



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

18 August 1993

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MADAM SPEAKER (Ms McRae) took the chair at 10.32 am and read the prayer.

POLICE OFFENCES (AMENDMENT) BILL 1993

MR HUMPHRIES (10.33): Madam Speaker, I present the Police Offences (Amendment) Bill 1993.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

Four years ago the Assembly conferred certain powers on the Australian Federal Police in this Territory. It did so after considerable debate and, indeed, after receiving the report of a select committee of the Assembly. Those powers were quite specific and quite carefully defined by the Assembly at the time, and I would like to briefly summarise them. The powers were contained in a new section 35 of the Police Offences Act 1930 of the Territory. The pertinent power was defined as follows:

Where a police officer has reasonable grounds for believing that a person in a public place has engaged, or is likely to engage, in violent conduct in that place, the police officer may direct the person to leave the vicinity.

A \$200 fine was provided for a person not complying with that direction. Certain exceptions to the operation of that power were created. The power was not to be applied in respect of a person:

- (a) picketing a place of employment;
- (b) demonstrating or protesting about a particular matter; or
- (c) speaking, bearing or otherwise identifying with a banner, placard or sign or otherwise behaving in a way that is apparently intended to publicise the person's view about a particular matter.

"Violent conduct" is also defined to mean:

- (a) violence to, or intimidation of, a person; or
- (b) damage to property.

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That power was conferred, as I said, four years ago. It was a reflection of the great concern that this Assembly had that it was passed with a sunset clause. That sunset clause provided that the power should expire two years hence; that the Assembly should have the chance to peruse the operation of this power after a period of two years had elapsed. At the end of that two years, in August 1991, the Assembly again considered this power and decided to extend it for a further two years. Those four years in total are about to expire on 6 September. This Bill, Madam Speaker, will remove the sunset clause and provide for that power to operate on a permanent basis.

As I said, the power and the terms of the power as defined in the Police Offences Act reflect the great concern of this Assembly, and of the community, that the powers granted to our police were capable of abuse. That is why they were granted initially for only two years and subsequently for a further two years. This was so that the police would be able to demonstrate their capacity to use the powers responsibly and would be aware that the powers had been granted strictly on a trial basis. The powers have been used in the last four years approximately 199 times. I believe, Madam Speaker, that it is time for the Assembly to decide whether the police of this Territory have exercised these powers responsibly, whether their exercise has been free of abuse, or misuse, or whether the powers should be withdrawn because they are not working or constitute an actual threat to, or encroachment on, the civil liberties of Canberrans.

I believe that we have had sufficient time to assess the operation of these powers, and it is now up to us to decide whether the police have indeed acted responsibly and exercised the powers as it was intended they should be exercised. The test we set on the two previous occasions on which we have considered these powers was very onerous. It was most onerously defined by Mr Moore when he came to debate this matter in 1991. He said on that occasion:

I still feel, as I felt in August 1989, that it should be understood that we perceive this as a trial, as filling a gap. But let me give a warning: If we hear of even one police officer abusing this power we will move as quickly as possible, at the very next sitting, to remove the Bill.

That is a pretty tall order. Even a single case of abuse would have provided one more vote at least for withdrawing these powers from the police. Have the police complied with that very rigid standard? Madam Speaker, the evidence before us is that the police have met that test. The Minister has been kind enough to supply me with figures concerning the operation of the move-on powers since they were inaugurated in September 1989. If he has no objection, I propose to table that document. He does not say otherwise; so I assume that he has no objection.

MADAM SPEAKER: You will have to seek leave.

MR HUMPHRIES: I seek leave to table this document, Madam Speaker.

Leave granted.

MR HUMPHRIES: I thank members. These figures demonstrate that the powers have been used with regularity since they were first introduced. The number of situations in which they have been employed from 1989 until 30 June this year totals 199. The number of people involved in the 199 situations where the power has been exercised totals 2,620. The number of people involved in the situations has varied from year to year. There were only 180 people in respect of whom the power was exercised in 1992, for example, whereas there were 1,450 in 1990. Obviously different situations demand different uses. Perhaps there was some particular problem in 1990, perhaps relating to Aidex or something of that kind - I am not aware.

However, arising out of the 199 situations and 2,620 people affected by move-on directions, we have had only 27 arrests. In other words, in only approximately one per cent of the cases where a move-on direction has been issued has it been necessary for an arrest to be made because a person or persons have not complied with the direction that has been given. Madam Speaker, we can clearly see that the real strength of these move-on powers is not in the situation where one per cent of people have been arrested. It is in the situation where 99 per cent of people have evidently complied with these directions. That is where the move-on powers are providing the usefulness to this community.

This power is useful as a deterrent. It is not necessary for arrests to result for the power to be of value, for it to be an effective tool in the hands of our police. Its mere threat of use is a much more valuable deterrent. More importantly, apart from two cases in the very early period of the operation of move-on powers - that is, during the period that the Assembly was embroiled in controversy about these powers - I am not aware of any complaints having been received about the operation of the powers. I think it is fair to conclude that the test that Mr Moore imposed in 1991 - that there not be any abuse of the powers - has been met. It may be that there has been some abuse of which we have not heard. It is possible that someone has been abused with these powers and has not complained.

I suspect, Madam Speaker, that we are faced with a situation where in fact the police of this Territory are aware of the contentiousness of these powers, are particularly aware of the concern the Government has expressed about these powers, and have exercised great diligence in the way in which they have employed them. Certainly that would be an explanation for the very limited, indeed the almost complete lack of, adverse response on the part of the community to the actual exercise of these powers in these 2,600-odd cases.

Madam Speaker, we should see the relationship between the Assembly and our police force as a partnership. In this particular case, that partnership involves a pact on the move-on powers which the Assembly granted in 1989, albeit reluctantly and on the basis of a trial and on certain conditions. The police were told at that time, as part of this pact, that they would get these powers if they could demonstrate over a period of time that they were effective in the fight against crime, and indeed in deterring crime. They were told that the powers were not to be abused or to be misused and that they were not to constitute a threat to the civil liberties of Canberrans. The police were told, in effect, by the Assembly, "If these conditions are met, the powers will be retained. If they are not, the powers will go". Madam Speaker, obviously not all members of this Assembly put the agreement with our police in that way, but that is, I would argue, the net effect of the Assembly's earlier decisions.

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Madam Speaker, if the Assembly now withdraws these powers by allowing the sunset clause to operate, despite the fact that under any reasonable test the police of this Territory have met these conditions, I believe that we dishonour the implicit pact that we have entered into with our police force. The fears which were expressed in previous years about the move-on powers have simply not materialised in practice, and I am not very surprised about that. Quite apart from the question of whether the powers are sufficiently closely defined to prevent that kind of abuse, we have to ask ourselves what kind of police force we have administering these powers. The answer is - and I have no hesitation in describing it thus, and I do not think any other member of this chamber should have either - that we have the best police force in the country. That quality police force has proven itself obviously capable of exercising the necessary discretion to make these powers valuable and successful.

Just how effective have the powers been? If we divide the number of people involved in these move-on situations by the number of situations which have occurred in the last four years, we see that the average size of the group - I gather from these figures that generally it is a group which has been affected by the powers - is 13; that is, on average, we have a group of 13 people being confronted or being met by a police officer and being asked to move on. If those figures are any indication, the power is not being used to push around individuals. It is not being used to say to a particular individual, "You move off this street; you get out of here" - something which might be considered to be an abuse.

In what situation a policeman would need to ask someone to move on is hard to conceive, I concede. But the power is clearly being very effectively used where a public incident is brewing, where some kind of disturbance is in the offing - for example, where some sort of fight is about to break out between, say, some young people, maybe some gangs, somewhere in a public place. A policeman who strolls into this situation on his beat can see the tension building, but he knows that it will not actually explode while he is standing there. He knows that if he moves away - - -

Ms Follett: Or she.

MR HUMPHRIES: He or she, yes. He or she knows that if he or she moves away the situation will undoubtedly result in some acts of violence, whether against people or against property; so this police officer makes a decision that he or she will say to this group, "You lot, go that way; you lot, go that way; and let us break this whole thing up". That is a power we now put in the hands of our police force, and it is a power we are going to lose from 6 September if we are not very careful. The potential situation in such circumstances is averted.

Madam Speaker, it is reasonable for us to see each of these 199 cases potentially as a situation where an arrest on a charge - for example, an assault charge, a public disturbance charge or something more serious - has been averted or where personal injury or damage to property has been averted. Each of the situations referred to in these figures represents, therefore, a saving of some kind to the Territory or to our community in some other way - for example, in the costs of our health system.

I concede that in some of the 199 situations in which 2,620 people have been affected by the move-on powers somebody who was moved on in fact had no intention to be involved in a fight or to damage property. I concede that that quite logically would have been the case on at least a few occasions. But we need to weigh these two situations - the case of misapprehension by police about the intent of a particular individual or group versus the cases where actual injury or actual damage is averted. Surely, where the police have exercised discretion, where that discretion is evident in what they have done, where the use of this power has been judicious and sparing and where the circumstances of its use have been strictly limited in legislation, our confidence that good is being done and that it outweighs the evil that might be perpetrated with such a power is well based. We can have that confidence. Indeed, there is no evidence at all before us of which I am aware which would lead us to say that we should not have that confidence.

A suggestion has been made - it was made rather extraordinarily, I might say, on the radio the other day by a member of the Civil Liberties Council, indeed the president, with whom I spoke beforehand - that perhaps this power should be withdrawn because, although it appears to have been successful and appears to be working, it would be employed by police anyway, so we do not need to actually have it on the statute books; the police will actually exercise that power. I think that is a strange, even dangerous argument for a person to express about these powers. In most other areas we would be aghast at the suggestion that our police force should be exercising powers they do not actually have.

Imagine another hypothetical situation in which a policeman - let us call him a policeman on this occasion - is walking around Civic at night and he confronts an angry crowd, a group of drunken people, people who are rowdy or prepared to start some kind of trouble, or maybe people starting to vandalise something. He confronts this crowd and says to them, "You must move on from this place. Please disperse". Someone in the crowd knows, because of the publicity, that the Assembly has repealed this power; that there is no power for the police to move people on. He confronts the policeman. The policeman has to back down. His bluff has been called. His authority has been seriously eroded.

Mr Connolly: You have to charge somebody with an offence, for a crime that has been committed, not a crime that might be committed.

MR HUMPHRIES: A crime has not been committed.

Mr Connolly: Charge him with the crime.

MR HUMPHRIES: Madam Speaker, I think members opposite do not understand the circumstances in which these things might occur. A crime has not been committed, but any policeman or policewoman worth his or her salt can see that trouble is brewing, can see that there is great potential for a crime to be committed.

Mr Connolly: It is hard to look into the human heart and see what a person might do.

Mr Wood: You are assuming.

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MR HUMPHRIES: Madam Speaker, with those kinds of interjections we display great mistrust of the motives and experience of the police of this Territory, and I think that that is extremely unfortunate.

Mr Wood: And you display distrust of young people.

MR HUMPHRIES: The fact of life, Mr Wood, is that unfortunately young people are dominant in the category of people who commit these sorts of crimes. It does not mean that all young people commit these crimes, but certainly young people constitute a very large proportion of those who do commit the crimes. If you do not think that the police have the capacity, the wherewithal, to exercise those sorts of powers with the kind of intuition which clearly avoids criminal situations arising, I think it is a most unfortunate reflection on this Government's attitude towards the police of this Territory.

Madam Speaker, let me conclude by asking the question: Notwithstanding our concerns about the principle of this matter and notwithstanding our concerns about the potential for a bad police force or a bad policeman or policewoman to abuse this power, has the police force of this Territory been trustworthy on this issue or has it not? Has it kept faith with the wishes of this Assembly on this question? If we have no evidence to the contrary, we must say that the answer to that question is yes. If that is so, the police deserve to be allowed to retain these successful, effective powers which we have conferred upon them. I commend the Bill to the Assembly.

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

TITLE OF COMMITTEE PRESIDING MEMBERS AND DEPUTY PRESIDING MEMBERS

MR HUMPHRIES (10.52): Madam Speaker, the amendment to the standing orders which I put on the notice paper deals with the title of the presiding member and deputy presiding member of committees of the Assembly. At this early stage I seek leave to amend my notice by inserting at the beginning of the proposed new standing order a heading.

Leave granted.

MR HUMPHRIES: I thank members. The heading I propose is "Title of Presiding Member and Deputy Presiding Member". I move:

That the following new standing order be inserted in the standing orders:

Title of Presiding Member and Deputy Presiding Member

225A. Each Committee may determine the title of its Presiding Member and Deputy Presiding Member.

Madam Speaker, the Assembly committees have operated now for some time on the basis that they have had a reasonable degree of independence in their operation. They have been able to exercise considerable authority; they have been able to conduct inquiries and so on; but there has been on occasions,

I believe, confusion in the operation of those committees, in particular with respect to the title of the committee chair. Some reports have been handed down in this Assembly - I think, for example, of a report of the Tourism and ACT Promotion Committee last year, and there are certainly others - in which the chair of the committee has been styled as "chairman". I can recall other occasions when the chair has been styled as "chairperson" and others again when the chair has been styled as "presiding member". That confusion is not particularly helpful.

The self-government Act provides that this Assembly is capable of determining the appropriate designation or title for the presiding member of the Assembly, and that title we have of course chosen to be "Speaker". Madam Speaker, it would be similarly appropriate for the bodies concerned, the committees of the Assembly which are conducting business on a day-to-day basis, to determine the title appropriate to their own chair. I have noticed in particular that as members have moved to other places in Australia, moved around the country, they have encountered some difficulty in that, to my knowledge, there is no other parliament in this country in which the term "presiding member" or "deputy presiding member" operates. It is occasionally confusing to go to a place and to ask to be titled "presiding member" in formal proceedings - for example, at a conference or in meetings with other committees or something of that kind - when the term is not a familiar one to members of committees of other parliaments in this country.

Obviously, under this proposed new standing order it will be up to each committee to determine how it styles its chair, whether it is "chairperson" or - - -

Mr Berry: "God".

MR HUMPHRIES: Mr Berry suggests "God". Regrettably, Mr Berry cannot sit on any committees, so he cannot enjoy that title. Perhaps one day, Mr Berry, you will be in opposition and you can do so; but for the time being we on the back bench, so to speak, will have to enjoy the pleasure of naming ourselves with different titles. I suspect that the Assembly will restrict itself to such titles as "chair", "chairman", "chairperson" - - -

Mrs Carnell: "Chairwoman".

MR HUMPHRIES: "Chairwoman", "lady chair", whatever. I will leave it to the imagination of members of the committees. It seems to me that this is sensible, Madam Speaker, and I ask the Assembly for support in giving us the flexibility to make those committees operate on a slightly more functional and reasonable basis.

MR LAMONT (10.57): Madam Speaker, government members will be supporting this proposition. There has been some angst in ensuring consistency of form when publications of committees are forwarded to the community. Particular community groups have raised a number of issues about who chairs, what a chair is, who the presiding member is. A number of people are saying that because the Speaker is the presiding member of the Assembly the term "presiding member" is regarded as being the Speaker. There is a range of forms.

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Mr Berry: "The Don".

MR LAMONT: Mr Berry refers to "the Don". My cricketing prowess never let me aspire to lofty heights, but if the Opposition would like to take the Government on in a game of cricket I am prepared to demonstrate that prowess at any stage in the future.

Mr Humphries: A sucker for punishment.

MR LAMONT: It is obvious that you would lose, as you do most things. But the real point is that this is not a matter for jocularly at all; it is a quite serious matter. We are trying to get the performance of this Assembly into a more readily accepted and understood form. The confusion caused by the variation of titles at the moment, I believe, is addressed by this quite sensible proposition that we have suggested that Mr Humphries bring forward.

MS SZUTY (10.58): Madam Speaker, I support Mr Humphries's motion on this issue and - - -

Mr De Domenico: It is Mr Humphries's motion, is it?

MS SZUTY: I believe so, Mr De Domenico. I would also like to follow on from the comments that both Mr Humphries and Mr Lamont have made on this topic. I believe that the major reason for bringing this issue forward is that the term "presiding member" is a term generally not understood by members of the community, as Mr Lamont has pointed out. It is my belief that the terms "chairperson", "deputy chairperson" and "chairman", where preferred by particular members of this Assembly, are more familiar to people outside this Assembly and are probably therefore more appropriate for us to use. It may well be that the presiding members of Assembly committees select different terms to reflect the titles of their positions.

It seems to me, Madam Speaker, that should we pass this motion today all Assembly committees should include discussion of this subject at their next meeting to resolve the issue for those particular committees. It may well be that some considerable discussion will occur. I myself would prefer to be referred to as the chairperson of the Estimates Committee and the deputy chairperson of the Select Committee on the Establishment of an ACT Public Service. The reason for this is that these are more gender neutral terms than the terms "chairman" and "deputy chairman", which may be preferred terms for other members of this Assembly.

It would probably be more consistent for us to adopt like terminology; otherwise we may end up with a situation where the presiding member of a committee is referred to as the chairperson and the deputy presiding member is referred to as the deputy chairman. However, as Mr Humphries's motion has suggested, it is open to each committee to arrive at its own determination on the matter. This is appropriate and will resolve existing difficulties with terminology, as both Mr Humphries and Mr Lamont have outlined.

MR MOORE (11.00): Madam Speaker, there has been some mirth in the background as this very serious debate continues. We have heard Mr Berry suggest "God" as one possible title and "the Don" as another. Madam Speaker, some of the other suggestions ought to appear as part of the record of this debate.

Mrs Grassby: What about "Pooh-Bah"?

MR MOORE: My own preference is simply "King". I think that that has a great deal of advantage, but I can see that some people may consider that that is perhaps taking it a little too far.

Mr Wood: You are no republican, are you?

MR MOORE: As Mr Wood points out, the republican debate going on at the moment may make that term a little unpopular. In that case we could have such a person addressed as "Your Highness"; but once again we have the same republican problem, so a new term - perhaps "Lofty" or "Your Loftiness" - would fulfil the purpose. Other suggestions that have been presented, for reasons that I do not know, are "My Lord" and "Your Grace", but I think that with their religious connotations they would have to be removed. Similarly, the term "Your Godliness" or something to that effect would be unacceptable.

I heard someone from across the chamber near the pillar suggest "Pooh-Bah", which is a possibility, but a much better suggestion is "Excellency". "Excellency" is a very hifalutin word, although in Canberra, with the international community here and that term being used for ambassadors, that might be considered a little inappropriate; but we will see when the committees return with their titles. "Duke" could perhaps be put in the same category as "King", "Your Highness", "Your Loftiness" and those sorts of terms, but it would also have an American connotation because of its special association with John Wayne.

Mr Lamont: What do you refer to yourself as as the chairperson of the death committee - "Your Deathliness"?

MR MOORE: Mr Lamont interjects about the term for the chair of the committee on euthanasia. I think the term that would be most appropriate is perhaps "Your Reverence", but I think that it does -
- -

Mr Lamont: "Your Irreverence".

MR MOORE: I see that we have a debate on this coming up in the committee. Mr Lamont prefers "Your Irreverence". Perhaps that is much more appropriate. There are only a couple of other options left that we could consider. The judicial community may be very happy for us to share terms such as "Your Worship" and "Your Honour". I am sure they would be delighted for members of the Assembly to share with them such terms as would establish an appropriate attitude towards members of the committees. We all have some very hard decisions to make over this issue in our committees, Madam Speaker, but at least we have a series of reasonable choices and reasonable options to consider.

Question resolved in the affirmative.

DEMENTIA CARE

Debate resumed from 16 June 1993, on motion by **Ms Ellis**:

That this Assembly notes the inadequate funding for dementia care in the ACT and support services for carers of dementia sufferers. This Assembly calls on the Government to negotiate with the Federal Government to:

- (1) alter and increase the funding formula for dementia care facilities; and
- (2) provide funding as a matter of urgency for increased dementia care facilities in the ACT which include adequate provision of respite care beds for dementia sufferers usually cared for in a home environment.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.04): Madam Speaker, ensuring that people who suffer from dementia and their carers are appropriately supported within the ACT community is a critical issue facing us all. As Ms Ellis has acknowledged in her report, there is growing community awareness of the problem of dementia in the ACT and of the demands that dementia care is placing on all aspects of our aged care services.

The starting point to understanding the task involved in providing services to people with dementia is an understanding of the symptoms that people with dementia exhibit. These symptoms may include memory loss and language problems; loss of ability to learn; failure to recognise things or people; disorientation; gradual loss of the ability to undertake tasks of daily living; wandering and pacing; changes in mood or personality; and disturbed behaviour, including outbursts, depression, violence, apathy, being active at night, use of obscene or abusive language, stealing, being resistant to care and urinating or defecating in unsuitable places.

