that it really is not open to members to argue that individually they were personally confused and therefore entitled to have the vote cast again. Clearly, standing order 165 is talking about confusion or error on the part of those who take the vote, in my opinion. That is clearly what is intended, otherwise anybody who wanted to see a vote taken again could claim to have been confused or to have made an error. I respectfully suggest that that could become a device which parties could indulge in to delay Bills, saying, "I made a mistake. I want my vote cast again. I was confused. I was thinking about dinner and I got confused". Clearly that is not open to the Assembly, Madam Speaker. Mr Moore clearly and distinctly said yes on the first vote. There was no confusion about that. He clearly said it, and I submit that therefore the record should stand.

MADAM SPEAKER: Mr Humphries, I have considered what you are saying, but it is a privilege that is open to members of the Assembly to claim confusion. I do think we can call for the vote again.

Mr Stevenson: Madam Speaker, there is perhaps another complexion that could be put on standing order 165. It states:

In case of confusion or error concerning the numbers reported ...

It does not say "concerning a member's vote" or other matters. I maintain that there was absolutely no confusion whatsoever concerning the numbers reported. I thought the Clerk did it perfectly.

MADAM SPEAKER: Order! We will take the vote again. I have upheld that point of order before when a request has been made for a vote to be redone. I will uphold that point of order again for Mr Moore. In the past, when a member has asked for a vote to be taken again, I have done so. We will now proceed to take that vote again.

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Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 7

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

NOES, 10

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

Question so resolved in the negative.

SCHOOL CLOSURES

MR CORNWELL (12.16): I move:

That this Assembly urges the ACT Government to deal flexibly with the problem of school closures in the ACT in the interests of educational fairness and equity.

Last night the chickens finally came home to roost for this Follett Labor Government after, I suggest, a brief 11-month fly around the playground. This followed the cynical and politically expedient promise made before the March 1992 election that no government school would close in Labor's first three-year term of office. The undertaking was made unequivocally and, in particular, made no qualification about the size of the school. It was a foolish, thoughtless promise which was directed simply at winning votes and not at providing an equitable and fair education to all government school students.

Further, it was made in the full knowledge that, in many areas of the ACT, government primary and secondary schools were experiencing declining enrolments. This situation is not new. One has only to recall the bitter political and community dispute that raged during the term of the last Assembly. It led to schools being closed and subsequently reopened, leading to a situation where Cook Primary and Lyons Primary opened for the 1992 school year with 112 and 111 pupils respectively. One might seriously question the validity of such small schools. Indeed, anecdotal evidence has indicated that some difficulties have been experienced there in the past year, despite the very dedicated efforts of the school community. It is fair to say that many, even most, people who are interested in and concerned about education in the ACT were apprehensive about such small schools and their educational viability.

We are also aware, of course, of the cut in education funding of some 1.8 per cent or \$3.4m in the 1992-93 ACT budget and the continuing pressure from the Commonwealth Grants Commission to reduce spending upon ACT education even further, by approximately \$30m. Given these major financial constraints, the continued existence of small schools which will be dependent upon additional funding must be in doubt. The alternative, of course - that is, no additional funding for small schools - places such small schools equally in doubt because, without additional funding, educational viability is in question; and parents will react accordingly by withdrawing their children.

Imagine, then, the response of people concerned about education when it became public that we were dealing with not only several small schools of just over 100 pupils but a primary school that was positively tiny. I refer to Griffith Primary, which when it closed had 34 students. Griffith Primary, as we are aware, was once a very large school on a very large campus, and even when half of the school became the O'Connell Education Centre - I think that was back in the 1970s - the remaining school buildings could still accommodate 410 pupils. More recently, with population shifts and demographic changes in the older suburbs such as Griffith, the school has suffered a continuous decline in enrolments from 219 in 1991 to 178 in 1992 and, as I mentioned earlier, to a mere 34 this year, as of this week.

The decline was recognised even in 1991 when the Alliance Government, in an attempt to keep the school open, decided to twin it with Narrabundah Primary. This arrangement, which was basically administrative, has not been successful. The reasons for this lack of success in twinning with Narrabundah are unknown to me. I have heard complaints that teachers did not have any guidelines from the Education Department; that the Teachers Union did not support twinning; that the principal was covering both campuses, that is, Narrabundah and Griffith. Frankly, none of these reasons stack up, Madam Speaker, because the same circumstances, if true, could apply equally to the Mount Rogers Community School, which is a successful twinning, as Mr Wood would know, of Melba and Spence primary schools. I cannot, therefore, accept the complaints that the twinning of Griffith and Narrabundah was fundamentally a mistake. However, I do have to accept the argument that Griffith Primary somehow was abandoned, because problems facing the school were known by the Labor Party Government and the department for much of last year.

Despite an undertaking given to me to provide me with a copy of the report of the Griffith-Narrabundah review committee set up in term 2 last year, which report I have not yet seen, the Minister in October announced additional funding of \$20,000 per year for a deputy principal on each campus, matching support on a dollar-for-dollar basis of up to \$5,000 for library needs and, for items of equipment, up to \$500. Despite this additional funding, one of the twins, Griffith, began 1993 with but 57 pupils. By all reasonable judgments, no matter how sad or nostalgic one might be, commonsense should have suggested - indeed, it should have demanded - that the school should be closed and its 57 pupils moved to the surrounding primary schools of Forrest, Red Hill and Narrabundah, all of which have some vacancies. By all reasonable educational judgments, the school should have closed, because unless considerable additional resources were diverted to Griffith Primary its 57 pupils would not receive the educational opportunities enjoyed by their peers elsewhere in the ACT government primary school system.

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For example, with only three teachers how could the school have been able to undertake a reading recovery program? A Federal Labor government report, *The Literacy Challenge*, has recently identified literacy as a major national problem at primary level and something in respect of which every school is in need of help, not just a school such as Griffith, which was identified as disadvantaged by a member of its P and C. How, for example, would the library have operated with only three teachers? How would the three teachers have handled playground duty and other such basic responsibilities? Indeed, would the three teachers and the non-teaching deputy have had adequate professional support on that Griffith site?

Finally, by all reasonable financial judgments, the school should have closed because the unquestionable additional resources that it would have required to remain educationally viable would have had to be diverted from other schools in the ACT government school system, and that would have been neither fair nor equitable.

Mr Kaine: It has already happened at Lyons.

MR CORNWELL: Indeed. The extra level of resources already diverted to Griffith campus, with its three teachers and a non-teaching deputy for 57 pupils, was neither fair nor equitable to other schools in the system. We already know that the deputy principal was an added extra but on a pupil-teacher class ratio, with three teachers for 57 pupils, the school had one teacher over its proper entitlement, thus giving it a class ratio of one teacher to 19 pupils - unheard of, I suggest, in ACT mainstream primary schools.

Mr Moore: Rubbish!

MR CORNWELL: Further, despite the arguments to the contrary, Mr Moore, per capita costs for pupils in the reopened Cook Primary and Lyons Primary were well above the average cost for primary schools - that is, \$4,290 - as advised to me in a government response to question No. 365. Indeed, the per pupil cost at Cook and Lyons had been calculated to be at least \$4,800 - that is, about \$500 over the average. In fact, at one stage somebody was claiming that it was some \$7,000 per pupil.

Whether this higher figure is accurate - and I concede that it has been questioned - the fact remains that there is a recognition that the reopening of Cook and Lyons primary schools did lead to increased per pupil costs. If there is an increased cost per pupil above the average with schools of 112 and 111 pupils, how much more would the per pupil cost be above the average for a school with only 57 pupils? Commonsense, therefore, as well as financial and educational arguments, dictates that, in the interests of the 57 students at the school and every other child in the ACT government school system, Griffith campus should have been closed at the beginning of the 1993 school year.

What was the Government's response? Mr Wood is quoted in the *Canberra Times* of 13 February as saying:

The Griffith campus of the Narrabundah-Griffith Primary School will remain open for at least the term of the current ACT Labor Government.

Never mind that there are only 57 pupils. Never mind that in the Tuggeranong Valley, to the concern of parents and the P and C council, the new primary schools of Gordon and Conder are being built to accommodate 750 pupils at peak enrolments to save money on building more primary schools. Never mind that the primary schools surrounding Griffith have vacancies to accommodate the 57 pupils. Never mind the \$3.4m reduction in the ACT budget for public school expenditure. Never mind that the ACT branch of the Australian Teachers Union has moderated its stand on school closures and expressed concern about the numbers at Griffith campus. Never mind that according to the president of the P and C council, Pam Cahir, the school "has suffered death by a thousand cuts".

In spite of all these sensible arguments in favour of closure, however reluctant, the Government remained obdurate, totally inflexible to any suggestions. And why? Because Labor gave a guarantee that in its first three years of office no school would close. So no matter how expensive to the entire government school system, no matter what deprivations would be borne by other schools in the system to prop up Griffith, no matter what the educational cost to the pupils of Griffith if the school did not receive extra resources - no matter what these costs might have been - the Government was prepared to sacrifice primary school children simply to be seen to be keeping an ill-conceived, politically expedient promise made in the heat of an election campaign.

A misplaced sense of commitment, stubborn pride and an inflexible determination to have its own way blinded this Labor Government to doing what it really should do in the interests of educational fairness and equity to everyone in the government school system. You would not have been weak if you had closed the school. You would simply have been admitting that you were wrong. Indeed, I do not think you had any choice but to reverse your previous decision. If you had not closed the school it would have taken resources from other schools, as I have already conceded.

If you had de-twinning in an attempt to preserve the campus, it would have still cost your Government more resources, because I understood that the existing resources were shared with Narrabundah on a pro rata basis. I also hazard a suggestion that, rather than see enrolments increase, we would more likely have seen the numbers decrease at Griffith as more parents realised the futility of trying to keep the school open. Of course that is exactly what happened. From the time Griffith's problems became public the numbers fell from 57 to 49 to 34, and I submit that that is exactly what the Government wanted.

There is an old adage in education that parents close schools, governments do not. That is what the Government played upon in the hope that they would be able to wriggle out of breaking their promise, so that it appeared that the parents closed Griffith. No wonder Pam Cahir, president of the P and C association and no great friend of the conservatives, on the radio this morning called the action reprehensible. You have been caught out with a stupid ill-considered promise to gain votes, and now you have to renege upon that promise.

MADAM SPEAKER: Order! It being 12.30 pm, the debate is interrupted in accordance with standing order 77 as amended by temporary order.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

RSL Retirement Village

MR KAINE: I direct a question to the Minister for the Environment, Land and Planning. Minister, could you tell us whether the Government has yet made a decision about the proposal by the RSL to build a retirement home near Lake Ginninderra?

MR WOOD: Madam Speaker, the answer simply is no. We have not made any decision; indeed, I think the decision making time - if it ever comes to that - is a long time away. I understand that the RSL may make a request to construct a retirement village. I have not checked to see whether a request has actually been received yet. If a request is made, it will be considered; it will be examined. I believe that a draft variation would be necessary to change the purpose of that area of land. So, obviously, a lot is yet to happen before any decisions can be made.

MR KAINE: I ask a supplementary question, Madam Speaker. Could the Minister explain how it is that the secretary of his department last night gave an unequivocal guarantee to the Belconnen Community Council that that project would not proceed?

MR WOOD: Madam Speaker, if Mr Kaine makes that assertion he - - -

Mr Kaine: It is fact.

MR WOOD: You claim that it is fact. I have no means of knowing whether that is fact or whether it is not fact.

Mr Kaine: I suggest that you check with the Belconnen Community Council, because they were told that last night.

MR WOOD: What information was conveyed to the Belconnen Community Council, I do not know. I will inquire as to the position, but I will not accept a claim from Mr Kaine that what he says is a fact.

Land Use Variations

MR LAMONT: My question is also directed to the Minister for the Environment, Land and Planning. Is the assertion in today's *Canberra Times* that the leasehold system is not being applied as originally intended in respect of variations to land use correct?

MR WOOD: Madam Speaker, I suppose that, since the Gorton Government forced a fundamental change to the leasehold system when it abolished land rent, the system generally does not function as it was originally intended. I did see the article you refer to, and I note that it supports the concept of no speculation in land in the ACT. As intended originally, the leasehold system has prevented speculation in land from the date of sale by insisting, through lease provisions, that buildings be completed prior to any transfer. This provision has not only prevented speculation in raw land but allowed development, planning and the provision of services to proceed in an orderly manner.

I do not agree, however, with the view that when government agrees to change the land use the owner should be forced to hand back the lease and receive compensation - I expect that the article places land and improvements together - so that the land can be put to auction with a new use. The initiative to change land use comes from the owner of the lease. The incentive to change and move with market forces has been encouraged without the high cost of payment of compensation as suggested in the article.

Since the abolition of land rent in 1971, the method of recouping the increased value has been through betterment. This has created incentive and good returns to the community in dollar and employment terms. We simply have to live with the system as amended in 1971. What is suggested in the article has a double high cost implication to government - high payments to owners for land and improvements and then the negative cost effect of selling at auction land with improvements very likely inappropriate to the proposed new conditions. To suggest that "people should stick to the original land use" denies flexibility and ignores the public processes in the new land Act, not to mention the negative effect on the original sale prices of land in the Territory.

Legislative Assembly - Telephone Numbers

MR STEVENSON: My question is addressed to you, Madam Speaker, and concerns the new *White Pages* released yesterday morning. Page 28 lists the details of the Legislative Assembly. It lists numbers for Rosemary Follett, Wayne Berry, Bill Wood and Terry Connolly, and a general number for members, 205 0172. If it is like the number in the past, it is a number that shuts down at about 4.30 or 5 o'clock and nobody is able - - -

Mr Berry: It certainly would not get you then - 3 o'clock in the morning and still in bed.

MADAM SPEAKER: Please continue, Mr Stevenson.

MR STEVENSON: Unbelievable. Make them witty or intelligent. Do something unusual. I apologise for that comment. I should not do that.

MADAM SPEAKER: Please continue, Mr Stevenson.

MR STEVENSON: It also lists your office. By and large, other Labor members are able to be contacted after hours. Names are listed, so a person can say, "Whom would I like to contact?". Four Labor members are listed but the other 13 members in the Assembly do not have their names listed. I think some serious concerns arise from this. It is important that Canberrans have an opportunity to contact their members by name, which the Canberra phone book used to allow them to do. Last year's telephone book did not allow that. Because of the election last year, it was not known who the members would be.

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My question is: How did this come about? Were directions given to the publishers of the telephone directory to publish only the names of the members I read out and to omit the names of most of the members in this Assembly? We now have the situation that on weekends and after 5 o'clock on most weekdays no-one in Canberra can contact us. It is exceedingly difficult to get anywhere with the 013 number if you are trying to find numbers for individual members. They are simply not given.

MADAM SPEAKER: Thank you for the question, Mr Stevenson. I had absolutely nothing to do with it, but I will follow up those details for you and give you the answers.

Gas Meters - Reading Charges

MR HUMPHRIES: My question is addressed to the Minister for consumer affairs, Mr Connolly. I refer the Minister to the escalating price of gas meter reading in the ACT. It has been brought to my attention that the price for reading a gas meter in the Territory, which occurs six times a year, has risen from \$5 to \$9.18, and now to \$10.49, in the space of just 14 months - which means that having a meter read in the ACT costs \$63 a year, even for those consumers who have gas connected but choose not to use any.

