



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

16 September 1993

Thursday, 16 September 1993

Land (Planning and Environment) (Amendment) Bill (No 3) 1993	3159
Bushfire (Amendment) Bill 1993	3160
Motor Traffic (Amendment) Bill (No 4) 1993	3161
Auditor-General - report No 6 of 1993	3164
Auditor-General - report No 7 of 1993	3164
Administration and Procedures - standing committee	3165
Citizen's right of reply	3166
Freedom of speech	3169
Legal Affairs - standing committee	3179
Agricultural and veterinary chemicals - national registration scheme	3180
Boxing Control (Amendment) Bill 1993	3187
Questions without notice:	
Cardio-thoracic unit	3195
Chief Minister's Department	3197
Government properties - sales	3198
Adolescent ward	3199
Home and community care program.....	3200
Health services	3201
Aged persons accommodation.....	3203
Appropriation Bill 1993-94	3204
Papers	3241
Subordinate legislation	3241
Lands acquisition legislation	3241
Parkinson's Disease Awareness Week (Ministerial statement).....	3242
Hare-Clark electoral system	3242
Fluoridated toothpaste	3243
Adjournment: Middle East peace accord	3243
Answers to questions:	
Government Service - consultants, contractors and temporary staff (Questions No 825-835)	3245
Oatley Court, Belconnen - parking (Question No 841)	3247
Government Service - tea supplies (Question No 854)	3248
Chief Minister - trade union grants (Question No 877)	3252
Minister for Sport - trade union grants (Question No 878)	3253
Minister for Health - trade union grants (Question No 879)	3254
Minister for Industrial Relations - trade union grants (Question No 880)	3255
Minister for Urban Services - trade union grants (Question No 881)	3256
Attorney-General - trade union grants (Question No 882)	3257
Minister for Housing and Community Services - trade union grants (Question No 883)	3258
Minister for Education and Training - trade union grants (Question No 884)	3259
Minister for the Arts - trade union grants (Question No 885)	3260
Minister for the Environment, Land and Planning - trade union grants (Question No 886).....	3261
Government primary schools - class sizes (Question No 901)	3262
Institute of Technology - student enrolment statistics (Question No 923)	3263

Rural leases and agistment licences (Question No 954)	3264
Rural property licences (Question No 955)	3272
Abattoir holding paddocks (Question No 956)	3274
Education advisory bodies (Question No 960)	3275
Rural leases - withdrawal and refencing (Question No 965)	3277
Rural leases - withdrawal (Question No 967)	3278
Wright Corporate Group companies (Question No 976)	3281
Wright Corporate Group companies (Question No 981)	3282
Wright Corporate Group companies (Question No 984)	3283
Housing and Community Services portfolio - personal development consultancy (Question No 989)	3284
Legislative Assembly Secretariat - advertising (Question No 993)	3286
Appendix 1: Acts amending regulations - opinion	3287
Appendix 2: Kick boxing	3290
Appendix 3: Kick boxing	3291
Appendix 4: Parkinson's Disease Awareness Week.....	3292

Thursday, 16 September 1993

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

**LAND (PLANNING AND ENVIRONMENT)
(AMENDMENT) BILL (NO. 3) 1993**

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.31): I present the Land (Planning and Environment) (Amendment) Bill (No. 3) 1993.

Title read by Clerk.

MR WOOD: I move:

That this Bill be agreed to in principle.

The Land (Planning and Environment) Act 1991, the land Act, provides a new regime for dealing with planning, heritage, environment and land matters. When it was introduced it was accepted that, because of its complex nature, there would be a need for ongoing review of its provisions. In the time since the land Act first commenced and people have become familiar with its requirements, concerns have been raised about some of the operations under the Act. In this context the value of the inquiry of the Standing Committee on Planning, Development and Infrastructure into the land Act is recognised. However, the matters in the present Bill are sufficiently urgent to proceed now.

The first provision of the Bill relates to public works. By virtue of Schedules 4 and 5, "public works", being the erection or installation of works by or on behalf of the Government, is a controlled activity for the purposes of the land Act. However, "public works" is also a controlled activity for the purposes of the Buildings (Design and Siting) Act 1964. Such controls recognise that public works could have an impact on Canberra's environment and, as such, they should be considered in light of the town planning requirements of the affected areas.

This dual control over public works - one over land use; the other in respect of design and siting concerns - makes them subject to more onerous approval requirements than similar private enterprise works. This is not justified by the nature of such works. To date, the regulations have been used to exempt public works from various provisions of Part VI, but a more satisfactory arrangement needs to be put into place. There is no scope for unnecessary duplication of resources. The Bill therefore provides that public works will be removed as a controlled activity from the land Act. Public works will still remain a controlled activity for the purposes of the design and siting Act.

Another key provision of the Bill relates to public comments on draft plan variations. The land Act provides that, where a draft plan variation has been received from the ACT Planning Authority, the Executive shall either approve the draft plan variation or return it to the authority with appropriate directions.

16 September 1993

There is some uncertainty whether, if this occurs, the public consultation requirements for draft plan variations then come into effect - that is, a further round of public comment would be required. The relevant provision in the land Act enables the Executive to direct the authority to undertake further consultation in respect of a draft plan variation. It was not originally intended that a draft plan variation returned to the authority should be subject to the general public consultation requirements. The Bill puts this issue beyond doubt. However, I should make it very clear that the Executive has the capacity to order public consultation where it is considered appropriate.

A third provision of the Bill relates to the pay-out of rural and concessional leases. The land Act provides that, in certain circumstances, where a rural lease has been granted or a lease has been granted at a rate less than the market value, neither lease can be varied so that the land rent payable is reduced to a nominal rent. This provision reflected both a concern about the arrangements for concessional leases and a longstanding policy in respect of rural leases. Prior to the land Act, leases issued to community groups and national and local associations at concessional rates were able to pay out their land rent commitment.

The community's concern about the operation of community leases can be appreciated, but the prohibition on pay-out of leases does not address any of these concerns and is not justified. The removal of the prohibition does not confer any additional development rights; nor would it automatically provide for the transfer of the concessional leases nor relieve the lessee from the obligation to pay betterment where necessary. Rather, it simply enables the lessee to pay out an obligation, a right which already exists for other rental leases.

In respect of rural leases, a recent review of rural leasing policy highlighted a concern in the rural community over their inability to pay out land rent. This concern is acknowledged, as the Bill addresses it by providing for such pay-out. I should point out, however, that not all rural lessees will be able to pay out their land rent. It will apply only where a long-term rural lease is issued for a period of between 21 and 50 years. Lessees in this category are those most likely to take up the option. I present the explanatory memorandum for the Bill.

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

BUSHFIRE (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.37): I present the Bushfire (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

The Careless Use of Fire Act 1936 relates to the careless use of fire and for this purpose establishes a Bush Fire Council and a Rural Firefighting Service, and provides for the appointment of a Chief Fire Control Officer. In particular, section 7A prohibits the lighting, use or maintenance of a fire in the open air on a day or during a period of acute fire danger which occurs where the Minister has warned of conditions conducive to the spread of fires.

The Bushfire (Amendment) Bill 1993 amends the Act for several main purposes: To enable a fire to be lit on a day of acute fire danger in circumstances prescribed by regulation and to empower the Minister to place conditions on the lighting of such a fire; and also to modify gender specific terminology. I envisage that a similar set of exemptions will apply as now apply in New South Wales. These include the use of fire during normal work at factories and hospitals, or for the maintenance of essential services such as heat, light, power, water, sewerage, transport or communications, or by a public authority for the disposal of waste material likely to cause a health hazard; or for the purpose of food preparation or heating liquids on a gas fired or electric appliance. Such exemptions would come with the condition that all reasonable steps are taken to prevent the escape of fire, sparks, or incandescent or burning material.

In relation to barbecues I envisage, consistent with New South Wales, that a responsible adult must be present at all times, that the area around the fireplace is cleared of flammable material for at least three metres, and that a system of applying water to the appliance and its surrounds is available for immediate and continuous use. Apart from providing consistency between ACT and New South Wales, exemptions along the lines I have mentioned are considered realistic and appropriate, given the improvements in design and application of outdoor cooking appliances, industrial incinerators and maintenance tools since the total fire ban provisions were added to the Careless Use of Fire Act back in 1952. There are administrative inconveniences in having different sets of exemptions for open-air fires between the ACT and surrounding country New South Wales.

To more truly reflect the application of the Act in the control of bushfires, the Bill also changes the name of the Act to the Bushfire Act 1993. All sexist language is being removed from the Act, and penalties have been reviewed to ensure that they are included where necessary and consistent with other ACT legislation. I present an explanatory memorandum to the Bill.

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

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.40): Madam Speaker, I present the Motor Traffic (Amendment) Bill (No. 4) 1993.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

Madam Speaker, this Bill amends the Motor Traffic Act 1936 to introduce priority for buses at traffic signals and when leaving the left-hand side of the road, and to introduce an appropriate licensing regime for vehicles operating for hire or reward which do not fall within the current taxi or private hire car provisions.

Firstly, I would ask members to note the amendments introducing bus priority into the ACT. Due to their operating characteristics, buses are more affected by traffic congestion than are private vehicles. Traffic congestion not only increases bus travel times, and therefore running costs, but also reduces the reliability of services. This Bill proposes the introduction of two types of bus priority measures to help overcome congestion difficulties and improve bus operational efficiency, namely, priority signalling for buses at selected traffic signals, and priority when leaving bus-stops and bus bays. The ACT does not have any legislation in place to afford priority to buses to re-enter traffic flows from the left-hand side of the road from either bus-stops or purpose built bus bays. Although ACTION buses carry a "give way" sign identical to those fitted in other cities, these are at present simply courtesy signs and are not enforceable at law - although, if you are driving a small four-cylinder vehicle and a very large bus is pulling out in front of you, prudence would indicate that you give the bus priority.

Canberra suburbs have been developed around town centres connected by arterial roads. Suburbs in many cases are also separated from each other by arterial road networks. Some bus routes have required bus-stops to be located on arterial roads, and some of these stops have been provided with bus bays which allow the bus to stop outside the traffic flow. However, in situations where traffic is particularly heavy or fast moving, particularly during morning and afternoon peak times, safety and bus delay problems have developed because bus drivers experience difficulties in moving back onto the carriageway and merging with the general traffic. Priority when leaving a bus-stop or bus bay involves giving buses right of way to enter the adjacent traffic lane when leaving the left-hand side of the road. This means that buses will be able to re-enter the traffic flow from bus-stops and bus bays but will not be able to change traffic lanes with priority. Priority when leaving a bus-stop or bus bay will be limited to roads with speed limits of 80 kilometres an hour or less.