The demands for services for people with dementia are likely to increase over time. Dementia affects one person in 25 at age 65, one in five at 80 years, and one in four of those older than 80 years. Due to the general increase in the ageing of the population over the next two decades, the dementia population in the ACT is expected to increase quite rapidly. From 1991 to 1996 there is expected to be a 26 per cent increase in the number of ACT residents with dementia. However, in each of the next two decades, that is 1996 to 2006 and 2006 to 2016, there will be a 60 per cent increase in the number of ACT residents with dementia.

The current provision of services for people with dementia and their families is divided between the Commonwealth and the State or Territory governments. Both governments have recently undertaken a number of initiatives to improve these services. In 1985 the Commonwealth commenced a 10-year program of reforms to aged care. The reforms centred around the nursing homes and hostels review and the establishment of the home and community care program. HACC services include domiciliary nursing, home help, handyhelp, delivered meals, aged day care, respite care and many others. This reform program was recently reviewed in the mid-term review of aged care, as it was known.

The mid-term review emphasised the need for balance of care for the aged. This was to be achieved through planning of an integrated health care system that recognised the links between the three main program elements of nursing home care, hostel care and HACC. Flexibility and the ability of services to adjust as circumstances alter in any one element of aged care were proposed as key areas of future program planning.

Madam Speaker, the review recommends major changes to the planning framework for aged care to further improve balance of care, particularly for services provided under the home and community care program. The latest in this package of aged care reforms was published in September 1992 and is entitled "A National Action Plan for Dementia Care - Putting the Pieces Together". This paper outlines the following goals for people with dementia and their carers: Access to quality community care; access to quality residential care; and quality of life.

Under these broad headings a number of useful initiatives are proposed. These include: Assistance to carers and service providers with information regarding practical ways of overcoming the difficulties people with dementia and their carers experience within the home environment; improvements in the design of residential and day centres in relation to people with dementia; improvements in the capacity of aged care assessment teams in relation to the management of assessment of people with dementia - an initiative in this area was announced in last night's budget; improvement of access of carers, including the carers of people with dementia, to respite; and enhancement of the knowledge and skills required of carers of people with dementia in carrying out their caring role.

Within the ACT the issues surrounding services for people with dementia revolve around the need to provide an integrated network of services that coordinate psychiatric-mental health services, appropriate residential and acute care options within a common framework, and offering support to carers through training, seminar assistance and respite care. Provision of more dementia respite care, crisis accommodation, dementia nursing staff and purpose built long-term hostel and nursing home-type accommodation will be required within institutional settings or in day care units. Where it is appropriate there may be a need for close supervision and provision of safe wandering space, which demands high levels of staff and purpose built accommodation. The types of service provision need to be diverse to cater for the varying needs, including dementia patients who are physically ill. Madam Speaker, carer support mechanisms are crucial to the survival of carers of dementia sufferers at every stage, since the care of these people can be very debilitating.

The various responsibilities of the Commonwealth and ACT governments in this area are quite complex. The Commonwealth has responsibility for provision of capital and recurrent funding for non-government hostels and nursing homes, and regulation of the number of nursing home and hostel beds in the region. The Commonwealth and the ACT Government jointly fund home and community care services which provide a wide range of community based support services enabling frail aged and people with disabilities to remain in their own homes. In ACT Health the main service funded by HACC is the community nurses. The ACT Government provides the following services: Jindalee is a nursing home offering extended care accommodation for 128 frail aged and younger disabled adults from the ACT and surrounding districts.

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It has a secure dementia unit and is therefore able to provide care for residents with advanced dementia. At this point, Madam Speaker, I should announce to the members in this chamber that Jindalee has just been awarded accreditation. I think they are to be congratulated. It sends a good message to the community that we are able to pick up accreditation for that particular health facility.

Mrs Carnell: It was before.

MR BERRY: Well, it has just picked it up again. The continuing accreditation of that health facility sends strong messages to the community. It is also a signal to the community that the staff in the facility work very hard in their interests.

Burrangiri is a crisis care facility for people over the age of 60 when their carers are in need of relief. It is operated on behalf of ACT Health by the Salvation Army and has a residential capacity of 15 beds and a day care facility for 25 clients. This facility also acts as a respite care centre for the ageing in the ACT. Additional funds have been allocated through HACC to extend day care hours for weekends. I think Burrangiri was opened in 1989, from memory. The need for a facility in the northern part of Canberra will be examined in the light of the findings of the Standing Committee on Social Policy. The recommendation could cost \$2m in capital expenditure and \$800,000 in recurrent expenditure. A more economical approach might be to explore expanding Burrangiri's capacity on its adjacent site. Aged day care centres are provided at Narrabundah, Belconnen, Dickson and Tuggeranong. Occupational therapists, registered nurses and rehabilitation aides offer programs of care - for example, recreation, socialisation, support, and therapeutic activities - for frail older people who require more support than is available in mainstream community activities, and respite and counselling for carers. Narrabundah has two days a week for dementia clients and the Dickson day care centre has been funded to provide an evening service to support carers.

As with other States, there are complex divisions of funding responsibility between the ACT Government and the Commonwealth. Provision of services and resource allocation is further complicated by the geographic location of the ACT, which attracts consumers from the surrounding regions of New South Wales to utilise its health services. Generally, the current Commonwealth funding provided to nursing homes for the care of people with dementia is adequate. However, hostels which are operated by the non-government sector and are funded by the Commonwealth often find it difficult to provide care for people with dementia within their funding allocation. The non-government sector has a well-developed infrastructure for lobbying the Commonwealth. This Government will do all it can to support initiatives aimed at improving services for people with dementia and their carers.

MRS CARNELL (Leader of the Opposition) (11.14): Madam Speaker, I do not think anybody would dispute the need for improved dementia care in our health system, but I must admit that I was somewhat bemused to see this motion on the notice paper in the last session. I was bemused because part one and part two of this motion are almost identical to recommendations put forward by the Social Policy Committee in its report on aged accommodation and support services in the ACT. That report was tabled in this house in December 1992 and, at least to my knowledge, the Government has yet to respond to it.

It seemed somewhat unusual to me for Ms Ellis, who is the chair of that committee, to put a motion on the notice paper when her own government had not got its act together enough to respond, over a period now of eight months, to what is a fairly comprehensive report.

Mr Moore: It is a clever way to move her own government along.

MRS CARNELL: Yes. I must say that I find it very unusual to be debating this motion. Dementia care has been an ongoing problem.

Mr Berry: A bit of spend more, tax less. That will help the debate.

MRS CARNELL: It does not cost you too much to respond to committee reports, Mr Berry. In fact it is regularly said that the committee structure of this Assembly is one of the shining lights, that it is the jewel of this Assembly; yet it is not much good if committees bring forward reports that are not responded to by the Government. I think eight months is far too long for a report on which action is desperately needed.

Mr Lamont: It took six months to do the inquiry and you - - -

Ms Ellis: Almost 12 months.

Mr Lamont: It took 12 months to do the inquiry and you expect an answer in 30 seconds. It was an extremely detailed and complicated report, as it should have been.

MADAM SPEAKER: Order! Mrs Carnell has the floor.

MRS CARNELL: It did not even take us eight months to write the thing. How can it possibly take longer to report on it?

Mr Kaine: It is easy if you stick it in the drawer and forget it.

MRS CARNELL: It is just too hard; that is really what we are talking about here. The problem with dementia is a growing one. Ms Ellis and Mr Berry rightly spoke about the dramatic need to improve our services for dementia care. We know that we have in excess of 1,000 patients or people who have been diagnosed as having dementia in the ACT at the moment. We know that if national statistics are right some 60 per cent of those should be in nursing homes and some 13 per cent in hostels, and that 11 per cent are HACC clients. I suggest that in the ACT those figures will not be right. I suggest that substantially more of those people are still at home because of our chronic lack of facilities for dementia care.

Mr Berry: What would you do?

MRS CARNELL: What I would not do, Mr Berry, is this: I would not do what the Federal Government did last night and decrease HACC funding by 2 per cent, which results in quite substantial reductions. I understand that the reductions will be a saving of \$7m.

Mr Berry: What would you do, though?

MRS CARNELL: No, I would not reduce HACC funding, because we know that a very large percentage of these people are at home. They need support services. If we want to keep people, aged people, people with dementia, out of crisis care, out of full-time care, we have to provide the services at home. That is what this report attempted to talk about. That is what a very large percentage of the recommendations in this report are about - how we keep people out of institutions and therefore save both the ACT Government and the Federal Government substantial amounts of money. But, unfortunately, the Government has not even responded to this report.

The other thing that I think is interesting is this: Mr Berry brought up very appropriately the national action plan on dementia care, which is a very appropriate response. Unfortunately the Federal Labor Government last night announced a \$2.7m reduction in the national action plan for dementia care and special services to the aged. This is a Government that supposedly cares about people. It certainly would not appear so. In fact the Council on the Ageing this morning said that the budget that was brought down last night is an absolute tragedy for the aged; that there is absolutely nothing in the budget. In fact we have already seen two real cuts in the budget that will affect our aged in the ACT, and particularly the 1,200-odd people in the ACT who have dementia.

We know that over the next 10 years the number of people with dementia in our community will increase substantially. In fact on Australian figures we currently have 117,000 people with dementia, and it is predicted that in 10 years' time, or by the year 2001, it will be 160,000. That is a dramatic increase in the number of people with dementia. Currently the Federal Labor Government have refused to increase the funding for dementia. In fact we have the situation, as Ms Ellis knows, and maybe Mr Berry knows, that dementia patients are looked after in nursing home accommodation, and we know that it is just so inappropriate to have dementia patients in the same environment as nursing home patients. It is destabilising both for the dementia patient and for the elderly person in the nursing home.

We know that currently, under Federal Labor Party funding, it costs people or organisations who put together funding for hostels to look after dementia patients \$15,000 per patient per year in excess of what the Federal Government subsidises them for. Currently a private sector not-for-profit organisation with a dementia unit with, say, 10 patients would have to find or raise \$150,000 per year. That is prohibitive. It is prohibitive for any group to look at that. I think many of us here were at the opening of Eabrai Lodge over the weekend. The Uniting Church has taken huge risks in opening that unit, a unit for 20 patients. They know that they are going to lose substantial amounts of money per year if the Federal Labor Government - - -

Mr Humphries: Even more now.

MRS CARNELL: That is right. They will lose substantial amounts if the Federal Labor Government does not change its tack. In essence, that is exactly what Ms Ellis's motion calls for - for the Federal Labor Government to do something about this dreadful situation. It appears that what it has done is cut funding in areas that desperately need it. We all know the problems that Shakespeare Cottage has had in the past. They really have had to change their rules recently

because they could no longer find the excessive amounts of money that are needed to provide appropriate accommodation. One of the recommendations of the Social Policy Committee report was that there desperately needed to be more day care facilities. I could not agree more. But where are they in the Federal Labor Party's budget? They are nowhere to be found, as is anything for the elderly or pensioners - except increased costs, of course.

The Opposition will be supporting this motion, obviously, but it would be nice to see both the ACT Labor Government and the Federal Labor Government pay attention to their own words.

MS SZUTY (11.23): Madam Speaker, I wish to take up similar themes to those which have been taken up by Mrs Carnell this morning. I wish to take the opportunity to speak to Ms Ellis's motion which was partially debated some time ago, in the June sittings of the Assembly, I believe. The issues are certainly important, as Mrs Carnell has outlined. However, the question does need to be asked: Why is Ms Ellis raising this issue in this manner at this time? The report on aged accommodation and support services in the ACT by the Standing Committee on Social Policy was published after almost seven months of reviewing the ACT's range of accommodation and support services for the aged, and I will quote recommendations 9.9 and 9.10 of that report. This is recommendation 9.9:

The Committee recommends that, as a matter of urgency, the Government investigate the feasibility of including a day care facility as part of the Victoria Shakespeare Cottage complex for dementia sufferers.

Recommendation 9.10 states:

The Committee recommends that the ACT Government actively pursues with the Commonwealth the need for changes to the current funding arrangements for dementia specific units to make them more cost effective thus making it possible to create more full time dementia beds in the Territory.

With a little bit of readjustment we have Ms Ellis's motion before us today. I would like to remind members of exactly what we are debating here. The motion reads:

That this Assembly notes the inadequate funding for dementia care in the ACT and support services for carers of dementia sufferers. This Assembly calls on the Government to negotiate with the Federal Government to:

- (1) alter and increase the funding formula for dementia care facilities; and
- (2) provide funding as a matter of urgency for increased dementia care facilities in the ACT which include adequate provision of respite care beds for dementia sufferers usually cared for in a home environment.

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As a member of the Social Policy Committee which handed down the report last year, I find it curious to see this motion being used again in this way by the presiding member of that committee. We may well ask, as members of that committee: Why has Ms Ellis not put her efforts into getting the Government to respond to the committee's report? Surely that would be the most positive way to get these issues onto the government agenda.

What has happened to the other recommendations of the Social Policy Committee? Mr Berry has indicated that the Government is still considering them. I agree that 26 recommendations came out of that report, but they are important recommendations. I have received representations over some months from a great many people asking me: When is the ACT Government going to respond to the Social Policy Committee's report on aged accommodation and support services in the ACT?

Other issues that we also saw as matters of priority were the relocation of Jindalee, which Mr Berry announced today has been accredited again, and the construction of a convalescent facility. What has happened to these recommendations? One could quite cynically ask whether the Government has no will to implement any of the other changes but feels that it can quite happily be seen to be pressuring the Federal Government for funds for this particularly urgent area of aged care. I would like to know when we will see the Government's response to all the recommendations of the report. It was a unanimous report of the Social Policy Committee. We raised a great many very important issues and I am sure that we would all like to hear the Government's response.

Madam Speaker, I acknowledge that the committee felt that dementia sufferers and their families and carers needed more support, and that this support should, in the main, come from the Federal Government. That is why we framed the recommendations quoted previously in the way that we did. There were 26 recommendations, as I have said previously, formulated after nearly seven months of investigation. We did not take our task lightly. Our recommendations reflect what we saw as the way forward in providing the necessary policy and infrastructure support for aged accommodation and support services. Why do we now have two recommendations which have come forward as a notice of motion by a member of the Government when the Government has had eight months to formulate a response?

I would have thought that if Ms Ellis was sincere in seeking the expansion of dementia places she would be using her persuasive talents on her ministerial colleagues and not enlisting the help of this Assembly at this time. The Assembly in effect has already given its imprimatur to the recommendations that we have made, and what we would most want to see is a government response to what we have come up with. Perhaps this is an admission that Ms Ellis has been unable to sway her colleagues; either that, or the Government is intending to take its time responding to the rest of the report and sees this as a way of getting two of the recommendations onto the agenda.

Madam Speaker, the efforts outlined in this motion are necessary. The care of dementia sufferers in the ACT is a matter of the utmost urgency. In fact a number of members of this Assembly attended the opening of Eabrai Lodge on Sunday and heard quite explicitly that the centre would be operating at a \$150,000 loss for

every year of its operation. Madam Speaker, I am disappointed at Ms Ellis's efforts and attempts to make political mileage out of what I considered was an apolitical report which in part recognised the urgent need for more dementia places and services.

Mr Connolly: You would never do anything like that.

MS SZUTY: I think that that comment is quite justified. It is a unanimous report of the Social Policy Committee of this Assembly and we are all waiting for a government response to the issues that have been raised.

MR KAINÉ (11.29): Like Mrs Carnell and Ms Szuty, when I first saw this motion appearing on the notice paper I asked myself the question, "Why is the chairperson of the Social Policy Committee, with an outstanding report on this very matter, putting this matter on the agenda?".

Mr Berry: Did you answer?

MR KAINÉ: Yes, I did. This is the interesting thing. The answer, when you stop to think a bit, is as plain as the nose on your face, Mr Berry. The answer is that this Government, during its entire time in office since 1989, consistently has resisted doing anything at all for the ageing in this Territory. I imagine that Ms Ellis gets absolutely frustrated. You can imagine the caucus meeting on the fifth floor and Ms Ellis saying, "We need some money for dementia patients and their carers". Ms Follett says, "But we so not have any money; the cupboard is bare". Mr Berry says, "And in any case I need \$3m to put a hospice on Acton Peninsula; to heck with the people suffering with dementia". So the debate goes, and Ms Ellis leaves with nothing. So I can understand why it is on here - because of absolute frustration in trying to get this Government to address the question.

I said that it has been going on for four years. In 1989 one of the first things done by this Assembly, and it was done over the objection of the then Follett Government, was to institute an inquiry into the needs of the ageing. The Government resisted it and did not want to do it. It just so happened that even before the Alliance Government was formed there were enough people not in the Labor Government, even then, to overturn the Government and to force them to do this inquiry. That is where it all began. They did not want to do it then; they do not want to do it now. Mr Wood chaired that committee and he came up with an excellent report. There is a complete section in it dealing with dementia. Even then Mr Wood noted a comment by some eminent people in this area that said that there was the potential for an epidemic of dementia. That was in 1989.

We got a new Labor government, for our sins, and Ms Ellis, concerned about this issue, takes on herself, as the committee chair, the responsibility of doing another report. That report was tabled, as has been pointed out, in December 1992, and we cannot even get an answer from the Government on what they intend to do about the matters raised in there, let alone just dementia. It raises a whole range of issues about the ageing, and we cannot even get a response from the Government. So I can understand why Ms Ellis has put this on the notice paper.

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She wants this Assembly to endorse a motion that says to the Government, her own Government, "Get off your butts and do something". I think that is a reasonable thing for even a Labor backbencher to do. I think that Ms Ellis's motives are good motives. There is nothing underhanded; there is no subterfuge behind this. It is quite straightforward. She wants something done. So do we, Madam Speaker, and so do a lot of people out in the community who are dementia sufferers or who are caring for them. They want something done too.

Mr Lamont asked, "How quickly do you want us to respond?". I think eight months to respond to the most recent report is not a bad effort, but the fact is that it was first raised in 1989 by Mr Wood in his report. This is four years later. How much time does Mr Lamont want before the Government comes back with some sort of reasonable response on this? Of course, the answer always is, "Well, we do not have any money".

Mr De Domenico: Ms Follett has plenty of money.

MR KAINE: Only yesterday Ms Follett told us that by good management she underspent \$30m last year. One has to ask, "Which services for which this money was earmarked were not delivered?". When the budget appropriation Bill was put to us every dollar of it was accounted for by the Government for something. Which \$30m of services were not delivered?

Mr Connolly: We constantly demand additional savings because we are good managers, unlike you lot. You were a joke.

MR KAINE: Mr Connolly is jumping up and down now. I am surprised that he is not saying "Quick, quick; slow, slow". He does a great slow waltz.

Mr Connolly: No. You are saying, "Spend, spend; spend, spend".

MR KAINE: I am saying to you, Mr Connolly, that you failed to spend the money that was appropriated - - -

Mr Connolly: Absolutely; proudly. We saved the ratepayers' dollars; proudly.

MR KAINE: Proudly? You said 12 months ago that you needed it. Twelve months ago, Mr Connolly - - -

Mr Connolly: Yes, proudly, and I proudly delivered to the ratepayers a 36 per cent excess in ACTION.

MR KAINE: Madam Speaker, does he have the floor or do I?

MADAM SPEAKER: Mr Kaine, you have the floor. Please proceed.

Mr Connolly: But he was asking me questions.

MADAM SPEAKER: Order! Perhaps you should address your remarks to me, Mr Kaine.

MR KAINE: Thank you, Madam Speaker. Mr Connolly, one year ago, said, "I need \$12m for capital expenditure for my bus service". He did not spend it. If he did not need it, why did he ask for it? Now he is trying to make a virtue out of the fact that, having got an appropriation of \$12m from this Assembly, he did not spend it, and he and the Treasurer say, "Aren't we great managers". Nobody is asking what the \$12m was supposed to be spent on, and what service it was supposed to provide for the public that is now not being provided.

This virtuous management, as a result of some fortuitous circumstances whereby they got \$30m revenue more than they could even estimate - so much for their forward estimating - underspent \$30m that was appropriated for specific purposes that this Government identified. The Opposition did not identify them; the Government did. The Chief Minister then says, "Gee whiz, we now have in reserves \$40m that we did not need. We can carry that forward into next year". Let us have some of the \$40m spent on the dementia sufferers and their carers. If we have this much surplus money, if the Government have managed their budget so well that we have all this money, the budget gap is gone, so let us spend some of it on useful capital works. Let us not only have the hospice for \$3m - - -

Mr Connolly: Spend it all this year and have nothing next year.

MR KAINE: You spent it all last year. The year before you blew the lot - \$80m worth of reserve money in one year.

Mr Connolly: That is why you deliver deficits and we deliver surpluses.

MR KAINE: Madam Speaker, Mr Connolly is obviously very sensitive about this. He does not want to hear what I have to say. He just tries to talk me down.

Mr Lamont: He is not half as sensitive as you are.

MR KAINE: Oh, Mr Lamont is back. Now he can tell me whether four years is not long enough to deal with the problems of the dementia patients.