Mr Kaine: Daylight robbery.

MR HUMPHRIES: And evening robbery as well, Mr Kaine. Can the Minister explain to the Assembly why the price of reading a gas meter has gone up by so much in such a short time, given that we have, to quote the former Federal Treasurer, the lowest inflation rate in the world, and why the ACT chooses to read the meters six times a year, compared with New South Wales and other States, which read only four times a year?

MR CONNOLLY: I will certainly look more closely into that. Of course gas is supplied in the ACT - - -

Mr Kaine: Connolly has his hand in everybody's pocket.

MADAM SPEAKER: Order, Mr Kaine!

MR CONNOLLY: Mr Kaine, gas is supplied in the ACT not by a publicly owned authority like ACTEW, which supplies electricity and water, but by the private sector, which you people are always extolling. What Mr Humphries - - -

Mr Kaine: You have your hand in everybody's pocket. Come on, fess up.

Mr Lamont: Madam Speaker, I rise to a point of order. The interjections by the Leader of the Opposition are not only absolutely outrageous but unparliamentary and should be withdrawn.

Mr De Domenico: Madam Speaker, yesterday Mr Lamont was referring to members of the Liberal Party having hands in other people's pockets, so I have suggested that Mr - - -

MADAM SPEAKER: Mr De Domenico, thank you for bringing that to my attention; but that was yesterday, and no-one took a point of order on that yesterday. I will now deal with the point of order concerning the facts that are before us today. To "have your hands in someone's pocket" has more than one meaning, in my mind - - -

Mr Kaine: One of these days you will start to act like a Speaker.

MADAM SPEAKER: Mr Kaine, you will withdraw that. There will be no such allusions to the Speaker in this chamber. You will withdraw that comment against me.

Mr Kaine: Madam Speaker, under standing order 275 I move a motion of dissent from your ruling.

MADAM SPEAKER: The house has to give you leave to do that. Is leave granted?

Mr Kaine: I do not have to have leave.

MADAM SPEAKER: I believe that you do.

Mr Kaine: I suggest that you read standing order 275. I do not need leave.

MADAM SPEAKER: There has been a consistent ruling in this house, and not just from me, that standing order 275 cannot be used to allude to a specific standing order that is used in the House of Representatives. The situation before us is as I suggested. There is no provision under our standing orders for a motion of dissent and, if you want to so move, it has to be done by leave of the house. Leave can be granted. I can ask the house to grant you leave. Does the house grant Mr Kaine leave to move a motion of dissent from my ruling?

Leave not granted.

MADAM SPEAKER: Mr Kaine, the position is that you will withdraw that comment that was directed at me as Speaker, and then I will rule on Mr Lamont's point of order.

Mr Kaine: I could say that I will do a deal with you and I will withdraw my comment if you will withdraw your ruling, but I will not ask you to do that. I will try to give this place some dignity.

Mr Connolly: Is that a withdrawal?

Mr Kaine: Yes, it is.

MADAM SPEAKER: Thank you, Mr Kaine. I understand that the expression "hands in people's pockets" is being used quite frequently in the election campaign at the moment. However, in this parliament it has been taken as an offensive remark because it has the double meaning of someone having their hands in somebody else's pocket specifically for money for their personal gain. My ruling is that the imputation of your remark is that there is an improper motive behind Mr Connolly's actions. Because offence has been taken, I ask you to withdraw.

Mr Kaine: I withdraw, Madam Speaker.

MADAM SPEAKER: Thank you, Mr Kaine. Please proceed, Mr Connolly.

MR CONNOLLY: Thank you, Madam Speaker. As I was saying to Mr Humphries, unlike power supplied by publicly owned authorities such as ACTEW, gas is supplied by the private sector. The private sector is a group which Liberal members are often fond of extolling.

The price increases which you bring to my attention and which you suggest are a bit over the top, a bit rapacious, are price increases by a private sector enterprise. We will have a look at those price increases and we will see what we can do about them. It goes to show what Labor has been saying all along - that, if you rely on the private sector to deal fairly without government intervention, the consumer will often get ripped off. If you rely on the private sector to pass on the so-called tax savings that you reckon that GST will provide, we will probably see the same as we see with this company - a Liberal member getting up in this parliament and criticising a private company for putting its prices up too steeply. Mr Humphries, that is what often happens in the sort of unregulated market that you people favour.

Milk Bottles

MR MOORE: Madam Speaker, my question is directed to Mr Connolly in so far as he has responsibility for the Milk Authority. My staff indicated to him earlier today that I would be asking the question. Could you advise the Assembly when Canberrans can expect to have their precious milk bottles reinstated, Minister? We miss them terribly.

MR CONNOLLY: Madam Speaker, milk in bottles will return. There was never any intention on the Government's part to stop milk appearing in bottles. What happened was that the bottle washing plant, which was quite old - although it was over 10 years old, it was still one of the most modern in Australia, because these plants tend to last for a long time - broke down and the major chain that operates the conveyor belt was unserviceable. That is not a part that could be simply ordered off the shelf at your friendly local hardware store. We placed an order overseas. At the time, we looked at whether it was prudent to replace the entire machine, but the advice was that it was not. While the machine has been out of service, we have stripped it down and done a lot of preventive maintenance, so when we get the chain back in place the machine should continue to serve this community for quite some time to come.

The economics of milk in bottles advantage the community. As the Milk Authority is a community owned body, it is cheaper for milk to be sold in bottles. Once a bottle is recycled at least six times, it is much cheaper than plastic or cardboard. On average, our bottles are recycled far more than six times, so the ratepayer is in front. We anticipate that the line will be back in service shortly, but I do not have a precise date. I can assure you unequivocally that we will have milk in bottles.

ACTION - Job Vacancy

MR WESTENDE: My question is directed to the Minister for Urban Services. Is the Minister aware that ACTION recently advertised internally for a storeman and received 60 applications? Is the Minister further aware that management decided that none of the 60 applicants was adequate to fill the position advertised? Can the Minister confirm that the position was then advertised externally and subsequently filled from outside? Is the Minister aware that this has a most significant effect on the morale of the employees in ACTION? Would the Minister agree that the internal training program in ACTION must be seriously flawed if at least one of the 60 original applicants was not qualified or could not be trained?

MR CONNOLLY: I will certainly look into those allegations. I would say that most ACTION employees are trained in bus driving, mechanics and general administration; but a senior stores position may require certain qualifications or a background in stores which ACTION employees may not have. I will, however, look into the matter and report back to Mr Westende.

Baby Capsules

MRS GRASSBY: My question is addressed to the Attorney-General as the Minister for consumer affairs. For the benefit of the *Canberra Times*, I point out that this is not a dorothy dix question, as many citizens have asked me about this matter. In the light of the recent media reports about baby capsules, can the Minister inform the Assembly about the safety standards of the restraining band on these baby capsules?

MR CONNOLLY: Recently media attention has been given to the fact that Standards Australia have introduced a new standard for baby capsules and child restraints which requires the use of a harness in a baby capsule rather than the velcro strap which has been used up to now. I have been concerned, as has Mrs Grassby, that those media reports of the new standard have led to some parents believing that the existing capsules with the velcro strap are unsafe. I am able to assure the Assembly - and we have discussed this with the Child Accident Prevention Foundation, which is very much the authority in this area - that, while the new standards mean that the newer capsules are safer, the older style capsule with the velcro strap is perfectly safe.

Mr Moore: Will you continue using it?

MR CONNOLLY: In fact, Mr Moore, I have one with velcro in my private vehicle and one with the more modern harness in another vehicle. Parents should not feel that the velcro strap is unsafe. It would be of much concern if parents felt that the velcro strap system was unsafe and perhaps avoided using the capsule. Capsules with velcro have served the community well over many years. Road accident statistics show that they have saved many lives. They are safe. Parents who have that capsule can continue confidently to use it, but parents looking to purchase a new safety capsule would be well advised to look for a capsule that complies with the new standard and uses the harness device rather than the velcro.

National Baseball League Team

MR DE DOMENICO: For the benefit of the *Canberra Times*, I point out that this question also is not a dorothy dixer. I ask a question of the Minister for Sport, Mr Berry. The Minister should know that Canberra has the potential of fielding a team in the National Baseball League, dependent on the availability of a satisfactory baseball facility. Acknowledging the enormous benefits to Canberra of such a venture and the fact that \$750,000 of investment capital is available, what does the Government intend to do, and when, to ensure that this opportunity is not lost?

MR BERRY: Whom is the investment capital coming from?

Mr De Domenico: You are the Minister. I am asking you the question.

MR BERRY: Madam Speaker, I have heard that there is some pressure from some quarters to establish Canberra in the National Baseball League. That has not come to fruition at this point. The issue of facilities is one that would have to be addressed were that to be the case. My understanding of the existing baseball facility is that the mound is a temporary arrangement and has to be moved when the stadium is used for softball. The question of facilities were the ACT to be in the national league would have to be addressed.

I know that there has been some discussion with Bruce Stadium about that issue. Officers of my department continue to discuss with sports bodies their needs for facilities both in the short term and in the long term. I am sure that those who are interested in going into the National Baseball League would not do it from the hip; they would carefully consider the matter and they would want to have all of the money tied up, so to speak, before they moved. When the question arises, if indeed it does, about facilities for people to be involved in the national league, my officers, I can guarantee you, will offer their utmost support in establishing a ground for a Canberra team in the National Baseball League.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. Will the Minister be prepared to meet with people who have intentions and have the money to establish the baseball team?

MR BERRY: I will meet with people who want to inject \$750,000 into something or other.

Ms Follett: I will meet with them.

MR BERRY: In fact the Chief Minister might rather meet with them herself.

Mr De Domenico: It does not matter who, just as long as someone makes a decision. Who is it going to be?

MR BERRY: I am sure that, if they rang my office or the Chief Minister's office and said, "We have \$750,000 we want to invest in baseball in the Territory", they would get a positive response.

Pornography

MS SZUTY: My question is directed to the Attorney-General, Mr Connolly. It arises from the response I recently received to part (5) of my question No. 484 on the notice paper regarding the Attorney-General taking up with his Federal, State and Territory counterparts the issue of unclassified material on sale interstate. In his answer the Attorney-General stated:

... ACT authorities will assist, where possible, other jurisdictions.

He further stated that on 4 December he himself offered to assist the Attorney-General for New South Wales, Mr John Hannaford, in a matter concerning sexually explicit advertising brochures. My question of the Attorney-General is: Would he be prepared to raise the issue of the sale of unclassified materials, including child pornography, at the next meeting of Attorneys-General?

MR CONNOLLY: Madam Speaker, the issue of the unclassifiable material, which is illegal pornography, has in fact been discussed not so much at meetings of Attorneys-General as at police Ministers meetings. A resolution of the police Ministers meeting last year - I think in July - was that jurisdictions should move to ban the possession of child pornography. This jurisdiction had already done that in the life of the First Assembly as a result of a private members Bill from Mr Collaery - to give him credit on a rare occasion. This Assembly unanimously passed a new law which made it an offence to possess child pornography. No other jurisdiction in Australia had done that.

It intrigues me that we regularly get petitions lodged here, from Chinchilla and such places, dealing with Mr Stevenson's X-video Bill and calling upon us to ban the possession of child pornography. In fact, we have done that. Other jurisdictions, as at July last year, when this was raised at the police Ministers conference, had not. I circulated the ACT law. I understand that similar laws have been passed in some jurisdictions and that in those jurisdictions where they have not been passed they soon will be passed.

Before the courts in the ACT at the moment is the first prosecution in Australia for possession of child pornography. This issue of dealing with the illegal end of the pornography market is one that we pursue with some vigour. Members may recall a report in the *Community Times* last year about the police conducting a fairly major raid on some premises in Fyshwick where they had reason to believe there was material at the unclassified end of the market.

Yes, we do raise the issue nationally. Other States and Territories are following this jurisdiction in introducing laws to ban the possession of child pornography. Where we have any reason to believe that people are in possession of unclassified material, particularly child pornography, which is a criminal offence, we move swiftly and vigorously to investigate the matter and, where appropriate, bring a prosecution.

Vocational Training Authority - Appointments

MR CORNWELL: Madam Speaker, my question is addressed to Mr Wood, unless he has passed this matter, along with the University of Canberra and the ANU, over to the Chief Minister. I ask Mr Wood: Is it a fact that the Vocational Training Authority's membership appointments expired in August last year? If so, is it also a fact that a meeting a fortnight ago to confirm new appointments did not proceed because it was not quorate? Thirdly, what do you propose to do about this situation?

MR WOOD: Madam Speaker, I will check back into the processes and see whether what Mr Cornwell says is correct. I know that we have been attending to the membership of the Vocational Training Authority. I am not aware that any meeting has fallen through for lack of a quorum. There have been vacancies in both the employer and the union designations. I have a series of names that have been proposed to fill those vacancies. I will check whether they have passed through all the processes or not, and I will get back to you.

Worksafe Australia

MS ELLIS: My question is directed to the Deputy Chief Minister in his capacity as Minister for Industrial Relations. Is the Minister able to inform this Assembly on any advice that he has received on the abolition of Worksafe Australia and its effect on occupational health and safety standards in the ACT?

MR BERRY: Madam Speaker, I thank Ms Ellis for the question, and I am happy to respond to it. This morning Mr Humphries made great play on the issue of Worksafe's future, saying that anybody who said that Worksafe was going to be disbanded or emasculated or done over by a Hewson government was telling a big porky. Madam Speaker, I will just read to you from Fightback:

The National Occupational Health and Safety Commission was established in 1985 as an element of Labor's Accord with the ACTU.

That is enough to cause paranoia amongst the Liberals. Fightback goes on:

The Coalition Parties opposed establishment of the Commission -

they do not like occupational health and safety -

and continue to do so because we consider occupational health and safety matters are better addressed by the State Governments in conjunction with industry.

That is, they do not want a national coordinating body that would do it in much the same way as I described this morning. It continues:

Abolition of the Commission will save \$18.5 million.

Mr Humphries, that is very clear. It will be abolished.

Mr Humphries: Does it say that?

MR BERRY: It says:

Abolition of the Commission will save \$18.5 million ... The savings from Departmental changes and from the closure of the National Occupational Health and Safety Commission will not be expected until the second year. This will allow the first year savings from these decisions to be used for redundancy payments.

Mr Humphries: It does not say anything about Worksafe.

MR BERRY: No, it does not. Now I will go on to Worksafe. Worksafe, Madam Speaker, provides secretarial support and other administrative services to the Occupational Health and Safety Commission. It has a similar relationship to the Occupational Health and Safety Council in the ACT and our own Occupational Health and Safety Office. The Occupational Health and Safety Office implements the recommendations of the OH and S Council. So what we have is a situation where, when the parent body goes nationally, the rest goes too.

Mr Humphries: In whose opinion?

MR BERRY: In John Howard's opinion. The occupational health newsletter report on discussion with Mr Howard stated that he was not going to persist with Worksafe Australia; that he was going to have a small but powerful national coordinating body whose main role would be to ensure national consistency rather than uniformity. He said that virtually all Worksafe responsibility and functions would be devolved to the States. So what that means is that the Commonwealth would dump Worksafe, emasculate Worksafe, devolve it all to the States - - -

Mr Humphries: I raise a point of order, Madam Speaker. The Minister is blathering at the mouth.

MADAM SPEAKER: I do not believe that that is a point of order, Mr Humphries. Please continue, Mr Berry.