Another area of concern is congestion problems that have become apparent at some signalised intersections in Canberra. Examples of locations of concern include Commonwealth Avenue, southbound; Barry Drive; and the Callam Street, Hindmarsh Drive, Athllon Drive area of Woden. In addition, the Civic and Woden bus interchanges have experienced congestion problems which hamper access and prevent drivers keeping to timetables. One cost-effective technique that can be used to address these problems is to provide buses with selective priority at signalised intersections where they encounter particular difficulties. This can be very effective in reducing bus travel times and increasing reliability, without significant effects on other motor traffic. Priority at traffic signals involves the special white B signal which allows only a lane of buses facing traffic signals to move. This has the effect of giving buses a head start at lights in order to make changing lanes and merging in heavy traffic easier and safer, or allowing the buses to turn right from the left-hand lane to eliminate the need for unsafe lane changes.

The second part of the Bill deals with specific purpose public vehicles. The Motor Traffic Act 1936 has precise definitions of each of the current public vehicle categories of taxis, private hire cars and buses. However, there is no provision to set out conditions on those licences for specialised services such as taxis for the disabled, the multicabs, or to issue a licence for part-time operations of wedding cars. Furthermore, at present vehicle owners catering for weddings,

and hirers of these vehicles, are not protected by third-party injury insurance because the vehicles are not, and are not able to be, registered and insured as public vehicles. Their insurance is valid only for private use and not when the vehicle is used for hire or reward.

To address the existing anomalies as well as to legitimise operations which have developed to meet public demands, a new category of licensed public vehicle is proposed, to be known collectively as special purpose public vehicles. Special purpose public vehicle licences, which are not transferable, will detail conditions relating to the operation of each vehicle on the licence itself. A licence for each vehicle will be issued on request, subject to the necessary requirements being met. This allows the marketplace rather than the Government to dictate supply and demand for special purpose vehicle licences.

There are two types of licences, namely, restricted taxi licences and restricted hire vehicle licences. The only vehicles presently proposed to operate on a restricted taxi licence are multicabs. The licence will specify that the vehicles' first priority is to service the transport needs of the disabled. After that need has been fulfilled the vehicles may operate as normal taxis. Restricted hire vehicle licences are required to service ongoing part-time operations and specialised needs, such as weddings. This part-time demand cannot be met by the existing hire fleet and, because of the limited amount of work involved, would not justify investment by operators in further full-time hire car licences. Generally, the demand for these vehicles is confined to weekend operations. If additional licences are required to meet demands for events other than weddings, the industry and the Transport Workers Union will be consulted, as they have been to date.

Restricted hire vehicle licences will be issued for periods of 24 hours, seven days, one month or 12 months. Insurances will be available to match these periods. Although there will be no limit on the number of these licences allowable in any one year, the fee structure will be designed to encourage a frequent operator to take out an annual licence. It is important that these part-time hire vehicles be licensed, to ensure that adequate and appropriate insurance exists for users of these services. This is particularly relevant with some of the vintage vehicles or specialised vehicles that people might like to have for a wedding - a 1950s Ford, for example, if someone is keen on that, or an antique Roller or the like is quite attractive as an alternative to a - - -

Mr Moore: An old Humber.

MR CONNOLLY: Or an old Humber. They are very attractive vehicles.

Mr Lamont: But they would not be taking out an annual licence for an old Humber. It takes 51 weeks to get it fixed - - -

MR CONNOLLY: There is the risk of it breaking down on the way. While dealing with public vehicle procedures I am taking this opportunity to amend the Motor Traffic Act 1936 to increase the required amount of third-party property insurance for taxis and private hire cars from \$2,000 to \$5m. The current figure of \$2,000 is clearly inadequate and has not been increased for over 25 years.

16 September 1993

Additionally, the existing provisions of the Act require that third-party property damage insurance be in a prescribed form. This has meant that an operator must take out a separate third-party property damage insurance policy in the prescribed form even if the operator has a comprehensive insurance policy covering damage to property to the required level. Under the new provisions a person who has a comprehensive insurance policy that includes damage to property of at least the required minimum will not be required to take out a separate third-party property insurance policy. This is another example, Madam Speaker, of this Government cutting back on red tape and overregulation which we heard Mrs Carnell rabbiting on about a lot yesterday. We are actually delivering. Madam Speaker, I present the explanatory memorandum.

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

AUDITOR-GENERAL - REPORT NO. 6 OF 1993
Government Schooling Program

MADAM SPEAKER: Members, I present, for your information, the Auditor-General's report No. 6 of 1993, Government Schooling Program.

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

That the Assembly authorises the publication of Auditor-General's report No. 6 of 1993.

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

That the Assembly takes note of the paper.

AUDITOR-GENERAL - REPORT NO. 7 OF 1993
Annual Management Report

MADAM SPEAKER: Members, I present, for your information, the Auditor-General's report No. 7 of 1993, the annual management report for the year ended 30 June 1993.

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

That the Assembly authorises the publication of Auditor-General's report No. 7 of 1993.

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

That the Assembly takes note of the paper.

ADMINISTRATION AND PROCEDURES - STANDING COMMITTEE
Report on Citizen's Right of Reply

Debate resumed from 26 August 1993, on motion by **Mr Humphries**:

That the report be noted.

MR DE DOMENICO (10.50): Madam Speaker, I rise to support the motion moved by Mr Humphries to endorse the recommendation of the Administration and Procedures Committee. As members know, I was a member of that committee until 23 March this year and did take part. It was on 2 December 1992 that the Standing Committee on Administration and Procedures resolved to inquire into and report on citizen's right of reply.

Madam Speaker, the Australian Senate has established a mechanism by which citizens can address allegations that have been made about them in the Senate. The resolution which provides this mechanism was passed by the Australian Senate in February 1988. It was one of 11 resolutions passed in relation to parliamentary privilege. Those resolutions covered a spectrum of issues, ranging from procedures for the protection of witnesses, the criteria relating to contempt, and the giving of precedence to a motion relating to privilege, matters constituting contempts, and protection of persons referred to in the Senate.

Of this package of resolutions, the First Assembly committee considered only that which related to the protection of persons, referred to in, I think, resolution No. 5 of the Senate. That prescribed a set of procedures by which a citizen can seek to have the President, and, in turn, the Committee of Privileges of the Senate, consider a submission which responds to comments made in the Senate in relation to that person. I believe that the Australian Senate is the only house that has adopted a formal mechanism. The ACT Legislative Assembly, if this motion is passed, will be the first State or Territory house to do so.

The committee has concluded that the potential benefits for the citizens that the Assembly serves outweigh the drawbacks that may exist in relation to the process. The committee, I understand, did consider some of the drawbacks that were described from time to time. I recall what happened in relation to Mr Gold and Mr Whalan. Any citizens who, in the future, believe that they have been hard done by in this place should have an opportunity of coming before us and expressing their concerns, at least in writing. For those reasons, Madam Speaker, I am quite happy to support the recommendation.

MR STEVENSON (10.52): I take the opportunity also to support the report. It is a valuable right for members of the public to be able to reply to allegations in this Assembly. I think the work that the Senate did initially was excellent. Indeed, the work that the members of the committee, past and present, did was also very good. I do not think a great deal needs to be said about this. One of the principles that we have in Australia is that people should have a right to reply to allegations. It may be that they cannot receive that right in the media; but, with the introduction of this principle via this motion, they will receive it in this Assembly. That would be a nice first for Australia at this level.

Question resolved in the affirmative.

CITIZEN'S RIGHT OF REPLY

MR MOORE (10.53): I seek leave to move a motion concerning citizen's right of reply.

Leave granted.

MR MOORE: I move:

- (1) Where a person or corporation who has been referred to by name, or in such a way as to be readily identified, in the Assembly, makes a submission in writing to the Speaker:
 - (a) claiming that the person or corporation has been adversely affected in reputation or in respect of dealings or associations with others, or injured in occupation, trade, office or financial credit, or that the person's privacy has been unreasonably invaded, by reason of that reference to the person or corporation; and
 - (b) requesting that the person or corporation be able to incorporate an appropriate response in the parliamentary record,

if the Speaker is satisfied:

- (c) that the subject of the submission is not so obviously trivial or the submission so frivolous, vexatious or offensive in character as to make it inappropriate that it be considered by the Standing Committee on Administration and Procedures; and
- (d) that it is practicable for the Standing Committee on Administration and Procedures to consider the submission under this resolution,

the Speaker shall refer the submission to that Committee.

- (2) The Committee may decide not to consider a submission referred to it under this resolution if the Committee considers that the subject of the submission is not sufficiently serious or the submission is frivolous, vexatious or offensive in character, and such a decision shall be reported to the Assembly.
- (3) If the Committee decides to consider a submission under this resolution, the Committee may confer with the person or corporation who made the submission and any Member who referred in the Assembly to that person or corporation.

- (4) In considering a submission under this resolution, the Committee shall meet in private session.
- (5) The Committee shall not publish a submission referred to it under this resolution or its proceedings in relation to such a submission, but may present minutes of its proceedings and all or part of such submission to the Assembly.
- (6) In considering a submission under this resolution and reporting to the Assembly the Committee shall not consider or judge the truth of any statements made in the Assembly or of the submission.
- (7) In its report to the Assembly on a submission under this resolution, the Committee may make either of the following recommendations:
 - (a) that no further action be taken by the Assembly or by the Committee in relation to the submission; or
 - (b) that a response by the person or corporation who made the submission, in terms specified in the report and agreed to by the person or corporation and the Committee, be published by the Assembly or incorporated in *Hansard*,and shall not make any other recommendations.
- (8) A document presented to the Assembly under paragraph (5) or (7):
 - (a) in the case of a response by a person or corporation who made a submission, shall be succinct and strictly relevant to the questions in issue and shall not contain anything offensive in character; and
 - (b) shall not contain any matter the publication of which would have the effect of:
 - (i) unreasonably adversely affecting or injuring a person or corporation, or unreasonably invading a person's privacy, in the manner referred to in paragraph (1); or
 - (ii) unreasonably adding to or aggravating any such adverse effect, injury or invasion of privacy suffered by a person or corporation.
- (9) A corporation making a submission under this resolution is required to make it under their common seal.
- (10) That this resolution continues in force for the term of the Second Assembly.

16 September 1993

Madam Speaker, this motion simply puts into effect the recommendations of the Standing Committee on Administration and Procedures in the report that has just been adopted by the Assembly. I think members of the Assembly can take pride in the fact that, other than the Federal Parliament, we will be the first house in Australia to be adopting this concept. It is a very important concept that a number of citizens have asked us for, particularly during the First Assembly but also in this Assembly. I think that it is an appropriate right to be provided for people.

MR LAMONT (10.54): On behalf of the Government, I indicate that the Labor Party has agreed to support the spirit, the intent and the letter of the recommendations. Madam Speaker, the second motion that has been foreshadowed for debate this morning concerns the obligation of members of this Assembly to take into account various matters when debating issues and making statements in this house. I find it pleasing, as a member of the committee, to see that we have support from every member of the Assembly for the concept of the citizen's right of reply in the form that has been tabled in this Assembly. I do wish to make more extended comment in relation to the freedom of speech question and I will do so when that motion comes before us.