Mr Lamont: You did absolutely nothing in 18 months, Mr Kaine, and you were the Chief Minister.

MR KAINE: I can tell you a few things that we did. We started the infrastructural change process that you have dropped the ball on, Mr Lamont. We made the decisions about closing the Royal Canberra Hospital. Now Mr Berry says what a great job we did in closing the Royal Canberra Hospital. You did not want to do it in 1989 or 1990; now it is a great thing. But we made that decision, I would remind you, Mr Lamont, not the Labor Government, and the economic benefits that flow from that decision are still carrying the Labor Government along on its crest. This Government has not made a single decision of that order of magnitude since it gained office - not one. If they have, I would like you to tell me where it is, Mr Lamont, through you, Madam Speaker.

I think it is interesting that Ms Ellis has to go through this process to get her Government to take notice of a report which her committee prepared and which has been before the Government for eight months. I repeat that it is a follow-up to a very similar report that was tabled in October 1989 from a committee chaired by Mr Wood. It is no wonder that Ms Ellis put the motion on the notice paper.

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She wants to see something done and she is entitled to see something done. If the Government have all this surplus money, if they are such great money managers, then let us have some of it invested in the people who deserve it and who need it, instead of having it tucked away in Ms Follett's little piggy bank against something that might or might not occur in the future. That is what Mr Lamont wants us to do obviously. Do not worry about the dementia sufferers and the carers who are looking after them today; the trade unions might want something next year, so we had better make sure that we have the money to keep them happy.

Mr Lamont: Have you put out your press release yet?

MR Kaine: I might put one out after I leave here, so watch it. You will be on the top of the list. We will suggest that certain members from the Assembly not get paid because they do not contribute anything. Madam Speaker, I think it is quite disgraceful that the Government has not done anything in this matter, and it is quite disgraceful that a member of the Government has to take this course of action to get some attention from her own Government, her own Chief Minister and Treasurer, her own Health Minister. I hope that, when the Assembly passes this motion, as I am sure it will, this time we might see some action.

MS ELLIS (11.39), in reply: Madam Speaker, first of all, I found this whole debate this morning incredibly disappointing. Secondly, I am a bit stunned at the quality - - -

Mr Cornwell: So did we.

Mr Humphries: Join the club.

MS ELLIS: If I am allowed to be heard I might be able to make the salient points that I wish to make. The motion on the notice paper in my name was put there in June, quite a time before the Federal budget. If you try to be a little bit careful and think carefully about this whole process you might have the dawn of knowledge suddenly appear above your heads and gain an idea of why I am even remotely interested in this motion.

The first point I want to make is that I think it was a pretty cheap and churlish shot to turn the debate on what I believe to be a very sincere motion on the fact that the Federal Government has responsibilities in a particular area of aged care and that it somehow needs prompting. You can turn it into whatever you wish. It was not a debate about that report. It was not a debate about last night's budget. It was a debate about something totally different. The churlish attitude of some members opposite to this debate this morning illustrated that. I agree with Mr Berry that the figures showing increasing numbers of dementia patients in this country are alarming, and we need as a community to address them in a very sincere fashion.

Mr Humphries: What are you doing about it?

MS ELLIS: Not interrupting like you, Mr Humphries. The care provided in a specifically built facility like Eabrai Lodge is an important and essential element of aged care in this area. It is not the only one, of course. Whole packages of care are being formulated at the moment, at both Federal and local government levels throughout this country, to address this question of aged care.

The point I want to make is that my motion is aimed specifically at the methodology used to categorise and fund patients into specifically built dementia units. We are not even really talking about more money necessarily, although that could possibly flow. What we are talking about is that the personal care assessment process that people go through when they are assessed to gain admission to one of these facilities is absolutely inappropriate. We are talking about the funding formula that is used and the assessment formula that is used for people with advanced dementia requiring full care in an institutional place of some kind. That is what we are really talking about here. We are not talking about the pros and cons of Federal governments or \$40m in somebody's piggy bank. Those are ridiculous cheap shots on a very serious subject. You only have to sit down as I have done on several occasions and talk to the people from the Uniting Church who are behind, as we know, the construction of Eabrai Lodge - - -

Mrs Carnell: We were there. Your mob were not.

MS ELLIS: I beg your pardon?

Mr Humphries: We were there.

MS ELLIS: Yes, and so was I, Mrs Carnell; thank you very much. We only have to talk to those people to find out the real requirement that they have of the Federal Government. It is not to turn around and say that there has been fund cutting here and fund cutting there. I did not hear that from the Uniting Church people. What I did hear from them was that we need to - - -

Mrs Carnell: You said that they were 150,000 bucks down the tube.

MS ELLIS: Excuse me, Mrs Carnell, but I am trying to make a point here and you make it extremely difficult. What I did hear from them is the need for the Federal Government - the Federal Government, period - to make a proper assessed approach to the way they handle dementia people needing care in a purpose built facility.

There are a couple of points that I would like to pick up from the debate earlier. As I have already said, I really think that the sorts of comments made by Mrs Carnell, as much as we value her comments, were quite churlish. I do not think that they attacked the motion in the true sense in which it was put forward and the words used. There are people at home who have dementia and who are being cared for by their relatives and friends; but, as I said in my speech in June, the problem at the moment is that they do not have very many options outside of that because encouragement to build Eabrai Lodges around the country is not there because of the funding formula problem. It is a very simple connection to make. I cannot understand why you failed to make that logical connection as clearly as I seem to be able to do. I agree that the high cost mentioned by Mrs Carnell which is to be experienced by Mirinjani at Eabrai is prohibitive. That is the very reason why the motion went on the notice paper in the first place. But it is not the responsibility of this Government here in this town to do something about that; it is the responsibility of the Federal Government.

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Mr Cornwell: Amend your motion and we will send a copy to Ros Kelly.

MS ELLIS: Thank you very much, Mr Cornwell. There is another aspect of this that I think we ought to pay attention to. If anybody on the other side of the house was remotely interested in this subject they would know it. It is that the Uniting Church and other non-profit organisations throughout this country are participating, whilst being critical of the current position, in a very comprehensive and complementary fashion, with the Federal Government to solve this issue. Really, I think that our attention ought to be turned to that rather than this ridiculous attack on who holds which money where and why, and how much we should spend to alleviate problems in Canberra. The point is that, on behalf of the residents who live in this town who happen to suffer from dementia, it is incumbent upon us to force the Federal Government to look at this matter more seriously. I am not at all ashamed to stand up on behalf of those people and to make that point, no matter who the Federal government is. If these people need that attention brought to this issue I will do it.

Ms Szuty made a point about whether I was sincere. I can assure you, Ms Szuty, that I well and truly am sincere. There is no way that I would ever bring up a motion on a matter of importance to social justice issues affecting the community as much as I think this does without 100 per cent sincerity. I am sorry to say that I take offence at the sorts of words that you used to make that statement.

We all know that the matter contained in this motion is primarily aimed at the need to address very specific issues - the funding formula applicable to these places and the personal care assessment process that is in place at the moment, which is totally inadequate and inappropriate. If we think about the issue we know that it needs to be amended. I do not think that anybody should be at all surprised that I, as chair of the Social Policy Committee, happen to have an interest in the area. Of course I do. The fact that I have received very constructive representations from the people at Mirinjani gives me the opportunity to make further comment on this. Unfortunately, I do not recall at the moment the level of documentation from Mirinjani that I had at the time of our inquiry. That does not change anything much, but I think that it certainly justifies my attempt to bring this need to the attention of this house.

There are, of course, a range of other concerns in the area of aged care, and in fact in the area of a lot of care of disadvantaged people in the community, that we could stand here and talk about for hours on end, and if you ever wish to I am quite happy to do so. The point is that in relation to this particular issue there are things that can be done that have not been done by the Federal Government, and I believe that it is incumbent upon us as representatives of this community to say so. That is exactly and precisely what I intend to do, and will continue to do, until I see this issue corrected.

Despite the sometimes negative and, I must confess, confusing remarks of all of those opposite who spoke on this issue, I am pleased to have sifted through them and to have found that there were words of support for the motion. I suppose I cannot really blame you for taking an opportunity to stand up and carry on a bit about things that are quite incidental to the issue, but I look forward to the motion being supported by the house. I hope that on matters of social import such as this we can continue to have a positive approach in the future.

Question resolved in the affirmative.

CANCER REGISTRY

Debate resumed from 19 May 1993, on motion by **Mrs Carnell**:

That this Assembly urge the Government to act as a matter of urgency to establish an Independent Cancer Registry and that such a registry -

- (1) be used to facilitate the compilation of accurate and complete records;
- (2) to provide the data to facilitate the accumulation of information on trends;
- (3) establish a basis for the provision of cancer related health and support services;
- (4) enable the monitoring of community cancer prevention measures;
- (5) provide data for epidemiological research on the causes of cancer and yield information to enhance cancer education among the public; and
- (6) enable accurate forward planning with regard to health services requirements in the area of cancer.

MRS GRASSBY (11.48): Mr Temporary Deputy Speaker, anyone would think the Leader of the Opposition had discovered a cure for cancer. It would be very good if she had. It is called a cancer register. As the Minister said in May, a lot can be and is being done in the ACT to reduce the impact and incidence of cancer. We all know that cancer attacks mostly the aged, although many young people get cancer, and therefore with the ageing of the population we are possibly going to see more and more people with it. Cancer is a very large cause of deaths. Cancer as a proportion of all causes of death will increase, for example, as a result of reductions of cardiovascular disease mortality.

While recognising the importance of the issue, it is wrong to scaremonger about increasing cancer incidence, particularly in light of the Government's obvious commitment to high-quality prevention and treatment services. But there are no quick fixes, and we all know that. It is misleading for the Leader of the Opposition to suggest that the ACT's health is suffering for want of a register. I take the points in her motion in turn. We have good data. Cause of death data, hospital morbidity data, reports from pathologists and self-reported information from the national health surveys will all be used to examine the trends, the prevalence of various types of cancer and high risk groups within the population. These combined data sources should provide the breadth of information needed to monitor not only cancer but also other disease profiles.

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We can also use information to follow trends in cancer incidence. Funding options need always to be considered. Listening to the Opposition would lead you to a state of confusion. Making accusations about the high cost of health while calling for massive amounts of new spending requires careful scrutiny. If the Government had Mrs Carnell's money tree there would be no service we could not provide. We could provide them all. But of course there is more to it than that.

Mr Berry: We would be able to get free dancing with the fairies under it too.

MRS GRASSBY: Lots of fairies, Mr Berry. There are lots of fairies under the Liberals' tree, and at the bottom of their garden too. In times of tight budgets all proposals for spending need to be weighed against other priorities. The question is whether we need a cancer register now or whether the expense can be justified against, for example, increasing the level of direct cancer services. I would think that these were the most important issues.

The Government is well aware of the benefits and costs of a register. Cancer registers provide valuable data on the occurrence of cancer and are the source of a considerable body of both clinical and epidemiological cancer research. This information obtained from the register showing trends and patterns is essential when planning services. The Minister for Health is looking into this. This ensures that appropriate, efficient and effective services are provided. It is important that we have the best, not just anything. The Leader of the Opposition would be happy to say, "Just get anything. It does not matter whether it works or it does not. Just get anything".

A well-organised cancer register has some advantages over death certificates and, to a lesser extent, over hospital morbidity data. For instance, a cancer register provides information that better allows us to study relativity to common cancers and low fatality rates. Additionally, the accuracy of the information is less questionable than for cause of death information. There are, however - and I would like to make this point very strongly - disadvantages associated with cancer registers. For instance, they tend to have incomplete coverage of cases within the population. The Government is well aware of the challenges of ensuring economies of scale, of preserving client confidentiality when a number of particular cancers may be so small as to allow easy identification of the individual, of gaining the support and cooperation of the medical profession.

Let me say here that this is the part that is very important. Somebody may apply for a very high-powered job, and it is found out that they have had an operation for cancer. It may have been a small operation, but immediately this information comes out the employer thinks, "If I employ this person, will they be able to do the job and, if so, for how long?". I find this very distressing. I know of some people who not only do not want their friends to know that they have cancer but do not even tell their families.

The value of a cancer register should not be overstated, because of the small population base. This is part of the reason for the current practice of contributing to the New South Wales register. We already do that. The ACT Health Department provides substantial services to the region and hence will need to maintain links with the New South Wales registry for that part of its service anyway. Through the New South Wales registry we contribute to the national cancer statistics. Many years of data would be needed from the register in the

ACT before the information could provide opportunities to perform studies of cancer incidence. The Government realises the need to have adequate data to study cancer. It is already contributing to the New South Wales register. Cancer registration may need to become a statutory requirement.

The community should make the decision to establish a register on the basis of a reasonable public debate, not on the basis of a register being the cure for cancer, which we all know it is not. A very dear friend of mine died of cancer. The sad part was that, before she even had time to tell her family, her children, somebody from the hospital told me. You can see how difficult it is to keep this information quiet. Before she had time to tell her children that she had an incurable cancer which she was going to die from, and did unfortunately, it was leaked out from the hospital and I found out before even her children knew.

I would want to know how carefully this register was going to be kept. The case I have referred to was bad enough; but, if I were applying for a job in a department or in a company here in Canberra and I had had a cancer operation that was not as serious as this one was, I would want to be sure that people did not know about it, because there are still people today who think that the big C is a frightening death sentence. We all know that if it is caught early it is not a death sentence. I would want to be sure that any register was kept confidential and I would like the Minister to look into this before he decides to do what Mrs Carnell wants.

MR DE DOMENICO (11.56): Madam Speaker, we will try to get the debate back onto the rails - although a lot of what Mrs Grassby had to say agreed with what the Leader of the Opposition said, which is interesting. Madam Speaker, when Mrs Carnell raised this matter some time ago it was done in a bipartisan and genuine way, because it is not something that one attempts to politicise.

Let me say from the outset that I have evidence in *Hansard* as to who did politicise the matter at hand. It was Mr Berry of course, Madam Speaker. Mr Berry, first of all, stood up and said that Mrs Carnell was screeching and complaining; I think they are the words Mr Berry used. Of course that is not right. He then accused Mrs Carnell of not talking about the positive things that governments of all political persuasions tend to do from time to time. To set the record straight, I applaud the Government and the Liberal Party applauds the Government for the things that it has done thus far. They are many and varied and all very good initiatives. We applaud the Government for doing these things. I give some examples. The Federal Government and the ACT Government have committed \$3m over the past two years to the breast cancer screening unit. That is a great thing; it is fantastic. Also, \$800,000 has been committed over three years for a cervical screening program which has been running for more than a year now. That is also a good idea.

Mrs Carnell: Which is a register.

MR DE DOMENICO: Which is a register. That is a great idea. Well done, governments - both Federal and ACT. A pap smear register is being established as well.

Mr Lamont: Could you repeat that, Mr De Domenico?

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MR DE DOMENICO: Well done, ACT Government, and well done, Federal Labor Government, for spending so much money on a pap smear register, on screening for breast cancer and on all those things. Well done. This is a non-political, bipartisan issue, one would hope. We agree with the Government that governments have to deal with very important privacy issues. You have to consult widely with the community, make sure that you get it right and make sure that the approach is up to date. We agree with all those statements. You have to consult, you have to make sure that you are getting value for money and you have to make sure that you are doing it right. When you are talking about something like cancer and cancer deaths you cannot make mistakes. We agree with all those things.

Madam Speaker, Mr Berry and also Mrs Grassby made comments about ageing population and cancer. Let me say, as someone who has had cancer - and most people know about that now - that not only old people get cancer. Younger people - I will not say young people because I will not refer to myself as young - get cancer as well. Mrs Grassby said, "It is something we have to look at in the future because of our ageing population". More than the ageing population get cancer, let me assure you. Madam Speaker, for Mr Berry and Mrs Grassby to start talking about scare campaigning and all that sort of thing is just utter nonsense. We are all concerned - or we all should be concerned, notwithstanding our political allegiances - that we have for the people of the ACT the best facilities and services that are enjoyed elsewhere.

Let me mention the good things that the Government has done because, if I do not, I will be accused of missing out on one thing. The Community Nursing Service, we are aware, has specialist oncology nurses; the palliative care program provides a nursing service for patients with terminal malignancies; and the Alcohol and Drug Service runs programs which emphasise the Government's commitment to discourage tobacco smoking.

Mr Berry: There will be a hospice on Acton Peninsula soon.

MR DE DOMENICO: Mr Berry, I will take that interjection, if you like. The hospice on Acton Peninsula that nobody but Mr Berry and the left wing of the Labor Party wants is, in Mr Berry's opinion, also a good thing. I am happy to hit every interjection that you have made this morning for six, as Mrs Carnell did previously. Mr Berry went on to say about a registry:

As has been said, it is an important tool in the treatment of cancer ...

We agree with him. He also said:

but by itself it cannot cure one person.

Mr Berry once again is wrong. Mr Berry should talk to some experts before he opens his mouth in this place. As I understand it, prevention, detection and cure is the way it goes. Mr Berry quite rightly said that he spent \$3.9m for some new equipment at Woden Valley Hospital to cure cancer. That is fantastic. But why not spend an extra, say, \$50,000 - and that is all it takes - so that we can get some very good statistics that may one day prevent one person or two people or more people from getting cancer? That is what it is all about - \$50,000 for preventive measures. In modern times that is what is done all over the world. But, no, we have to wait.

Mr Berry then proceeded to attack the Opposition for playing politics. That is not on. Let us have a look at the facts. The Cancer Society and people who know about these things expect a 50 per cent increase from 52,000 in 1985 to 78,000 in 2001 in the number of people with cancer. Every State and Territory in Australia - these are the facts - has a registry, except the ACT. Mr Berry and others say, "Yes, but we have to make sure that we get it right, and we are concerned about privacy". So you should be. But it has been got right by every other State and Territory in this country and in other countries. There is a wealth of experience to learn from to get it right. Eventually, whether it takes eight months or eight years or 10 years, Mr Berry reckons that he is going to get it right. Instead of spending \$100,000 for abortion clinics in the city, Mr Berry, perhaps you might spend \$50,000 for a cancer registry. That is one alternative, Mr Berry, for you to take on board.

The latest published figures for the ACT cover the period from 1978 to 1982. In other words, the latest statistics available for the ACT are 10 years old. That is another reason why we ought to be thinking about a cancer registry. The Australian Bureau of Statistics figures that Mrs Grassby was talking about related to death only, not the incidence of cancer. We know how many people die of cancer, but we do not know how many people actually have it.

Mr Berry: There will be one, but it will not be tomorrow.

MR DE DOMENICO: How can you plan for treatment and education without accurate records? Whether we are talking about cancer registries or anything else, if you are talking about education programs without accurate records you cannot do the job right. How can you become aware of trends? We cannot, because we do not have a cancer registry.

Two-thirds of Canberra's female deaths in the 55- to 64-year age group are due to cancer.

Mrs Grassby: There you are - old age.

MR DE DOMENICO: I will take that interjection on board. Mrs Grassby talks of old age. Mrs Grassby, we are talking about the detection of cancer in more than people of an old age.

Mr Berry: Take my interjection on board. We can and we do look at trends.

MR DE DOMENICO: Let me say that you do not. Members of both the AMA - people who, I suggest, know about these sorts of things more than you and I do - and the ACT Cancer Society believe that you are wrong. We tend to agree with the experts that you say you take advice from. We will take the advice of the same experts. We agree with them. You are wrong.

Comprehensive cancer registration in the ACT would provide the data to facilitate the accumulation of information on trends, provide a basis for the provision of cancer related health and support services, enable the monitoring of community cancer prevention measures, provide for epidemiological research on the causes of cancer and yield information to enhance cancer education amongst the public.

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The increasing incidence of cancer places health service providers on notice that the future impact of this increase will burden health services. Cancer registration will provide the basis for meaningful forward planning. Currently, new cases of cancer diagnosis in the ACT and cancer deaths of ACT residents are registered in the New South Wales cancer registry. However, incidence registration is incomplete. I will repeat that. Incidence registration is incomplete because the reporting of new cases is not mandatory in the ACT. The ACT is the only place in this country where it is not mandatory. Close cooperation with the New South Wales cancer registry is essential if the registry is to provide an adequate basis for research and the provision of health and support services.

Mr Berry keeps harping across the other side of the house, "It is going to happen, but it is not going to happen tomorrow". Mr Berry, how much longer do you want before you are convinced that this is a very important issue for you to act upon? How much longer is it going to take for you to get into the bickie tin that Ms Follett said she had yesterday - \$40m worth? We are talking about \$50,000 to set up a cancer - - -

Mr Connolly: Offset against next year's gap. You do not understand public finances.

MR DE DOMENICO: It has nothing to do with you. Get back in your box. You have the numbers in the Cabinet, or so we are told. Get hold of \$50,000. Let us set up a cancer registry. Let us make reporting of cancer incidence mandatory in the ACT. Let us catch up to the rest of the country and the rest of the world. You are the Health Minister. Let us have some action.