MR BERRY: Worksafe Australia will be dumped. The National Occupational Health and Safety Commission will be dumped. It is an important body that was to develop occupational health and safety standards across - - -

Mr Humphries: It does not say that we are going to abolish it.

MR BERRY: It says that it will be closed and \$18.5m - - -

Mr Humphries: You are making it up.

MR BERRY: Who is the liar, Mr Humphries?

Mr De Domenico: On a point of order, Madam Speaker - - -

MR BERRY: I ask the question.

MADAM SPEAKER: It was a question, Mr De Domenico. I do not believe that it was a statement.

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MR BERRY: That is amazing. You are getting a bit edgy, Mr De Domenico.

Mr De Domenico: I am not getting edgy at all.

MR BERRY: Well, the nose is growing. Fightback states:

The savings from Departmental changes and from the closure of the National Occupational Health and Safety Commission will not be expected until the second year. This will allow the first year savings from these decisions to be used for redundancy payments.

So they are doing occupational health and safety - - -

Mr Humphries: That is not Worksafe, you dill.

MR BERRY: Madam Speaker, I do not have to put up with that.

MADAM SPEAKER: That was unparliamentary, Mr Humphries. I do not think you should refer to Mr Berry as a dill.

Mr Humphries: I quickly and joyfully withdraw.

MADAM SPEAKER: Thank you, Mr Humphries. Please continue, Mr Berry.

MR BERRY: Occupational health and safety as a national focus will go under the Liberals, because it is clear that they are opposed to those sorts of standard setting organisations. The commission is a standard setting organisation which has been ensuring uniformity of standards across Australia for its life. It was set up in 1985 as part of the Labor strategy to improve conditions for workers in this country. All the Liberals seem to be interested in is undoing all of those provisions. This is another attempt, under Fightback, to undo those important features of Labor's reign in Federal Parliament. Hundreds more Australian workers are alive today and thousands more workers are injury free because of the work of the National Occupational Health and Safety Commission.

These people opposite support the establishment of a Hewson government which will tear down those structures. Their aim is to tear down those structures. The ones who will suffer in Australia are the workers. They are the ones who will suffer as a result of a Hewson government supported by the people opposite. That might explain their activities this morning.

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

Women - Protection from HIV

MS FOLLETT: Madam Speaker, on 23 February I took on notice a question from Mrs Carnell regarding the ACT Government's actions to protect from HIV women whose partners are bisexual. My answer to Mrs Carnell's question is as follows: Madam Speaker, there are a number of HIV education initiatives being funded in the ACT aimed at protecting women from HIV infection. Some of these initiatives target women themselves, and others target other risk populations, such as bisexual men. The ACT Government funds the AIDS Action Council to contact and educate bisexual men through a number of projects.

One is a telephone counselling information and referral service that operates 24 hours a day, seven days a week. Another telephone information service aimed specifically at heterosexual and bisexual men is planned to begin in the near future. Another project is aimed at men who visit "beats" or public places for sex. The AIDS Council has workers who visit these venues and educate patrons about safe sex and other HIV issues, as well as distribute condoms, lubricant and other safe sex materials.

The AIDS Council also has a dedicated women's education officer who undertakes a number of education projects, one of which is aimed at women partners of bisexual men. Of course, Madam Speaker, women are not at risk of HIV infections from only bisexual partners; they are at risk from partners who have unprotected sex or who share needles. The ACT Government funds community based organisations to educate women who inject drugs or are the partners of people who inject drugs. The ACTIV League has a number of projects specifically aimed at educating drug-using women about self-esteem, all sexual health issues, including hepatitis, and HIV transmission issues. Women are at risk from a number of other sexually transmitted diseases as a result of unprotected sex.

ACT Health funds a part-time HIV education officer at the Family Planning Association. This project offers education to doctors, nurses and other health professionals involved in educating people, predominantly young women, about sexual health issues. We are therefore funding a number of education projects aimed at educating women to protect themselves from HIV infection as well as other sexually transmitted diseases. Madam Speaker, at the Gilmore clinic, formerly the STD/AIDS reference centre, there are trained staff who deal with the delicate issue of contact tracing and education of people who are diagnosed with HIV infection. In the case of bisexual men, these negotiations deal with the issue of informing and protecting their women partners. The educational messages are reinforced every time the person visits the clinic. I am confident that the ACT Government is doing all that it can to ensure that we achieve the right balance between educating women to protect themselves and educating other risk groups such as bisexual men.

Breast Cancer Screening Program Launch

MR BERRY: Madam Speaker, yesterday I was asked a question about invitees to the breast screening program opening at the City Health Centre. I was reminded when I went up to my office that the Leader of the Opposition was, in fact, included on a list of invitees. It is true that Senator Reid was not and that neither was Mrs Carnell. The Leader of the Opposition declined but did not send anybody in his stead and obviously did not tell the Liberals that he had been invited and had declined.

Legislative Assembly - Telephone Numbers

MADAM SPEAKER: Mr Stevenson, I have a response to the question you asked me earlier today. My faithful secretariat has given me advice as I asked. Mr Stevenson, you are correct. The advice to Telecom was to give one number, 205 0172, for all members. This advice was given by the secretariat. Action will be initiated immediately to ensure that a recorded message on that number will give members' office numbers out of hours.

HEALTH FUNDING
Discussion of Matter of Public Importance

MADAM SPEAKER: I have received letters from Mrs Carnell, Mr Cornwell, Mr De Domenico, Ms Ellis, 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 Westende be submitted to the Assembly, namely:

The continuing failure of the ACT Labor Government to confront the funding problems in health.

MR WESTENDE (3.08): Madam Speaker, I am sure that, when all those present and associated with the Assembly saw the MPI on the notice paper, they thought, "Not health again". The Opposition will continue to debate health again and again, until this Government and this Health Minister admit to the parlous state of the health finances in the ACT. We will continue to raise this very important matter until this Government lifts its game and makes the hard decisions required to overcome the ongoing problem.

The problems in health funding are not confined to the ACT. The Federal Labor Government has publicly admitted that the health system in Australia is badly underfunded. Their solution is to increase the Medicare levy to 1.4 per cent on 30 June.

Mr Moore: I raise a point of order, Mr Deputy Speaker. I wonder about relevance. The topic is "The continuing failure of the ACT Labor Government to confront the funding problems in health". So we should be talking about what happens here in the ACT rather than a Federal issue.

MR DEPUTY SPEAKER: I really have not had an opportunity to hear Mr Westende develop the argument. He may well be coming back to the ACT, Mr Moore, so I prefer not to uphold your point of order at this point.

MR WESTENDE: The Western Australian Labor member George Gear said that the levy would have to be at least 2.5 per cent even to come close to providing sufficient capital to address the problems. Whatever affects the nation also affects the ACT. The simple fact is that the public health system in Australia cannot cope with demands placed upon it without the support of a strong private hospital sector. This is the point. It is impossible to have a strong private health sector without a significant number of the population maintaining private health insurance. Over the last three years ACT Health has experienced revenue shortfalls of more than \$4m because fewer Canberrans are taking out private insurance, and this in a city with the highest average weekly wages in the country. It is well recognised that this trend will continue and probably escalate unless the Federal Government provides some incentives to take out private insurance.

The trend is that low income people are taking out private insurance to avoid the problem of increasing waiting lists, and the higher income people who can afford private insurance are opting for Medicare. Is this social justice? Is this compassion? Is it equitable? This is topsy-turvy. But it carries with it very serious implications for health funding and the efficient delivery of an adequate health service. We believe that this situation can be redressed, but this will require the Government and this Health Minister opposite to realise and recognise what is happening and set in place policies that will turn around the serious problems of funding and the inefficiencies of our hospital system.

People who can afford to take out private health insurance should be encouraged to do so. It is usually about here that all those on the other side of the house start interjecting that the Liberals will force people into private health insurance. This is simply not true. In an attempt to maintain public hospital funding levels the coalition government would give people on pensions and low income incentives to take out private insurance. In fact, single pensioners would receive \$400 and a couple would receive \$800. For a family there is a cash rebate if they choose private insurance.

Unlike the current Government, we on this side of the house believe that high income earners - those earning over \$50,000 per annum - should pay extra if they are not privately insured. Of course, if this group is privately insured they would pay no surcharge. The falling rate of revenue gained from privately insured patients in our public hospital system should be of great concern to the Government. In 1990-91 ACT Health received \$14.8m from privately insured patients. By 1991-92 this had fallen to \$13.95m. Already this year the revenue levels are \$356,000 short of budget projections.

Every privately insured patient who is admitted to Woden Valley Hospital as a public patient loses ACT Health approximately \$300 per occupied bed day. This is money ACT Health can ill afford to lose, as was proven again with the recent release of the December quarter financial figures. These figures show that ACT Health has exceeded its budget for the first six months of this financial year by \$4.2m. One would have to question whether the \$4.2m is really an accurate reflection because one should add the \$2m employer contributed superannuation pay-out. Add that \$2m to the blow-out and you get \$6.2m.

Mr Berry: Has he come back to the ACT yet?

MR WESTENDE: That is the ACT. Certainly, employer based superannuation contributors do not have to be paid until the end of the year, but to gain an accurate picture of the budget the payment should be accrued now. This means that the budget, as I said, has really been overrun by \$6.2m in the first six months.

We have all heard Mr Berry say time and time again that he has the health budget under control and that health is doing better under his stewardship. Better than what? Let us have a look at the figures. For the six months to December 1992 Mr Berry's health budget showed a \$4.2m blow-out made up of an expenditure overrun of \$2.96m and a revenue shortfall of \$1.28m. Let us look back at the same period in the previous year, that is, the six months to December 1991. It turns out that the official figures for that period show a budget overrun of \$1.81m, made up of an underspending of \$148,000 and a revenue shortfall of \$1.96m.

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Let us go back another year to the first six months of the financial year 1990-91. This was a period when my colleague Mr Humphries was Minister for Health. For all those who may have forgotten, you could not pick up a newspaper or turn on a radio or television at that time without hearing Mr Berry berating Mr Humphries for his handling of the health budget. What do you think the budget overrun was for the six months to December 1990? It was approximately \$4.4m. To summarise, the six months to December 1992 show a blow-out of \$6.2m, or \$4.2m without superannuation; the six months to December 1991 show a blow-out of \$1.8m; and the six months to December 1990 show an overrun of approximately \$4.4m. It is very hard to find Mr Berry's great improvement in this health budget.

Let us look at the figures in another way. Let us look at the total amount spent in health in each of the three six-month periods. It is important to background these figures with some of the statements that Mr Berry has made in this area. Mr Berry has regularly stated that health is doing more for less. Let us compare the figures. In the six months to December 1990, the total amount spent was approximately \$104m; in the six months to December 1991, the total amount spent was \$107.05m; and in the last six months to December 1992, the total amount spent was \$102.526m. These figures show that, even with the rhetoric of the Chief Minister, all parts of the ACT Government would be required to make savings of 2 per cent. ACT Health has spent almost \$13m more than it spent last year.

Mr Berry whinges that the overruns are all because activity levels have increased. Why did the Minister not budget for increased activity levels? That should surely be an important consideration in the budgeting process. National health strategy No. 2 on hospital services in Australia states:

It is anticipated that the Australian trend of the past decade of increasing numbers of admissions, but declining numbers of bed days will continue throughout the next decade. Admission rates are projected to increase by 30% in the period 1986-2001 but this will be compensated for by a continuing decline in average length of stay with a resultant decline in overall bed days of perhaps as high as 20%.

This report went on to project that the increase in admissions in the ACT would be approximately 40 per cent due to a higher than average population growth. It seems that everyone, except the Minister, knew about projected increased activity rates. The health system in the ACT is clearly in disarray. It is a very serious situation. It goes beyond politics. People's lives are at risk and this Government must simply confront the real problems and come out in the open and admit that there is a funding problem and seek a bipartisan approach to solving it. What this Government or any other government cannot afford to do is to play politics with people's health.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.20): Like every other health system across the world, the health system in the ACT faces challenges when it comes to funding. So I will ask for bipartisan support on health in the ACT. What I will ask for, first of all, is that those outrageous remarks that Mr Westende made about people's lives being in danger because of the state of the health system in the ACT be withdrawn immediately because they are clearly wrong. They are a scandalous, outrageous attack on the public hospital system and that is the same attack that has been going on relentlessly under the Liberals. Mrs Carnell has headed it up. That is why the board chairman resigned; that is why the deputy chairman resigned; and that is why the Liberals have tried to present the ACT public health system as being in a state of siege. It is all part of their tactics in the lead-up to the Federal election because what they want to do is to discredit the public hospital system.

Members interjected.

MR DEPUTY SPEAKER: Order! Mr Westende was heard in comparative silence and I would ask that the same courtesy be extended to the Minister.

Mr Wood: It is always like this.

MR DEPUTY SPEAKER: That goes for the Labor members as well.

MR BERRY: This is all part of the Federal campaign to discredit the public hospital system in order that they can sell the disgraceful handover of public hospital services to the private sector. Let us stop straightaway this nonsense about how much better off people will be if a Hewson government gets into power. They will be much worse off; there is no question about that. In the ACT in particular there will be \$17m less available in our already stretched Treasury to fund public hospital services.

Mr Kaine: Are you going to say something about Dr Hewson having his hand in everybody's pocket? I would love to hear you say that.

MR BERRY: Mr Keating rightly said that Dr Hewson had his hand in - - -

MR DEPUTY SPEAKER: Order! I think that is provocative. I ask you to withdraw that comment about hands in - - -

Mr Kaine: Either both of us or none of us, Mr Deputy Speaker.

MR DEPUTY SPEAKER: Order! Firstly, I would ask you to withdraw the reference to Dr Hewson and hands in people's pockets. Secondly, I would ask you, as I am sure you intend to do, Minister, to direct your comments to the matter of public importance, which is "The continuing failure of the ACT Labor Government to confront the funding problems in health". I ask for a withdrawal about the hands in pockets.

MR BERRY: Mr Deputy Speaker, I make no imputation against members of this Assembly. If any of them feel impugned, I apologise and I withdraw accordingly. The ACT hospital funding depends heavily on funding from the Federal sphere, so it is important to raise these issues. When we know that a Federal Hewson government will result in a \$17m cut in funding to the ACT, we know that it means big trouble to the ACT. It will cause us great difficulty when it comes to funding things like the breast screening program that I opened yesterday, because they are jointly funded programs

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I do welcome this opportunity to discuss the financial management of ACT Health. The matter of public importance brought forward by the Opposition infers that this Labor Government has not confronted the health funding problems, and the fact that it has been raised demonstrates that the Opposition has a very poor understanding of the actual business of health. The Liberals' difficulty lies in the fact that they are unable to understand the complexity of health management; in other words, they do not understand what health is about. It is different from running the corner pharmacy; it is much different. Managing health relies on more than just an accounting of dollars and coming in on budget. It incorporates much wider issues such as managing hospital and community services, activity levels and ensuring that not only adequate but progressive services are available to our community. The Liberals' own record in government demonstrates the reality of my contention, and I will provide some figures to illustrate the point.

In 1991 the health budget received supplementation of \$17m, of which \$6m was for unauthorised expenditure. One is tempted to ask whether accountability screening for management was a priority, given the level of unauthorised funding. The most important feature of that was that the Treasurer did not know what was going on and did not care, and neither did the Health Minister of the day, Mr Humphries. That was the important feature of this. Since then a great level of effort has been put into taking this thing in hand, and it is achieving success.