The only change from what occurs in the Senate is in the concept of corporations having a right to respond where those corporations believe that they, as corporate entities, have been slighted. I believe that that is a necessary addition, given the nature of issues debated in this Assembly as distinct from the issues and matters debated in the Senate from time to time. I think that we generally become more involved in debates of a much more specific nature, particularly when considering matters of business regulation and so forth. I think it is true to say that this Assembly would undertake far more debate on those matters than, say, the Senate does. The Government has a great deal of pride in supporting this very welcome initiative.

MR HUMPHRIES (10.57): I might indicate briefly, Madam Speaker, that, as I said when I introduced the motion concerning citizen's right of reply on the previous sitting day, the Opposition is certainly supportive of this measure.

I ask members to note that paragraph 10 of the motion refers to the resolution continuing in force only for the life of the Second Assembly. This is quite deliberately designed, I think, to ensure that this issue is reviewed and assessed for its worth at the end of this Assembly and, in fact, by the Third Assembly when it meets, early in its manifestation; but I think that we will have difficulty in assessing the worth of these provisions if they are not used. It will be very hard to work out whether we should continue with such a provision if no-one has actually employed it. I do not know whether that will be the case. Obviously I hope that it will be the case because that would be a reflection, perhaps, of the way in which things have occurred in the Assembly; but, if it is so used, then I think we will have a valuable opportunity to assess whether this is a worthwhile process.

Similar provisions in the Australian Senate have been used, I understand, on about 10 occasions since they were introduced a number of years ago. I hope that it will not become an everyday occurrence; but I do hope that it will be a valuable safety valve for those who might be, from time to time, mentioned in the course of proceedings in this Assembly. I commend this motion to the house.

Question resolved in the affirmative.

FREEDOM OF SPEECH

MR MOORE (10.58): I seek leave to move a motion in relation to freedom of speech.

Leave granted.

MR MOORE: I move:

- (1) That the Assembly considers that, in speaking in the Assembly or in a committee, Members should take the following matters into account:
 - (a) the need to exercise their valuable right of freedom of speech in a responsible manner;
 - (b) the damage that may be done by allegations made in the Legislative Assembly to those who are the subject of such allegations and to the standing of the Legislative Assembly;
 - (c) the limited opportunities for persons other than Members of the Legislative Assembly to respond to allegations made in the Legislative Assembly;
 - (d) the need for Members, while fearlessly performing their duties, to have regard to the rights of others; and
 - (e) the desirability of ensuring that statements reflecting adversely on persons are soundly based.
- (2) That the Speaker, whenever the Speaker considers that it is desirable to do so, may draw the attention of the Legislative Assembly to the spirit and the letter of this resolution.
- (3) That this resolution continue in force for the term of the Second Assembly.

Madam Speaker, this motion is particularly important because it draws Assembly members' attention not only to their rights but also to their responsibilities in using parliamentary privilege. Madam Speaker, I believe that this motion ought to be included at the back of our standing orders. Perhaps, as part of the review of standing orders, we ought to consider whether we should include it within the standing orders. This motion, if carried, will give the Speaker the power to remind members of not only the spirit of these words but also the importance of the spirit.

The motion recognises the valuable right of freedom of speech and the need to exercise it in a responsible manner. It recognises the importance and the damage of allegations that are made in the Assembly, and the limited opportunities for persons other than members of the Legislative Assembly to respond to those allegations. Although we have just adopted a motion concerning a citizen's right of reply, that really has a limited application. Although it gives citizens a right of

16 September 1993

reply, it is not at the same level as a member. On the other hand, it is also true to say that a member has been elected and that freedom of speech is part and parcel of the responsibilities and privileges that go with that election. A citizen who seeks to reply has not been given that responsibility by the community in a democratic way. The motion also recognises the need for members, while fearlessly performing their duties, to have regard to the rights of others.

Madam Speaker, I think it is true to say that any member here who has used parliamentary privilege has not done so lightly. They have done so after a great deal of thought and consideration. I find interesting the general approach that members have under the circumstances. When members have availed themselves of the power of parliamentary privilege I have observed the distress that is clearly evident. Nevertheless, Madam Speaker, I think it is appropriate that the Assembly adopt this motion that clearly sets out the way we should deal with and the way we should think about the use of parliamentary privilege. With those few words, Madam Speaker, I commend the motion to the Assembly.

MR LAMONT (11.01): The Government also will be supporting this motion. We do so for a number of reasons, Madam Speaker, not the least of which is the history which gave rise to the need for the Assembly to consider both the motion that we have just adopted and this motion. It arose out of a number of issues which were discussed when the report of the standing committee was first tabled. I think it is important, when this Assembly is considering and voting on this motion, that we again draw some attention to that. The last occasion upon which an Assembly member referred to matters that were considered to be somewhat close to the mark in terms of the spirit and intent of this motion was when Mr Moore named a range of alleged activities and persons here in this Assembly.

Mr Moore: That is not true. What about Charles Wright? That is more recent.

MR LAMONT: I am sorry; I withdraw. The second last time that this occurred was when Mr Moore unmercifully slagged a range of people. Mr Moore, I believe, is contrite on this day about that and acknowledges that those comments were untrue. He acknowledges that they were inappropriate and he also acknowledges that, had he his druthers, that occasion would not have occurred in the way in which it did.

This motion draws quite clearly to the attention of all members that there is an added responsibility - not a diminished responsibility, but an added responsibility - now placed on us because we do have citizen's right of reply. It is not good enough to say, "Because this person, or these persons, or this organisation now have a right of reply, it frees up my obligation to be careful in terms of improper imputation in respect of that person, those persons or that corporation". This motion is designed to remind members and the community that it is a quite serious trust that we have been given by the community in the context of parliamentary privilege. If this trust is abused, and continually abused, not only will we find that the esteem in which this Assembly is held is diminished but also the esteem in which individual members of this Assembly are held is diminished. The actions of one, in fact, reflect upon the integrity of the many.

The last time that parliamentary privilege was used to draw improper motive and to impugn the integrity of a person not of this chamber, I think, also provides a glaring example as to where, in the minds of some, an abuse of parliamentary privilege occurs.

Mrs Carnell: Not many.

MR LAMONT: I hear Mrs Carnell say, "Not many". That is incorrect. If we want to get into a prolonged debate about that, I am prepared to do so outside this chamber. I issue exactly the same challenge to anybody else who adopts the cowardly position of using parliamentary privilege to attack or impugn improperly the motives or the integrity of people outside this chamber. I certainly hope that this motion draws the attention of members of the Assembly to their obligations.

Mrs Carnell: We never use that improperly.

MR LAMONT: Mrs Carnell, for your information, when you go back over the history of this Assembly in relation to this question, it has been the Liberal Party, members of the Alliance Government and Independents who have abused the concept of parliamentary privilege. That, very simply, is the fact. In relation to that question, at the time of the tabling of the report by the standing committee, I did acknowledge that, when a person was named by Mr Stevenson during the time of the First Assembly and information was brought to Mr Stevenson's attention subsequently to that, Mr Stevenson stood up and unequivocally withdrew, and he most certainly apologised for any hurt.

Mr De Domenico: And rightly so.

MR LAMONT: And rightly so. It could be said that that occasion resulted to some extent from the inexperience of the First Assembly in dealing with the question of parliamentary privilege. I am sure that Mr Stevenson would acknowledge that, on that occasion, the pursuit of what he considered to be a quite serious matter could have been tempered had more investigation been undertaken by the people who provided him with information. This motion is timely, and it is timely for all members of the Assembly, on both sides of the house and, indeed, on the cross benches. The Government has a great deal of conviction in supporting this motion, Madam Speaker.

MR HUMPHRIES (11.08): Madam Speaker, I think this motion raises a matter of some significance. I think we need to sort out where the Assembly stands on it. I welcome the form of this motion. I think that Mr Moore's motion reflects a valuable formula for allowing us to proceed to exercise parliamentary privilege in this place. It is essential that a power as potent as parliamentary privilege be tempered by certain principles, and I believe that the principles enunciated in this motion are appropriate. We should never exercise the power of parliamentary privilege in the heat of the moment; we should do so only on careful reflection. We should do so only honestly and on the basis that we believe that the claims or assertions that are made about members of the public, or members of this Assembly, for that matter, are well founded and can be substantiated.

Madam Speaker, there is an essential point, though, to note, and Mr Moore made this point, I thought, very well. There has not been an occasion, in my estimation, and obviously in Mr Moore's estimation, where a member of the Assembly has exercised that power without very, very careful thought about it. It may be that some members have made mistakes in the course of that, and Mr Lamont referred to Mr Stevenson's references to Mr Gold in the previous Assembly. I cannot recall any other occasion, certainly not recently, where I would say that a mistake has been made, and I am referring quite expressly to the situation of Mr Charles Wright.

16 September 1993

Mr Berry: Oh, yes, there was; there was a big mistake.

MR HUMPHRIES: Madam Speaker, the point, though, is that the essence of this issue is contained in the heading of this motion and subparagraph 1(a). This is a motion about exercising freedom of speech, and that is the fundamental question - freedom of speech. Members of this place must be able, fearlessly and without favour, to exercise their freedom of speech. We do so under certain constraints, and those constraints are contained in the motion that Mr Moore has moved today. That motion is supported, and those constraints are supported. But I believe that Mr Moore's motion does not substantially change the environment in which these matters have been dealt with in the past; nor will it change the practice of this place in the future, because I believe that members have had regard to these questions when they have raised matters of this kind.

Madam Speaker, the assertion has been made across the chamber that the members of the Opposition were wrong to raise matters concerning Mr Charles Wright. I say categorically that they were not. It is my assertion that those matters were properly raised. I will not reflect on a vote of the Assembly; but I will say that I think the Assembly, in taking a decision concerning the censuring of two members over that matter, flew in the face of the spirit of this motion.

Mr Connolly: But you are not reflecting on it.

MR HUMPHRIES: I will not reflect on the Assembly.

Mr Berry: I raise a point of order, Madam Speaker. I would ask that Mr Humphries withdraw that. He is reflecting on a vote of the Assembly.

MR HUMPHRIES: I will not reflect on the Assembly, Madam Speaker.

MADAM SPEAKER: Are you withdrawing that, then?

MR HUMPHRIES: I will not reflect on the Assembly, Madam Speaker. I will say this: I do give
- - -

Mr Berry: Madam Speaker, I ask that you order that Mr Humphries withdraw his reflection on the vote.

MADAM SPEAKER: You were reflecting on a vote of the Assembly, Mr Humphries. Please withdraw.

MR HUMPHRIES: Madam Speaker, I withdraw any reflection on the Assembly.

MADAM SPEAKER: And reword it. Thank you.

MR HUMPHRIES: I will say, Madam Speaker, that the Opposition intends to give notice that it will move for rescission of that censure motion because I believe that that motion set a precedent which is not in accordance with the spirit of the motion which is before the Assembly today.