MRS CARNELL (Leader of the Opposition) (12.06), in reply: Madam Speaker, thank you to everyone who has spoken on this motion. I would, first of all, like to clarify an obvious misunderstanding on the other side of the house. This motion was put to me by the ACT Cancer Council to put to this house. It was not put forward by me as some sort of cheap political stunt. It was put forward by a number of people who felt that they were getting nowhere in their negotiations with government and who believed very strongly that until the ACT had comprehensive reporting and registration of cancer in the ACT their capacity to plan for the future was dramatically curtailed. They have said - and they are not my figures - that the incidence of cancer in Australia will increase by 50 per cent in the next 10 years. That is a huge increase. The Australian Cancer Society is very worried, as is the ACT branch. They are saying that, unless they can get some accurate statistics, their capacity to do the job that they are there to do is dramatically undermined. They are saying that there are lots of things happening in cancer incidence in Australia, and in the ACT as well, that they cannot explain. They cannot do anything about it because they have no accurate figures.

We already know that in the ACT two-thirds of female deaths in the age group 55 to 64 are due to cancer, whereas the national proportion is half that. Those figures are based upon incomplete data. We are not sure whether they are accurate; but, if they are accurate, we have a problem and research should be done to find out what the problem is. Contrary to what Mrs Grassby said, there are no accurate figures, because reporting of cancer is voluntary, and private hospitals, pathologists and often public hospitals do not report cases of cancer. If cases are not reported it means that our statistics are flawed.

We also know that when cases are reported they are reported to the New South Wales Cancer Council registry. That registry was set up to look after New South Wales and, therefore, incomplete ACT statistics do not have a dramatic priority for them. As Mr Berry is the first to know, the latest complete breast cancer figures for the ACT are those for the period from 1978 to 1982. Figures that old are not useful for anything. No matter how you look at it, they are just not useful.

The Cancer Council and the AMA - and, for that matter, just about everybody else in this community - are saying that we need a cancer registry now. The AMA and other groups are saying, "We should look at this logically". That would be a bit of a problem. They are saying - and it seems quite logical to me - that we are in the process of setting up a cervical cancer registry; we are in the process of organising better breast cancer screening. Would it not be very sensible not to have three cancer registries but just one? If we are going down the track of a cervical cancer registry in the ACT, would it not be sensible at the same time - I know that this is pretty rash thinking - to set up a comprehensive registry?

The AMA, the doctors and the other associations that are involved in this say that there is already an agreed national set of information that has to be given. A national cancer statistics clearing house has been agreed to by all interested parties - by the Australian Institute of Health, State governments and so on. The actual format for reporting has already been agreed to - the first four letters of the surname, the first two letters of the given name, the initial of the second name, sex, date of birth, some information on the morphology of the cancer and so on. All of this is already agreed. They are saying, "So that we do not get any duplication, would it not be stunning to adopt what has already been adopted and not have a situation where we are likely to end up with three different approaches - one for breast cancer, one for cervical cancer and, maybe one day, in the fullness of time, one for everything else?".

They are saying that there are a lot of private doctors, private pathology laboratories and private hospitals and that it is a bit difficult to convince private operators to fill in forms, but they are saying, "Would it not be sensible to have one form?". Would it not be sensible to use possibly some of the money that the Commonwealth Government have set aside to allow us to set up a registry and to approach this matter in a rational and logical fashion which would save us money, which would save duplication, which would make sure that doctors who are reporting have one form upon which to report? We could do it very quickly, because they are all happy to be part of it tomorrow.

Mr Berry: There you are - tomorrow!

MRS CARNELL: That is what the doctors are saying. The doctors are saying that they are willing to be part of what could be, in the first instance, a comprehensive voluntary approach, with legislation obviously coming later. You would know that in Tasmania they used a voluntary register until they managed to get up their legislation for a mandatory approach.

Mr Berry: That is what is happening here.

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MRS CARNELL: Unfortunately it is not happening here, Mr Berry, because there is no set approach for the private sector. You do not even have a system in place. All we need to do is get together very quickly, very simply, and come up with an approach that is acceptable to everyone. The approach that is acceptable to everyone is one form and one registry, preferably administered, as in New South Wales, by the Cancer Society. That is appropriate, for the reasons that Mrs Grassby spoke about. There are certain people who feel that government based registers at times lack privacy. The ACT Cancer Society is willing to do it. The societies have done it in other States. They are good at it, and of course we do not end up with privacy problems. The information that is required has already been set. We have somebody to run the register. The AMA, the doctors and all the other people are interested in it. It would save us having three different registers; it would save duplication; and, Mr Berry, it would save lives.

Question resolved in the affirmative.

Sitting suspended from 12.16 to 2.30 pm

DISTINGUISHED VISITOR

MADAM SPEAKER: Members, I would like to welcome Mr Bill Stretch, an MLC from Western Australia, and his wife Margot. Mr and Mrs Stretch, welcome to the visitors gallery.

QUESTIONS WITHOUT NOTICE

Separate Public Service

MRS CARNELL: My question is to the Chief Minister. In last night's betrayal budget the Keating Labor Government broke its promise and announced that it will cut back Federal public servants by 15,500 over the next four years to achieve its budget aims. It also announced that the \$460,000 funding for the ACT to establish its own public service will be slashed to zero. Ms Follett, will you be cutting back public servants in your own budget, and how will your Government achieve the transition to the ACT public service with no further funding? Do you dispute that the number, the 15,500, and do you accept that those figures will equate to approximately 4,700 public servants losing their jobs in the ACT?

MS FOLLETT: Madam Speaker, I thank Mrs Carnell for the question, ill-advised, as usual, though it is. There is no doubt that the number of Commonwealth public servants is expected to drop, and I think we should put this in the context of a Commonwealth public sector which has been contracting for many years. I expect, based on the information in the budget, that there will be some 4,800 jobs lost this year, and, as Mrs Carnell says, 15,500 over the next four years. I would like to say that about two-thirds of these will be from Defence, Health and the Australian Taxation Office. Madam Speaker, most of the Health jobs relate to the transfer of repatriation hospitals in the States, so they have no impact here. Are you with me so far?

Mrs Carnell: What about Defence?

MS FOLLETT: We do not have the details of where the remaining job losses are likely to occur, but we do know that only 17 per cent of the employees of the Department of Defence and the Taxation Office are based in the ACT. Clearly, the impacts in the ACT of those job losses may not be of major importance, but I believe that the offsets in the ACT are significant, and they include, of course, benefits in the construction industry and in the tourism industry. Madam Speaker, they include the geological survey office, a construction project of over \$100m; a commitment to the National Museum; a commitment to the national portrait gallery; and the National Capital Planning Authority will be spending an additional \$19.4m in this Territory. That all has an employment aspect to it.

Mrs Carnell: Like the DFAT building did. We got lots of ACT jobs out of that!

MS FOLLETT: I would advise Mrs Carnell, through you, Madam Speaker, to listen from time to time, and she might learn something.

Part of her question betrays a complete lack of understanding of the arrangements for the establishment of a separate ACT public service, and the funding that I thought was a one-off. I thought nothing could have been clearer than that, Madam Speaker. We needed funding at the stage where we were setting up the appropriate resources to draft legislation, draw up standards, and so on. We got that money in full. We did not ask for it again; we do not need it again. So it is not in the budget. Madam Speaker, I think that answers Mrs Carnell's question there.

Mrs Carnell: No, it does not. Have you spent it?

MS FOLLETT: I can understand her embarrassment, Madam Speaker, but I would urge her not to completely lose her composure. I am answering the question. On the question of jobs, I am pretty much breathless at the hypocrisy of the Liberals opposite in raising this issue. They know full well, unless their memories have deserted them completely, that their Federal leader, Dr Hewson, was planning a total slash and burn approach to the ACT.

Opposition members interjected.

MADAM SPEAKER: Order!

MS FOLLETT: I knew that it would hurt. Madam Speaker, it is a fact that the totally discredited then shadow Treasurer, Mr Reith, adopted a policy in relation to the ACT of reducing it to a ghost town. He said that. They know that. Madam Speaker, under a Hewson Federal government - perish the thought - we would have seen the wholesale removal of departments from this Territory, and they know it. It is a fact that in the past year this Territory has had some 7,000 new jobs created. Those jobs have been in the private sector, Madam Speaker, not in the public sector. The public sector, as I have said, has been contracting for some time. Whilst I regret those job losses, I would say to members opposite that the private sector job growth has been very good in this Territory, and I think it is unreasonable of us not to expect the Commonwealth to undertake its operations in the most efficient and the most lean manner possible. I suspect that that is what we are seeing here.

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MRS CARNELL: I ask a supplementary question. Chief Minister, in a press release put out by Mrs Ros Kelly on 7 February 1993 she outlined 4,400 positions that would be lost, in her words, under a Federal coalition government. On the figures released in the budget last night, in excess of 5,000 ACT public servants will lose their jobs. Do you now accept that the Federal Labor Government is, to use your words, slashing and burning?

MS FOLLETT: Madam Speaker, the question has been fully answered. Frankly, I would not rely on Mrs Carnell's estimation of any figures whatsoever.

Housing Development - North Duffy-Holder and North Watson

MR LAMONT: First of all, it might be well for Mrs Carnell not to allow Mr Kaine's staff to write her questions for her in future. My question is directed to the Minister for the Environment, Land and Planning. I refer to an article in today's Belconnen *Chronicle*. The Watson Community Association argued that you had attached the alleged cost by the ANU of \$40m to relocate the Stromlo Observatory in error to the North Watson development costs. In order to correct this error, could you outline again the true picture in regard to the joint Stromlo study by the ANU and DELP, and comment on the Watson Community Association's claims?

Mr Kaine: And could you explain that you know the difference between Watson and Duffy?

MR WOOD: Indeed I can, Mr Kaine, and if you listen - perhaps you are a better listener than Mrs Carnell - you will get the picture. By coincidence there are two figures of \$40m floating around. One relates to the Duffy-Holder development and one to North Watson. There are two figures. I well know this, but I think the person that provided the news release from North Watson did not realise that. Let me give you the detail of them. In their costings the North Duffy group came up, on their estimations, with a figure of \$57m under their heading, "The true costs of the proposals the Government has put out in North Duffy". Included in that is an estimation, I believe, from the observatory people of \$40m to relocate the observatory. That may be the figure, but in fact it is irrelevant to the argument.

It has long been known that eventually - I am as happy as anybody else if it is later rather than sooner - the observatory will be relocated. That is why they have Siding Springs. The piece of paper I have is quite accurate in one sense, in that it says "the true costs of this development". Perhaps someone may claim that it is a cost. But it is not a cost to the ACT Government, and that is the point I was making in one of my statements. The ANU is accommodating this, not the ACT Government. When people from that area go to the media, as they have done, and say that the ACT taxpayer is going to pay \$40m to relocate the observatory, I am entitled to say that that is a bit of nonsense and, as I did the other day, that their arguments would be better served, their case better presented, if they did not come up with that sort of nonsense.

Mr Lamont asked me about a statement I put out recently about an agreement between the Department of the Environment, Land and Planning and the Australian National University in which we have agreed to wait for the results of a consultant's review into the lighting factors before together, the ANU and the department, deciding on further development of housing in that area. That was always going to be the case. Perhaps I should have said it some time ago. We will jointly look at the consultant's review and before then we will come to an agreement in some form on what may happen or may not happen in the case of further housing in that area.

The other \$40m is a figure arising out of the North Watson proposal, so hear this.

Ms Ellis: Have they a Stromlo?

MR WOOD: No, this has nothing to do with Mount Stromlo; nothing at all. It is only coincidental that it is a \$40m figure. They have given the net government development cost of North Watson - this is their estimation, not ours - as \$37.2m compared with a net government cost for greenfields - that is Gungahlin - of \$7.1m. They came up, on their figures, with a loss of \$30m for North Watson compared with equivalent greenfields development. But, of course, they had added \$40m that they should never have done. They have misused a figure. They went back to a document and apparently did not read it well enough. They have headed it "Government's First Try at Costings", but it related to the area strategy. In 1994-95 and again in 1995-96, in each of two years, there is a \$20m figure very carefully explained as "progressive construction of dwellings". That is the private sector component. It is very clear. I do not think there is any difficulty about that. They added that to their government costs.

Mr Humphries: Is this a ministerial statement? Almost half of question time is over.

MR WOOD: I will say this: They could have done that. They might also have needed to put that same figure into their Gungahlin costings, but they did not do so. If we take that \$40m, their alleged \$30m loss becomes a \$10m profit, and the Government has indicated that its profit is going to be somewhere between \$12m and \$15m. There you see the two \$40m figures that have emerged at the same time and have confused some people out there, but I am pleased that it will no longer confuse people in this chamber at any rate.

Roads Funding

MR DE DOMENICO: Madam Speaker, my question without notice is to the Chief Minister. In 1992-93 the Keating Government provided the ACT with \$8.2m in road funding. In last night's betrayal budget that amount, \$8.2m, was cut to zero - that is, zilch. How does your Government intend to upkeep roads in the ACT without this funding? What budget cuts will you be making in September to account for this shortfall?

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MS FOLLETT: Madam Speaker, I thank Mr De Domenico for the question. I will say at the outset that I will take it on notice because I do not have this level of detail. I would like to say that if Mr De Domenico were familiar with the capital works budget he would know that the overwhelming majority of the funds spent on roads in this Territory are raised and spent by the Territory Government. I suspect that the \$8.2m that you refer to was, in fact, a special package, a black spots package of funding, with a direct effect on improving road safety. I believe that that is the case. I will check it. But, as far as our own funding on roads in this Territory goes, this will have no impact. We will continue with our own program of expenditure. That is available and is public, and anybody can comment upon it.

School Sport

MS SZUTY: Madam Speaker, my question without notice is to the Minister for Education, Mr Wood. I did give Mr Wood notice that I would be asking this question earlier today.

Mr Kaine: So it is not a question without notice.

MS SZUTY: Well, it is, because I require a fair amount of detail, Mr Kaine, as you shall hear. My question relates to recent figures produced by ACTSport in their newsletter *ACTSport Action* of June 1993 which show that Canberra schoolchildren in years 4 to 6 spend about 25 per cent less time in sport and physical activity per week than interstate schoolchildren. Can the Minister inform the Assembly as to what measures can and will be taken to improve the level of participation by schoolchildren in sport and physical activities?

MR WOOD: Madam Speaker, Ms Szuty did come up earlier today with the question and I think I substantially answered it then as it is a matter that I have been attending to. Let me say, first of all, that we have changed priorities in sport in our schools, as other States have done, and there is less emphasis now on what we might call elite sports, less emphasis on interstate competitions and more emphasis on skills development and physical activity for all children. I think that is a good move that people will applaud. It did not please ACTSport. One of the reasons I am focused on this is that for some time they were giving us a bit of a serve about it, I think quite wrongly, and then they gave us a serve because we wanted a SunSmart policy to protect our children from harm from the sun's rays. They did a national survey of primary schools. My understanding is that they had a telephone survey of nine schools in the ACT and I do not think that would give a representative response. I do not think it is a sufficiently sound survey to put into publication.

A more extensive survey was conducted recently by the department and it shows that ACT primary schools on average - and they do vary, of course - devote about two-and-a-half hours a week of school time to physical education and sport. This compares pretty favourably with other systems. I am sure members would realise that this is increased with lunchtime activities, after school

activities - although they are less these days than was the case when we were at school - and quite a deal of other activity, training and the like, in school time. We are going to expand that survey during term three, to look at not only the time allocated to physical education and sport but also the content and quality of the programs, teacher professional development, the facilities available, resources and equipment, so that we will be in a better position to continue with that thrust of ensuring a very sound program of physical education and sport for all students.

Health Budget

MR HUMPHRIES: My question is to the Treasurer. In last night's betrayal budget - - -

Mr Connolly: Ha, ha! The same person writes this rubbish.

MR HUMPHRIES: It is very funny, is it not? There were millions of Australians waking up this morning laughing about that budget. In last night's betrayal budget the special purpose payment assistance to the Australian Capital Territory in health was cut by \$7.3m. I ask the Minister: Does she propose to retain or maintain the services that have been cut, and how will her budget make up the loss of this \$7.3m on top of the \$10m blow-out in health that we have already experienced?

MS FOLLETT: Madam Speaker, as with the previous question, I will take the substance of it, look into the detail and provide Mr Humphries with a considered reply. I am not in the habit of shooting from the hip like members opposite are. I think that members opposite have completely neglected to look at any of the positives in this budget whatsoever.

Mr Humphries: It is like finding a needle in a haystack.

MADAM SPEAKER: Order!

Mr Kaine: "I will not answer the question but I will give you a policy statement instead."

MADAM SPEAKER: Order!

MS FOLLETT: Thank you, Madam Speaker. I would point out to members that in the health area there are some major initiatives particularly aimed at women's health, the health of homeless young people and an increase in the palliative care program. I know that they are not interested in any of this, Madam Speaker; they simply want to behave like the rabble that they really are. There is also the alternative birthing programming - a substantial amount of money is contained in the Federal budget for that - and the continuation of the funding for the HIV and AIDS program through to 1995-96.

Mrs Carnell: No rebate for eye tests.

Mr De Domenico: High threshold for pharmaceuticals.

Mrs Carnell: Decrease in HACC funding.

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MS FOLLETT: If you wish in only a totally lopsided, short-sighted and one-eyed way to look at the negatives, then this is exactly the sort of approach that you get, the approach from the Liberal colleagues opposite. It is not a legitimate way to look at the budget, Madam Speaker, and I would urge them to try to take a more positive approach and at least to applaud those issues which they feel they could support. If they cannot support increased funding for women's health, increased funding for palliative care, and increased funding for HIV and AIDS programs, they ought to come out and say so.

ACTION

MRS GRASSBY: My question is to the Minister for Urban Services, a very capable minister. Can the Minister inform the Assembly of the progress in the reform of ACTION which he commenced in 1991?

MR CONNOLLY: The Opposition will not enjoy this because it is another example of this Government getting on with the job and cleaning up the mess left behind by the Liberals. Yesterday we heard extraordinary bleating from the current Liberal Treasury spokesperson, saying that the Government had somehow committed the mortal sin of not spending enough money; that we had, during a budget year, constantly rearranged our priorities in order to spend less money than was appropriated. This nonsense of the Opposition saying, "Government, you should be ashamed of yourself for not spending more ratepayers' money", just shows what a joke you rabble are.

Yesterday's statement by the Treasurer showed that ACTION had exceeded its budget target by some \$340,000. We set ACTION a target to save \$900,000 on its recurrent spending last year. It exceeded that by \$340,000. We have brought ACTION recurrent spending down from a historic high of \$54.7m under the - - -

Mr Kaine: That was the amount transferred by the Commonwealth, old chap. Don't you remember?

MR CONNOLLY: That was under the questionable competence of the then Treasurer and Chief Minister. The subsidy grew in your year of administration, to use the word loosely, and we have brought it down from \$54.7m to about \$51.5m, so we have got it down by some \$3m. We are getting it down further. We have reduced staffing levels in ACTION from 1,091, a historic high under the incompetent administration of the Liberals, to 1,006 - an 8 per cent reduction. Mr De Domenico keeps ranting that ACTION is dramatically overstaffed; yet the findings of the review of government trading enterprises published a couple of days ago shows that ACTION has the second lowest number of employees per vehicle of metropolitan transit authorities in Australia - significantly below other States. So, Madam Speaker, on the level of - - -

Opposition members interjected.

Mrs Grassby: I raise a point of order, Madam Speaker. Do you think you could keep the circus on the other side quiet so that the Minister does not have to yell so much, which I am getting in my ear, and so that we can hear the answer to the question?

MADAM SPEAKER: Thank you, Mrs Grassby. Members, could I remind you of the requirements of standing order 39.

MR CONNOLLY: Madam Speaker, we have a level of staff to vehicle in the ACT which is the second lowest in Australia, a hallmark of an organisation which is getting more and more efficient by the day. Madam Speaker, we have a rate of boardings in the ACT which is the second highest of metropolitan transit authorities. The nonsense that the Opposition - - -

Mr De Domenico: That has nothing to do with the school bus service?

MR CONNOLLY: Yes, it does have to do with the school buses. Schoolchildren use buses, Mr De Domenico. If they did not, they may not get to school, Mr De Domenico. Therefore your nonsense that nobody uses the buses and we should get rid of them overlooks that large and important group of Canberra people who go to school. We have a high level of usage of our public transport authorities.