We cannot control the number of people who turn up to our hospitals needing attention. When in government the Liberals provided no direction or control of health finances in relation to the services they were responsible for providing to the community. The snowballing effect of spending in the portfolio was not related to increasing services to greater numbers of people within the ACT; rather, it was the result of inefficient and ineffective management, and the Liberals were simply unable to come to terms with it. When Labor came to government we inherited a health system with the potential to be the best in Australia, but it was reeling under the weight of mismanagement by the Liberals.

Our policy of ensuring that the community receives the maximum value for its health dollar and that no section of the community should be disadvantaged in its access to appropriate health care has meant that the Labor Government has required a much tighter and more responsible approach to the management of health. Labor has in fact put the health system back together, and our record speaks for itself. That health is becoming progressively more effectively managed is shown in the efficiency measures that have been implemented and which have resulted in savings of greater than \$15m as at December 1992. Hospital admissions are ahead by 5.5 per cent on the same period last year. Day case admissions are up by 12.3 per cent. So the Assembly can see that what health is now doing is providing more services for less money.

The provision of services has also expanded. On Tuesday of this week, as I said, it was my very great pleasure, in conjunction with my Federal colleague Mrs Ros Kelly, to open the ACT mammography clinic. It will provide free breast screening services to women of the Territory. That was a jointly funded program - \$1.18m each from the Federal and Territory governments for that program. That is the sort of joint funding money that we are going to have a great deal of difficulty finding when \$17m is cut out of the ACT budget - if it were to happen.

A cardio-thoracic unit is also planned, which will provide essential services to our community. The Liberals wrestled with that and just could not come up with the goods; Labor did it. It is always Labor. Further, the budget for 1992-93 makes provision of \$500,000 for the expansion of our mental health services. There is now a disciplined approach to financial accountability within the management of ACT Health. Long-term planning is embedded within management structures and processes. This approach has resulted in the development of a culture of quality and a commitment to best practice principles within the organisation as a whole.

The changed approach is illustrated through the introduction of the following measures: The development of business rules is an agreement with Treasury which clearly sets out the parameters for funding and supplementation. The parameters have regard for factors which impact on the health budget but which are outside management control, such as changes in the private-public patient mix, award wage increases and variations to Commonwealth funding. There are service agreements with providers of health services within ACT Health. These agreements clearly specify the levels of service to be provided, the funding to enable the provision of those services and the accountability requirements. There is the introduction of enhancements to Fiscal, the computerised financial management system.

Health also has in place a process of consultation with unions through workplace consultative committees, and that is something the Liberals could never achieve with their confrontation style of industrial relations management. We need to develop these sorts of processes to identify and implement work practice reforms which in the longer term will enable ACT Health to reduce costs significantly. Again, we have to work together on this issue. If the Liberals opposite want to denigrate the public health system in the ACT, if they want to savage it at every opportunity and try to damage public confidence in it, they can go on by themselves.

Mr Westende said, "I want a bipartisan approach to fixing the health system". The first thing he can do, as I said, is withdraw those scandalous remarks that he made about our public hospital system. To say that people's lives are in danger is an absolute outrage and an insult to every person that works in our public hospital system. He must withdraw it. Anybody who says that he wants a bipartisan approach and makes those sorts of statements is not presenting himself in an accurate way to the people of the ACT. In fact, what he is presenting himself as is a scoundrel, Mr Deputy Speaker.

Mr De Domenico: Mr Deputy Speaker, I raise a point of order.

MR BERRY: I withdraw that. Mr Deputy Speaker, to attack the public hospital system like this is an outrage to the people who work in it. We have thousands of people out there who are committed to a stronger public hospital system. For somebody to say that their best efforts result in people's lives being in danger is an outrage and a scandal. Mr Westende ought to be ashamed of himself and Mr Kaine ought to be ashamed of himself for allowing him to get away with it because it is a sign of weak leadership to allow that sort of thing to happen. It is weak leadership; that is what I describe it as.

Planning is also well under way for the introduction of case-mix systems to the hospital services. Case-mix is a critical factor in determining future hospital budget allocations, and ACT Health is committed to its introduction as a measurement tool to assist in achieving optimal resource management. An additional \$250,000 has been made available, with a further \$1.6m planned for next year. The recent negotiation of the Medicare agreement is a further example of how the ACT and the Commonwealth can cooperate to provide a public hospital system which guarantees access regardless of individual financial status.

This demonstrates how out of touch the Liberals are: I heard Mr Westende say that we ought to be forcing people into private - - -

Mr Westende: Encouraging.

MR BERRY: Of course, the way that he would encourage them is the same way that Mr Humphries would, and that is to shrink the public hospital system so that they had nowhere else to go and were forced - and that is what Mr Humphries was on about - to pay into expensive private health insurance and were forced into the private hospital sector. If members opposite had taken the time to read the Medicare principles which were in the legislation - - -

Mrs Carnell: Yes.

MR BERRY: I hear Mrs Carnell say that she has read them. That is very good. Up to yesterday she had not had the time, it appears. Access to public hospital services is to be on the basis of clinical need and eligible persons must be given the choice to receive public hospital services free of charge as public patients. So Labor will not be forcing people out of the public hospital system into the private sector; we will not be forcing people into the private hospital system with some sort of bodgie insurance arrangement. The Liberals are trying to pretend that they have some newfound commitment to social justice with their health policy when they say, "The rich should pay extra". They say those sorts of things. They do not care about the poor, because what they are doing is creating a double health system. The rich will always look after themselves; you do not have to look after them because they have enough already. It is the poor people who will suffer. They are the ones that are going to be forced into private insurance. They are the ones that will have to pay \$100 a day if they are forced into a private hospital, even though they are privately insured.

So let us get to the bottom of these scandalous claims that are being made by the Liberals opposite. Rather than failing to confront the funding of ACT Health, this Government is well on the way to developing a system which will be a model for the rest of the country. The Federal Liberals provide a dramatic contrast; the community can expect a \$17m cutback, as I have said, to Territory funding. As Mr Keating said, if Dr Hewson were to win the election, if you go to McDonalds, you are going to have to buy an extra one for Dr Hewson. If you go to the pictures, you are going to have to book an extra seat for Dr Hewson. All of those things are true. Dr Hewson and Mr Howard are bad news for ACT Health.

Mr De Domenico: Put some sense into the argument, would you, Kate.

MRS CARNELL (3.36): I tell you what; it could not get worse, could it? My colleague Mr Westende has eloquently shown that the health budget is not under control, contrary to the quite remarkable statements that have just been made by Mr Berry.

Mr Connolly: Mr Deputy Speaker, I raise a point of order. Mr De Domenico was consistently interjecting while Mr Berry was speaking, which was bad enough, but he is also consistently interjecting while Mrs Carnell is speaking. In the unlikely event that anyone on this side of the house was interested in listening to Mrs Carnell, they could not hear her over Mr De Domenico's interjections.

MR DEPUTY SPEAKER: Thank you for advising me of that. I will make sure that you can hear Mrs Carnell.

MRS CARNELL: That the budget blow-out is no better and probably worse, and that the situation has been the same and getting worse for the past three years, I think has been quite adequately shown by Mr Westende. In fact, just to refresh your memory, Mr Deputy Speaker, the blow-out to December 1990 was approximately \$4.4m, to December 1991 it was \$1.8m and to December 1992 it was \$6.2m. This is a budget situation that is under control! Heaven help us!

Mr Westende also showed that the ACT has spent more money in real terms each year since Mr Berry took over the health ministry. Under normal circumstances it might be okay to spend more money on health due to an increasing and ageing population; unfortunately, this luxury is not available to the ACT. The Commonwealth Grants Commission has said that ACT Health is overfunded to the tune of \$40m, even after taking into account fiscal equalisation principles. The Grants Commission has said that it expects the ACT to rein back its expenditure to be more in line with national averages over the next three years or so. Mr Berry has shown, unfortunately, absolutely no ability to bring the health budget under control. In fact, to digress slightly, the Grants Commission members themselves recognised the problems with activity levels increasing due to population levels increasing, and my understanding is that they gave us an extra \$11m to address just those sorts of issues - something that Mr Berry seems to have forgotten very easily when it suited him.

Mr Deputy Speaker, Mr Berry has spent nearly \$13m more - and I stress more - in the first six months of this financial year. We have to look at what happened in the same six months in the previous financial year. I am sure that nobody has forgotten the closure of Royal Canberra Hospital. So he has spent \$13m more than in the six-month period in the previous year and in a six-month period that included the closure of the hospital, a period which had a number of extraordinary expenses associated with the closure.

This Government closed Royal Canberra Hospital for the express purpose of becoming more efficient, to be able to do more for less, to improve the quality of service that was provided and to save money. This side also supported the closure of Royal Canberra Hospital; there is no doubt about that. We did that for the same reasons. We needed to be able to do more with less and to be able to continue to keep services up to the people of Canberra, knowing that we were going to have less money to deal with. I am sure that the current Government - and Mr Berry - made the decision for the same reasons.

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I think \$6.5m per year was supposed to be saved by the closure of Royal Canberra Hospital. We have closed the hospital but now we might ask where the \$6.5m is. I think everybody in Canberra -
- -

Mr Kaine: That is just about the size of his overspend this year.

MRS CARNELL: It is, but it was supposed to be the other way; it was supposed to be a saving. I think everybody in Canberra could be forgiven for asking that question: Why do we still have a budget overrun when we have just closed a hospital? I think we really should look at what the ACT has got for the extra - and I say "extra" - money that we are spending on health. I will say it again: We have spent \$13m more. So let us look at some of the other things. I can accept that maybe if Mr Berry had spent the money on other things that were tangible we might excuse it. I am not sure that the Treasurer would, but we might.

We might look at bed numbers. Let us look at bed numbers over the last three years. In 1990 bed numbers were 862. In 1991 they were 891. In 1992 the official figure was 819. Unfortunately, we really do not have 819 beds, but we will allow for a certain amount of poetic licence on behalf of the Government. That means that we are actually almost 100 beds short of what we have previously had. That means that in the ACT we have 2.7 public hospital beds per 1,000 population. The Australian average is in excess of 4.5 beds per 1,000. The Macklin report suggested that possibly - and I stress "possibly" - by the year 2000, taking into account improved surgical procedures, better day surgery and so on, we may be able to achieve 3.3 beds per 1,000. We have 2.7 now. Where is the ACT heading? Down the gurgler - that is all you can say.

Mr Berry seemed to get very concerned with Mr Westende's comments that possibly people's health in the ACT might be suffering as a result of his financial management. I know that Mr Westende did not say "because of our doctors and nurses" because they are wonderful. Every day - and I am sure that the Minister gets the same - I get phone calls from people who have not been able to get into hospital. I get phone calls from people like the lady two weeks ago who saw her GP on Tuesday, was diagnosed as having a carotid artery obstruction, saw the specialist on Thursday morning who believed that an operation was urgent but could not get her a bed until the following Monday. That is just unacceptable. If Mr Berry believes that that is not putting the health of Canberrans at risk, I honestly do not know what is.

Let us progress a little further. Let us look at waiting lists. Have we done better in waiting lists for the same sort of period? In December 1990 no figures were available. We had not learnt to count then. But by February 1991 we had a waiting list of somewhere in the vicinity of 1,700. By 1991 it was 1,800. In 1992 we cracked the 2,000 and it was 2,045. Those figures do not look too good either.

We might look past the hospitals now. Let us look at community health and let us see whether that is where all of this \$13m-plus is disappearing. Community nursing is a particularly important area because if the average length of stays continues to reduce, as the Minister regularly suggests is going to be the answer to all of our problems, it does not require an Einstein to realise that we are going to need more community nurses, more domiciliary care. Let us look at

what has happened in community nursing. In the September quarter 1991 there were 57,859 occasions of service in that particular area; this fell to 54,107 occasions of service in the September quarter 1992, with a similar figure recorded in the December quarter. It does not look like the money is going to domiciliary care.

How about we look at school dental services? In the September quarter 1991 there were 14,174 occasions; in the September quarter 1992 there were 11,290; in the December quarter 1992 there was another fall to 10,084 occasions of service. It is not going there. We can continue to go down this track. The figures for regional health services are: September quarter 1991, 44,823; September quarter 1992, 42,951; December quarter, 36,955. The story continues. The money is not going into health; the money is going into administration in health; the money is going into bad management. Mr Berry believes that this is the way you run a health service for the people of the ACT; he believes that this is the way you provide services. The actual health professionals in our system are doing a wonderful job. They need to be backed up by good management, sensible management and a properly resourced health service.

MS FOLLETT (Chief Minister and Treasurer) (3.46): Mr Deputy Speaker, I am pleased to be speaking on this matter of public importance today because the Government has a strong commitment to health services and to ensuring a responsible budget approach in the ACT. I would contrast this approach to Mr Humphries's period as Minister for Health when not only was there a \$17m blow-out, \$6m of which was unauthorised, but both the then Minister, Mr Humphries, and the then Treasurer, Mr Kaine, were unaware of it. Even Mrs Carnell has referred to that period as the bad old days. Her specific words were "the bad old days of the \$17m blow-out"; I heard her say that on the radio. They were indeed the bad old days.

The health services in the ACT are undergoing an unprecedented degree of restructuring in order to be able to maintain quality services to the community and to maintain them in the face of successive cutbacks in Commonwealth funding. These cutbacks, of course, would be vastly exacerbated by the promises made by Dr Hewson not only to slash public health but to slash 5 per cent from the general revenue grant of this Territory and of all other States.

The health program funding from the budget in 1992-93 was \$220.5m, representing some 20 per cent of total expenditures from the Consolidated Fund. It is indeed a sizeable part of our budget. The ACT inherited at self-government a health system which many speakers have referred to, which had expenditure levels which the Grants Commission estimated were 23 per cent higher than comparable State levels. Since self-government, the Commonwealth funding, which represents over half of the total revenues of the ACT, has been reduced in real terms at unprecedented rates, and the health budget has had to be substantially adjusted to cope with the ACT's reducing financial capacity whilst at the same time maintaining the services to the community.

All too often in debating budget issues the Opposition fails in any commitment to maintaining quality public services to the community. My Government delivered on the basic goal of pursuing a responsible budget approach, an approach which has been confirmed by comparisons of the ACT's recent financial performance with the States'. So it is not just me saying it; it is a matter which has been commented upon. It includes comparisons made by the Australian Bureau of Statistics and by the credit rating agencies - independent agencies.

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These comparisons continually confirm the highly responsible approach that my Government is taking to the budget pressures that are placed on the ACT. We have a commitment to combining responsible budgeting with social justice. We are succeeding on both, whereas the Opposition could achieve neither when they were in government. We have taken very difficult decisions in confronting the high costs of the system we inherited which have been shown over many years through the Grants Commission comparisons. Adjustments have been made in all areas to meet these pressures, including major restructuring of hospital services.

The Government has made and will continue to make the investment that is necessary to enable health services to operate in an efficient manner. We have committed all the necessary capital resources, including over \$170m to the hospital redevelopment project. Health is recognised in all jurisdictions as being a most complex area of the budget; it is not an area amenable to simplistic solutions. I would suggest to members that Dr Hewson's solution of handing over the control and most of the money to the doctors is a simplistic solution which will not work. In the last two budgets ACT Health has been required to achieve, and it has achieved, major efficiency savings. Supplementation to the health budget has been based on agreed criteria and has been closely monitored.