Mr Moore: No, it did not. It did not set a precedent.

Mr Lamont: Who did?

Mr Moore: Trevor Kaine set that precedent.

MR HUMPHRIES: With great respect, I disagree. We will debate that when we come to consider the motion when it is put before the Assembly. The point, Madam Speaker, is this: We cannot say to people, "You have a freedom to exercise that power", and then create constraints other than the ones which are suggested here to be imposed on people's minds when they do, in fact, exercise that power.

If members are censured for any exercise of this power, particularly where it touches on things like cronyism on the part of governments, on inappropriate appointments, or on providing jobs for the boys, then, naturally, there will be ramifications, and those ramifications will be that members find it difficult to exercise that freedom of speech which is referred to in subparagraph 1(a) of this motion. My party will continue to draw attention to cronyism on the part of this Labor Government. It will continue to draw attention to jobs for the boys issues - - -

Mr Berry: Will you continue to tell lies? Will your party continue to tell lies?

Mrs Carnell: Can you tell us where we told a lie? Tell us.

MADAM SPEAKER: Order!

MR HUMPHRIES: Madam Speaker, I would ask - - -

Mr Kaine: Will you stop beating your wife?

Mr De Domenico: Madam Speaker, I take a point of order.

MADAM SPEAKER: That is a generality; it was not a specific accusation against a member. I will not uphold that point of order.

Mrs Carnell: So it is all right if we say that the Labor Party tells lies.

MADAM SPEAKER: We have been through this before. The Leader of the Opposition raises an objection. That is out of order. We have been through this process before. If it is a direct imputation against a member, then it is out of order, according to the standing order. Generalised - - -

Mr Kaine: It is no different from the Government telling lies all the time, so what is the difference?

MADAM SPEAKER: Order! This is a parliament. Generalised accusations are in order. Specific imputations against a member are not. Would you continue, Mr Humphries.

Mr Kaine: When is the Government going to stop telling lies?

Mr Berry: Madam Speaker, I would like to raise a further point of order. I heard Mr Kaine interject, obviously directing it at me, "Will you stop beating your wife?", or words to that effect, or, "Will you continue to beat your wife?". That makes light of domestic violence, and I ask that you order that he withdraw it.

Mr Kaine: It was a general question, just like yours.

16 September 1993

Mr Berry: It is unparliamentary. It is outrageous.

MR HUMPHRIES: It is a rhetorical question.

MADAM SPEAKER: Mr Humphries, do you want to address the point of order?

MR HUMPHRIES: Yes, I do. The question, "When will you stop beating your wife?" is a classic example of a rhetorical question which one cannot win by answering. That was what Mr Kaine was clearly trying to do; to indicate what a bind this Government is putting us in by taking points of order of that kind. There was no reflection on Mr Berry's relationship with his wife or domestic violence.

Mr Lamont: How tacky!

Mr Kaine: Yes, it is pretty tacky. You want to keep your Minister in shape.

Mr Berry: I think it is outrageous.

MADAM SPEAKER: Members, if we had a bit of order perhaps I could deal with points of order. What was out of order was that you were interjecting whilst I was speaking, Mr Kaine. I will not ask you to withdraw that comment; but, from here on in, if I am speaking, I would ask that members be quiet. Then we would not get into this sort of a problem. Mr Humphries, please proceed.

Mr Kaine: Were you addressing me, Madam Speaker?

MADAM SPEAKER: I was addressing everyone, Mr Kaine.

Mr Kaine: You were looking at me. I thought you were addressing me personally.

MADAM SPEAKER: Could we have some order? Mr Humphries has the floor.

MR HUMPHRIES: Madam Speaker, I, for one, am sick of the torrent of lies which fly from the mouths of those who would seek to defend inappropriate appointments, from those who would seek to pretend that this Government in some way produces just and appropriate appointments.

Mr Berry: That is an imputation again.

MR HUMPHRIES: You are being measured on your own standards, Mr Berry.

Mr Berry: I take a point of order, Madam Speaker. Clearly, members on this side of the house defended the Government's appointment, and the imputation was that we were lying.

Mr Cornwell: It was a generalisation.

MR HUMPHRIES: It was a generalisation, Madam Speaker. There was no reference to - - -

Mr Kaine: It was a general statement about the Government.

MADAM SPEAKER: Would you allow me to rule?

Mr Berry: It is an imputation against individual members who defended that appointment.

MADAM SPEAKER: Mr Berry, I did allow generalised comments to be made.

Mr Berry: We are talking about the Liberal Party. We all know what they are like. This is about members of this Assembly.

MADAM SPEAKER: Could we have a spot of order? The standing orders are quite clear. They say that members shall not make imputations against individual members of the Assembly. They do not say that we cannot make imputations against the party as a whole. They do say that people will not interrupt; so would you proceed, Mr Humphries?

MR HUMPHRIES: Thank you, Madam Speaker. As I say, the lies which have flowed from those opposite constitute a serious threat.

Mr Berry: I am one of "those opposite", Madam Speaker, and I am not going to cop this.

MR HUMPHRIES: You just heard a ruling, did you not?

Mr Berry: It is very clearly aimed at this side of the house and me, in particular. It is an imputation against members on this side of the chamber.

MADAM SPEAKER: Mr Humphries, perhaps you would like to explain that there is no imputation against Mr Berry, in particular?

MR HUMPHRIES: Oh, no, Madam Speaker, no imputation against Mr Berry at all.

MADAM SPEAKER: Thank you. That is now taken as withdrawn. Continue.

MR HUMPHRIES: I will say that those on that side of the chamber who choose to use lies as a device to make their point denigrate the respect in which this place is held.

Mr Lamont: I rise to take a point of order. If Mr Humphries is not specifically referring to Mr Berry, I presume that it is either me or somebody else on this side. I take issue with the specificity. That argument, the way in which he has couched his terms, is a direct imputation on me. I ask that you seek a withdrawal.

MR HUMPHRIES: On the point of order, Madam Speaker: I think that members opposite are flouting your ruling, your very clear ruling, on this matter, which was that members could make generalised allegations in that respect. I would ask you to - - -

MADAM SPEAKER: I believe that that is right, Mr Humphries. I will not uphold that point of order. Your time has expired.

16 September 1993

MR STEVENSON (11.19): I think we have all noticed that since Mr Lamont spoke the tone of the debate has taken a decided plunge. I think that is unfortunate.

Mr Lamont: I apologise.

MR STEVENSON: Mr Lamont apologises. I think that members would accept that. I really think it is unfortunate.

Mr Lamont: It was unintentional.

MR STEVENSON: Okay. Two very important points are raised in this general discussion. They both relate to freedom of speech; the right of members of parliament to speak without fear or favour, and the right of a citizen or an organisation to reply to allegations that they claim are not true. Mr Lamont specifically mentioned cases, members and people. In my case he said that I could have tempered my remarks had more investigation been done by the people who supplied the information in the first place. Perhaps I should put on record who supplied the information in the first place. It was the internal security unit of the Victoria Police Force, headed by a superintendent, and someone, they stated in writing, who was a consultant working with them. I think we are all aware that this particular individual had access to police intelligence computers. That is why there are, even to this day, continuing investigations in the police force and in the Government in Victoria.

There were certain methods by which that information could have been uncovered, and I specify two. First, the Government has the power, the understanding and the contacts to gain the necessary information and to thoroughly check these matters out. It would have been of great assistance to me had that occurred. Secondly, as far as the character of the person supplying me with the information is concerned, that could have been looked at a little bit earlier had the information given to the Attorney-General of that time, Bernard Collaery, been given to me earlier on.

Mr Berry: Yes, but you do not make a practice of looking at the character of the people you hang around with very much.

MR STEVENSON: Mr Berry continually interjects, making imputations against people. One thing that I have tried to do throughout my career in this Assembly, and before it, is to play the ball and not the man. As someone mentioned to me yesterday, it is interesting that, when Labor members stand up, almost inevitably they start off with an attack on one of the members. Someone suggested to me that it is in the manual, the rule book, the instruction book. I suppose that the best thing we can do to find out whether or not that is true is to listen to the members and hear how they talk.

We had a debate on these matters. Obviously every member has freedom of speech in this Assembly to bring up the matters that Mr Lamont brought up; but I would ask, "Has that added to the debate or not?". I think most people would say that it has not. By all means, matters can be aired; and, if members think they need to be, by all means they will be. They will be if they are persistent, like I will be. Sooner or later I will get aired that matter that is private members business No. 6 - make no mistake - regardless of how many times I am gagged in this Assembly, regardless of how many times I do not have freedom of speech by

having my remarks removed from the parliamentary *Hansard*. That is one of the most amazing things to have happened in the history, not just of this parliament, but of Australia, in my estimation, and in the understanding of a number of senior people whom we have contacted and to whom we have given the full specifics of what occurred.

Mr Berry is yawning because obviously this does not suit him. He has a smirk on his face, and that is unfortunate. It fits nowhere within the terms of reference for the operation of this parliament. It is unfortunate. I would invite more people into this parliament to find out what goes on.

Mr Moore: They will find out that you are hardly ever here.

MR STEVENSON: We have all had people come up to us to find out what happens. I specifically make a point of leaving when I hear the type of nonsense that is going on in this Assembly.

Mr Berry: What do you do for your money? You do not appear on committees. You do not do committee work. What do you do for your money?

MR STEVENSON: Committee work? Let us make the point. Mr Berry is one of those people who voted to keep me off three committees. How do you justify that?

Mr Berry: You can be on the Estimates Committee any time. What about the Estimates Committee?

MR STEVENSON: What about the Public Accounts Committee that I tried to get on and you voted against it?

Mr Berry: Oh, no.

MR STEVENSON: What about it? What happens when we start to look at some of the details about freedom of speech?

Mr Moore: If the Assembly so desires I will step off the Public Accounts Committee so that you can go on it.

MR STEVENSON: What about these situations?

Mr Berry: There you go; you have an offer, Dennis. Do you want to go on the Public Accounts Committee? Seconded.

MR STEVENSON: What about the three committees that I wanted to go on? And what happened to the 177-page dissenting report I put in about fluoride? Where did that go? Yesterday I asked you what you had done with two of the recommendations. You did not even know them. You could not even answer that, even though there has been public concern right across this nation about children's health. You are not a good debater. You do not add much to debates. You add a lot to invective and imputation and so on, and the sooner it is over the better.

MADAM SPEAKER: Order! I think your remarks should be addressed to me, Mr Stevenson.

MR MOORE (11.26), in reply: If there are no other speakers on this motion, I would like to make a couple of points. It was interesting that Mr Lamont, in his comments, chose to attribute to me acknowledgments about things that were untrue and inappropriate, and contritions I have made. It is not for Mr Lamont to do my acts of contrition, Madam Speaker. I am quite capable of doing them myself if I so wish, and I will draw attention to when I did so in the First Assembly. Perhaps the emotion that is coming from Labor may indicate that on this issue they are a little more vulnerable than other groups in the Assembly; but then that might not be true as well. Mr Lamont continued by saying that the actions of one here reflect on the integrity of many, and, of course, that applies both ways. If there is an appropriate time when parliamentary privilege ought to be used and it is not used, or if it is never used, then I believe that that will also reflect on the parliament in a poor way.