We are on track, Madam Speaker, to achieve our \$10m savings target over three years. Our forward estimates show that we are tracking on target, a public transport rate of subsidy in the ACT of \$150 per head, which will put us bang on target with what the Grants Commission say the Australian average should be. At the moment the level of subsidy in the ACT from this year's Grants Commission is \$167 per head. That compares with \$207 in Melbourne, under a Liberal administration, and \$189 in Sydney, under a Liberal administration. Public transport per capita subsidies in the ACT are less than New South Wales and less than Melbourne, although Melbourne is a bad example. Madam Speaker, the nonsense - - -

Mrs Carnell: But we do not have any trains. We have only buses.

MR CONNOLLY: The Liberals are learning. The Liberals are learning every day. They have just worked that out. Congratulations, Mrs Carnell. They do not go, "Choo, choo, choo"; they are in fact buses. They are big orange things.

Mr De Domenico: No-one is on them during the day.

MR CONNOLLY: There are schoolchildren on them, Mr De Domenico, as you jocularly interjected a moment ago. We have a level of boardings per head of population which is the second highest in metropolitan Australia.

Madam Speaker, the area where ACTION appears poorly on the national survey in the government trading enterprises performance indicators, which I would recommend the Opposition read because again they might learn something, is the level of fare box return. ACTION does not show up well on the basis of the level of cost recovery from the fare box. We currently are running at 22.4 per cent. The Liberals said 18 per cent in their press release the other day, but they got that wrong too. A figure of 22.4 per cent is not good enough. This year it will be 24 per cent and we are on track to achieve 30 per cent. The extraordinary standards of the Liberals, who put out a presser the day before yesterday criticising ACTION for not recovering enough through the fare box and put out a presser a couple of weeks ago criticising the Government for putting up bus fares, is fairly breathtaking. You cannot have it both ways. You cannot criticise

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the Government for putting up bus fares and at the same time criticise ACTION for not recovering enough through the fare box. But, again, we have moved it from 18 per cent to 24 per cent. We are moving towards the acceptable 30 per cent and that will achieve, again, Australian standards.

There is a simple accounting trick that we could perform, which New South Wales does but some honest governments do not, which would get us our 30 per cent at the drop of a hat. The current level of subsidy for school buses, which runs at about \$7m and which we show up honestly on our public accounts as a subsidy, could be put in Mr Wood's budget and he could write me a cheque for \$7m, which would show up as a revenue item and thus show a higher level of revenue. That is why New South Wales shows a 40 per cent level of return on revenue. It is a simple accounting trick, showing your school bus and school transport subsidy not as a school transport subsidy but as a payment from the Education Department.

Mr Humphries: But you want to abolish that, don't you?

MR CONNOLLY: No, we do not. That is not our policy. Madam Speaker, we could perform an accounting trick, but we will not do that. We will continue the hard work of reforming ACTION. We will continue to achieve the dramatic results that we have achieved in contrast with the really slovenly performance of the Liberals when they were in government, which saw the ACTION subsidy increasing, staff levels increasing and every indicator tracking the wrong way.

Education Budget

MR CORNWELL: I was pleased that Mr Connolly, in his long diatribe, mentioned children going to school on buses. The question is whether they are going to get any education after last night's betrayal budget, Chief Minister. Mr Connolly might like to let you listen to this question. I notice that the specific purpose payment assistance to ACT government schools, and I stress government schools, was cut by \$330,000. Will your Government be closing any government schools, sacking teachers or cutting programs to make up for this \$330,000 shortfall, compliments of the Keating Government?

MS FOLLETT: The answer is no, Madam Speaker.

Noise Pollution - Manuka

MR MOORE: My question is directed to Mr Wood, as Minister for the Environment. Rather than risking giving notice of this question directly to him, I gave notice to his office early this morning. Residents who live near the Base Nightclub in Manuka continue to be concerned about noise pollution emanating from the club. How long have you been receiving complaints about the club, and what do you intend to do to protect the amenity and environment of the area?

MR WOOD: Madam Speaker, if Mr Moore had come and seen me I could have answered the question directly. There have been complaints about the Base recently. I have had some letters and I have asked the department to take action. There have been complaints from that area for some time. The name of the club changes over a period. To the best of my knowledge, there is a temporary solution. I understand that the Base Nightclub has closed down, but that does not guarantee that another will not start up in the near future. The department, over quite some period, has been monitoring and challenging what happens at that spot. At some stage there was extra soundproofing put in. On a number of occasions I think they have been told to stop, to desist, to get the noise levels down. At one point the particular group at the time had a fine of \$5,000 for breaking the noise levels. So it is a question that has been constantly in front of the people responsible. They have been very active, I am told, in pursuing it, and they certainly have my support.

At present the department is working on a consolidation and update of environmental legislation to control pollution - sound and water and air - and some of those sound questions are a bit difficult to deal with. I am quite keen to get some measures that may protect neighbours in the case of dogs that bark. That is a quite persistent problem around Canberra. It is one that there has not been an answer to at this stage. You simply cannot walk out and tell a dog to be quiet; not even owners have great success at that. I am certainly sympathetic. I got the same letters that Mr Moore got. The inspectors have been quite active in this area and as the need arises there, or anywhere else in the future, they will continue to be so.

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

Roads Funding : Education Budget

MS FOLLETT: I would like to give some information in relation to the question asked of me by Mr De Domenico relating to roads funding and the reduction in the Federal budget. Madam Speaker, it does appear that that is as a result of the general process of untying specific purpose payments. I believe that is the answer in the education case as well. Madam Speaker, these funds have been absorbed into the special purpose assistance grants.

Mr De Domenico: You are not going to get it. It means that we are going to get \$8.2m less than we got last year.

MADAM SPEAKER: Order! Mr De Domenico, this is in answer to your question. Order, please!

MS FOLLETT: Madam Speaker, really, members opposite simply want to talk, to shout and to behave like monkeys in a zoo, no matter what I say or do over here, and - - -

Mr Kaine: Madam Speaker, earlier today you drew attention to unseemly language and language with emotive content, and you asked people to tone it down. In the last hour both the Chief Minister and the Minister for Health have used terms like "rabble". Now the Chief Minister -
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Mr Connolly: I think I used that term, but never mind.

Mr Kaine: No, Mr Berry used it. Now the Chief Minister finds it necessary to be insulting. Please be even-handed about this unseemly language from the Government as well.

MADAM SPEAKER: Thank you for that point of order and for bringing it to my attention, Mr Kaine. As in all situations, there are circumstances which one must judge. I would say that there was a very high level of provocation going on today, which does not, of course, necessitate insult but does necessitate a fair level of forbearance by all members. Please continue, Chief Minister.

MS FOLLETT: Madam Speaker, in conclusion, I would say that I am always quite pedantically accurate in my use of language.

ANSWER TO QUESTION ON NOTICE

MR CORNWELL: Madam Speaker, may I take a point of order under standing order 118A?

Mr Berry: What does 118A say?

MR CORNWELL: It is the 30-day rule, Mr Berry, in case you have forgotten. I would like to ask a question of Mr Wood in relation to question No. 771.

MADAM SPEAKER: Just a minute, Mr Cornwell. I am seeking clarification. Thank you; I am with you now.

MR CORNWELL: I want to ask a question of Mr Wood as to when I might receive a reply to question No. 771 relating to the figures in the school census which, as I recall, was taken on 19 February this year.

MR WOOD: I am happy to respond and to say, "in due course". In respect of a lot of the questions that have recently come onto the notice paper, that is the same answer. I think there is a deliberate policy, quite clearly, on the part of people across the chamber to tie the bureaucracy down in a never ending series of complex, long, involved and convoluted questions. I have looked at this. I do not see a high priority in it. The department will respond in due course.

MR CORNWELL (3.07): Madam Speaker, I seek your guidance because part (b) of 118A states:

the Member may, at the conclusion of the explanation, move without notice "That the Assembly takes note of the explanation"; ...

Mr Moore: Which allows you to debate it.

MR CORNWELL: Yes. That was the advice that I was seeking, Mr Moore. I would be very happy to move that, in view of Mr Wood's quite flippant reply. I move:

That the Assembly takes note of the explanation.

Madam Speaker, I find this response from Mr Wood totally unsatisfactory. The Assembly, not the Government, instituted a 30-day rule in relation to questions on the notice paper. This question has been sitting there since before the recess. Correct me if I am wrong, but I think the Assembly rose on 18 June. There has been ample time for this question to be replied to. I might add that I have received numerous responses to other questions that were on the notice paper at that time.

Mr Wood: From Education.

MR CORNWELL: From Education, from Mr Connolly's department, from Mr Berry - I think from all Ministers. I therefore find your flippant response, "In due course", quite unsatisfactory, Mr Wood. I would like to know when I may receive a response to a quite legitimate question that I have placed on the notice paper. I have acted fairly because the response requires detailed figures, et cetera. I believe that I have acted more than fairly. I have not asked you a question without notice and then sought to ask you to respond again without notice. I have asked you, on notice, to respond to a reasonable question. I do not believe that your reply now, "In due course", is at all satisfactory, and it certainly is not in the spirit of the 30-day rule that this Assembly has instituted.

Mr Berry: Not everybody agrees with the rule.

MR CORNWELL: That is tough luck, Mr Berry, because the Assembly has agreed to it.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.09): Madam Speaker, my answer was not flippant. I am sure that Mr Cornwell will agree that, in general, we have a very harmonious relationship with respect to questions. Before the 30-day rule was applied I think the two departments I administer, more than any others - perhaps I should not make comparisons - replied to all questions in pretty good time. I had fewer questions outstanding than was the average. We do set out to answer all questions. This is a question where, clearly, you do not just punch a computer and the answer spits out. Mr Cornwell asks a great number of questions and, with one exception, we responded in good time. My answer related particularly to the notice paper I saw yesterday, with a further 140 questions or thereabouts, some requiring an extraordinary level of detail and designed for, I think, a particular purpose. Some that Mrs Carnell asked, I think, were answered, but perhaps not in quite that detail, just recently. I know that I churned out some answers about boards not very long ago and there we see it again.

The Opposition is entitled to ask questions. I think that they ought to have a measure of responsibility and good sense. I am not quite sure I see that in yesterday's notice paper. This is an answer that is taking some time. Every other answer has come through. The Education Department has been working extraordinarily hard recently on budget matters and other things, and the answer will come, I think it is fair to say, in due course. I think my record should give you some indication of my sincerity.

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MR HUMPHRIES (3.11): I want to support this motion and the comments made by Mr Cornwell. Mr Wood implies that there is some sort of silent policy, some kind of plot, on the part of the Opposition to ask questions to tie up bureaucrats in the ACT Administration. I point out that we have had an eight-week recess of the Assembly, and that in those eight weeks we have had 140 questions, according to Mr Wood. Over eight weeks that averages out at about 18 questions per week. If 12 members of the Assembly cannot generate 18 questions a week between the 12 of them they are not doing their job. It seems to me to be entirely appropriate that that level of questions should come out of any reasonable work being undertaken by members of this Assembly.

It is not a tactic or ploy, as Mr Wood puts it. It is a legitimate process of using the standing orders to provide information to us; information, I might point out, which is not readily available from other sources - witness the fact that freedom of information requests are routinely abused by this Government when they are made by members of this Assembly. Members of this Assembly cannot, for example, obtain information on a public interest basis from this Government. You will find, with responses of that kind, that there are more and more questions being put on the notice paper, and more and more use of the 30-day rule of the kind that Mr Cornwell has just made, to get answers from this Government, and information which is of vital concern to us and to people in this Territory.

MR BERRY (Deputy Chief Minister) (3.13): I think it is important that I make a little contribution to this because there is the question of people conspiring to try to bog the bureaucracy down under a weighty range of questions. There is no question about that in my mind. I was looking through some of the questions on notice and I saw one from Mr De Domenico - a very silly question about the Fire Service and whether fire officers were paid each time they turned the siren on. What a silly question! In any event, this person is supposed to know so much about industrial relations. Why does he not do a bit of his own research? Just go to the library and ask for a look at the award. That will tell you.

Mr De Domenico: No, that is not necessarily so, Mr Berry.

MR BERRY: Is that too hard? Just have a look at the award. It is all in there. If you had a little look at the award you would be able to find out. What a silly question! I take the same view as Mr Wood. I will make every effort to answer questions that are raised by members. I note that there is a 30-day rule. That is a political instrument; there is no question about that. That is why it was introduced on the hill and that is why it has been followed here. But the fact is that if it comes to the crunch the health bureaucracy, the sports bureaucracy and the industrial relations bureaucracy are not going to be bogged down by a range of questions which soak up their resources. You people continually argue that the bureaucracy ought to be downsized and paid less money. Then, of course, you screech when efficient use is made of the bureaucracy, and we dictate that only a certain amount of their very valuable and expensive time is afforded to these sorts of questions. I note that there is a 30-day rule and I will make every effort to comply with it; but I can tell you that not one service will be reduced as a result of turning a bureaucrat or any other person within the bureaucracy to answering questions that would result in reduced services to the community.

Question resolved in the affirmative.

PERSONAL EXPLANATION

MRS GRASSBY: Madam Speaker, I seek leave under standing order 46 to make a personal explanation in order to clarify an article which appeared in today's *Canberra Times*.

MADAM SPEAKER: Proceed, Mrs Grassby.

MRS GRASSBY: I wish to clarify what was said in my press release and what was reported in the newspaper. In my press release I said that, as was indicated in the chamber yesterday, over half of the subordinate legislation coming forward was defective; that is, legislation made under the Acts of this Assembly was defective and deficient, not the Acts themselves. At no stage have I indicated that half, or any level near this, of the Bills coming into this chamber or passed by this chamber are defective. I do, however, thank the journalist concerned for making ACT government officers more acutely aware of the problem and of what the committee is doing to redress the deficiencies and defects in subordinate legislation, such as the seminar planned for late October and the guidelines for the preparation of instruments.

PAPERS

MR BERRY (Deputy Chief Minister): Madam Speaker, for the information of members, I present, pursuant to the Audit Act 1989, the ACT Fleet Trust Account financial statements, including the Auditor-General's report, for 1991-92; and the ACT Institute of Technical and Further Education and ACTAID Pty Ltd financial statements, including the Auditor-General's report, for the year ended 31 December 1992.

FEDERAL BUDGET - A.C.T. CONSEQUENCES Discussion of Matter of Public Importance

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

The consequences for the ACT of the Federal budget.

Mr Lamont: Thank you for writing Mrs Carnell's question today, Mr Kaine.

MR KAINE (3.18): I did not write any questions for Mrs Carnell. Madam Speaker, the Chief Minister during question time made a couple of references to being positive about the budget, that we should not look at the negative side of it. In opening my remarks, I would like to refer to a couple of the newspapers to which we have easy access: First of all, the *Canberra Times* headline, "Treasurer's Backhander"; the *Australian* front page, "Labor's \$3.6bn tax crunch"; over further in the *Australian*, "Indirect tax slug to raise \$3.2bn"; further over again, "Budget axe falls on postgraduates"; over yet again, "Strategy sparks inflation fear".

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This is typical of newspapers across the length and breadth of this country - and the Chief Minister says, "Let us look at the positive side". The problem is that there is not much of a positive side. The budget was negative, the Government intended it to be negative, and any claim to anything positive about it is spurious and cannot be sustained. What we have is yet another Commonwealth budget which claims to be giving primary emphasis to jobs. The primary objective of this budget, the first couple of paragraphs say, is jobs. Scattered through it, as we have become accustomed to with Labor governments, are references to social justice. It almost sounds as if Mr Dawkins had Rosemary Follett write his speech, because that is exactly the sort of stuff we hear here, and none of it holds up.

The reality is that Mr Dawkins has offered no jobs and he has offered no social justice. If his speech yesterday introducing his budget had made those admissions it would have been an honest one. The Federal budget promises massive job losses, in fact. First of all, it promises them in the public sector, with 15,000-plus in the coming four years to go from the Commonwealth Public Service. This will have a powerful effect in the ACT. We estimate that up to 5,000 of them will go from Canberra. The Chief Minister tries to downplay that, but she does not have any figures to prove it. We have done our homework and we believe that our figures are accurate.

The Federal budget offers no job creation incentives where they are most needed, so far as the ACT is concerned anyway, and that is in the small business sector, which is the predominant business sector in the ACT. Petrol and wholesale tax hikes, amongst others in the Federal budget, will have a negative effect on our small business. There is nothing positive about that. The meagre tax relief for low income taxpayers will disappear rapidly under the petrol and wholesale tax increases, amongst others, and the exclusion of 16-year-olds from Austudy, removal of eye test benefits from Medicare, and reductions in pharmaceutical benefits will impact on low income families especially. This is the socially just budget! The Federal budget does throw a crumb out by way of a new child-care incentive scheme, but it pales into insignificance amongst the other statistics.

Mr Keating's famous language skills simply cannot cope with his own budget. What has happened to phrases such as "going gangbusters" and "aren't they beautiful numbers"? He is absolutely spellbound. The best he can do is say, "This is a decent budget", whatever that means. Mr Dawkins himself ducked for cover, even before he had finished his speech. His speech notes told him to say "achievements of truly historic proportions", but it came out verbally as "achievements to be proud of". So even Mr Dawkins, before he had finished his speech, ran out of a bit of enthusiasm.

If we look at some of the features of the budget, owners of older cars will find nothing decent and nothing socially just about the extra \$4 or \$5 it will cost them to fill up when they go into the gas station. They will not enjoy having to pay increased wholesale taxes every time they need the car maintained, either. When they cannot cope with the extra costs of keeping old faithful on the road, buying a new car will cost them more as well. A cynic might see some pressure from the car builders behind these moves. Mr Dawkins is forcing people with older cars to make unnecessary massive capital expenditures that he justifies in terms of protecting children of low income families from lead. A cynic might have some fun with that as well.

The 15,000 public servants Mr Dawkins intends to sack will not see much that is decent in this budget either. As well as destroying their livelihoods, Mr Dawkins is going to put the bite on their accumulated recreation leave and furlough benefits. Then he is going to toss them out, with costs up and their expected retirement sources eroded, among the rest of the unemployed. Our unemployment is going to go from 12,000 to 17,000 in the ACT. I am sure that the Chief Minister finds that amusing. What is decent about it? I do not find anything decent in it at all. In fact, it is obscene.

Mr Dawkins cannot quantify the net effects of his budget. Using his own words, he finds it impossible to be too precise about whether reduced income tax will offset higher indirect taxes. What a splendid sense of managerial achievement this is! It would make you laugh if you were not crying already. Mr Dawkins could criticise John Hewson's GST tax cut formula with exquisite precision, but when the boot is on his foot, feeding his formula into the same computer model, cranking the handle and getting the same kind of precision seems to be beyond him. If he could cost John Hewson's package so accurately, why cannot he cost his own? The answer is that he knows that he would not like the answer and he does not want to tell us. Obviously, if he did do that, the taxpayers would see him for the political, fiscal, and every other kind of incompetent that he is.

Rosemary's big brothers on the hill have handed her locally thousands of constituents about to lose their jobs, no stimulus to the generation of jobs in the private sector, certainly not in the small business area, and consumers burdened not only directly by Mr Dawkins's new imposts but also by their flow-on effects. If you do not think there is going to be a flow-on effect, wait until the prices go up because of the cost of transportation into the ACT. Against these burdens, the minor reductions in income tax will seem like a flea bite.

Canberra does get some joy from the Commonwealth works program, I have to concede, but \$3.3m for forward design of the National Museum is far short of the \$5m originally promised, and the ACT may well have to increase its contribution if this project is ever going to come to fruition. There is some Commonwealth money for upgrading the Parliamentary Triangle and the old Parliament House, but when you add it all together - York Park was going to produce 1,500 jobs for Canberra, and in the end it produced perhaps a quarter of that - you can see that this is not going to make a massive change. It will be some increment to this Government's falling capital works budget, but it will not make a major impact. It certainly will not create jobs. It might keep a few of the current work force in employment, but it is certainly not going to generate any more.

Ms Follett has her commitment to spending \$13m on ancillary work associated with the National Museum. The Federal budget will delay the time when she has to spend that money; our share of it is not in the 1993-94 works program. Maybe the Treasurer has in mind to use some of the increase in reserves that she so proudly announced yesterday, confirming her not as a competent financial manager but as one who squeezed the community for more than she could spend. That is what last year's effort was about. She upped the taxes and upped the revenues and said that she was going to spend it on services, but she did not, and this she claims to be good management.

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What effect does Mr Dawkins's budget have on the one Ms Follett has to bring down in about four weeks' time? Ms Follett is confronting two fundamental problems. First, she has to close the budget gap, and that means getting expenditures down. I note that, despite Mr Dawkins's fine words, he actually is increasing his expenditure by nearly 4 per cent this year, so where is the restraint? I wonder whether Ms Follett is going to take the same line and actually increase her expenditure as well. The second thing she has to do is to get the ACT economy, particularly the small business sector, out of the grave Mr Dawkins seems bent on digging for it. Without that, there is going to be no growth and there are going to be no jobs, because that is where the jobs have to come from. She has to do something real about generating jobs - not a furphy like the York Park project that is doing more for Sydney and Melbourne than it is for the ACT.