Madam Speaker, my Government gave explicit recognition under the business rules to the costs imposed on health because of the national trend of a decline in the proportion of private to public patients in hospitals. This trend has been acknowledged in the Medicare agreement after significant negotiation and the Territory is assured of gaining at least \$21m from that agreement, thereby relieving some of the considerable pressure on the Territory's budget and giving us some small breathing space to confront what will be a continuing squeeze on it. It is a squeeze which is expected to be infinitely tighter if it is the Fightback package which is implemented.

The Opposition continually criticised the Government, the Board of Health and the health program itself last year for the supplementation provided for the changes in patient mix. Such criticism has now been shown to be unjustified. It failed to recognise cost pressures on the health system which are outside management or State or Territory government control. The impact of these issues has now been recognised by all governments at Commonwealth and State level, including the political colleagues of those opposite, and by all political parties in the new Medicare funding agreement.

The Assembly and the community as a whole have cause for concern about the implications for health funding of the Federal coalition's Fightback policies. Fightback, as I have said, will slash funding to public hospitals. It promises escalating health costs along the lines of the American health system under which health care will be based on a person's wealth and not on their health needs. In that context, the Opposition's criticism of my Government's policies is particularly ill founded. The ACT health system has made significant advances in health care and health delivery, notwithstanding the major restructuring which is being undertaken.

One of the improvements that have been evident over the past two years has been a significant reduction in the average length of stay in hospitals, achieved through increasing the use of day only surgery. This has reduced average costs of treatment and has permitted a higher level of service in the hospital system, as demonstrated by the most recent report by the Board of Health. Such developments will enable the Government to pursue a health budget that exploits greater efficiency and caters for higher levels of health service.

The status of the health budget has been fully disclosed in the Board of Health's quarterly reports. These reports also indicate the extent to which activity levels have increased as a result of policies to reduce the average length of stay in hospitals. Equally, we will maintain our commitment to improvement in efficiency and to ensuring that health, which is such a major part of the ACT budget, does contribute to the overall responsible budget approach that we have set. The record on this demonstrates the Government's success at delivering a responsible and low debt budget outcome for the people of the ACT. I think it is admirable that we have achieved such an outcome whilst maintaining our commitment to service delivery.

MR HUMPHRIES (3.55): Madam Speaker, I made comments this morning about the sorts of furrphies and myths that were being perpetrated about the industrial relations battle in this country in the last few weeks, and it seems to me that much the same can be said about comments being made about health. I must say that, the more I hear a Labor politician talking about the more and more exaggerated claims of harm, of damage, to be done by a Hewson government, the more I think back to 1983 and to very similar sounding statements emanating from the lips of Liberal Ministers in those days when it was increasingly clear that a Labor government was on its way. I take that as a sign of some hope, frankly, that the present incumbents of our corridors of power are realising that they need to be rather more exaggerated in their claims in order to get some attention paid to their increasing fears and concerns about a change of government.

The fact of life is that very little of what either Mr Berry or Ms Follett has said to us today about health in the ACT, or nationally, is true; it is a succession of untrue statements. First of all, I will take what Mr Berry said, Madam Speaker. Assertions about ACT budget history really are quite wrong for a man who has spent longer in that seat than anybody else. I am surprised that either he or his advisers could not get the right figures and facts down on paper when they were preparing his speech for today. The fact is that there was not, for example, \$17m worth of supplementation provided to the budget for health when the Alliance Government and I were in power.

Ms Follett: Mrs Carnell thought there was. Yes, "the bad old days of \$17m" is what you said.

MR HUMPHRIES: Mr Berry said, "\$17m supplementation". It is untrue on two counts: The supplementation was \$11m and supplementation, as this Government argues all the time, is fair enough. Supplementation is all about giving the system the money that it deserves because it is facing some problems which are, to quote the Chief Minister's words, "outside ACT Government control". If that is the case, the \$17m claim on the part of this Government really falls rather flat because precisely the same sources of supplementation have been relied upon by them in government. A strict comparison is not the before supplementation figure; it is the after supplementation figure, and the fact of life is that this Government does not compare very well.

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We also, of course, realise that, if the maxim is "You can make a mistake once", then Mr Berry has certainly exceeded the tolerance of any fair-minded person by making it not once, but three times.

Mr Connolly: So you made a mistake only once; you had only one budget.

MR HUMPHRIES: That might be. You never know what would have happened if I had stayed in power, do you, Mr Connolly? We do know that Mr Berry has been in power now for, I think, four budgets and Mr Berry has notched up, to his discredit, four budget blow-outs.

Ms Follett: It is three.

MR HUMPHRIES: It is only three, is it? It is only three budget blow-outs. Thank you, Madam Speaker, for the admission from the Chief Minister. "Only three budget blow-outs", says the Chief Minister. I stand corrected; it is three budget blow-outs. Madam Speaker, we heard Mrs Carnell in silence; I hope that you can give me the same benefit. We heard Ms Follett as well.

Claims about the Federal Opposition's policy on health are equally ill founded. Mr Berry has a fixed idea here. It is an idea which obviously he inherited or developed quite some time ago, probably several decades ago, about what Liberals do in government, and it has not shifted. No matter how all the facts around him have changed, it has not shifted at all. The fact is that what is happening here today in Federal politics, in health, is a quite unusual turn of events. It is a quite dramatic turnaround as far as the normal course of events is concerned because the Liberal Party is saying, "If you are rich and you happen not to have private health insurance, you are going to have to pay through the nose". I make no bones about it, Madam Speaker; it is true that for rich people in this community or anywhere else in Australia who do not have private health insurance Fightback will be, in the health area at least, a bit of bad news. There is an admission for you. It will be bad news. That is because we believe fundamentally in the principle that if you are rich enough to pay for private health insurance you should be paying for it and you should be contributing more fully to the cost of health provision in this country.

Mr Berry: It is a shonk. Do not argue with it; it is a shonk.

MR HUMPHRIES: Mr Berry says that it is a shonk, but he cannot point to a single thing, which just proves what I say - except his inherited and obviously deep-seated belief that we are somehow going to support the rich and tax the poor. The fact of life is that that is not what Fightback says. You cannot point to a single word anywhere in here which supports that contention and, in fact - - -

Mr Berry: GST?

MR HUMPHRIES: Health is zero rated, Mr Berry; there is no GST on health. The fact of life is that this document disproves every word that he has said. Fightback is good news for the poor. Fightback is good news because they benefit. They are the ones who get the highest rates of tax rebate. A single person earning less than \$12,000 gets a tax credit of \$200 a year, and it is \$400 for a family.

Mr Berry: How much does it cost them for health insurance?

MR HUMPHRIES: They do not have to have health insurance. This is the point; they do not have to have it. It is their choice. If they want to take it out, that is fine. If they do take out health insurance there is a rebate to help them. The point is that under this system many more people will be taking out health insurance because of the incentives being offered. Those people will be using private health insurance when they need it, because that is the way in the present situation that they can get access to health facilities quickly, and that means that there will be less pressure on the public hospital system.

Mr Berry, of course, knows that his system cannot deliver at the present time. His system is typical of health systems across the whole country, particularly hospital systems, which simply are not able to cope. By Mr Berry's own standards his system has failed. When he was in opposition he said that waiting lists were a disgrace and bed numbers should be increased. Waiting lists have gone up since he became Minister again; bed numbers have gone down since he became Minister again. By his own standard, the health system has failed. What other test do you want to use? I invite you to nominate any tests that you applied while you were in opposition and we will judge the system now on that basis.

Mr Berry: Okay; we are treating more people.

MR HUMPHRIES: That is not the point, because those people are having to wait longer to get the service. There are more people in the ACT than there were at this time two years ago; of course you are treating more people, but it is taking longer to do it.

Mr Berry: The average length of stay has dropped.

MR HUMPHRIES: The fact that they are spending a shorter period in hospital does not prove that they are getting any better service. In many cases, I would argue that spending a shorter period of time in hospital is actually to their disadvantage. Some people actually gain some therapeutic value from being in hospital and sitting in a hospital bed for longer than they have been.

Madam Speaker, this Government uses rhetoric all the time which it simply cannot back up. Even in his last speech Mr Berry said, "No section of the population will be disadvantaged. The system is accessible to all". You go and stand in that waiting list and you say to people, "This system is accessible to all"; you will be torn apart. They will not swallow that garbage. Do not get indignant because I raise waiting lists. That was the test that you applied when you were in opposition and, by your own test, you have failed as a Minister.

The business rules are a convenient pretext offered by this Government to get them out of trouble. The fact of life is that they have dressed up supplementation in such a way as to get the Minister off the hook every time the budget blows out. That is what it amounts to. The business rules amount to: If you want more money, you have to ask very nicely and then you get it. That is what the business rules are all about. They are designed to make sure that this Minister never has to say, "Oh, I have had a budget blow-out". That is what it is all about. Mr Berry is very quick to quote Fightback when it comes to industrial relations; he has not been quick to quote it when it comes to health. I think it proves a very different picture to the one he puts forward.

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Madam Speaker, health remains a black hole for this Government. It remains its weakest link. It is the area in which this Government will most suffer and most be at risk when the next election comes around, and Mr Berry, by the same standard, will be the Minister most at risk. I would be very happy to see him avoid that risk by perhaps moving on to another portfolio or by somebody - be it him or somebody else - getting in and doing something about our problems. Let us not wait until it becomes a catastrophe, a disaster. Let us do something about it now, and that means acting on the funding problems which are very much staring us in the face.

MRS GRASSBY (4.05): I find what Mr Humphries had to say very interesting. To stand there after he had a \$17m blow-out himself - \$11m under the business rules and \$6m which was unapproved - is like the pot calling the kettle black. It was this Minister that closed the Canberra Hospital.

Mr Humphries: This one?

MRS GRASSBY: No. The Minister across there, Mr Humphries, closed the Canberra Hospital.

Mr Humphries: I think he actually did it.

MRS GRASSBY: No. You closed it with the absolute cost of moving the whole hospital over to Woden. It was an absolutely enormous cost to the health system. You could not close it fast enough, Mr Humphries. You wanted it closed; that was it.

Mr De Domenico: You could have kept it open if you had wanted to.

MRS GRASSBY: There was no way I could get it kept open. By the time this Government came to power things were pulled out of the wall; the place was a mess.

Ms Follett: Do not respond to them.

MRS GRASSBY: You are right; why respond to rabble? You are right. Chief Minister, I am sorry; I should not have.

Mr De Domenico: Did the Chief Minister say "rabble"?

MADAM SPEAKER: Order!

MRS GRASSBY: No, the Chief Minister did not say that; I said that. The Chief Minister is well above that; she would not say that. Mr Humphries knows about bed numbers. We went on an inquiry about bed numbers and we were told everywhere we went, "You do not count beds". No hospital in New South Wales counts beds. Still you are all talking about counting beds when you were told - and I was there with you - at every hospital we went to, "You do not count beds". Here is Mr Humphries still counting beds. What is happening now is that the hospital system is seeing more people, getting them through quicker. The hospital system is working much better than it did under you, Mr Humphries.

We are going back to the system that the United States has and that they are trying to get rid of, where very ill people lie in the streets dying because they cannot afford a health system. There are stacks of private hospitals but you cannot get into them unless you have private health cover, and that is the sort of thing you want to push on to us. You want to keep the poor and the sick lying in the streets dying because they cannot get into a hospital. I have seen that in America. There are plenty of private hospitals but unless you have very high insurance there is absolutely no way that you can get into these hospitals. This is what you want to bring on to the people of Canberra.

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

BUSINESS FRANCHISE ("X" VIDEOS) (AMENDMENT) BILL 1993

[COGNATE BILL:

STAMP DUTIES AND TAXES (AMENDMENT) BILL 1993]

Debate resumed from 17 February 1993, on motion by **Ms Follett:**

That this Bill be agreed to in principle.

MADAM SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Stamp Duties and Taxes (Amendment) Bill 1993, the Business Franchise (Liquor) Bill 1993 and the Business Franchise (Liquor) (Consequential Amendments) Bill 1993?

Mr Humphries: No.

MADAM SPEAKER: There being a dissentient voice, we will proceed with order of the day No. 1.

Mr Humphries: Madam Speaker, we are quite happy to see the first two Bills debated cognately and the second two Bills - - -

MADAM SPEAKER: Once you say no, that is no.

Mr Humphries: I am just saying to you that we do not want all four. If you suggest to the Assembly that we take the first two Bills together and the second two Bills together, I am sure that we will all agree to it.

MADAM SPEAKER: Run that past me again, Mr Humphries. Which ones together?

Mr Humphries: I am suggesting, Madam Speaker, that we debate the first and second orders of the day cognately and then the third and fourth cognately.

MADAM SPEAKER: Is it the wish of the Assembly to debate orders of the day Nos 1 and 2 cognately? There being no objection, we will proceed in that way. 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.

MR DE DOMENICO (4.09): Madam Speaker, from the outset let me say that the Liberal Party will be opposing both Bills. Contrary to some of the things that we heard yesterday, we have had a chance to look at these Bills. We have read them, we have digested them and we have even gone far and wide and consulted members of the community who we think are being affected by this legislation. To be honest, Madam Speaker, if my fax machine had not been working hard over the weekend and if I had not mailed the Bills out the day after they were introduced into this house, they probably still would not have arrived at their destination. We will be opposing these Bills because of the mere fact that, on principle, we will not be put in a position of ramrodding legislation through, simple as it may appear to be, just to suit the whims of the Government.

The Business Franchise ("X" Videos) (Amendment) Bill is made up of basically three sections. The first is in response to a High Court decision that the current tax on X-rated videos may be interpreted as an excise, so the manner in which taxation is charged will be changed through this Bill. The previous advance fee is the area of dispute. This will now become a franchise fee. Under the Alliance Government the X-rated video industry was charged a tax. Actual stock and turnover were used as the basis of liability. "Actual stock" will now become an estimate to avoid the interpretation that an excise is being charged as the advance fee. The commissioner makes an estimate of the taxation liability by considering the size of the business, its stock and other fees being charged to similar business. This gives the commissioner wide discretionary powers to decide what the business will be taxed.

Madam Speaker, in my office on Monday it was said that it was not essential that this Bill go through on Wednesday. The Liberal Party is going to be opposing these Bills. Why are we debating these Bills so soon? During the last sitting I heard both Mr Moore and Ms Szuty say, "No, this is terrible. This is obnoxious. We cannot have this. We have not had time to see Bills". But all of a sudden they seem to have changed their minds. We saw the incredible situation this morning, Madam Speaker, where a private members Bill was declared urgent by this Government because it thought, "This is such an urgent Bill that we have to debate it straightaway". Yet we are here expected to make decisions on legislation which, simple as it may appear to be, will affect a great part of the community. The Opposition will not allow that to happen.

There are other parts of the Bill too. One is the amendment of the definition of "wholesale value". The present definition allows wholesale value to be assessed minus Commonwealth duty. This Bill changes the definition so that the Commonwealth taxes and duty are included in the wholesale value. The third part of the Bill expands the net of people to be included in an assessment of fitness and propriety when an application is made for a licence. At present corporate bodies - including directors, secretaries and officers of the company - must satisfy certain standards of fitness and propriety to be granted a licence. The cost of police checks is borne by those seeking the licence. The Bill proposes to expand the definition to include influential people such as major shareholders. In fact, Madam Speaker, the requirements are no different from those which currently must be met in the liquor industry. According to the Revenue Office, there will be no financial implications.