Madam Speaker, I think that during Mr Humphries's speech there was an interjection, "Let us deal with this outside". I often hear that as a challenge, because it means, "Let us deal with this when we do not have parliamentary privilege". The reality is that as elected members of this parliament we do have parliamentary privilege. It is one of the privileges that Mr Stevenson has, even though he is a member of a parliament that he thinks ought not to exist. Some of us find some irony in the fact that Mr Stevenson would use this parliamentary privilege when he does not believe that it should exist.

I would like to take up another point that was raised by Mr Humphries. He said that he was very concerned about a motion - I will be careful not to reflect on the motion, Madam Speaker - that I see, in the minutes, was moved at our last sitting. The motion, after it was amended, was: "That this Assembly censures Mrs Carnell and Mr De Domenico for their attack under privilege of Mr Wright". Mr Humphries suggested that the difficulty with this was that it set a precedent. That, of course, is not true. The truth of the matter is that the precedent was originally set on 13 March 1991 when Mr Kaine, then Chief Minister, by leave, moved this motion:

That this Assembly:

- (1) deplores the gross abuse of privilege by Mr Moore in raising an allegation yesterday against a Minister or Ministers without providing sufficient information to enable the Minister to respond to the allegations on that day; and
- (2) censures Mr Moore for his actions in the matter.

That censure motion in the First Assembly was carried by 10 votes to one, the Labor Party leaving the chamber. The motion last week was carried on a vote of nine to six. Mr Stevenson was not here and I left the chamber. So there are some similarities between those motions, but the precedent was originally set in the First Assembly, in fact, by Mr Kaine.

Earlier there was an interjection from Mr Lamont - it may have been a comment across the chamber during somebody's speech - about contrition and so forth, and I said that I would refer to it later. Madam Speaker, I made it very clear publicly at that time - I think prior to the censure motion, but it may have been afterwards; it does not matter - that I had acted inappropriately. I did not withdraw what I had said, but I had acted inappropriately - - -

Mr Lamont: In destroying the evidence.

MR MOORE: In destroying the evidence. That was not appropriate. If somebody wants to look at the speech, I believe that the term used at the time was "shredding the evidence". Madam Speaker, it is quite clear that when I have made a mistake I am prepared to say so.

I would like to come back to the debate that we have had. Madam Speaker, we should recognise the angst that goes with exercising freedom of speech. As I said in my initial comments on the motion, it is a power that carries with it a great deal of stress. Even the debate this morning has indicated the level of feeling associated with it. It is so much more difficult, Madam Speaker, in a chamber that has only 17 members who generally work together in a very cooperative way on committees and on other issues. However, when parliamentary privilege is exercised we feel a great deal of dissatisfaction about the way that positive working relationship is undermined. It does have that effect. So more things are taken into account when one uses parliamentary privilege. It is a power that has to be used without fear and without favour.

I believe that the carriage of this motion will assist in encouraging us to do that, Madam Speaker. It will also make it clear that you have the power to remind members - not to stop them - to consider whether or not it is desirable and in the spirit of this motion to proceed. I think that is an important part of what we are trying to achieve by adopting this motion. Madam Speaker, I commend the motion to the Assembly.

Question resolved in the affirmative.

LEGAL AFFAIRS - STANDING COMMITTEE Inquiries

MR HUMPHRIES: I seek leave to make a statement on new inquiries by the Standing Committee on Legal Affairs.

Leave granted.

MR HUMPHRIES: Madam Speaker, I inform the Assembly that on 18 June 1993 the Standing Committee on Legal Affairs resolved to inquire into and report on, by 31 March 1994, use of unsworn statements in judicial proceedings and the Coroners (Amendment) Bill 1993 exposure draft; and by 31 December 1994, the operation of the legal profession in the ACT and the court system in the ACT, with particular reference to the procedures used in courts and the cost of administering justice. I also inform the Assembly that on 9 September 1993 the Standing Committee on Legal Affairs resolved to inquire into and report on, by 31 December 1993, the Criminal Injuries Compensation Bill 1993.

**AGRICULTURAL AND VETERINARY CHEMICALS -
NATIONAL REGISTRATION SCHEME**

Debate resumed from 15 September 1993, on motion by **Ms Follett**:

That the Legislative Assembly:

- (1) Notes that:
 - (a) At the October 1990 Special Premiers' Conference, Heads of Government identified the need for there to be a national registration scheme for agricultural and veterinary chemicals to replace the existing eight State and Territory registration authorities. Such a scheme would encapsulate all evaluation and registration matters up to the point of retail sale, with the States and Territories retaining responsibility for post-retail control-of-use matters. The States and Territories would also undertake surveillance and compliance activities on behalf of the Commonwealth on an agency basis;
 - (b) The *Agricultural and Veterinary Chemicals (Administration) Act 1992* established a National Registration Authority to oversee the Commonwealth's role in the proposed National Registration Scheme;
 - (c) To give effect to the arrangements envisaged under the Scheme, it was also agreed that the Commonwealth would pass additional legislation which would define the powers and duties of the Authority in relation to the States and Territories. Adoption of such legislation by all jurisdictions would then formally establish the National Scheme;
 - (d) The Commonwealth Government has sought the consent of the ACT Legislative Assembly to allow it to use its section 122 powers under the Constitution to pass the *Agricultural and Veterinary Chemicals (Administration) Act 1993* which would make law for the ACT in respect of agricultural and veterinary chemicals registration and evaluation matters. The adoption of this legislation by other jurisdictions would then enact the uniform national scheme; and
 - (e) Under such an arrangement, the ACT's interests would be protected by way of an intergovernmental agreement, which would ensure that, apart from forgoing its ability to legislate in this field, the ACT would be in the same position as the States and the Northern Territory under the arrangements.
- (2) Consents to the Commonwealth using its section 122 powers under the Constitution to legislate in and on behalf of the ACT in respect of the proposed National Registration Scheme for Agricultural and Veterinary Chemicals.

MR HUMPHRIES (11.35): Madam Speaker, the Opposition is able to indicate its support for the motion Ms Follett moved yesterday in the Assembly. I think it is appropriate for us to examine the circumstances in which such a power might be exercised by the Commonwealth Government and where the ACT Assembly would, in turn, exercise its capacity to consent to such a power being exercised by the Commonwealth Government.

What we have here is the Commonwealth using its powers under section 122 of the Constitution to, in effect, make laws for the government of the Territory. This is a controversial section in some respects. I understand, for example, that Mr Stevenson's party has argued that this section in effect prevents the Commonwealth Government from letting anyone else make laws for the government of the ACT. He may have something to say about this motion later; I do not know. Certainly, the Commonwealth has an overriding power to make laws for the government of this Territory, and that power has been in part delegated, if you like, to the ACT Legislative Assembly and is now being exercised by this parliament.

The Commonwealth proposes to create legislation in respect of agricultural and veterinary chemicals for the whole of Australia. It proposes to do so on the basis of the 1990 Premiers Conference, and it wishes to do so with the consent of the other jurisdictions, the States and the Territories. The ACT was represented at that conference and was part of the process of agreeing to that national scheme. It is not the first time a national scheme has been introduced on this basis - the national heavy vehicle registration scheme, I understand, is another example of where this has occurred - and it will not, I have no doubt at all, be the last case in which the Commonwealth exercises its power under this section as a central pillar on which other States can take part in the national scheme.

There are, of course, drawbacks. One drawback is the one that applies to any circumstance where the Assembly agrees to be part of a national scheme. We vacate some of our freedom to make laws in respect of the Territory's special circumstances, which we might, on careful reflection, decide would be appropriate. We agree to be part of a national scheme here which might, on some future occasions, be convenient for the ACT. I suspect that we would say that, in the long term, there is a greater convenience in not having to do our own agricultural and veterinary chemicals processing and authorisation and permission process. It is more convenient for us to have that done by some other body, in this case a Commonwealth body. But there are still going to be occasions where schemes of this kind will come a cropper because they conflict with the wishes of some element of the ACT community, and we will be expected to explain on those occasions why it is that we have handed away our power to regulate these matters in and for the ACT.

Another drawback in this particular case is that the central pillar on which this new scheme will rest is legislation made by the Commonwealth for the ACT specifically. As I understand the scheme, other States will be able to participate by having their capacity to legislate in this matter limited by reference to the law made in respect of the ACT. They will all join in with the ACT scheme by virtue of that law having been made. That means that the ACT withdrawing would cause the collapse of the whole scheme. It is much harder for us to get out of this arrangement than it would be, for example, for New South Wales or Victoria.

16 September 1993

Their membership of the scheme is not pivotal for it to continue, whereas ours is. There probably are other devices, under the Constitution or elsewhere, for there to be a national scheme of this kind, but that may not be convenient for us to adopt in this case. It certainly is not what we are doing in this particular case and, therefore, would not be of help to us should we decide to pull out.

I do not see that this is a matter in which we are going to have any great problems in the immediate future, and my party therefore supports the concept of proceeding down this path. But I do sound the warning that, as more and more of these kinds of schemes come into force and on more and more occasions the ACT in a sense becomes the pivotal player in national schemes through the use of section 122 of the Constitution, we will find circumstances where our freedom to make laws which we consider appropriate for the ACT is diminished and people will say to us, "We should not have handed over this power. We should have retained control over these matters". It may be that decades from now people will say, "The rot began with schemes like the national agricultural and veterinary chemicals scheme".

I hope that that is not the case. I hope that we derive only benefits from this arrangement. But I do think that in each individual case we have to exercise our judgment about whether we allow the Commonwealth to use its power to make laws of this kind. If we exercise that judgment in each individual case with great care, as I think the Chief Minister indicated she intends to, we will not have serious difficulties; but we will need to have a debate of this kind on each occasion when it is proposed to be used.

MR MOORE (11.42): This process, I believe, started in an agreement when Mr Kaine was Chief Minister. What we have before us today is a motion that is simply implementing something Mr Kaine and the Alliance Government originally agreed to. Quite clearly, when dealing with some issues it is going to be the case that a national approach will be more appropriate than an individual State approach. This appears to be one of those issues, as was a similar agreement on transport that passed through a previous Assembly and was implemented accordingly. One thing that surprises me is that Mr Stevenson has not yet spoken on this issue. Perhaps he will, and will suggest that we use this process to get rid of all of our power. Of course, he only pretends that he would like to get rid of this place and this power. The reality is that he uses it nationally much more than any of the rest of us.