It is hard to be confident about Ms Follett's ability to do any of these things. She has mismanaged last year's budget, and again I cite the fact that she failed to spend \$30m that the Assembly appropriated for her.

Mr Connolly: Spend more, spend more.

MR KAINE: No, spend the money that you asked for. You asked for it, the Assembly appropriated it, and you did not spend it: \$30m worth of services you said you were going to provide for this community and you did not provide them. Poor management, Mr Connolly, poor management. You could not manage your way out of a soaking wet brown paper bag. Ms Follett failed to spend the \$30m. On the other hand, she got a windfall profit of \$30m, which she also claims to be the result of good management. As I said before to Mr Connolly: Codswallop!

Ms Follett: Madam Speaker, I raise a point of order. I realise that this is Mr Kaine's MPI; but I had read it as being related to the Federal budget, not the ACT budget.

MR KAINE: It is the effects on the ACT. Do you not want to hear about them? I will bet that you do not. The effects are going to be reflected in your budget. Do you not believe that?

MADAM SPEAKER: Perhaps you could make the connections a little clearer, Mr Kaine.

MR KAINE: Do you not believe that it is going to have any effect on your budget? I am going to ask you some questions in a minute and we will see how you answer them.

Mr Lamont: Mr Kaine, you should not allow Mrs Carnell's staff to write your speeches.

MR KAINE: I would not take any comfort from whoever writes yours, Mr Lamont. Ms Follett has to make some genuine gains in expenditure reduction in 1993-94, and she has not made any up until now. There have been no major management decisions made to save money. There have been some fortuitous events where they have not spent some money, but the fictions of budget reductions in health and education must be turned into reality. This is the third year in a row that the Chief Minister will come in here and say, "We are achieving

budget reductions in health and education". At the end of every year we find that they have spent more than they started with. They are fictions, and she has to stop that. The ACT economy needs relief from some of the ACT Government imposts to restore it to what it was before Mr Dawkins delivered his king hit.

Mr Lamont: On a point of order, Madam Speaker: I again raise the question of the relevance of the comments Mr Kaine is making. Quite simply, the content of his speech so far would be far better left to his response, as opposed to Mrs Carnell's response, to the ACT budget.

MR Kaine: I remind Mr Lamont that the matter is the consequences for the ACT of the Federal budget. If he does not want to listen, he can leave. He does not want to listen, I know.

MADAM SPEAKER: Mr Kaine, proceed, please.

MR Kaine: The ACT small business sector needs some incentives for growth and for increased job opportunities. In particular, the ACT district wine industry will flourish, with consumers now having to pay 31 per cent tax on their wine! Ms Follett must do these things under the black cloud of Commonwealth actions that, by the admission of the Treasurer, will increase the inflation rate to 3.5 per cent, will increase interest rates, and will pull the rug from under any chance of reduced unemployment.

The famous Follett nip and tuck method of budgeting is not going to be enough to achieve these outcomes, and a number of important decisions confront her. She has to establish a separate ACT public service. She has to determine what the ACT Government should be doing, the way it should be doing it, and the size of the work force needed to do it. She has to ensure a structure and organisation that will do the job at the least cost. Cost savings include specifically, over the next year, a low cost solution to the hospice problem - a low cost solution, not the high cost one - and stopping private use of government vehicles. Mr Dawkins has just made this more expensive for the ACT and it has to stop. It costs \$1,000 a day for petrol just to drive these vehicles home at night. Does the Government pay any fringe benefits tax, I wonder, for the private use of these vehicles? The Chief Minister can save a quarter of a million dollars a year by saying that that stops. It is good advice.

She can save costs specifically by reducing the hordes of people on the government payroll as consultants, which is simply a way of fogging the number of people on the ACT Government Service payroll. They are in fact full-time employees and they should be paid as such. They should not be paid exorbitant salaries as consultants.

Mr Connolly: I thought you liked contracting out. You were doing it all the time.

MR Kaine: They are phoney consultants, and you know it, Mr Connolly. I can name a few, if you like.

Madam Speaker, I have to advise the Chief Minister and Treasurer that it is decision time, time to acknowledge that new answers have to be found to a range of questions. You cannot put the decisions off any longer, and you have been doing it for a long time. You have only your ideological cronies on the hill to blame for your increasingly invidious position.

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MS FOLLETT (Chief Minister and Treasurer) (3.33): Madam Speaker, I intend, notwithstanding what Mr Kaine has said, to address my remarks to the Federal budget.

Mrs Carnell: It should be short.

Mr Humphries: Focus on the positives and it will be.

MS FOLLETT: I would be grateful if members would extend some courtesy while I am speaking. The 1993-94 Commonwealth budget has been brought down in a national economic context, which of course impacts on all State and Territory government budgets. The economy is still heavily influenced by the effects of the national recession. Unemployment levels, I am sure all members would agree, are at unsustainable and unacceptable levels, and international economic growth continues to be slow compared to Australia's own economic performance.

The Commonwealth budget has also been brought down against a context of agreement by all Australian governments, of whatever persuasion, at the last Premiers Conference on the national fiscal outlook, including the need to improve Australia's national savings. The ACT faces the added task of managing an unprecedented rate of transition in its own finances. Against this background, the ACT welcomes the priority that has been given in this budget to expanding employment opportunities and to meeting high priority social needs.

Before considering the impact of the Commonwealth's budget in detail, I think it would be appropriate to consider just briefly what is not included in the budget. Mr Kaine made much of waving around newspapers. I would like to wave around a part of a newspaper with Mrs Carnell's smiling face included in it. Contrary to the speculation by the Leader of the Opposition, the wholesale sales tax regime in the Federal budget has not been extended to ACT Government activities or to municipal components of our activities. I understand that Mrs Carnell has been reported as claiming that this could add \$15m to ACT costs. She has also questioned whether the ACT Government had taken this into account in formulating our own 1993-94 budget. I can certainly reassure the Assembly on all counts. The Government has not allowed what has proven to be, yet again, ill-informed speculation by the Leader of the Opposition to be a diversion from the difficult task of preparing our 1993 budget.

Similarly, there is not in the Commonwealth budget the additional cutback in Commonwealth funding to the States and Territories that was promised in the Federal Opposition's Fightback package, which the then Leader of the Opposition actually endorsed. Mr Kaine endorsed that, so he is probably disappointed that it is not in the Federal budget. Nor is there, in this Federal budget, the across-the-board tax on all goods and services which was promoted by the coalition parties. Members' memories seem exceptionally short, so I will remind them that the rate of that goods and services tax was 15 per cent - an almighty impost on every Canberra household.

Instead of these diversions, the Commonwealth budget does give a strong emphasis to national employment and economic and social justice issues, and the ACT will be participating with the Commonwealth in a wide range of these initiatives. Some of the initiatives included in the budget - and other speakers will take them up in greater detail - are funding for employment liaison officers in schools; the continuation of the national industry extension service, which has been extremely successful in this Territory; and assistance for reducing waiting times for elective surgery. I would have expected something positive from Mrs Carnell on that, but it was not forthcoming. There will be a new dental health program to improve emergency services and expansion of the palliative care program. We know that Mrs Carnell does not care about hospices. She is doing everything she can to sink the current proposal. There will be an extension of the women's health program, an alternative birthing services program, and an extension also of health services for homeless youth. There will be additional work-related child-care places and an increase in national funding for the home and community care program.

Apart from these national initiatives in which the ACT will participate with the Commonwealth, the budget indicates a strong commitment to the ACT in terms of building and construction activity. I am very pleased indeed to see the Commonwealth's continued support for its election promise to proceed with the National Museum of Australia. The Commonwealth's budget commits \$3m in 1993-94 to progress design work on this major national institution. This is a project which will have flow-on benefits to the ACT community and, of course, the local tourism industry. The ACT has continually indicated its support for the project and will be strongly supporting the Commonwealth's desire to see some private sector involvement there.

The commitment to the establishment of a national portrait gallery in the old Parliament House is also particularly pleasing. It is a project which makes use of an existing and very historic building; it is a project which adds to our status as a national capital, and it adds also to our tourism industry. It will involve expenditure of \$4.9m over four years, with \$865,000 being spent in 1993-94. This initiative will complement other facilities of national significance in the Parliamentary Triangle. It will reinforce the ACT's position as a significant and very attractive tourism destination.

The Commonwealth's announcement to commit \$114m to the construction of accommodation for the Australian Geological Survey Organisation, I believe, provides a great deal of reassurance to our local construction industry. It also provides a new home for what used to be known as the BMR - the Bureau of Mineral Resources - a very proud Canberra institution, part of the local landscape. I am very pleased to see that they are getting a new home. There is a large range of other projects, including the National Defence College and an upgrade of Commonwealth assets in the Parliamentary Triangle, which in total will inject more than \$10m of new works into the Territory. That is a significant boost to our local construction industry.

There are no surprises in the Commonwealth budget in terms of direct funding for the ACT in 1993-94. The \$40m in additional special revenue assistance over and above the transitional allowances assessed by the Grants Commission which I negotiated at the Premiers Conference has been confirmed. I would like again to draw attention to Mrs Carnell's statements on this matter. In her press release today she fairly accurately says that the reduction in funding to the ACT is \$74m compared with our previous year's funding from the Federal Government.

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I very clearly recall seeing and hearing Mrs Carnell on another occasion saying that it was really only \$20m. She has her lines just so crossed on financial matters that she ought to stay out of it and leave it to Mr Kaine, who at least has some idea.

Mr Berry: Give him the job back.

MS FOLLETT: I would urge the Liberals to give him back the job. Madam Speaker, the Government provided information to the Assembly yesterday on the ACT's budget outcome for 1992-93. It reaffirmed the ability of the Labor Government to manage major financial adjustments in extremely difficult circumstances. That outcome, I repeat, places the ACT in a strong position to meet the reduction in Commonwealth funding faced in 1993-94, and in future years as well. It does indicate a record of financial management achievement, compared to the extremely confused rhetoric of the Opposition.

As for all governments, the Commonwealth had to make some very difficult and in some cases unpalatable decisions. The forthcoming budget for the ACT will also be extremely difficult. It is certainly not my intention to pre-empt any matter in that budget, although I am constantly under pressure from those opposite to do so. The overall emphasis of the Commonwealth's budget on employment as the highest priority, I think, is very reassuring and accords with our own priorities in the ACT. Similarly, the Commonwealth's commitment to continue important social justice issues and to fund those issues accords with the Territory's priorities. There is little relief in the Commonwealth budget for the ACT's own financial circumstances, and none was expected - we knew that that was going to happen - over and above the additional special revenue assistance which was negotiated at the Premiers Conference. We knew that outcome at the time of the Premiers Conference. It has not changed. There are a number of matters of detail in the budget which will require follow-up and consultation before their impact can be fully assessed.

The changes in tax arrangements announced in the budget will impact on Canberra residents in a similar manner to all other taxpayers, but I believe that the Commonwealth's election commitments to reduce income taxes are being honoured. The commitment to significant capital works in Canberra over and above those that were included in the Commonwealth's 1992-93 budget provides a very positive signal to the ACT construction industry, and they are measures which are strongly supported by the ACT Government. The Commonwealth budget, I believe, responds in a positive way to the continuing crisis of high unemployment in Australia. It also contains some very welcome benefits for the ACT, most particularly for economic activity in the ACT. The ACT Government supports the priority that has been given to employment issues.

We reject the alternatives put forward by the Opposition, as they would involve greater costs and far fewer benefits to the people of the ACT. That view has recently been brought home to the opposition parties with absolutely blinding fervour by the recent Federal election result. I do not think people have changed their minds, and the decision they took back at Federal election time ought to be reinforced by this Commonwealth budget. Although I acknowledge that tax increases are not popular - they are not meant to be popular - they are just the kinds of difficult decisions in difficult times that Mr Kaine has referred to.

The problem with the opposition parties is that, although they speak at length about difficult issues and the need to be tough, they never ever say how they would do it; they just criticise whatever is being done. There is no doubt in my mind that the Commonwealth budget that was brought down last night is a quantum improvement on what would have been the case under a Hewson government, which would have seen a wholesale dismantling of the public sector in the ACT at the same time as the imposition of a 15 per cent tax on absolutely everything that people purchased, whether in their everyday lives or in the course of their business.

MRS CARNELL (Leader of the Opposition) (3.46): I cannot help but start by thinking about what people in Australia actually voted for on 13 March. I think people in Australia voted for no increases in indirect taxation. I think they voted for no public service cuts and no public expenditure cuts, and they certainly voted for real income tax reductions. We now know what they got. Unfortunately, they got exactly what they voted against. This budget does not bring home the bacon, but it certainly does bring home a lot of porkies. There are no jobs in this budget. Ms Follett's comments are patently untrue. The current unemployment level in Australia is 10.7 per cent - - -

Ms Follett: It is 7 per cent in the ACT, and we are talking about the ACT.

MRS CARNELL: The unemployment rate projected in this budget is 10.75 per cent by the end of the year. That is the same unemployment rate as we have now, and that is possible only with a fall in the participation rate from 62.7 per cent to 62.25 per cent. So what we have is no improvement in unemployment and an actual decrease - - -

Ms Follett: On a point of order, Mr Deputy Speaker, again I refer you to the relevance of this speaker's remarks. We are looking at the consequences for the ACT, and the fact is that Mrs Carnell has used the figures relating to Australia for unemployment, not the 7 per cent figure which is the ACT figure. She has used the figures relating to Australia for participation, not the 73 per cent participation rate we enjoy in the ACT. Accuracy is all if you are going to use figures.

Mr De Domenico: On that point of order, Mr Deputy Speaker, can I quote what the Chief Minister said about unemployment. She said not three minutes ago, "The budget responds in a positive way to the continuing employment crisis". For the Chief Minister to take a point of order to prevent the Leader of the Opposition from talking about the same thing as she did is humbug, to say the least.

MR DEPUTY SPEAKER: Order! I question whether either of those was a point of order, but I think you have probably both made the point. I am sure that Mrs Carnell was moving to the relevancy to the ACT in relation to the Federal figures - at least I hope that that is the case.

MRS CARNELL: Thank you, Mr Deputy Speaker. I think these figures are exceedingly important. They are the figures the Federal budget is framed around. What the Federal Labor Government is saying is that there will be no more jobs in Australia as a whole and there will be more people just giving up.

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The only two jobs that are created in the Federal budget are one for John Button and one for Neville Wran. They are the only two jobs that I can see in the whole document. For Canberra, given the cuts in Federal jobs, we face losing, conservatively, a loss of 4,700 jobs over the next four years. That is conservatively put; that could easily be in excess of 5,000.

Mr Berry: Who worked that out?

Mr De Domenico: Winsome Hall did, this morning.

MRS CARNELL: Yes, thank you. Have you heard of her? She is one of ours, somebody we know well. I think it would be appropriate to remind the public sector unions that they were conned by the Labor Government in the Federal election to support them. Maybe they can see now that their members are paying the price of the support for the Federal Labor Government. The figures in the budget show that in this coming year we will have over half a million people in Australia on training programs for jobs that simply do not exist. The Federal Labor Government, anyway, is admitting in its budget that they do not exist.

The tax increases confirm the pre-election lies the Labor Government told to get into power. I suppose you could say: If at first you do not succeed, lie and lie again. Australians will be paying more tax, but the deficit will be bigger than ever. That is pretty hard to understand, I suspect. Maybe on the opposite side of the house they would like to explain this to us. The deficit increases from \$14.6 billion to \$16 billion this year. If you take into account the asset sales - something Mr Berry really loves; he is very keen on selling off the farm - and over \$3.2 billion from the Reserve Bank from currency speculation - - -

Mr Berry: Mr Deputy Speaker, I raise a point of order. Just a moment ago I heard you say that you were sure that Mrs Carnell would return to some relevance in relation to the ACT. I do not hear any tendency in that direction. Perhaps you could remind her again.

MR DEPUTY SPEAKER: I remind Mrs Carnell again that I am sure that she is working towards that in relation to the overall Australian deficit.

MRS CARNELL: Mr Deputy Speaker, I have just spent the last few minutes speaking about ACT figures directly. When you take into account the asset sales and the \$3.2 billion from the Reserve Bank, we have a deficit closer to \$21 billion. Expenditure increases by 3.9 per cent in real terms this year. There is no restraint at all, just more taxes - and that is not just for the rest of Australia; it is for the ACT as well. As for the commitment to bring down the deficit to one per cent of GDP by 1996-97, the words are now "about one per cent". This budget stretches the credibility of the claims for no new taxes. We have hikes in the name of green taxes, taxes on consumers, on businesses, on goods they are trying desperately to export, and on Australian goods that are trying to compete with imports.

This budget will increase the CPI to about 3.5 per cent through all the vicious slugs on average Australians. Under the Federal coalition's Fightback - something Ms Follett liked to talk about a lot and which, of course, was totally relevant to the ACT - there was only a 2.1 per cent price impact, not the

3.5 per cent we are looking at. Of course, in Fightback we had a compensation package - another lie by the Labor Party, another fraud committed on the people of Australia and the people of the ACT. If we want some ACT figures, let us look at the changes to the pharmaceutical benefits scheme. The pharmaceutical safety net limit has been increased from \$312 to \$400.

Mr Connolly: Less money for pharmacists.

MRS CARNELL: Actually, it will not be; quite the opposite, in fact. This will cost 5,000 ACT families an extra \$88 per year and it will mean that Canberrans will pay substantially more for over 130,000 prescriptions in the coming year. That is 130,000 prescriptions filled in the ACT for which people will pay more. Canberrans will pay an extra \$41m in increased sales and fuel taxes. That works out at \$137 per head, or \$500 per family. That is \$500 for an average Canberra family, just in the area of sales and fuel taxes.

I have not spoken at this stage about the increased costs for eye tests, which will no longer be rebateable - unless you have private health insurance, of course. The Health Minister suggested last night that people should take out private health insurance if they wanted to claim for their eye tests. We also have the \$100m for waiting lists. That is a very big positive - if we had any private hospital beds we could contract, but unfortunately we do not have enough because Mr Berry would not let us build the other private hospital. Interestingly, the other option Senator Richardson has for the \$100m is to go down the track of workplace reform, to do something about the problems that exist in the hospitals so that we cannot use operating theatres after hours. What a good idea! I hope that Senator Richardson gets his way on this.

MS ELLIS (3.56): Much has been said today by both our local conservatives and their Federal colleagues about the effect of this budget on the ACT, on Australia, and in fact on the world - they have been that sweeping in their comments. However, none of these commentators and critics have highlighted the benefits to ordinary Australians through this budget's social justice strategy. In fact, being aware of the Liberal Party's disdain of social justice principles, the same principles which will ensure equity and equal distribution of wealth, resources and services, I would not be surprised if they are not even aware of or, should I suggest, remotely interested in these important elements announced by the Federal Government last night. As Brian Howe, the Minister for Housing, Local Government and Community Services, has stated:

The Federal Government's vision of social justice is that of a fairer society in which we seek to achieve a more even distribution of income and access to key services, particularly where there is demonstrable need. Our policies and programs are designed to give people access to services which enable them to participate as active citizens of Australia ... The Government's highest social justice objective is to reduce unemployment.

We are all aware of and concerned about the high levels of unemployment Australia-wide, but most particularly, of course, in the ACT. The Follett Government has initiated several programs to assist the unemployed people of the ACT and, as we all know, the ACT has achieved higher levels of employment than any other area of Australia. However, the enormous unemployment problem does remain. The Federal Government last night announced several new initiatives which will assist those who are unemployed.

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These initiatives include an increase in places in the new enterprise incentive scheme - an important program of which I have spoken in this Assembly before - the introduction of the community activity program, and increased funding for ESL training. From March next year, the Newstart allowance paid to long-term unemployed Canberrans will increase by \$3 per week.

Mrs Carnell: That is right; \$6 a fortnight.

MS ELLIS: Yes, you have got it right, Mrs Carnell. This payment will be for single adults who do not have dependent children. It is important for us to remember these unemployed. Even though they do not have dependants, the particular difficulties associated with long-term unemployment require this increase in payment. You can scoff over the other side; but, as far as I am concerned, any increase is better than none and any increase is better than the devastation that the Opposition would have wreaked if the Federal Libs had taken power.

Mr De Domenico: Only if it is more than you take away.

Mrs Carnell: There is no point in giving them \$6 and taking away \$500.

MS ELLIS: Despite the interjections, I will get this on the record. The new mature age allowance will benefit many of our older people in the community. The Federal Government has recognised the unique position that many older, long-term unemployed people are in. It is more difficult for this age group to find work and they have particular problems relating to self-esteem and dignity. The recognition of the mature status of people aged 60 years and over will allow those people to benefit from the more generous pension income and asset tests and less stringent work or activity tests than are required for the Newstart allowance.