The other point that needs to be made in respect of this Bill, and the other Bills as well, is that the High Court's final verdict is still pending. Until we know exactly what the High Court is going to say, surely we should put these Bills out for community consultation to make sure that they are all hunky-dory before we get up and debate them. But what does this Government do? It brings them in one week and wants to get them through the next week. For that reason the Liberal Party will be opposing the Business Franchise ("X" Videos) (Amendment) Bill.

Let us have a look at the Stamp Duties and Taxes (Amendment) Bill. I had a look at the Bill and saw that car dealers will no longer be liable to pay stamp duty on new cars and that the buyer will be liable. Dealers will still be liable when trading in used cars. Dealers can still pay duty on new cars as a service to customers, but are no longer liable under the Act. The Bill has been proposed in response to the High Court ruling regarding the ACT's ability to charge excise tax. The Bill also clarifies the definition of "trading stock". This appears to be a simple and sensible change. There are no financial consequences, and we are told that the legislation will be effective from 1 April.

The Liberal Party consulted the Motor Traders Association, and Mr Livingston said, "On what has been explained to me over the telephone, it appears that this Bill is okay. However, I have not had a look at it. I will have a look at it and let you know". We sent him a copy of the Bill and we rang him back and said, "Mr Livingston, what do you think of the Bill?". He said, "I am terribly sorry; I got it only on Monday and you are now expecting me to make a decision. I can't, because I have other things to do with my time, but it appears to be okay". Until such time as the Liberal Party is satisfied that both of these Bills are okay and the people that are affected by them are happy, we will not be supporting them.

MS FOLLETT (Chief Minister and Treasurer) (4.15), in reply: Members are aware that I will close the debate. Madam Speaker, I have listened very carefully to what Mr De Domenico has had to say about these two Bills. I have heard Mr De Domenico say that he has read them both. I have heard Mr De Domenico say that he has been briefed on them. I have heard Mr De Domenico say that he has consulted with industry who would have an interest in these Bills and that they have responded that as far as they are aware they appear to be all right. Madam Speaker, I cannot believe, in those circumstances, that Mr De Domenico therefore continues to oppose the Bills. That is a ludicrous position. Both Bills are relatively straightforward. They are being put forward in response to the High Court decision of October last year in relation to the question of whether the ACT could levy an excise.

Madam Speaker, just for the benefit of members opposite I would say that the High Court decided to hear the case in two parts. The first part was: Could the ACT levy an excise? I am putting this very simply; I am not a lawyer. That part of the case has been heard, and the answer was no, the ACT cannot levy an excise. The second part of the question, which the High Court is yet to consider, as Mr De Domenico says, is: Does the X-rated videos business franchise as it currently stands constitute an excise? That part of the case has yet to be heard, Madam Speaker, but I would put it to members that before that part is heard it is only prudent for any government to amend any legislation of a revenue nature so that it could not be interpreted as an excise. We have a duty to protect the revenue base of this Territory and I believe that any revenue legislation which has any doubt surrounding its constitutional soundness should be amended as a matter of urgency.

On 20 October last year in this Assembly Mr Kaine asked me a question in relation to the High Court case concerning X videos. Mr Kaine's question made it very clear that he understood that a decision on the X videos case by the High Court had implications for other taxes. Mr Kaine asked me at the time what I was going to do about those other taxes - this was on 20 October last year - and my reply to Mr Kaine was that we were giving very close attention to all of the ACT's revenue laws to ensure that they would not be subject to a constitutional challenge. The longer the delay in changing these laws, the greater is the risk of challenge to them. If such a challenge were to be successful, there would be a loss of revenue to this Territory; and the longer the delay, the greater the loss. I think that is putting it pretty bluntly. I consider that it would have been irresponsible, quite irresponsible, to delay the introduction of the amendments that are proposed in these Bills - and they are straightforward, I would remind members.

Mr Humphries: But you did delay them, from October to now.

MS FOLLETT: Madam Speaker, it was simply not possible for the Government to introduce these Bills prior to the date on which I did introduce them. Members will recall that the High Court decision was in October of last year. That High Court decision involved us in a detailed and very thorough review of our Territory's revenue laws. We needed to get senior counsel's advice on them - I believe in fact that we got two advices from senior counsel - and we needed to be absolutely certain that the action that we would take would be correct and would protect the Territory's revenue base.

Mr De Domenico raised a further question about the definition of "wholesale value", and I would like to respond briefly to that. Madam Speaker, the Bill proposes that the definition of "wholesale value" should be amended specifically to include the Commonwealth taxes and duties. This has always been the intention of the definition that is currently in the Act, and, in fact, on a proper reading of the Act that ought to be the clear meaning. However, industry sources have suggested that that may not be the clear meaning. They have suggested that there may be an ambiguity and, therefore, the definition has been expanded to make it quite clear that it does include Commonwealth taxes and duties. That is all that is; it is not a huge matter.

I am disappointed to hear from the Opposition that they do not propose to support these Bills. I consider that they have been brought forward at the earliest possible opportunity and that it is the only responsible course of action to take to put beyond doubt the constitutional soundness of our revenue Bills in order to protect the Territory's revenue base. Madam Speaker, as I say, members are aware that there are no revenue implications in the Bills as they stand; but, of course, if they are not passed they could have huge revenue implications for the ACT. They could greatly affect our ability to collect taxes. Such a reduction in our revenue would, of course, have implications for the whole of the community and for the services that we need to provide for that community; so I would urge members to think very carefully about it.

Madam Speaker, on a personal note, I am sorry that they have to consider it quickly. I know that, no matter what position you occupy in this chamber, on sitting days things are always rushed and you always seem to have too much to consider. There is no doubt about that. I find myself in the same position. But you must be able to distinguish between what is the right thing for you to be doing and what is the responsible course of action, and what is mere politicking; and I think the only responsible course of action is to support these Bills.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MS FOLLETT (Chief Minister and Treasurer) (4.21): I move:

Page 4, clause 11, line 35, proposed new section 19, omit "(2)", substitute "(1)".

This is merely a typographical matter, to change a "2" to a "1" in proposed section 19.

Mr Kaine: They even got their proofreading wrong.

MS FOLLETT: This again is a minor matter. I apologise to members that we have had to make a typographical change, but I would remind my Liberal colleagues opposite of their little bit of Liberal propaganda concerning reading, writing and arithmetic, in which they had a glaring error in the spelling of the word "arithmetic". It had been published all over Canberra before I found it out for them.

MR HUMPHRIES (4.22): Madam Speaker, to return to this question that Mr De Domenico raised of these Bills coming forward, I heard the Chief Minister speak about the extent to which some consultation and analysis needed to occur after the Government discovered that the High Court had disallowed, in effect, the excise levying capacity of the Territory. I take the point that the Chief Minister makes, that there is a need to move quickly and also to work out where you stand. It seems to me that in the circumstances it is necessary for the Government to take certain decisions. I would ask the Chief Minister in the course of this debate: When was it that the Government got that advice that it would clearly need to change that basis for levying franchises in the Territory? At what point did that decision become clear to the Government? I would also ask her: When was it that the legislation was prepared, at least in draft form, ready to bring before the Assembly?

MADAM SPEAKER: The question is: That the amendment be agreed to.

Mr Humphries: Well, I have asked a question. I hope that the Chief Minister can answer it.

MADAM SPEAKER: It is not question time, Mr Humphries.

Mr Humphries: Madam Speaker, it is customary in the course of dealing with Bills to ask questions. If the Chief Minister does not wish to answer, I am quite happy to continue with my speech.

MADAM SPEAKER: I take your point, Mr Humphries. It is okay.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.24): Madam Speaker, as the Chief Minister indicated, when the High Court decision was announced in October we realised that we may have a problem. If you look at established texts on constitutional law - it is certainly so in Leslie Zines's book - the assumption is that section 90 binds the Commonwealth and the States but not the Territories. There was never an assumption that the ACT or Northern Territory was bound by the prohibition on levying an excise. Any authority would have said that and the textbooks were saying that. When the revenue laws were drafted in the ACT in the period since self-government, and in the Northern Territory since the mid-1970s, the very complex formula that Mr Humphries is familiar with that you must go through to get a valid section 90 non-excise did not have to be complied with, and the ACT quite sensibly took the simpler course. We tended to levy taxes as things were sold, rather than adopt the legal fiction of this past period consumption taxation which is the legally valid form of excise.

The decision was announced in October. The Chief Minister has indicated to the house that we set up an examination. Mr Jackson, QC, of the Sydney bar and Mr Katz, a leading junior in the field of constitutional and taxation law, gave us a series of advisings. My recollection is that I saw one of those advisings in December and one in January. Those advisings basically looked at, in turn - - -

Mr Humphries: There were two, were there?

MR CONNOLLY: Yes, there were at least two. They looked sequentially at ACT revenue laws and formed the view that there could be problems. On the basis of those advisings the Parliamentary Counsel, Mr Hunt, then prepared suitable amendments. So the process was, as was indicated in October, that we would look at our laws. We did that originally in-house; officials from my department worked with officials from the Revenue Office. The preliminary view was that there could be problems. Because of the importance of the matter we thought it was appropriate to seek counsel's advice from senior practitioners in the field of revenue law. There would be no difficulty, I would imagine, later on if Mr Humphries wanted to see those. We would not want to publish them, for obvious reasons, because someone may seek to make some challenges to ACT law; but I can assure you that that was done bona fide. As a result of that advice - my recollection is that I saw one in December and one in January - the draftsman prepared amendments, and it went through the ordinary Cabinet process.

MR HUMPHRIES (4.26): Madam Speaker, the comments by the Attorney-General have partly reassured and partly alarmed me. I accept that this is a process that has to be gone through. That has been explained and that is clear enough. I am pleased to see that advice was taken; that it was received by the middle of January and that legislation was then commissioned. The Attorney himself has said that that process could have been opened up a bit more, or at least in theory it is possible to open it up a bit more so that others can see what is going on. I do not know whether I accept or understand the argument that someone might challenge the legislation if it is produced in draft form. It is a bit hard to see how they could challenge a piece of draft legislation. I do not know whether that argument means that the reason this legislation has been introduced and is being passed in the space of seven days is to try to cut off anybody who might try to challenge the legislation in the court. If that is the case I am greatly dismayed, and I think that is a most unfortunate way for the Government to behave.

Mr Kaine: Mr Moore would probably support that.

MR HUMPHRIES: Mr Moore would probably support it. The point is this: If you had advice in January which indicated that there needed to be a change in the laws, and if you had legislation available some time shortly after that, at least in draft form to start to be able to bring this process into a legal framework as determined by the High Court, why could you not have exposed that to some discussion, if only within the ranks of members of this Assembly - or, for that matter, within the broader community?

I might say on my own behalf - I have not discussed this with my colleagues: If you had a deadline to meet and you could not introduce legislation until a certain date in the Assembly, what is wrong with circulating a draft to other members of the Assembly a couple of weeks beforehand? I tell you now that if you had done that we would not have a concern about this because we would have seen it. We would have had time to discuss the principles with the people who are affected by it, and we would be in a position to come here and say, "This is legislation which we can support, or not support, and these are the reasons". Obviously, you would have a concern about someone bringing in the Bill over your heads. Obviously, we would have to do this on the basis that we were prepared to be gentlemen and to respect the confidentiality of the documents that you brought forward.

Mr Kaine: And we always are.

MR HUMPHRIES: We always are, and we always have been in the past when this has been used. I have to say, Madam Speaker, that there is no reason for a matter of this sensitivity not to be more widely canvassed. We are not here to sabotage the Government's finances. We do not oppose this Bill today because we want to see the Follett Government run out of money in the middle of May. We are concerned because we do not believe that the processes of law-making are being properly exercised by passing legislation, important legislation, just seven days after it is introduced into the house. I say in that respect that you could circumvent that process by being a bit more open about it.

Debate interrupted.

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ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

BUSINESS FRANCHISE ("X" VIDEOS) (AMENDMENT) BILL 1993 **Detail Stage**

Debate resumed.

MS FOLLETT (Chief Minister and Treasurer) (4.30): Madam Speaker, very briefly, I listened to Mr Humphries's comments and I will take on board what he said. I presume that it was genuinely meant. I do assure the Assembly that these Bills, and indeed any draft of these Bills, were not available very much before they were introduced into this Assembly. It is an unfortunate fact that this activity occurred over the traditional Christmas period, at a time when many people, including me, were on leave. The Government considered these matters not so very long ago and I introduced the Bills at the very first opportunity available to me. Nevertheless, I take seriously the comments made by Mr Humphries and I will give further consideration to what he has said.

I repeat, Madam Speaker, that I believe that when a Bill is capable of challenge on its constitutional soundness you change it at the first available opportunity rather than, as I think Mr De Domenico implied, wait until the soundness or otherwise has been ruled upon by the court, especially the High Court, because by then it is too late to take action. This is a prudent measure and, as I say, I am sorry that members opposite do not feel able to support it. I think it is for the best. I certainly think it is in the best interests of our whole community that these Acts be amended to put beyond doubt their constitutional soundness.

Amendment agreed to.

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

Question put:

That this Bill, as amended, be agreed to.

The Assembly voted -

AYES, 10

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

NOES, 7

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

Question so resolved in the affirmative.

STAMP DUTIES AND TAXES (AMENDMENT) BILL 1993

Debate resumed from 17 February 1993, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

Question put:

That this Bill be agreed to in principle.

The Assembly voted -

AYES, 10

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

NOES, 7

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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BUSINESS FRANCHISE (LIQUOR) BILL 1993

[COGNATE BILL:

BUSINESS FRANCHISE (LIQUOR) (CONSEQUENTIAL AMENDMENTS) BILL 1993]

Debate resumed from 17 February 1993, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MADAM SPEAKER: I believe that it is the wish of the Assembly to consider order of the day No. 3 along with order of the day No. 4. In that case, members are reminded that, in addressing their remarks to order of the day No. 3, they may also address their remarks to order of the day No. 4.

Motion (by **Mr De Domenico**) put:

That the debate be adjourned.

The Assembly voted -

AYES, 7

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

NOES, 10

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

Question so resolved in the negative.

MR DE DOMENICO (4.38): Madam Speaker, there is no doubt that, whatever was said about the two previous Bills, this Bill goes further than just tidying up loopholes in relation to High Court decisions. This is a major Bill, Madam Speaker, to create a whole new Act to govern the licensing and taxation of people selling liquor. It is a response, in part, to the High Court decision which means that the current system of taxation may be interpreted as a form of excise. The other reason for the Bill is the fact that the current licensing system is a mess. There is no doubt about that. Currently there are two taxing regimes for licensees in the ACT. This will be further complicated when there are two tax levels for high and low alcohol, as foreshadowed in the budget - 13 per cent for full strength beer and spirits and 7 per cent for light alcohol.

Members interjected.

Mr Stevenson: I take a point of order, Madam Speaker. This is a very important matter, particularly as there has not been much time to take any note of what the Bill is about. I would really appreciate being able to listen to Mr De Domenico without the noise.

MADAM SPEAKER: Mr Stevenson, I will, as usual, remind all members of the provisions of standing order 39.