When we are dealing with agricultural and veterinary chemicals, it is very important for the ACT that we do not have a situation where, because of the dangers associated with such chemicals, we take certain action and then people nick across the border to Braidwood or Yass - often we have an arrangement with Queanbeyan that such things will not happen - to pick up chemicals that we consider inappropriate. I take Mr Humphries's point that we have to be very careful how we use this power. I believe that it is being done appropriately. This is only the second occasion in five years, and both of those occasions were as a result of that conference of heads of States that Mr Kaine attended.

I believe that it is appropriate for us to support this motion. I congratulate the Chief Minister on her negotiations with the Federal Government over this matter. One of the critical factors is the assurance she has had about the retention of employment in the ACT. I think that is a very positive outcome, particularly considering that the Federal Government could simply exercise its power under section 122 of the Constitution and do this anyway. They do not want to pursue such a process and use bullying as a tactic; nor should they. It is appropriate that this Assembly as a whole agree that a national scheme be implemented. I thank the Chief Minister for providing officers for a briefing for Ms Szuty and me the other day, and I take pleasure in supporting this motion.

MR STEVENSON (11.45): Mr Moore follows Mr Lamont in talking about freedom of speech and then putting his foot in his mouth and saying things that are absolutely outlandish and totally off the tone of the debate. Mr Moore makes claims that he well knows he cannot substantiate. Mr Moore was one of the members of this Assembly on 4 July 1989 who voted against the opportunity for a special committee of this Assembly to look at the constitutional matters relating to the establishment of self-government. On that day the Assembly approved a committee of inquiry into various aspects of self-government, and there were four terms of reference.

Mr Moore: On a point of order, Mr Temporary Deputy Speaker: There is a question, first of all, of relevance; but there is also a reflection on a vote of the Assembly.

MR TEMPORARY DEPUTY SPEAKER (Mr Westende): I am sure that Mr Stevenson will take that into consideration.

MR STEVENSON: Indeed, I will. I looked at those four terms of reference and thought, "Good heavens; they have missed one. They have not looked at the constitutionality of the Federal Government forcing an unwanted State-like parliament on the people of the ACT against their will, as clearly shown at a referendum". Of course, the Federal Government is not much concerned about the will of the people, as unfortunately this Assembly often is not. On that day I mentioned the various sections under which the Commonwealth Government has responsibility for the seat of government.

Mr Moore: I raise a further point of order, Mr Temporary Deputy Speaker. I would like to be able to rise to apologise to members for throwing the bait to Mr Stevenson, but that is not a point of order. Instead, I will raise standing order 62, irrelevance or tedious repetition, because we have heard this from Mr Stevenson ad infinitum.

MR TEMPORARY DEPUTY SPEAKER: Mr Stevenson, I am sure that you will take that into consideration.

MR STEVENSON: Yes, indeed. It is particularly relevant when we look at Federal powers, as against ACT and State powers.

Mr Berry: Are they not constitutional either? The Federal Government is not constitutional either? You have me puzzled.

16 September 1993

MR STEVENSON: It is not hard to puzzle you, Wayne. On that day, I asked members simply to insert a term of reference - Mr Cornwell was not here then to hear this; this is news to some people - to allow the opportunity for this Assembly to have that matter inquired into. I said at that time that it could well hold relevance in other matters, such as the one that is before us today. Not allowing the matter to be heard at all, the term of reference was not agreed to. I ask: Why not?

Mr Berry: I raise a point of order, Mr Temporary Deputy Speaker. I think you have been very generous with Mr Stevenson. I do not think this has much to do with the national registration scheme for agricultural and veterinary chemicals.

MR STEVENSON: As I mentioned, Mr Temporary Deputy Speaker, it has a great deal to do with the powers of governments.

Mr Berry: I would ask you not to be so generous, Mr Temporary Deputy Speaker.

MR TEMPORARY DEPUTY SPEAKER: Mr Stevenson, will you please come to the point.

MR STEVENSON: Yes, indeed. Once again, the point I make is that when we look at who has power to make laws for the ACT - and that certainly comes within the national registration scheme - we should understand these important matters. They must have been important because the Labor Party mentioned them, Mr Moore mentioned them and Mr Humphries mentioned them. That is about everybody else in this place. Surely it is reasonable that I mention them and go into some details, if other people are so concerned about them.

Mr Moore: On a point of order, Mr Temporary Deputy Speaker: Standing order 62 refers to irrelevance or tedious repetition of the member's own arguments or arguments used by other members in the debate. Mr Stevenson has clearly pointed out that everybody else has used this argument, so he is going to as well, thereby putting a nail in his own coffin, so to speak.

MR TEMPORARY DEPUTY SPEAKER: Mr Stevenson, would you please continue your discussion with regard to the matter before the house.

MR STEVENSON: Mr Temporary Deputy Speaker, if other members are prepared to say that they were being tediously repetitious in bringing up a matter and that they now feel that they should not have, perhaps next time they will think before they open their mouths. If nearly every party in this Assembly feels that it is important to discuss whether the Assembly has certain powers or whether the Commonwealth has the powers, I should be allowed to elaborate on the same matter. Is that not reasonable?

Once again, people are prepared to say things but do not like someone replying. What has that to do with free speech? Just a few minutes ago, Mr Moore was on his feet talking about free speech. When I want to reply to certain matters that are relevant to the motion, he hops up and says, "He should not be allowed to, I implore you". Then Mr Berry did the same thing.

Mr Moore: On a point of order, Mr Temporary Deputy Speaker, I draw your attention again to standing order 62 and point out that it finishes by saying that "the Speaker may direct the Member to cease speaking". I remind you that you do have that power.

MR TEMPORARY DEPUTY SPEAKER: Thank you, Mr Moore, but I have just got some advice from the Clerk that Mr Stevenson is well within his rights.

MR STEVENSON: Thank you very much, Mr Temporary Deputy Speaker. I think it highlights just how deplorable it is that in a discussion on freedom of speech you have a situation where Mr Moore and Mr Berry and others make such claims.

Let me move on to another point, now that we have gotten through that. Let us assume that the Assembly was constitutional, and we can certainly assume that while it operates. After all, something can be unconstitutional but it can continue until the court so rules, and it would seem to be the case that this nonsense, this bogus Assembly, will continue until the High Court finally gets its act together. On the general principle of whether the ACT and the States should make laws for the ACT and the States or whether that should be done by the Federal Government, I have risen in this Assembly before and said that this Assembly should make the laws for the people of the ACT. It is perfectly allowable to go to conferences with other States and the Commonwealth and make agreements as to what types of laws will be introduced, but I do not believe for a moment that the power should be given over to the Commonwealth or that the power should be given away. We should make the agreement. If we want to introduce various Bills within this Assembly for the people of the ACT, that is one situation. It should be done by the Assembly.

The Commonwealth Government should never make a law that can be made by a State or a Territory. A State or a Territory should never make a law that can be practically and competently made and enforced by a local council, which is what most people in Canberra believe this Assembly should be. A local council should never make a law that can be competently and practically made by a local precinct group, and that is something else that many people in Canberra are looking forward to.

Mr Connolly: We want an additional tier of government!

MR STEVENSON: What we need is not so much additional spheres of government but smaller government at grassroots level. When Mr Connolly talks about additional spheres of government, it is amazing that the Labor Party around Australia are saying, "Let us get rid of the States", as Mr Hawke did in the 1979 Boyer lectures; but, when they had the chance of jumping into ACT self-government, they could not get their feet wet quickly enough.

MS FOLLETT (Chief Minister and Treasurer) (11.55), in reply: I thank the Liberals and Mr Moore for their indication of support for this motion. I am not sure whether Mr Stevenson is supporting it or not. I did not bring the penetrometer with me today, but I thank him for his remarks anyway.

There are a few matters I would like to add to what I said in moving this motion yesterday. I think members generally understand that this is an important national reform. It is probably more important for other States than it is for the ACT, because we do not have an extensive agricultural industry; but I am sure that members would be aware of the importance of having national standards, national regulation, for these kinds of chemicals. Information on the effects of some of these chemicals has improved. I am sure that there are many

16 September 1993

communities around Australia who wish that they had never heard of dieldrin or DDT or any of those sorts of chemicals, and appropriate regulation, appropriate scrutiny, at a national level is in all of our interests. It is also in the ACT's interest, of course, to avoid any sort of duplication of effort in the regulation of these chemicals. We are a small jurisdiction, and if we can avoid having to carry out detailed work in registration and analysis on our own behalf it is certainly much more efficient for us.

Mr Humphries made the point that we should make a judgment in each case in which the ACT is sought by the Commonwealth as the vehicle for moving this kind of national scheme ahead. I agree absolutely with Mr Humphries that we must examine very closely every issue that comes before us from the Commonwealth. It is certainly my intention that we scrutinise each issue as closely as Mr Humphries would want. It is also my intention to bring to this Assembly the motion that this Assembly grant to the Commonwealth the power to make laws for us. I think that is appropriate scrutiny of the matter and it is the sort of scrutiny I intend to continue with.

The legislation the Commonwealth wishes to bring forward will proceed only on the proviso that there is an intergovernmental agreement signed between the ACT and the Commonwealth and aimed at protecting the ACT's rights under the proposed scheme. Again, there is a further level of scrutiny there. The agreement that will be signed does ensure that the ACT is treated on an equal footing with all other jurisdictions, both in terms of administering the scheme as well as our rights to renegotiate with the Commonwealth our participation in the scheme at some later date, if that should become necessary.

There is a further aspect I would like to inform members on, and that concerns our very close relations with the State of New South Wales. We are geographically surrounded by New South Wales and, clearly, in a scheme such as this that geographical situation has particular importance. As part of the agreement on this national scheme, there is a clause providing that, if New South Wales does not enact or at any time repeals or amends or does not amend agricultural and veterinary chemicals legislation, which results in substantially different laws applying in that State and the ACT, the ACT again has the right to renegotiate with the Commonwealth the form the agricultural and veterinary chemicals legislation takes as it applies in the ACT. So we do have that double level of protection for our Territory's rights.

I thank members for their support of the motion. I also thank them for making their time available to get a briefing on it. The fact that members are willing to be fully informed on what is a very important matter, because it does involve this Assembly handing over some part of its autonomy to the Commonwealth, is very significant.

I would like to say, in conclusion, that I found Mr Stevenson's comments quite extraordinary. I can only conclude that he has completely changed his mind about the basis on which he stood for this Assembly, which was to abolish it. We have just heard Mr Stevenson making an impassioned argument for the constitutionality not only of this Assembly but also of our right to make laws.

Quite clearly, Mr Stevenson has reversed his previous decision and is now a willing and passionate defender of the autonomy of this Assembly. This would come as interesting news to some of Mr Stevenson's supporters, and I think it is worth noting. Mr Stevenson has maintained throughout his five years in this Assembly that this Assembly had no right to exist. If it is a complete change of heart on Mr Stevenson's part, I welcome it and I hope that it will be reflected in his future political stance.

Question resolved in the affirmative.