Another issue affecting the older members of our community that is worth noting here is the introduction of a seniors health card which will provide access to a range of health concessions for non-pensioner retirees who have incomes below the pension cut-out point. With these changes in the Federal budget announced last night, unemployed people will receive greater support in their search for paid employment, both in direct payments and in the substantial increases to government programs. This is in stark contrast to the offer made by our conservative opponents in the recent election campaign.

Another aspect of Australian society and our ACT community is the changing role of women. Again, I cannot expect our regressive friends opposite to understand the importance of the budget strategy for women announced yesterday. I believe that the women of Canberra will benefit most in the areas of health and improvements in the labour market opportunities for workers with family responsibilities. A total of \$32m will be allocated nationwide to extend the national women's health program over a further four-year period. This will assist in the areas of health that have not been properly included in the mainstream health system and will include research on disease and health data for women, support for the family planning program, the national program for the early detection of breast cancer, and so on.

As well, the Federal Government will fund a public awareness campaign on the proposed changes to the Industrial Relations Act 1988 which affect women workers in particular. Women will particularly benefit from the Government's commitment to meet the demand for work-related child-care. Members opposite may not be aware of this fact, but the majority of Australian families no longer conform to the traditional image of a family with a male breadwinner and a wife at home responsible for the majority of domestic and caring tasks.

Mr De Domenico: I wonder who wrote this speech.

MS ELLIS: I did, in fact. For this reason, the need for child-care is increasing all the time. A 30 per cent cash rebate scheme, free of income test and providing up to \$28.20 per week for one child and \$61.20 per week for two or more children, will be introduced from 1 July. The rebate will be available for all work-related child-care expenses. This will benefit an enormous number of women and families throughout the ACT, who will receive income support for their child-care expenses.

The Federal Government's commitment to social justice does not stop there. Members opposite may be interested in initiatives benefiting families. The continuation of Medicare has ensured that families in our community have access to medical services, regardless of their financial status. Social justice initiatives for families would have been sadly lacking under the Opposition's rejected Fightback document, and I mention it because they continue to mention it. Nonetheless, the Federal Labor Government believes that more, not less, needs to be done to assist families. The doubling of funds available for palliative care will benefit many in our community, including the carers and the families of our sick and elderly. Health care coverage will this year be expanded to include dental care. A Commonwealth dental program will provide access to free dental services for low income families who are least able to afford proper dental care. This is a major initiative which I personally have been very keen to see happen for a long time. Dental care is a necessary but very expensive form of health care, and I am very pleased to see that families on low incomes will be able to receive the same services that many in our community take for granted.

One major initiative for families, and one that again will benefit many women, is the introduction of the home child-care allowance. This will provide an independent source of income for dependent partners while they are out of the paid work force caring for children. The Federal Government will also be providing increased funding for play groups and for long-day child-care assistance to users of occasional care services. Child abuse and neglect is one of the most serious social problems that exist in Australia today. The Federal Government has announced the provision of funding to develop a national prevention strategy for child abuse and neglect which will allow the continuing research into and prevention of child abuse, as well as support for families in the care of children.

In these times of high unemployment and increasing pressures socially and financially on young people it is important that the Federal Government maintain and increase its support services to young people, particularly those at risk. To this end, the Federal Government has extended the successful students at risk, or STAR, program for a further two years. This program identifies those students most at risk of not completing secondary schooling and encourages their continuing participation by supporting a range of school based projects.

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Another initiative is the increase of places available to the landcare and environment action program, or LEAP, which provides a combination of work experience and training in environment related projects for unemployed young people. The Federal Government has also decided to remove the 18-week waiting period for rent assistance for young people, to help alleviate the problems experienced by young unemployed in finding safe and secure housing.

The Federal Government's social justice strategy extends to people with disabilities. The initiatives announced in the Federal budget aim to ensure that people with a disability have the same rights, choices and opportunities as others. These initiatives include the introduction of a new supported wages system which will improve access to jobs and rates of pay for people with a disability, particularly those with more severe disabilities. As well, the Federal Government has announced a two-year pilot program called Jobnet, which will increase training and employment opportunities for school leavers with a disability. Mr Deputy Speaker, I have touched on the many and varied elements of the Federal Government's budget which continue and expand on Labor's commitment to social justice - a commitment that all Labor governments support and that this one in particular continues to work towards.

MR DE DOMENICO (4.05): How ironic it was for Ms Ellis to finish off that riveting speech, obviously written by Mr Dawkins or somebody else on the Federal hill, by talking about social justice. She said quite clearly that she was proud of this Federal budget because of what it did for social justice. Let us have a look at what it did for social justice: Funding for the National Museum of Australia, \$3.3m - not the \$5m that was promised this year. Breaking a promise - - -

Mr Lamont: I raise a point of order, Mr Deputy Speaker. I think the staff note he was just handed to try to give him a prompting is not necessarily what he is now reading from.

MR DEPUTY SPEAKER: There is no point of order, Mr Lamont.

MR DE DOMENICO: I am glad that you interjected, Mr Lamont. A lot was said about Fightback. The staff note said that, unlike the Labor Party, which has just slugged every person who uses a car with leaded petrol - that is most of the people who live in Banks and Conder, the people you are supposed to be caring about, and for whom the hike will be 10c eventually - we were abolishing the fuel tax totally under Fightback. That is what the staff note says. But keep up the interjections. I will take them on as they come.

In other words, Mr Deputy Speaker, there was a breach of faith. They promised \$5m to Canberra; we got \$3.3m. That is a \$1.7m breach of faith before we start anything else. Fuel taxes are to go up by 6c a litre for unleaded fuel, with a full 10c a litre on leaded fuel. What sort of people is this going to affect? It is not going to affect the millionaires; it is going to affect the very people Ms Ellis talks about in relation to social justice. It is going to affect the poor, it is going to affect the unemployed, and it is going to affect those women who stay at home now, driving the kids around Canberra. As we know, we are the most car-dependent community in this country, and they are the people who are going to be affected. What is socially just about that? I would walk away too, if I were a member of the Labor Party. Our poorest people, who cannot afford to move up from their old cars, will be paying at least \$5 more a tankful.

Let us have a look at the other social justice things this budget has done. We see in the *Canberra Times* that items in the wholesale sales tax category are up from 10 per cent to 11 per cent. These items include biscuits, fruit juice, ice-cream, confectionery, furniture, electrical appliances, heating and cooling appliances, bathroom fittings, crockery, drapery and bedding. These are the necessities of life for the people in the out-blocks of Tuggeranong and Belconnen, not the millionaires. They are going to be affected by this socially just Federal Labor Government, supported by this socially just ACT Government. There will be \$500 more per family per year onto the family budget for people in the ACT because of this socially just Labor Party.

Mr Lamont: I think you have your figures wrong again.

MR DE DOMENICO: No, they are right. The ACT will be getting \$74m less from the Federal Labor Government this year; that is undeniable. What little surprises will the ACT Labor true deceivers spring on us in the coming budget? Will they bring their budget forward, like the Feds are planning - another opportunity to get into your pockets a full two months earlier? Perhaps that is another thing they could do. Health, where we are overspent, is to be cut further under the Federal budget. What are we going to do in this budget, Treasurer?

Mr Berry: It only requires more money.

MR DE DOMENICO: No, Mr Berry, funds for blood transfusion services are to be cut too. Cuts to road funding of \$8.2m come at a time when the ACT is told by a report it commissioned to increase road maintenance. What is the Treasurer going to do? She cannot answer because she is not here; she is not interested, obviously. Consumers will be paying more dearly because of the increased dividends demanded from trading enterprises such as Australia Post and Telecom. An extra \$850m this year will mean more for postage stamps and more for phone calls too. Here is this socially just Labor Government ripping into the very people who voted for them.

The fact is that anyone earning under \$35,000 a year will end up worse off as a result of increased taxes and the deferral of tax cuts. Labor, the party of social justice? What rubbish! As I said before, the average motorist will be paying at least \$5 more a tank for his leaded petrol. But Mr Dawkins, being the big-hearted, socially just man he is, will hit you for only \$3 extra for a tank of unleaded petrol. If you use unleaded petrol and you drive around in a BMW or a Mercedes-Benz, he will hit you for three bucks; but, if you are a lady who lives out in Conder or Banks and needs the car to drive the kids to the cricket or the footie, you get slugged more because Mr Dawkins is socially just. Ms Ellis stands up here and says, "Yes, we support it; it is fabulous; it is fantastic".

The families in Tuggeranong and elsewhere in this town are going to walk into their pharmacies and find that no longer is there a \$315 threshold; it is \$400. That is also not going to affect the ordinary everyday person; it is going to affect the millionaires, is it? Once again, this is from a socially just Labor government. Let us have a look at the dollars in the pay-packet. Bugs Bunny in the skyrocket is what everybody understands. Let us get down to the nitty-gritty - the money

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in your pocket. This is from a socially just Labor government: For those earning less than \$23,200 a year, the rebate from Mr Dawkins, the socially just Treasurer, is \$1.92 a week. What a big-hearted man he is - \$1.92 a week. That is about six litres of petrol. If you earn over \$20,700 a year you get a tax cut, but if you earn less than \$35,000 the other taxes you will be paying will leave you worse off, further widening the gap between rich and poor.

Mr Berry: I can see why you did not give him the Treasurer's job.

MR DE DOMENICO: Once you start balancing your health budget, you can talk about people counting, Mr Berry. The only place you can count is in the Cabinet room because the left-wing maddies support you. So do not start talking about counting. The second round of tax cuts, due in 1996, are being deferred to 1998 now, but they are likely to be later than that.

Mr Kaine: Those of us who live to 1998 might get a tax cut.

MR DE DOMENICO: That is right. Perhaps Mr Dawkins has that in his mind in his 20:20 vision for the year 2020, Mr Kaine. Let us have a look at the cash register. This is a socially just Labor government and we hear about unemployment and social justice and all these sorts of things. All sales taxes have gone up by one per cent, followed by another one per cent next year on all sorts of luxuries that I mentioned before. Have a listen to these luxuries: Biscuits, fruit juice, furniture, heating appliances, and so on.

This mob here were saying, "Oh, under the Liberals' Fightback they are going to put taxes on milk and fruit juices". That is exactly what Mr Dawkins did last night, with the stroke of a pen. What humbug, Mr Deputy Speaker! This budget is going to hurt the ordinary person of the ACT. People can talk about fiscal drags and J-curves and all sorts of economic mumbo jumbo. When it means money in the pocket, every ACT taxpayer will be at least \$500 a year worse off under the Dawkins socially just budget than they were before. That is a fact.

Let us summarise it again: Wholesale sales tax, up across the board by one per cent, plus another one per cent; petrol up by 5c a litre, and 10c a litre next year, hitting the very people this Government purports to represent. Why? There is an increase of over 30 per cent in the tax on wine. As Mr Kaine said, it will wipe out the ACT wine industry. Cigarettes are up. If you smoke, have a drink of wine, and drive a car that uses leaded petrol you are really gone. And this is called social justice. Ms Follett talks about jobs. For heaven's sake, there is not one job in this budget for anyone. Mrs Carnell mentioned Senator Button and Neville Wran, so there are two jobs. We have heard about York Park and all sorts of things, but there is no real incentive anywhere for small businesses in the ACT. The costs are going to go a bit higher once the fuel costs of transporting goods to the ACT are included. We know that the only way goods seem to come into the ACT is by road transport that uses petrol, so the cost of everything is going to go up a bit more. The people who are going to be affected are the very people these Labor Party humbugs purport to represent. The true believers, if they ever existed, have now become the true deceivers, and l-a-w, law, now should read l-i-e, lie.

MR DEPUTY SPEAKER: Mr Lamont, you have something under three minutes.

MR LAMONT (4.15): Thank you, Mr Deputy Speaker. That will be sufficient time to rebut most of the arguments put forward by the three people across here. First of all, after what has been put on the public record this afternoon by the Liberal Opposition, it is unfortunate that the record cannot show that each of their noses has grown by about 15 inches in the telling of the porkies. In the first instance we had Mr Kaine. Mr Kaine was great theatre - absolutely magnificent theatre. He came in, rattled the newspapers that somebody had obviously read for him, and said, "Look at this. Outrageous! We have things like 'Budget to double petrol tax'", or words to that effect.

Mr Kaine: I raise a point of order, Mr Deputy Speaker. Earlier the Chief Minister and others were taking points of order about relevance in terms of the Federal budget's effect on the ACT. You might listen carefully to what Mr Lamont is about to say and draw his attention to that very same point of order and the point of relevance.

MR DEPUTY SPEAKER: Mr Kaine, I will listen very carefully.

MR LAMONT: As you always do, Mr Deputy Speaker. He said, "Budget to double petrol tax in the ACT", or words to that effect. I thought, "Hang on; that sounds familiar". I went up and had a look in the library and, lo and behold, it is Mr Kaine's budget it refers to. Then I thought, "Let us see whether we can get some other headlines about some news. Let us have a look". Here it is - and this is the great guru of efficiency: "How cuts increase staff levels". He cut and increased the staff levels in the ACT Administration - and he has had the audacity to stand up here this afternoon and wave the finger at this side of the Assembly. "Tax rises likely in ACT budget" is another headline. Your staff should read those for you at some stage, Mr Kaine. "Kaine's approach wrong" is another.

He is the only one, I will admit, of the Alliance Government remaining in the Liberal Opposition who has actually delivered a budget. I suggest to you, Mr Deputy Speaker, that he is the only one who will ever be likely to deliver a budget, as far as the Liberal Opposition is concerned. Mrs Carnell does not even have the tenacity to stand up and take the Treasury portfolio herself. She is simply not prepared to do it.

Mr Humphries: I raise a point of order, Mr Deputy Speaker. I enjoy as much as anybody else the frivolous approach that Mr Lamont takes on occasions, but I have to say that even he stretches the limits of credulity when he expects us to believe that there is any last vestigial remnant of relevance in this.

Mr Lamont: If your interjection keeps up for another 19 seconds, the whole thing is over anyway. Keep going.

Mr Humphries: I cannot hear myself talk, Mr Lamont.

Mr Lamont: It does not matter. It does not make it any more saleable.

Mr Humphries: If there is any last vestigial remnant of relevance in this speech, I would be extremely surprised, Mr Deputy Speaker.

MR DEPUTY SPEAKER: Thank you, Mr Humphries. Mercifully, the time for the discussion is concluded.

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GAMING MACHINE (AMENDMENT) BILL 1993

[COGNATE BILL:

TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1993]

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

That this Bill be agreed to in principle.

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

MR KAINE (4.20): My remarks are essentially directed towards the Gaming Machine (Amendment) Bill. The other Bill is in the nature of a consequential amendments Bill and I have nothing in particular to say about it. The Gaming Machine (Amendment) Bill deals mostly with machinery matters designed to improve the business environment in which the club industry operates its mechanised gaming activities, but it also imposes a tax; so in that sense it is a money Bill.

The Government will be relieved, I am sure, to learn that the Liberal Party will not be attacking the policies which the Bill implements. We certainly expect the Government to plug as many holes in the revenue pipeline as it can and to increase the pumping pressure. I am pleased that the Bill taxes all the profits of illegal machines. There will be enforcement problems, and I hope that the ACT does not have to create its own untouchables to enforce a policy that should work more as a deterrent than as a punishment. In an ideal world there would be no illegal gaming machines, nobody paying 100 per cent tax, and no untouchables telling the doorman, "Rosemary sent me".

The Liberals hope that linked jackpots will yield a positive revenue outcome. We believe that the Bill does a useful service to the club industry by letting them deal directly with machine suppliers instead of having to commission the tax commissioner to do their shopping. Hopefully, the new purchasing regime will reduce administration costs in the tax office. The Liberals like the way that the proposed multi-stake machines will let ACT clubs compete on equal terms with those across the border in New South Wales. We do not oppose the proposed \$10 stake ceiling on such machines. At the same time, we urge the Government not to lose sight of the social effects of the increased upper limits to bets. We support machines of the same class and stake value offering different percentage pay-outs as a benefit to clubs and to players. We certainly endorse the proposals for clubs, rather than the Commissioner for Revenue, to conduct ballots on whether to seek or to cancel a licence, and we have no problems with what the Bill provides for clubs which have gone over the limit with life membership.

So far, Mr Deputy Speaker, I have been supportive, but the Bill has aspects which the Liberals want the Government to do something about. In fact it is flawed legislation, and it is flawed because the Government really has not subjected it to sufficient scrutiny. The Treasurer, who is responsible for the Bill, could have, and should have, read it more carefully herself, or had her staff analyse it more critically. I begin at clause 9. I could willingly forgive you, Mr Deputy Speaker, for accusing me of being unable to express myself clearly in English if I said to you, "In clause 9 'defined number' means the product of the number of stopping positions on each reel in the machine". I am glad to say that those are the words of the Bill; they are not mine. I submit that neither the Treasurer, nor you nor even I could calculate the number by strict reference to the language of clause 9 alone. In other words, what does it mean? The intention appears to be to raise the number of stopping positions on any reel of the machine to the power of the number of reels. The Treasurer should take the Bill back to amend clause 9 so that it says that, if that is what she means.

In clause 20, proposed new subsection 36(2) requires the commissioner to approve a licensee's application to buy machines, but when the licensee is a club it requires the commissioner to be satisfied that the purchase is in the best interests of club members. There is an analogous provision in proposed new subsection 37(3). I do not have any problem with the concept, and the Interpretation Act may provide that the word "unless" has a meaning analogous to "if not", but expressing a decision to be obligatory unless something does not satisfy the decision maker leaves no room for the client and the decision maker to negotiate about solving the problem without leaving the client totally out in the cold. Why should this Assembly create difficulties of interpretation when a clear statement of what the Bill intends is so easy to write? I ask the Treasurer to review the way those provisions are expressed and to see whether there is not a better way for them to say what the Government intends them to say.

Still on clause 20, proposed new subsection 39C(5) says that a person is not authorised to repossess a machine by reason only of having approval to do so. If you cannot repossess a machine when you have approval to do so, when can you repossess it? The Treasurer, in fact, has explained the Government's intentions for this provision in the presentation speech, but it is not explained in the Bill. How much better, Mr Deputy Speaker, would the reputation of this Assembly stand if we drafted our legislation to say the exact meaning of provisions that on their face seem ridiculous, and if we gave the publican, the clubs and the courts a fair go by not saying to them, "If you want to know what this really means, read the presentation speech - if you can find it"? The same provision crops up in proposed new subsection 39F(3).

Mr Deputy Speaker, you might forgive my mirth when I talk about proposed new section 42B which clearly says, "Thou shalt not", but is absolutely silent about what happens to somebody who does what he "shalt not". This is an offence without a penalty - a drafting error, I am sure, which needs to be corrected. If the Treasurer is not blushing, she should be. This Bill contains too many examples of her lack of interest in her job, or maybe of her incompetence. This is wasting the time of this Assembly. We should not be having to tell her what is wrong with her Bill; it should come to us without these flaws in it.

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Clause 25 makes a poor start. Proposed new section 45 threatens somebody operating an unapproved link jackpot with a \$5,000 fine or six months' gaol or both. This is okay when the offence takes place outside the club industry, for example in a tavern; but what if it is detected in a club? Everywhere else the Bill doubles the penalties for an offence committed by a body corporate over what they would be for a single person, or for an offence committed by a natural person. Why not here? Proposed new section 45F gives the commissioner a discretion on his own initiative to vary a link jackpot permit and for the variation to come into force not less than 28 days after serving notice of it on the permit holder; but if the commissioner, under proposed new section 45G, varies the permit at the request of the holder, the variation comes into force on whatever date is on the notice.

I ask the Treasurer to consider whether these two cases should not be consistent. As the Bill presently stands, the commissioner could fix a commencement date for the variation that was not convenient to the applicant, even though the applicant has made the request. I do not say that the commissioner would do that, but at present there is nothing to stop him doing it. Proposed new sections 45F and 45H expect the commissioner to approve applications from permit holders to vary previous approvals but do not envisage the payment of a fee for that service. Since everybody gets charged a fee for everything else, what happened to the principle of user pays here? Perhaps we can send the Treasurer out to find out where it went to.

Clause 25 and all the proposed new sections with numbers beginning with 45 on the subject of link jackpots merit a long view. We see a scenario of link jackpots on two or more machines. When they are in the same club, the permit holder is responsible to one body corporate only; but when the machines are in two or more clubs, and they can be, and bearing in mind that the Bill anticipates only one permit holder for any link jackpot regardless of how many clubs are parties to it, we have a problem. While the Bill defines the working relationship between the commissioner and the permit holder, it nowhere requires the commissioner to satisfy himself that the permit holder is acting in accordance with the wishes of his principals - that is, the bodies corporate of the participating clubs.

To the contrary, it obliges the commissioner to grant an application made by the permit holder, so long as it is in order, even if it is not in accordance with the wishes of the body that the permit holder represents. If I were the commissioner, this expression of the esteem in which the Treasurer holds my office would worry me more than a little bit. If this Bill is its measure, she would let the commissioner go down the gurgler in a suit brought by an angry club, with not so much as a second thought for his or her fate. In other words, she puts the onus right on the commissioner, and if he makes a mistake he wears it.