MR DE DOMENICO: Thank you, Madam Speaker, for your continued protection. Mr Stevenson is correct, Madam Speaker; this is a very important Bill. It is a Bill that has not yet been looked at by the Australian Hotels Association. It is a Bill that has not been looked at by anybody who is being affected by it. It will affect tavern owners who employ a lot of young people. It is a fact, Mr Wood - through you, Madam Speaker - that youth unemployment is in total disarray and is a mess in the ACT. That makes it a very important Bill. It could affect jobs in that industry. I suggest that what Mr Stevenson said makes a lot of sense.

Currently there are two taxing regimes for licensees in the ACT. This is further complicated when there are two tax levels for high level and low level alcohol, as foreshadowed in the budget. Then again, it was not foreshadowed in the budget; we found out in a press release in June issued by the Chief Minister, which said:

Tax arrangements for liquor are to be changed to encourage the consumption of low alcohol beverages in line with recent changes announced in New South Wales. The existing 10 per cent flat tax rate will be replaced with a concessional rate of 7 per cent for low alcohol and 13 per cent for high alcohol products. This new scheme will be introduced with effect from 1 January 1993.

That went out in the form of a press release. We know that not all tavern owners get a chance to get a copy of Ms Follett's press releases. That statement was in June. On 27 November a letter went out from a Mr Chris Williams of the ACT Revenue Office to the licensees of various places around town, saying that in June the Chief Minister announced that from 1 January 1993 low alcohol products will be taxed at a rate of 7 per cent compared with 13 per cent for the alcoholic beverages. It went on to say that the changes had been deferred; that implementation was to be from 1 April 1993; and that more information about the changes and their impact would be promulgated in the new year. That is the last that these people heard about what was going to happen. That was on 27 November 1992.

The next step was that on Sunday afternoon some people were lucky enough to get a copy of this legislation from the Liberal Party. It was sent out on Sunday afternoon. The Australian Hotels Association, not a minor player in this sort of situation, did not even know anything about the legislation. They now have had a chance to have a look at it, or part of it, and they said, "Listen, some of it makes a heck of a lot of good sense, but we are concerned about certain aspects". They still have not had a chance to go through all the legislation properly; yet we are expected to debate it and to pass it within seven days. This legislation is having an effect on hundreds of small businesses in the ACT. There was no consultation whatsoever.

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In our opinion, a media release from the Chief Minister on 23 June is by no means consultation. I must correct that, because there were a couple of phone calls from someone or other in the Revenue Office to someone that they perceived to be the then president of the Australian Hotels Association. The caller said, "Listen, you had better read the *Canberra Times* in a couple of weeks because you will see what is going to happen in the industry". This chap quite rightly said, "Well, listen - - -

Mr Connolly: I raise a point of order, Madam Speaker. Is Mr De Domenico addressing you or his colleagues at the back of the chamber? He seems to be facing his colleagues who have walked out and are sitting at the back of the gallery, I should say, not in the chamber.

MADAM SPEAKER: Thank you for bringing that to my attention, Mr Connolly.

MR DE DOMENICO: Yes, I thank you, Mr Connolly, for interjecting so stupidly.

Mr Moore: He raised a point of order and addressed it to the Speaker.

MADAM SPEAKER: Order! Mr De Domenico, the Speaker is here.

MR DE DOMENICO: Thank you, Madam Speaker. Hopefully, the SNAG on my right will keep quiet as well. The Government talks about proper consultation. We keep hearing about this community consultation. As Mr Stevenson said yesterday, it sounds very good when it is reiterated by the Chief Minister. She smiles when she says it and she keeps talking about social justice, community consultation and the great things that this Government does. Well, this is what community consultation is - a press release in June, a letter in November saying, "Yes, we are going to give you some more information", and a telephone call saying, "Listen, I think you had better buy the *Canberra Times*". This person quite rightly said, "What if I do not subscribe to the *Canberra Times*? How, heavens above, am I going to know what is going to happen to my industry?".

We are talking about an increase in taxation of \$1.2m per year. A lot has been said about the fact that we are being charged 13 per cent on full strength alcohol and 7 per cent on low strength alcohol, in line with New South Wales. What the Chief Minister did not say is that, unlike taverns in the ACT, some in New South Wales are allowed to have various gaming machines to collect revenue, which helps make up the difference.

Let us have a look at the State-by-State situation. New South Wales, as rightly said by the Chief Minister, imposes 13 per cent on full strength and 7 per cent on low strength alcohol. However, the taverns make up any loss of income through the gaming machine situation. In Queensland it is 10 per cent on everything. In South Australia it is 13 per cent on high alcohol beers and nothing on low alcohol beers. For the Chief Minister to say or to write to people and say that the reason why we are doing this is to make them drink low alcohol beer is a bit of nonsense, because in South Australia it is 13 per cent on high alcohol beer and nothing on low alcohol beer. In Victoria it is 11 per cent on the high alcohol and nothing on the low alcohol beer. In Tasmania it is 11 per cent. I reiterate that the reason why the Liberal Party will strongly say that we are not going to support this Bill is that the people who are being affected by it - it does more than just tidy up something that the High Court said - have not even had a chance to look at it.

The other thing is that the Standing Committee on Scrutiny of Bills and Subordinate Legislation has considered this Bill. We got a copy of its report last night. The committee has grave concerns about certain areas of the Bill as well. There are two or three pages of concerns. What we are saying is: Why pass this legislation with so much haste? Why is it that we have to pass it within six days of having received it in this Assembly? Why is it that the people whom it is affecting have not had a chance to have a look at it? Yet we come in here and talk about community consultation and how important it is to consult with the community. Let us have a little bit more consultation and less of this passing Bills within five or six minutes. For that reason, Madam Speaker, the Liberal Party will not be supporting this legislation.

MR LAMONT (4.47): Madam Speaker, I hope that the Liberals intend to do this each day of sitting. There appears to be an interview process for the new Leader of the Opposition, but I should not say that.

Madam Speaker, there is need for urgency in relation to the introduction of the liquor business franchise scheme which will facilitate the introduction of new liquor tax rates and general additional revenue in 1992-93. Members will be aware that on 23 June last year the Chief Minister announced the intention to introduce differential rates for low and high alcoholic beverages, to commence from 1 January 1993. It was estimated that the net effect of such changes would result in additional revenue of approximately \$900,000 in 1992-93. The High Court decision, which was handed down after the Chief Minister's announcement, was an unexpected obstacle. Because of the need to examine the effects of that court decision, and in light of the New South Wales decision to defer the introduction of comparable rate scales until May 1993, the Chief Minister announced in November that the new rates would be deferred until 1 April 1993, with a revenue loss of some \$300,000.

As outlined in the Chief Minister's presentation speech, the next date for payment of fees covering the 1 April to 30 June licensing period is 17 March 1993, which is before the commencement of the next sittings on 23 March 1993. Failure to pass the Business Franchise (Liquor) Bill and the Business Franchise (Liquor) (Consequential Amendments) Bill will result in either the delay by a further three months of the differential rates, resulting in a further loss of revenue, or adjustments to March payments, with considerable inconvenience for licensees and costs in the Revenue Office once the legislation has been passed. Madam Speaker, I believe that these are very good reasons to debate and resolve the fate of these Bills today.

Madam Speaker, it has been suggested that there has been undue haste in the preparation of these Bills and a lack of consultation with affected licensees. I would like to comment on each of these allegations in turn. While the Bills have been prepared speedily to meet the deadline of the February sittings, any suggestion that as a consequence they are flawed is categorically denied and discredits both the Commissioner for Revenue and Parliamentary Counsel. The only errors, as such, were typographical, as outlined in the debate on the previous Bills, and are no reflection on the very careful consideration given to the issue contained in these Bills.

Probably of greater importance is the suggestion that liquor licensees have not been properly consulted nor their views obtained on the proposed new liquor arrangements. This is not true. On the issue of changing the rate from a uniform 10 per cent to 7 per cent for low alcohol and 13 per cent for high alcohol beverages - that is, those above 0.3 per cent alcohol content - the change was announced initially on 23 June 1992 and then in the budget. The subsequent decision to defer its introduction until 1 April was announced in a press release, and individual licensees were advised by letter in late November last year.

In relation to the new liquor scheme, the Commissioner for ACT Revenue commenced discussions with the liquor industry once the Government had approved the scheme. Such consultation involved discussions with leading liquor wholesalers and off-licensed retailers, the Licensed Clubs Association and the Australian Hotels Association. All licensees were notified in a letter issued in late January that changes to the scheme were being considered and that they would each be advised once these changes had been approved. This amendment will have no significant effect on licensees who commenced after 1 January 1992. They will continue to lodge quarterly returns, but these will no longer be adjusted for actual sales in the current period.

The two important issues for licensees commencing prior to 1 January 1992 are the abolition of the termination transfer provisions in the old Act, and the possible increase in fees payable in 1992-93 as a consequence of the updated base period. In relation to the first matter, under the current legislation old licensees pay tax based on purchases during a quarterly period commencing 15 months prior to the licence period - that is, fees for the April to June 1993 quarter are payable on 17 March 1993, based on purchasing during the January to March 1992 quarter. Should they cease to trade or transfer their licence under the existing liquor tax arrangements they will be required to make a payment equal to the unpaid fees collected from consumers but not yet paid to the Commissioner for Revenue. This liability is being removed from 1 July 1993.

The proposal to remove the termination fee provision in the existing legislation is justified because a termination fee is contrary to the concept of a pure franchise scheme - a licence to trade in the future - and in practical terms it is unlikely that the Territory would gain significant revenue from its operation, as most large licensees are clubs or companies and are unlikely to go out of business in a solvent state. Club licences are usually held in perpetuity and transfers of licence ownership where companies are involved usually occur through change of shareholder - that is, the licensee. That generally does not change.

On the second matter, under the new proposed scheme old licensees will be required to pay fees on 17 March 1993 in respect of purchases during October to December 1992. October to December is the quarter during which there are usually heavy purchases of liquor made each year, and movement of the relevant quarter will mean that old licensees will be required to pay fees in respect of purchases during two consecutive October to December quarters, both 1991 and 1992, which, for some licensees, will increase their fees for 1992-93. This is not unfair in itself because the licensees have collected tax from consumers which was included in the price of products sold in that quarter. If there is a problem it is simply in the timing of the tax payment. Instead of paying the tax for that quarter some 15 months after collection, the licensees will be required to pay the tax some nine months earlier - that is, six months after sales to consumers.

The possibility of this accelerated payment causing cash flow problems for some licensees in a tight liquid position is recognised. Therefore, should any licensee, as a consequence of these provisions, be in a position where the additional fees payable cannot be met without suffering hardship, the commissioner is willing to enter into individual arrangements with licensees to overcome this short-term problem. Summing up, Madam Speaker, these Bills are important, as they affect the Territory's revenue, and urgent, as any delay increases the risk of challenge and increases the risk of revenue loss.

MS SZUTY (4.54): I was thinking that other members wanted to speak to these Bills, but perhaps they have changed their minds. Madam Speaker, these Bills have come to the Assembly as a result of the High Court decision in October 1992 which found, in the first part of its decision, as the Chief Minister has outlined, that the ACT could not levy excise duties. The ACT Government has quite properly considered the High Court's decision and examined legislation most likely affected by the court's decision; hence the bringing forward of these four Bills for consideration today.

I wish to comment specifically on the Business Franchise (Liquor) Bill 1993, on which I have had some representations from the Australian Hotels Association. This legislation changes significantly the arrangements concerning the payment of licensing fees. Concerns have been raised with me about possible hardship which may result in fees from the most productive quarters of liquor sales being due in succession because of the timing of the new arrangements. The Commissioner for Revenue has assured me that, where hardship is identified for particular businesses, account will be taken of that particular hardship and alternative payment arrangements made.

This legislation also brings into being, as other speakers have said, the adoption of different rates of taxing low and high alcohol beverages - 7 per cent for low alcohol beverages and 13 per cent for high alcohol beverages. This measure was announced by the Chief Minister in June 1992, and subsequently in the budget, and has therefore been anticipated by the industry, to my mind, for some time. In fact, the deferral of these arrangements, in the light of this legislation now presented, could be seen to be of advantage to the industry. I support the different rates of tax on low alcohol and high alcohol beverages, as I believe that the consumption of low alcohol beverages in our community needs to be encouraged.

It is to be regretted, Madam Speaker, that industry groups were unable to be effectively consulted on the content of these Bills specifically. However, as I have stated earlier, the timeline regarding debate on these Bills has been determined by the High Court decision of 1992 and the urgent need to amend affected legislation accordingly in order to minimise an impending loss of revenue to the Territory.

MS FOLLETT (Chief Minister and Treasurer) (4.56), in reply: Madam Speaker, I thank members for their comments. I begin my response to those comments by saying that I deeply regret that Mr De Domenico saw fit to imply criticism of the staff of the Revenue Office in his address on this Bill. It has been my experience that all of the Revenue Office staff invariably set an extraordinarily high standard of efficiency and of propriety. For Mr De Domenico to attempt to slight those staff is indeed regrettable. I would say also, Madam Speaker, that it was those

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very staff who briefed Mr De Domenico on all four of the Bills we are considering today, and also briefed our Independent colleagues on the same matters. The Revenue Office staff, in my view, invariably display great courtesy and great consideration for all members of this Assembly, and I think it is a great pity that one of them has chosen to speak about those staff in that way.

Madam Speaker, another threshold issue that I would like to address is that the Bill before us does not actually change the existing rate of tax, which is 10 per cent. What it does do, however, is facilitate the introduction of those changes by bringing all licensees into the same payment scheme, and the rate will therefore be able to be set by determination. Members may recall that Mr Kaine, on 20 October, when he asked me a question in relation to the High Court's ruling on the X-rated video franchise, specifically asked me whether I saw "any need to revise the tax arrangements for liquor to provide for collection in arrears rather than in advance". So on 20 October last year the Liberal's leader, at least, was well aware that we needed to take action on this matter as a result of the High Court decision, and he was absolutely right. As I said in relation to the previous two Bills, this period of sitting of the Assembly has been the first available opportunity when I could bring forward such legislation. As for the other Bills, I consider it necessary to deal with the matter at the first available opportunity in order to prevent any subsequent challenge as to the constitutionality of the legislation.

Madam Speaker, I would like to address a couple of matters in a little bit of detail. There is a further aspect concerning the urgency of the liquor Bills, and that relates to the certainty for liquor traders of just what the taxing regime is. The next payment date for those traders is 17 March, which is the date of commencement of the new scheme. If the legislation is not in place the traders will be required to pay their fees under the existing arrangements, the current arrangements, with possible adjustment once the legislation may be passed by this Assembly. I think that is regrettable and is a potentially confusing state of affairs. I would prefer, once the scheme comes in, for them to be able to pay their next fees under the new regime. If there were to be a delay in this Bill until, say, the July to September quarter, that would result in a significant loss of revenue for the Territory - in fact, up to \$1m, I am told. Part of that loss, about one-third of it, is due to the fact that we have already had to delay the differential tax scheme from 1 January. The delay from 1 January was caused by the need to review the High Court decision and make changes to the legislation. I would be extremely reluctant to see any further delay that may add to that loss of revenue.