BOXING CONTROL (AMENDMENT) BILL 1993

Debate resumed from 26 August 1993, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

MR CORNWELL (12.01): The Opposition will not be opposing this amendment to the Boxing Control Act 1993. It would be very strange if we did, because it is implementing what this Opposition, together with the Independents, wished to have implemented in the first place, that is, to remove the ban on kick boxing contests in the ACT. It is, however, of some regret that it has taken three-and-a-half months since the will of the Assembly was clearly demonstrated to this minority - I repeat minority - Government. On 11 May a motion of Ms Szuty's to allow kick boxing in the ACT was passed by a majority of this Assembly. The fact that it was subsequently shown that the amendment Ms Szuty moved was not adequate to allow this to occur is totally irrelevant.

Mr Berry: You supported it.

MR CORNWELL: Mr Minister, I will acknowledge that interjection. That is totally irrelevant. The will of the Assembly was made abundantly clear, crystal clear. This minority Government had very clear instructions from the majority of this Assembly that we wished the Boxing Control Bill 1993 to be amended to reflect the will of the majority of this Assembly, and that was that kick boxing contests were not to be banned in the ACT.

Ms Follett: Just ignore the law.

MR CORNWELL: It is not a matter, Chief Minister, of ignoring the law. The fact remains that the Assembly sought to allow kick boxing in the ACT. You as the Government have a responsibility to implement the will of the Assembly. Where would we be, and, indeed, in future where will we be - this is why I am spending some time addressing this matter - if the Assembly goes against the wishes of this minority Government or perhaps the wishes of a Minister who is personally opposed to something? Are we to be ignored by the Government simply because the Government or the Minister concerned does not agree with the decision of the Assembly? Are we obliged to chase up every amendment we make to government legislation so that we do not have a situation where three-and-a-half months later we have the amendment we sought being brought before the Assembly? I would suggest that that is a waste of Assembly members' time and clearly flouts the wishes of the majority of the Assembly.

What happened, I suggest, is that after this was passed on 11 May, because of objections by either a Minister or the Government to what was required, namely, that kick boxing should be allowed in the ACT, Ms Szuty's amendment was tossed into the pending file and ignored. Unfortunately for the Government, their hand was forced, because the Kickboxing Association decided that they were going to have a contest on 10 July. I would assume that, because of the publicity about the debate in the Assembly, the kick boxing people probably imagined that the will of the Assembly would be upheld. They were wrong.

The Government also found themselves faced with a public relations disaster. What happened was that they were not just going to have a kick boxing competition; they were holding it in order to raise funds towards helping a three-year-old boy called Jamie Boye, from Narrabundah, who urgently needed a heart-lung transplant. This became a public relations disaster for the Government and finally - not at five minutes to midnight, but probably at one minute to midnight - the Minister concerned, Mr Berry, stepped in and used the authority he possessed to allow that kick boxing event to proceed. He had that capacity to allow it to proceed all along. One wonders, therefore, why he left it until one minute to midnight - in fact, only a couple of days before the contest. The result was that money was lost because tickets had been sold and the money had to be refunded. I think the matter was raised yesterday in a question by Mr Stevenson, and I will not canvass that any further.

What I am concerned about, however, is the quite appalling attitude of this Government towards the will of the Assembly in this case, where what the majority of the Assembly wanted was totally ignored until this Government's hand was forced. Even then it was done as a one-off exercise, which could have been done much earlier.

Ms Follett: You are embarrassing Ms Szuty.

MR CORNWELL: No. To answer the Chief Minister's interjection, I am not embarrassing Ms Szuty. Ms Szuty, I am sure, is quite capable of speaking for herself and will do so; but I am certainly not embarrassing her. I am embarrassing the Government, because the Government has ignored what the majority of this Assembly requested. Our intentions were quite clear. You should have given the instructions to your legal advisers and asked them to get on with the job. However, you chose not to do so. Simply because you did not like what the majority of the Assembly wanted to put forward, you decided to ignore it. You are a minority government, I remind you again, and I suggest that in future, when the majority of the Assembly instructs you to behave in such a fashion, you simply obey our will.

MS SZUTY (12.10): It gives me no particular joy to comment on the Boxing Control (Amendment) Bill 1993. However, I am pleased that the anomalies that have come to light about kick boxing provisions in the Boxing Control Act are being addressed. The Minister in his presentation speech explained quite well the inadequate effect of the amendments. The difficulty relates to section 12 of the Act, which requires that participants or officials in kick boxing contests need to be members of the body known as the Amateur Boxing Union of Australia or an affiliated body. On subsequent investigation it was discovered that kick boxers are not members of the Amateur Boxing Union of Australia, nor are they members of an affiliated body.

The amendment proposed by the Government in this Bill requires that kick boxing contests need to be sanctioned in writing by the World Kickboxing Association, Australasian Region. This is a most sensible provision and one which I support, requiring a high degree of confidence by an official association before contests can be conducted. I am also delighted that consultation on this matter has occurred with both local organisations known to conduct kick boxing contests and the New South Wales representative of the World Kickboxing Association.

So far so good, Mr Temporary Deputy Speaker. However, I want to lay to rest, once and for all, the unfortunate accusations that the Minister, Mr Berry, has made about the earlier amendments I proposed to the Bill during the 11 May debate in the Assembly. At the time this Bill was introduced on Thursday, 26 August, and again during question time on Tuesday of this week, in response to a question by Mr Stevenson which Mr Cornwell has already referred to, the Minister insinuated that I had come to propose amendments to this Bill by way of the back of an envelope. I did no such thing. I have a copy of the letter I wrote to the Parliamentary Counsel's Office, dated 22 April 1993, seeking the preparation of appropriate amendments, and I wish to read its contents onto the record. It is addressed to Mr David Hunt, Parliamentary Counsel, and says:

Dear David,

I wish to draft an amendment to the Boxing Control Bill 1993 which is currently before the ACT Legislative Assembly.

The Bill before the Assembly bans kickboxing in the ACT. I wish to remove the references which ban kickboxing. If passed these amendments would mean that kickboxing would be allowable in the ACT but would be regulated as it is in New South Wales.

In my reading of the Bill, two deletions are necessary. The first is in Section 3, Interpretation, which mentions kickboxing in the definition of 'boxing'. The words in brackets should be deleted.

Section 20 specifically bans kickboxing and I would want it deleted.

Could you please advise whether there are any other amendments which you feel may be necessary?

Yours sincerely,

I also have a copy of the amendments moved by me on Tuesday, 11 May, which indicate the completion of the task by the Parliamentary Counsel's Office at 2.30 pm on 5 May 1993, almost a week before the debate took place in the Assembly.

I do not wish to criticise the work of the Parliamentary Counsel's Office, which I consider to be of the highest order. I regret the fact that the amendments I moved to the Boxing Control Bill were not adequate to fulfil the task, and I bear responsibility for that as a member of this Assembly. However, it is important for me to set the record straight as to what actually occurred. This Assembly has

16 September 1993

experienced some difficulties in recent times with regard to the perceived intent of and the accuracy or otherwise of the legislation we have passed. It would be interesting to ask the Government whether the failure of these amendments to do their intended job could be considered to fall into the category of technical oversight, as a number of other matters have.

I am confident that these amendments proposed by the Government to the Boxing Control Act enable kick boxing to come under the provisions of the Act. It remains for the Minister to draft appropriate regulations and codes of practice to complement this legislation. I would like him to give high priority to these tasks, to put into effect the views of the Assembly on the control of boxing, including kick boxing. Mr Cornwell, who spoke earlier in this debate today, has indicated that the Government needs to draft these regulations and codes of practice as a high priority, to give effect to the will of the Assembly in this matter.

MR STEVENSON (12.15): In Mr Berry's tabling speech he mentions, first of all, that kick boxing is an unnecessarily violent activity, unashamedly targeted at the younger sections of the community. I have seen no particular evidence that - - -

Mr Berry: I will show you some in a minute.

MR STEVENSON: Fine. I have seen no particular evidence that kick boxing is targeted at the younger community. I would assume that most people practising kick boxing could not be described as the younger sections of the community - certainly not from what I have seen. Secondly, Mr Berry tries in the speech to push the responsibility for the error made within the Bill onto other members of the Assembly. This is not a good example of the ALP accepting any responsibility for anything it does. Even if it had been the rest of the Assembly that passed amendments that did not fit - and we see that that is not the case - Mr Berry was well aware for some considerable time that kick boxing was not going to be banned in this Territory. So why was there no preparedness for that eventuality? Why did you not know, putting it bluntly?

Having failed to introduce regulations that were necessary to allow kick boxing tournaments to be proceeded with - and you say in your speech that, basically, that could not be done - you did it, albeit too late. Then you have the hide and audacity - and I put this on behalf of those people concerned with sport in the ACT, and particularly with kick boxing, who are fundraising for the young boy - near a debate where we are talking about freedom of speech, to claim that the money that was raised for the young boy was not given to him. Yet you absolutely fail, once again, to accept the slightest ounce of responsibility for making sure - that may not have been your intention, although it looked like it - that that tournament did not go ahead.

What happened was that, although they said that they would give part of the profit to the child, the tournament was not allowed to go ahead until the last minute. It lost money; thus there was no profit. You could not answer a question from me, but you waffled.

Mr Berry: No.

MR STEVENSON: You do not know; I am not surprised. Someone asked me why I let you go on, without interjecting and saying under standing order 62, "He is not answering the question". You said yesterday that the boy did not receive the money.

Mr Berry: I answered it. You were not here.

MR STEVENSON: I asked you to leave a note of the answer on my desk, and I did not get it.

Mr Berry: It is in the record.

MR STEVENSON: Where is it? I was upstairs and I heard you talking about it. I came down immediately, and you were talking about another matter. I wrote you a note and said, "Would you be kind enough to give me a photocopy of your tabled answer, and please place it on my desk". What did you do with that? As you do with most other things when it comes to me, you ignored it, unfortunately, just as you ignored your responsibility to grant the right to have a kick boxing tournament - until the last minute, at which time they not only made a loss but did not have any profit to give the boy. We heard the Chief Minister a little while ago, when the money was mentioned, saying that the little boy did not see much of it. The reason for that lies totally and wholly and absolutely within the Chief Minister's and your laps. It is an appalling situation.

What did you do, after what Mr Cornwell correctly described as an absolute PR disaster for the Labor Party? You then took taxpayers' money and gave it to the boy, when people in the community could have decided to give it to the boy themselves by attending the tournament. They had already stated that they would do that.

Mr Berry: Wrong, wrong, wrong!

MR STEVENSON: If it is wrong, correct it. I certainly support the regulations. I think it is unfortunate that the Minister operates, as Mr Cornwell has correctly stated, as he wishes. Unfortunately, in this Assembly, this Health Minister's disregard for health regulations has occurred in the past. It seems to mean that, if what the Assembly wants done does not agree with what the Labor Party wants, you will do everything in your power to ignore it, to make it as late as possible, or simply not do what you have been instructed to do. That is not what you call representative government, and that is why many people do not think you are.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (12.21), in reply: Madam Speaker, I welcome the opportunity to speak on this matter. There are a few issues I need to go through in detail. When the Boxing Control Bill was debated in this Assembly in May, there was general support for the major principle of the Bill. The major principle of the Bill was that they wanted kick boxing included as a regulated sport. That was the intention of the Bill.