Clause 26 is a technical amendment of section 48 of the principal Act which provides an offence directly related to protection of the revenue. That is a good idea. Proposed new section 39E in clause 20 has a similar effect, yet the penalties which section 48 imposes are exactly half those in proposed new section 39E. Surely, Mr Deputy Speaker, sauce for the goose is sauce for the gander, and I hope that the Treasurer is listening. I cannot understand why the penalties are different.

Clause 31 requires licensees to lodge returns by the 7th of each month. In parallel, the Taxation (Administration) Act has the effect of making payment of the tax due at the same time. Hell hath no fury like a tax-gatherer chasing a missing or late payment. Clause 31 would be fairer if it required lodgment of returns by close of business on the fifth working day of each month. Then the requirement to pay the tax two days later would be reasonable. That is, in effect, what the Bill presently provides, except in a month when the 7th is a public holiday, which then makes the tax due on the 4th.

The careful observer, I am sure, Mr Deputy Speaker, will see a connection here with the Government's broken promise to adjust the dates for payments of rates and land tax so that they would not coincide. This year they are both due by the same day and it happens to be a Sunday. This Government is taking a cavalier attitude to revenue collection that ignores the inescapable realities of the calendar, and asking people to make payments on days which are public holidays will not do it. Providing for payment of the tax in the Gaming Machine Act would be fairer than hiding the provisions in the Taxation (Administration) Act. If there are two different provisions - one that has to do with the lodging of a return and the other which has to do with making the payment - why are they not stated together so that people do not have to go to two different Acts to find out what their responsibilities are?

Mr Deputy Speaker, the Minister will by now, I presume, have observed that there are a number of anomalies in the Bill that need fixing before it becomes law. The Liberals are not opposed to the thrust of this Bill and the accompanying Taxation (Administration) (Amendment) Bill; but we do want our law to be as free of flaws as possible, and this one has a few in it. I suggest that, at the conclusion of the debate in principle, the Government could consider reviewing the Bill in the light of my comments and bringing back a revised version for the detailed debate - one that has these anomalies removed from it, unless they believe that they are not anomalies.

Debate interrupted.

ADJOURNMENT

MR DEPUTY 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.

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GAMING MACHINE (AMENDMENT) BILL 1993

[COGNATE BILL:

TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1993]

Debate resumed.

MS SZUTY (4.31): In the light of Mr Kaine's comments on the Gaming Machine (Amendment) Bill, I move:

That the debate be now adjourned.

Question resolved in the affirmative.

PERSONAL EXPLANATION

MS FOLLETT: Mr Deputy Speaker, I seek leave to make a personal explanation.

MR DEPUTY SPEAKER: Please proceed.

MS FOLLETT: In the course of his comments on the Gaming Machine (Amendment) Bill Mr Kaine accused me of having broken a promise on the payment of land tax. Mr Deputy Speaker, I would like to say that, following the amendment to the land tax Act in this chamber which allowed for land tax to be paid in instalments, I quite specifically advised this Assembly that the undertaking given on not having the payment dates coincide could not be complied with. I made that quite specific, Mr Deputy Speaker. I have not broken a promise. The situation quite clearly changed from having land tax payable on one particular date to having it payable by instalments on four different dates, and I made that very clear to this chamber at the time. I have broken no promise.

Mr Kaine: We are a bit tetchy, Mr Deputy Speaker.

MS FOLLETT: Accuracy, accuracy.

POSTPONEMENT OF ORDER OF THE DAY

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

That order of the day No. 2, executive business, relating to the Taxation (Administration) (Amendment) Bill 1993, be postponed until the next day of sitting.

DRUGS OF DEPENDENCE (AMENDMENT) BILL (NO. 3) 1993

Debate resumed from 13 May 1993, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MRS CARNELL (Leader of the Opposition) (4.33): Mr Deputy Speaker, the purpose of this Bill is to modify certain provisions of the Drugs of Dependence Act relating to the administration and supply of methadone to clients of the methadone program. It has been brought about because of changes to the Drugs of Dependence Act last year which extended the provision of methadone to centres outside the hospitals - to community pharmacies, to doctors' surgeries and also to health centres run by the Territory. At the time of the estimates last year, when Mr Berry was arguing the toss about expanding the methadone program into community health centres, I suggested to him that what he was doing was actually contrary to the Act.

Mr Berry: What did I say?

MRS CARNELL: You said that it was not.

Mr Berry: No, no; I said that I would look into that and if there was something wrong I would fix it, and here we are.

MRS CARNELL: Okay. As Mr Berry found out, the Act probably was being overlooked when it came to his expansion of the methadone program and there certainly is a need to change it. There is no doubt about that. If we are going to have an expanded methadone program, something that I totally support, we need to enable nurses employed by the Territory and in Territory facilities to supply methadone. We also need to change the Act in other areas with regard to witnesses of the provision of methadone and how methadone given out under the methadone program is recorded. All of those things are important for any efficient methadone program to continue.

I have distributed a number of amendments to this Bill. From discussions with Mr Berry earlier today I understand that he is going to clarify a number of issues which may make it appropriate not to go ahead with amendments Nos 1 and 2. No. 2 is not exactly an amendment; it relates to the omission of a clause. I will be going ahead at the moment with my third amendment to the Bill. In essence, as the Opposition totally supports the expansion of the methadone program, we also support this Bill. Hopefully, Mr Berry will clarify what is meant in some areas of the Bill.

MR MOORE (4.36): Mr Deputy Speaker, I rise to indicate my support for the Bill. It really is a matter of making the program work a little more easily and, hopefully, with less expense. There has been a significant expansion of the methadone program since the First Assembly met. Then, as I recall, there was something like 80 places on the methadone program and we now have some 350. It is important that transitional stages like this proceed, and I am sure that we will see further modifications and further expansion as time goes on. I am delighted to be able to support these amendments.

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MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.37), in reply: Once the Government had made the decision that it wanted to expand the program, some legislative changes were necessary. Those were dealt with earlier on. I said in the Estimates Committee to Mrs Carnell, in relation to some questions that she raised, that I would look into the problems and if there was one I would fix it, and here we are dealing with it.

There have been some discussions about the differences between supply, administration and dispensing of methadone. In the terms of the legislation as it was first passed, there was a fairly strong requirement that most of the administration of methadone had to be supervised one way or another by a pharmacist or a medical practitioner. These amendments seek to make it easier for nurses in the government facilities to be able to supply methadone to people who have been placed on the program. Mr Moore said that he thought that the program was up to 350. It has not quite reached that number yet, but that was the target. We are moving down the path of expanding it continually. I had better not give an exact figure, but it is significantly higher than it once was. I think it was 283, or something of that order, but I would stand corrected if it was one way or the other.

"Dispensing", according to my advice, is the preparation of a specific dose of methadone which can be supplied at that time or later to the methadone client. "Administering" is providing a dose of methadone to a client and then observing that client take the dose. "Supply" is providing a previously prepared dose or take-away dose to a client who then takes it away for use at the appropriate time, and at present the supply of take-away doses by a nurse must be witnessed by a pharmacist in terms of the legislation. Clause 5 of the Bill allows nurses at government methadone clinics to supply take-away doses when witnessed by another nurse. That take-away dose must still be dispensed by a pharmacist.

Turning to the issue of the provision of methadone from community pharmacies, clause 6 of the Bill as proposed by the Government provides different witnessing arrangements at methadone centres approved under subsection 150(1) of the Act. These centres, Mr Deputy Speaker, are community pharmacies which have been approved by me to provide methadone to drug dependent people. The Bill will allow pharmacists to dispense, administer and supply methadone to drug dependent people without the need for witnessing prescription. This clause of the Bill does not apply to government methadone treatment centres.

Mr Deputy Speaker, Mrs Carnell has proposed an amendment which removes the necessity to record the amount of methadone remaining in stock after each client is dosed. While the Government saw this requirement as a means of monitoring methadone levels, it accepts that a record of the level at the beginning and end of each shift is adequate, and we are not going to die in a ditch over that issue. There is a question of how tightly you want to control the recording systems for methadone. That has to be weighed against how much staff energy you want to put into the recording process. On balance, we are prepared to cop what Mrs Carnell has proposed. We will welcome the amendment. So there we have it. I thank members for their support for the Bill in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clauses 1 to 4, by leave, taken together, and agreed to.

Clause 5

MRS CARNELL (Leader of the Opposition) (4.42): I foreshadowed that I would move an amendment; but Mr Berry has, I think, adequately handled the matter. I was concerned about this, as were many other people who work in the area. Unfortunately Mr Berry did not see his way clear to speak to the various people who were involved in this area prior to putting this Bill forward. His clarification makes me happy; so I am happy not to move the amendment circulated in my name.

Clause agreed to.

Clause 6 agreed to.

Clauses 7 and 8, by leave, taken together, and agreed to.

Clause 9

MRS CARNELL (Leader of the Opposition) (4.44): I move:

Page 4, proposes new subparagraph 102A(1)(b)(iv), lines 16 and 17, omit the proposed new subparagraph.

As Mr Berry rightly said, this amendment will overcome a problem with the Bill. The Bill says that the quantity of methadone remaining in the ward or the methadone clinic, under the new definition, after each dose is administered will be measured and written down. In a methadone clinic that is seeing, say, 100 patients - it could be more - the nurses administering the methadone would have to remeasure all of the methadone left after every dose. Assume that they had five litres of methadone and gave 40 millilitres. They would have to measure all that was left after each one of the 100 doses. That obviously is inappropriate and it certainly is not efficient.

Mr Berry: Yes, but you do not count all the pills in a big box after you take 10 out.

MRS CARNELL: There is no legislation that says that, Mr Berry. This Bill says that immediately after each dose of methadone is administered the quantity of methadone remaining in the ward will be recorded. That means that you would have to measure the four litres or more of methadone left after every single dose. If you were doing 100-odd doses in a methadone clinic it would be prohibitive, and I suggest that we omit this subparagraph. It still means that people who are administering methadone in the clinics will have to measure the amount of methadone at the beginning and the end of a shift and make sure that everything balances. We are certainly not moving away from any form of accountability; we are just attempting to make the methadone clinics more efficient.

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MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.46): Mr Deputy Speaker, this is a security measure for the management of methadone. All security measures require some diligence by staff. I have accepted that we can dispense with that proposal. We will accept Mrs Carnell's amendment.

MR MOORE (4.47): Mr Deputy Speaker, I rise to support the amendment. The security measures in the original Bill were very effective indeed. I think that sometimes we can go too far with security measures, in that the detail required becomes so laborious that it means that the whole service is slowed down. I think that is the concern being dealt with here. I am delighted to see that there is general agreement that it is appropriate that we do retain good security measures without going over the top.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.47): I have to speak. "Over the top" is a fairly emotive term and I think that unfairly describes the amendment proposed by the Government. It certainly is not an over-the-top requirement; it is a security measure for a dangerous drug. We are prepared to accept the amendment in the interests of bipartisanship. I am sure that it will be short-lived. In the interests of settling the matter, this security measure can be removed by way of the amendment.

Mrs Carnell: I am sorry for trying to make your methadone program more efficient. I am desperately sorry.

MR BERRY: I hear the interjection that Mrs Carnell wants to make the methadone program more efficient, but I know that she would rather have subsidised pharmacists to provide the methadone. This is not an over-the-top issue. I think that is a bit much.

MR MOORE (4.48): I shall withdraw the words right now. Mr Deputy Speaker, it is my pleasure to accept that the comment "over the top" was just a touch intemperate.

Amendment agreed to.

Clause, as amended, agreed to.

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

Bill, as amended, agreed to.

LANDLORD AND TENANT (AMENDMENT) BILL 1993

Debate resumed from 17 June 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

MR CORNWELL (4.50): The Liberal Party will not oppose these amendments to the Landlord and Tenant Act. As the Minister indicated in his presentation speech, these amendments will correct a number of minor difficulties encountered following the establishment of the ACT Office of Rental Bonds in 1991. Essentially, these seven major matters tidy up issues.

I might briefly refresh members' memories of these amendments. Section 62AF is being amended to extend from three days to seven days the time the lessee has in which to sign and return a condition report to the landlord. Section 62AP is being amended to extend from 10 days to 14 days the period allowed to notify a dispute in respect of a claim for bond moneys. Section 62AM is being amended to prevent one party only of a lease unjustly obtaining the bond money. It ensures that both lessor and lessee are required to approve payment of a bond out of a trust fund unless one is directing full payment to the other.

The amendment to section 62AP allows joint application to allow pay-out either at the end or before termination of a lease. The amendment to section 62AN removes the notification procedures where both parties seek a joint application. Proposed new subsection 62AP(4) ensures that more money cannot be paid out in a bond refund than was paid in. Subsection 62AS(2) is being amended so that if the address of one party cannot be found an advertisement in the press will be allowed. The intention there is to avoid not processing either the bond or a claim and thus holding up matters. I might add that this removes the director of the Rental Bond Office as a nominal respondent in proceedings in the Small Claims Court.

I repeat, Madam Temporary Deputy Speaker, that we have no problems in supporting these amendments, although I do have one minor point which the Minister might address when he responds; namely, the extension from 10 days to 14 days to notify a dispute. I understand that there was an alternative suggestion for eight working days rather than 14 days simple. Perhaps the Minister might explain the reason for the course that was taken.

While we do not oppose these amendments, we certainly do regret that there is not at least one other amendment so that the interest accruing to the Office of Rental Bonds is passed back to the tenants to whom it is rightfully due. The amount of money involved is not insignificant. While the 1992-93 information is not yet available, in the previous financial year interest totalled \$475,000, and a \$628,000 yield was estimated in 1992-93. This interest is being withheld from the people who provided the original capital. I submit to you that that is a situation which, if it occurred in private enterprise, without prior agreement, properly would be the subject of legal action.

In its arrogant decision not to refund the interest due to the tenants, the Government announced that these funds would be used for the administration of the Office of Rental Bonds, for information programs for landlords and tenants, and for the provision of housing assistance measures for low income renters. I have previously expressed my reservations about using those funds for housing assistance measures for low income renters. I would now direct my concerns to the second use of the interest money, and that is information programs, because I understand that on 5 October International Tenants Day is to be celebrated by the Office of Rental Bonds. Do not look at me like that, Mr De Domenico; I am speaking the truth. International Tenants Day is going to be celebrated on 5 October. I do not know what International Tenants Day is. I do not know whether it celebrates tenants who travel and live in a series of countries, thus becoming international tenants or

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Mr Kaine: No, they all get a day's free rent.

MR CORNWELL: Perhaps they do get a day's free rent; I am not sure, Mr Kaine. Perhaps it is a celebration of tenants around the world, of rented Bushmen's huts in the South African veldt, a yurt on the Mongolian steppe or even a Dyak long house in Sarawak. What I do know, however, is that it is a waste of money.

Mr Lamont: Is Mrs Carnell writing your speeches too?

MR CORNWELL: It will add nothing, or very little information, Mr Lamont, to landlords or tenants. I would suggest that, apart from tenant groupies, it will simply be of no interest to the overwhelming number of ACT tenants who have better things to do with their time than celebrating International Tenants Day.

Mr Kaine: And their money.

MR CORNWELL: The point is that it will not be their money, Mr Kaine.

Mr Kaine: It is money that the Government has tucked away in their piggy bank.

MR CORNWELL: That is correct. They certainly will have better things to do with their time, or most tenants will, than celebrating International Tenants Day, with which they have absolutely no rapport. The expenditure of such funds on International Tenants Day by the Office of Rental Bonds, upon what I would regard as esoteric and irrelevant activities such as this, is wrong and simply confirms the worst fears of those who oppose the use of funds for information programs in this way by the Office of Rental Bonds.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.56), in reply: I thank the Opposition for their support for these technical amendments. These come out of a very sensible process. The Rental Bond Board legislation had been in place for about 12 months when the Government decided to call together the relevant parties - the landlords' representatives, the tenants union, ACTCOSS and various other community groups - to have a look at how the law had been operating and to finetune it. None of us, despite the best research we can do, can ever say that legislation that we steer through this house will be perfect. It is always sensible, after it has been in place for 12 months or so, to have a look and to bring back some finetuning. I am pleased that this package of changes was supported across the board. Whether it was landlords' interests or tenants' interests, everybody thought that these were sensible amendments, and I am pleased that the Opposition has supported them.

Mr Cornwell agreed that it was sensible to extend the period for lodging certain documentation. He asked why we said 14 days rather than eight working days. The reason, as I understand it, is that in the ACT particularly there can be some confusion about what is a working day because we have public service holidays which are not bank holidays; we have trade union holidays which are not bank or public service holidays; we have bank holidays which are not public service or trade union holidays; and so it goes on. There is not utter uniformity as to what is and what is not a working day, so we thought we would take the simple course.

Mr Cornwell then could not hold back from a diatribe against International Tenants Day. That is part of this Government's ongoing process of education on consumer rights. Tenants' rights are an important aspect of a consumer education program. Modesty forbids me from reminding Opposition members of the way the Australian Consumers Association rated the efforts of the consumer affairs portfolio in the ACT in relation to all other consumer affairs portfolios, other than saying that there was nobody who was rated in front of me. It is an important process.

The other point to make is that the Office of Rental Bonds is providing a very important service to tenants in the ACT at no cost to general ratepayers. The interest that is accrued on bonds is paying for the operation of the Rental Bonds Office. I would have thought that the Opposition would think that was a sensible thing to do, to provide a consumer affairs service that in effect is being paid for by the relevant parties. In the past the profit on rental bonds was going into the landlord's pocket; it was never going to the tenant. Now the profit on rental bonds is going to pay for the operation of the Rental Bond Board at no cost to the ratepayer. As the funds accrue further we will be running some tenant advisory services. We have indicated that, as a result of quite extensive consultation with the community, the favoured option was not to return the interest to tenants but to use the money, as it starts to accrue, for tenant education programs. I hope to be able to announce the successful tenant advisory and education program on International Tenants Day, which will be well received by tenants in the ACT.

In due course, as we said at the outset of the legislation, it may be possible for us to start to pay some interest to tenants, and that would be a good thing; but the pattern across Australia, whether it has been a Labor government or a Liberal government that has introduced Office of Rental Bonds legislation or similar legislation, has been to start off using the interest to pay for the operation of the agency, then to extend it for some education programs, and then perhaps to extend it to make some provision to pay back some level of interest to tenants. In most cases it was five or six years from the introduction of the legislation to the first payment of interest to tenants. In due course we may well be able to do that and to satisfy Mr Cornwell's strong urges on this issue.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

YWCA Appeal

MS ELLIS (5.00): I want to take the opportunity of this adjournment debate to bring to the attention of members of this Assembly an appeal that I have come across in Canberra run by the YWCA. In last Friday's *Canberra Times*, on the international news page - a page that, I must admit, I have been remiss in reading of late for the reason that I find most of the contents so depressing that I do not want to know the news - I read an article relating to the war in Bosnia. Next to that was an article written by a local journalist, Marion Frith, who was reporting on a press release that she had received from the Canberra YWCA. I was intrigued by this and I followed it up. I now have a copy of the YWCA news release which I am happy to make available to any member of this house who is interested.

The reason why I think this is particularly important for us is that it is an appeal that we can take on and feel that we get a one on one result. As we know, the women, particularly, in the former Yugoslavia are suffering incredible abuse, humiliation, rape and deprivation from being in a war-torn country. The YWCA have decided, with the help of Austcare, that they can arrange, and have arranged, the delivery of packs of assistance for these women. I do not mean that we donate money; I mean that we go to the supermarket and we buy items. They pack them up and they succeed in getting them delivered to individual women in the former Yugoslavia.

I think it is a very good idea to come up with an appeal to help these women, but particularly an appeal where you feel you can participate in a very personal way. I suggest to this Assembly, and to anybody who happens to read the *Hansard* transcript of this speech, that it is very important that we consider taking part in this appeal. If anybody is interested they can contact Jean Spicer of the YWCA, on 2396878, or come and see me and I will give them a copy of the press release which outlines the details of the appeal.

Band Festival

MR LAMONT (5.03): I rise to announce that over this weekend we have in the ACT a number of high school bands from Germany and Japan who will be performing, along with bands from Ginninderra High School and Karabar High School and the Marching Koalas from New South Wales, in and around venues in the ACT. They will be playing in concerts on Saturday afternoon at the Bruce Indoor Stadium and on Sunday at Parliament House, as well, I understand, as at various venues around the city centre on Saturday morning and late Friday afternoon. In addition, they will be at the Harmonie German Club on Friday night. I would encourage members of the Assembly and their friends, and, indeed, the wider community, to participate in this excellent music festival in the ACT.

Question resolved in the affirmative.

Assembly adjourned at 5.04 pm