Madam Speaker, a number of members commented upon the degree of consultation with the industry concerning these matters. May I say that I am satisfied in this instance that the consultation has been appropriate and has been thorough. Mr Lamont said that consultation had taken place with the Licensed Clubs Association, the liquor traders and the Australian Hotels Association, and indeed that is the case. Madam Speaker, as long ago as 24 July last year there was a discussion paper put out by the Revenue Office discussing the proposal to bring all licensees into a scheme where quarterly payments would be based on purchases in the quarter commencing two quarters before the coming period.

At that time, on 24 July, the extent of the tax concession for low alcohol products was also raised. On 20 August 1992 there were discussions between the Commissioner for Revenue and a number of members of the concerned liquor group concerning arrears of debt and the proposals around the collection of arrears of debt and various tax matters. On 17 September I made the budget announcement and reiterated at that time the proposal to introduce new liquor tax rates.

The High Court decision was on 15 October. On 27 November 1992 the Revenue Office sent a letter to all liquor licensees regarding the proposals that were under consideration, advising at that time of the delay in the new liquor tax rates until 1 April. On 29 January of this year the Revenue Office again sent a letter to all licensees about their record keeping under the new high and low alcohol tax arrangements.

On 4 February this year there were discussions between the Commissioner for Revenue and the two Messrs Farmer, again to go through these proposals. The arrangement there was that they were to get back if there were any problems. On 11 February there was a telephone conversation with Mr John Press, the ACT president of the AHA, about this proposal. Again, he was to get back if there were any concerns. And so it goes on, Madam Speaker. There was a call to the Licensed Clubs Association and a call to the executive director of the AHA about the proposal. There was a meeting, in fact, with the executive director of the AHA, and so on. I am satisfied, on the documents that I have, that the consultation has been considerable and appropriate; so I reject any proposition that it has not been.

I think that that addresses all of the issues of substance that have been put forward by other speakers. I say again that I am sorry about the haste; but sometimes you have to do things quickly, and this is one of them. I would feel that I was remiss in my duty if I did not deal with this matter at the first available opportunity. I have brought the legislation to the Assembly as quickly as it was possible to do so, and I consider that both the Revenue Office and the legislative drafting people set a very high standard indeed in getting Bills to this Assembly in good order and condition. The fact that there are a couple of typos again in these Bills should in no way be taken to indicate that there has not been very careful consideration, very careful work, put into the drafting of these Bills, because that is indeed the case. I commend them to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

24 February 1993

Detail Stage

Bill, by leave, taken as a whole

MS FOLLETT (Chief Minister and Treasurer) (5.05), by leave: Madam Speaker, I move:

Page 5, subclause 10(1) line 15, omit "10", substitute "9".

Page 13, subclause 26(2), line 19, omit "10(b) or 15(b)", substitute "10(1)(b) or 15(1)(b)".

Page 13, subclause 26(3), line 22, omit "10(b) or 15(b)", substitute "10(1)(b) or 15(1)(b)".

Page 13, subclause 26(3), line 26, omit "13", substitute "14".

Page 13, subclause 26(3), line 27, after "quarterly" (last occurring), insert "franchise".

They are all changes of numbering within the Bill - except for amendment No. 5, which is a slight wording change. They are not amendments of any substance.

Amendments agreed to.

Bill, as a whole, as amended agreed to.

Bill, as amended, agreed to.

BUSINESS FRANCHISE (LIQUOR) (CONSEQUENTIAL AMENDMENTS) BILL 1993

Debate resumed from 17 February 1993, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MS FOLLETT (Chief Minister and Treasurer) (5.06): Madam Speaker, again I have a slight amendment. It has been circulated. I move:

Page 3, Schedule 1, paragraph (b) of the proposed amendment to paragraph 41(3)(b) of the *Liquor Act 1975*, omit "17", substitute "18".

Amendment agreed to.

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

Bill, as amended, agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Child Abuse

MR STEVENSON (5.07): In Australia there have been a disquieting number of alleged cases of misconduct by government community welfare departments. Most people have heard unsettling things about the so-called Children of God case involving a large number of children taken from their parents in an early morning raid for reasons that were later seen by a magistrate not to be adequate. One wonders how many other such cases there have been.

There was one case in Sydney involving a Sydney man with which I had some involvement. Mr Andy Soames's son was sexually abused by a number of women at a women's refuge centre when at the age of two he was residing there in the custody of his mother. This abuse continued for four years until, after a horrendous saga, the father won custody. By this time the boy, Sammy, had suffered permanent physical damage due to the failure of the government welfare people involved to exercise their duty of care properly. Although affidavits from five independent witnesses were available the authorities, it seems, preferred to be advised by their staff who had defamed Mr Soames shamelessly and had denigrated his notices to the court on a number of occasions. I hear someone say, "Oh dear". There is a 44-page document titled "Paradoxically Australia". I suggest that if members want to read about this case, which would seem unbelievable, they contact me and I will be happy to make it available to them.

During these four years Mr Soames was defamed again and again. There were allegations spread that he was placing bombs in solicitors' offices. He made, during that time, over 5,000 phone calls and over 2,500 personal visits to try to gain justice. Prior to hearing about this case and meeting Mr Soames I had considered that I was persistent; but I realise, in the light of true persistence, that I may not have anywhere near that same degree of persistence. At one time Mr Soames doorknocked almost an entire suburb, looking for a particular Minister he felt may be able to help him. These are the lengths he went to. He went to churches; he went to police, to solicitors, to civil liberty agencies, to law reform organisations, to the courts, to politicians - you name it.

It is not a funny case at all; it is an absolute tragedy. I have compelling evidence that certain officers, under the direction of their superiors, refused to respond to subpoenas to appear in court and/or perjured themselves and concealed the identity of one of the child's assailants. Taking action for legal redress subsequently has proved extremely difficult for Mr Soames in that legal aid grants are resisted when one wants to sue the government. It seems to me to be now a common practice that the Legal Aid Commission specifies which barrister may give them an opinion on the merits of a case. The danger here is that mutual interest may interfere with proper advice. The commission may have an interest in conserving its funds by denying grants generally, and barristers who want more briefs from the government may feel under some pressure to make negative adjudications.

As I said, there is great concern here. It was an absolutely tragic case. The boy is physically damaged for life and I hate to think about the mental damage that has been done. As I said, I found it almost unbelievable that such a situation could have continued for year after year in spite of over 5,000 phone calls and 2,500 personal visits in a plea for justice which was thwarted at almost every turn.

Goods and Services Tax

MR HUMPHRIES (5.12): Madam Speaker, I rise to answer some points made by Mr Berry last week about sport and the way in which sport can be affected, allegedly, by GST and by the Fightback package. Madam Speaker, as has so often been the case in the course of this Federal election campaign, it turns out that what the Labor Party is saying about aspects of the Fightback package just do not stack up. What Mr Berry forgot to mention to us when he talked about how sport would somehow be more expensive under the GST is that Fightback involves not just adding a GST but abolishing seven taxes already applied and heavily affecting sport in this country.

Ms Follett: The coal tax.

Mr Kaine: Get rid of Mr Keating's 20 per cent wholesale tax.

MR HUMPHRIES: There is a 20 per cent wholesale sales tax on sporting goods and that costs this community something like \$240m a year. That is going to be removed by the Federal Liberal government. Sporting clubs and organisations, even small ones, are hit by the Keating hidden tax scale system. Most sporting equipment, such as footballs, cricket bats, tennis racquets, fishing rods, et cetera, is subject to the present rate of 20 per cent sales tax. Costs of ground maintenance, club rooms and canteen equipment will also be much cheaper with the current sales tax abolished. Mowers, hoses, office furniture, computers, et cetera all carry a 20 per cent or more sales tax.

Built into the cost of other goods and services purchased by sporting clubs is the substantial indirect impact of the wholesale sales tax, fuel excise, customs duty, payroll tax, the training levy and the superannuation levy - maybe even the coal tax - all of which will be removed. The GST replaces all of those and will not adversely affect sporting organisations because any GST which is included in a club's purchases will be either totally refunded as soon as the sporting organisations put in a tax return to the Taxation Office or else immediately deducted from whatever GST is collected.

Let us look at how an individual sports man or woman might be affected by these changes. Let us take a tennis player, a person who plays tennis very regularly, who belongs to a tennis club and wants to see how they are going to be affected by a GST. Membership fees, it is true, on the face of it, will go up by 15 per cent; but, as I have explained earlier, there will be a lower base once the seven hidden indirect taxes are removed from the club. Let us ignore that for the time being; let us forget about that. Let us say that the membership fee is \$110 a year.

At 15 per cent you get \$126.50. The average cost of a tennis racquet now is, say, \$130. You certainly go through a tennis racquet every year if you are a very avid player. Take off the 20 per cent sales tax and it costs you only \$104. Take off a notional \$5 for the taking off of the indirect taxes built into the current price, which will be abolished, and that gives you \$99. Add the GST of 15 per cent and that is \$113. Keep these figures in mind.

Any decent tennis player, Madam Speaker, would go through at least three packets of three tennis balls every year. I know that I do. The average cost is \$15 for a packet of three. If you take 20 per cent sales tax off it will cost you only \$12. Take off a notional \$1.50 for all the other taxes built into the price - transport, payroll tax, fuel excise, that sort of thing - and it will cost you only \$10.50 for the packet. Madam Speaker, the net result - - -

Mr Berry: What about the coal tax?

MR HUMPHRIES: Madam Speaker, those opposite obviously do not want to hear about this because they do not want to know the good news that is going to come with Fightback. The good news is that a sportsperson in that position is actually better off each year by \$8.79, not counting the hidden taxes removed from the membership fees of his club, and not counting the personal income tax benefits which come from the Fightback package designed to cover any other problems which might arise from the way this package is delivered.

Mr Kaine: To say nothing about the \$11 a tank every time he fills up his car to go and play tennis.

MR HUMPHRIES: Exactly. Every time he travels to the club he has to pay money to get there. Every time he gets his can of Coke at the halfway point in the match to have a drink he pays 20 per cent sales tax. That is coming off. Every time he rubs his Dencorub on his sore knee, because he has had a bit of a strain from playing tennis, the cost comes down as well. Madam Speaker, first aid is heavily taxed at the moment. If he has an injury he is paying a lot now. He will get that taken off under the GST. Madam Speaker, any sportsman who heard Mr Berry would have to think, "What an idiot; this is really going to be much better off under Fightback".

Tuggeranong Australian Rules Football Club

MR DE DOMENICO (5.17): To continue with the sporting flavour, I would like to talk very briefly about the Tuggeranong Aussie rules footy team and the plight that they have in not finding an appropriate oval to train on. Some of us who are interested in Aussie rules might know that Tuggeranong's home ground is the Wanniasa Oval. Whilst they are allowed to play on Wanniasa Oval on certain Sundays and Saturdays of the year, ironically they are not allowed to train there. They have been asked to train at Gowrie Oval, which is around the corner from where I live. To be honest with you, Gowrie Oval is not suitable for training. A couple of players who did try to train there the other night did their ankles. I would like the Minister to take this on board because it is important that the Tuggeranong footy team have somewhere to train. Notwithstanding the fact that they recently received a \$12,000 coaching development grant - I have to be careful here - it is not very useful if they do not have an oval on which to train.

There are a couple of alternatives here, Minister. Perhaps you might have a word to your people in the sports area and say to them, "Listen, until the end of March, or until daylight saving ends, perhaps they should be allowed to train at Wanniasa Oval because, after all, it is their home ground". There seems to be a problem there. They said, "No, you cannot train at Wanniasa because there are no lights". Perhaps people should realise that it is a lot lighter for a lot longer until daylight saving ends, so perhaps until daylight saving ends one alternative is to allow them to train at Wanniasa. In the meantime the Government could think of the possibility of upgrading the Gowrie Oval to a level where they can train without being injured, or perhaps transfer the lights from the Gowrie Oval across to the Wanniasa Oval because the Gowrie Oval is used by only junior players.

Mr Berry: We will just load them on a truck and take them over. It is easy, Tony.

MR DE DOMENICO: It is not easy. I am not saying that it is easy, Madam Speaker. I am saying that you, as Sports Minister, Mr Berry, should first of all look into the situation and see whether you can help. If you can help, I would appreciate it.

Tuggeranong Australian Rules Football Club

MS ELLIS (5.19): The temptation to stand up after Mr De Domenico's short address regarding the Tuggeranong Aussie rules club was just too much for me to resist. First of all, I would like to thank Mr De Domenico for his obvious strength of conviction in wanting to support this club. May I add that during the second half of last year - from mid-year on, I think, from memory - when it became clear that the Tuggeranong Bulldogs were in some trouble, Mr De Domenico was invited many times to participate on a community committee. I stand to be corrected if I am wrong here, but I do not recall seeing him there once.

Mr De Domenico: You are wrong.

MS ELLIS: How many times did you attend?

Mr De Domenico: Ask how much money I have raised behind the scenes without any fanfare. Ask those questions.

MADAM SPEAKER: Order!

MS ELLIS: I would like to take this opportunity to congratulate all of the members of the community who got together at a time when things were really tough for that club, pulled together and, I believe, saved them. As a Tuggeranong resident I can now look forward to cheering on a very successful team this year.

In relation to the playing field and the training field, yes, there is a problem. No, it has not been finished as far as the deliberations are concerned. I understand that Mr Berry's department, on receipt of representations from me, and obviously also from Mr De Domenico who, I gather, has made representations as well before today, is giving the matter attention. The thing that I wanted to make clear to this house is that a great number of members of our community down there have done a great deal of work, also unheralded, and I would like to take this opportunity to congratulate them on their participation and success.

Goods and Services Tax

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (5.21), in reply: I thank Mr De Domenico for mentioning the fact that the Government has come up with some money for the football club that he mentioned. In relation to the GST, Madam Speaker, Dr Hewson is going to have his hand in everybody's pocket, and the same goes for sporting clubs. Every time they go to put their money in their pocket Dr Hewson's hand is going to be in there. When you buy a hot dog at the footy you are going to have to pay it. Not only are you going to have to pay an extra 15 per cent; the club also will have to use their volunteers to do all the paperwork and be responsible for the collection of a Hewson government's tax. If you go to a Raiders game you will be up for an extra 15 per cent on your ticket. If you go over here to the swimming pool there will be 15 per cent on the ticket. So do not tell me that it is going to be cheaper under a GST. It is going to be much dearer; it is going to be much harder.

The ones that are going to be hardest hit are the smaller clubs and the clubs where youngsters are involved. That is where volunteers are so important. Volunteers are going to be frightened away by this taxation system because they are the ones that are going to be responsible for the collection and payment of it. They are the ones that are going to have to do the paperwork. The clubs are going to have either to find people who will take those risks - they will have to collect that tax and pay it or bear the responsibility - or hire managers to look after it. So do not let us kid ourselves that it is going to be cheaper under this GST.

As I have said, Dr Hewson's hand is going to be in everybody's pocket when they get involved in sport. If you want to go to the football it will cost you. When you go to the football it will cost you 15 per cent more; when you go to the swimming pool it will cost you 15 per cent more; when you go to the soccer games it will cost you 15 per cent more; when you buy a hot dog it is going to cost 15 per cent more; and somebody has to collect it. It is the volunteers, in junior sport in particular, who are most important, and they are going to find themselves most vulnerable. So, Madam Speaker, let us not be fooled by all of this rhetoric about a newfound commitment to social justice in taxing. This is a regressive tax that will hit lower income earners hardest, and it will hit sport hard as well.

Question resolved in the affirmative.

Assembly adjourned at 5.24 pm