Mr De Domenico: It is not what you wanted, though.

MR BERRY: That is right. That principle was that boxing was an activity which should have some measure of control placed upon it. The only area of disagreement was whether or not kick boxing was a form of boxing which should be subject to control. The issue at the centre of the debate was whether it would be acceptable to the community or not acceptable. The Government's view was that it had no place in the community, and the majority opposite had a view that it ought to be regulated. The Government accepts, and has always accepted, that

16 September 1993

the will of the Assembly was that kick boxing should be treated similarly to fist boxing, and the amendments passed in the Assembly were designed to ensure that there was some regulation. However, they were flawed because they did not do that. There is no question about this. A proper study of the sport was not conducted and amateur kick boxing was left out.

I was criticised about the event at the Albert Hall. The majority of people in this Assembly said, "Government, go away and regulate kick boxing. We want it regulated".

Mr Humphries: We said, "Government, go away".

MR BERRY: Righto. This particular sport - - -

Mr Cornwell: We said that we did not want it banned here.

MR BERRY: So you did not want it banned. You did not care if it was not regulated either. We will come back to that in a minute. We had the situation where I was instructed by this Assembly to regulate kick boxing. We had an event that was proposed to be held over at the Albert Hall and which could not be regulated because the law that was passed in the Assembly was inadequate. The only provision that allowed that event to proceed was the general provision under which I could give exemptions.

Mr De Domenico: How long did it take you to give that?

MR BERRY: I was acting under your instructions, Mr De Domenico. You, amongst others, instructed, in essence, that kick boxing ought to be regulated, that there ought to be no more deregulated events. That is what you said. My position was that there ought not be any more unregulated events either. But there was such a furore out there. Again, all the band wagon seats were full. People were saying, "What a terrible thing it is that the Government is trying to stop this boxing event and the young fellow they have been running the fundraiser for is going to be disadvantaged". As I said, all the seats on the band wagon were full. People who had said that they wanted to regulate it were now saying that they wanted it unregulated. They wanted the war to go on in the Albert Hall. I disagreed with that. I wanted to have a regulated sport.

Section 12 of the Boxing Control Act provides that a person shall not engage in an amateur boxing contest as a boxer or participate as an official unless that person is a member of the Amateur Boxing Union of Australia or an affiliated organisation. Whilst it is possible for kick boxers to be members of the union, that organisation exists as the national controlling body for amateur fist boxing and the vast majority of amateur kick boxers have no association with it. So, effectively, despite the amendments, amateur kick boxing contests could not be approved, according to the terms of the Act. As the majority of kick boxing contests are amateur ones, as I have explained, it has been necessary to present the Boxing Control (Amendment) Bill in order to ensure that the will of the Assembly is put into effect. What I am doing now is doing exactly what you wanted me to do.

Mr Cornwell: Yes, three-and-a-half months after we instructed you to do so.

MR BERRY: What I also did, listening to your screams from the band wagon, was to issue an exemption, which is provided for under the legislation, for an event which was to occur over at the Albert Hall. Today, under much duress, because of the screaming of you lot and against my inclination and against your original will, I will be issuing another regulation so that what you want can happen - another unregulated boxing event that has been organised by the promoter of the last contest. This is what you support: "Don't miss this show. The Forbidden Sport. Live Muay Thai Kickboxing. Canberra goes to war. Hellenic Club, Woden". Ms Szuty, listen to this one: "Prettiest Rounds - - -

Mr Cornwell: Is this the ACT Labor conference?

MADAM SPEAKER: Order!

Mr De Domenico: Come on the Magpies!

MADAM SPEAKER: Order! I have called for order. Mr De Domenico, I would ask you to heed that call.

MR BERRY: This is what you and Ms Szuty have supported: "Prettiest Rounds Girls in town". Another little ladies prize: "Prettiest girl of the night Prize Money". That will be very nice. There is a little ad on the bottom: "Fighters Wanted. Guys and Girls O/18 yrs any styles"; "Blow by blow. Action. Action. Action". All this is under the heading "The Forbidden Sport. Canberra goes to war".

Members interjected.

MADAM SPEAKER: Members, I have called you to order. I expect order.

MR BERRY: Madam Speaker, I seek leave to incorporate that in *Hansard*.

Leave granted.

Document incorporated at Appendix 2.

MR BERRY: Madam Speaker, I would also like to draw to your attention something I expect that members opposite would also support. This occurred in the Northern Territory in a deregulated environment, about which the Northern Territory Minister has complained; but they do not have regulations to deal with this particular issue. On this one the heading is "So You Think You're Tough!". I expect that, under the heading of kick boxing, this lot opposite would support this one: "\$3000 Prize Money. Bar Room Brawlers. Bikers. Boxers. Kickboxers. Martial Artists. Street Fighters. Tough Guys. Friday, 15th October 1993" - if you want to go up to the Marrara indoor stadium in the Northern Territory, you can go there - "A Great Night's Entertainment for the WHOLE Family in Air-conditioned Comfort". This is the sort of deregulated environment you seem to be supporting, especially from the Liberal Party's point of view. I seek leave to incorporate that in *Hansard* as well.

Leave granted.

Document incorporated at Appendix 3.

16 September 1993

MR BERRY: What, in effect, has happened is that you wanted the sport regulated, you did not provide the wherewithal for it, and now the Government is fixing it.

Mr De Domenico: You mean that you stuffed it up again and now you are trying to get out of it.

MR BERRY: No, you lot did not think it through. Whilst you said that you wanted it regulated, you did not even have the wherewithal to get it right. You did not even think about it. This is the type of activity the people opposite have vilified me for trying to stop. You ought to be embarrassed about it - "The Forbidden Sport. Canberra goes to war. Prettiest Rounds Girls in town. Fighters Wanted". That is the sort of program you people are supporting. If you think that is a fun pastime between yourselves and Ms Szuty, good on you; but I do not, and neither does the Government.

What about the organisers? There was exploitation of somebody in dire straits - the young fellow that needed a transplant - exploitation to gain publicity for that so-called last regulated bout. That is what they thought. Do you know what little Jamie got out of it? He got \$70. What a disgrace! I note that the Consumer Affairs Bureau is still investigating the issue. Somebody criticised the Government. I think it was the man in the pink and grey suit over here. He was the one that criticised the Government for not doing something about the issue. Compare that with the \$3,500 -
- -

Mr Moore: I raise a point of order, Madam Speaker. I heard Mr Berry refer to another member as a galah. I think that what he was looking for was the notion of a bush turkey, better known as a bustard.

MADAM SPEAKER: I will reflect on that, Mr Moore.

MR BERRY: Compare that with the \$3,500 which was raised at a Raiders game organised by me.

Mr De Domenico: Come on!

MR BERRY: It is true. I organised it.

Mr De Domenico: You did, did you? Alone? Personally? You picked up the phone and organised it?

MADAM SPEAKER: Order! Mr Berry has the floor.

MR BERRY: Do not criticise me on that score, because we raised the money. The organisers of that event just sought to use that young person to get that event on, and you people were suckered in by it. You even went to the event. How dare you! What a disgrace! On one day you say that you want it regulated and the next day you are over there, giving patronage to an unregulated event.

Mr Cornwell: Nonsense! You had just agreed to have it go ahead.

MR BERRY: It was disgraceful.

MADAM SPEAKER: Mr Berry, address your remarks to the Chair. Order, please!

MR BERRY: Members will recall that the World Kickboxing Association was stated, during the original debate, as being the appropriate body for controlling kick boxing, and this amendment recognises that fact. Officers of the ACT Office of Sport and Recreation have discussed the amendment with representatives of the World Kickboxing Association and with local kick boxing promoters and have agreement from all that this is the appropriate course of action to take.

The other amendments contained in the Bill are designed to tidy up the Act so as to ensure that no ambiguities can be read into it. Justice Higgins, in a recent Supreme Court hearing, perceived the possibility that there may be some confusion with the definitions of "boxing" and "boxing contest" and their relationship to the need to obtain an approval before a contest can be conducted. His Honour was not required to proceed to a finding, but it was considered appropriate to use this opportunity for those housekeeping amendments.

I know that the Bill will receive the approval of the Assembly today, but I think the debate on this issue will highlight the hypocrisy of those opposite. It highlights the hypocrisy because this Assembly decided that they wanted it regulated and then members of this Assembly - Stevenson, Cornwell, Ms Szuty - went out and supported the running of a deregulated event. What hypocrisy! And you are still at it, supporting the sorts of events I have pointed out to you today. I am sick of being criticised for it. I have given the exemptions. You take responsibility for it. It is another deregulated event, but I can tell you that it is going to be the last.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.35 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Cardio-Thoracic Unit

MRS CARNELL: My question without notice is to the Minister for Health. In last year's budget \$200,000 was allocated for, and I understand predominantly spent on, the establishment of a cardio-thoracic unit. Where has money been set aside for the continuation and ongoing establishment of this essential service in this budget? Nowhere.

MR BERRY: You know the answer, you think. You do not. The money was allocated in the last budget. Since then things have changed. The Medicare agreement - - -

Mr Moore: There we are; there is a statement of philosophy.

16 September 1993

MR BERRY: Do you want the answer? I did not tell a joke. What are you laughing for? The Medicare agreement provides details on how across-border charging will apply. We have to examine that issue in terms of the provision of cardio-thoracic services interstate and make sure that, when we develop our own services, they are developed against that background.

At the same time, members would know that Labor promised in its election commitment to the people of Canberra that we would continue the planning process for the establishment of a cardio-thoracic unit, and we intend to do that. Also, in a move that nobody else has been courageous enough to take, this Government announced the establishment of a clinical medical school. I understand that we are very close to announcing who the sub-dean will be in relation to that.

Mrs Carnell: There is no money in the budget for that either.

MR BERRY: Maybe if you had gone back to the original announcement you would have seen that there was no cost involved in that. Sensibly, the establishment of the cardio-thoracic unit, because it is a high-tech service, ought to be planned in the context of the clinical medical school. We still have the commitment that we promised the people of the ACT to plan very carefully the provision of those services, and that process will continue.

We will in due course consider the establishment starting date for the unit against the background of all those issues I have raised with you, and in particular the requirement to consider how we pay for the provision of cardio-thoracic services in the context of the Medicare agreement. We have to consider that issue. We have to make sure that we get the best value for money; but, most importantly, we have to make sure that we have a first-class service on the day we start, and we will have.

MRS CARNELL: I ask a supplementary question, Madam Speaker. I understand that a position for a cardiac surgeon has been advertised internationally. Will this position be filled? If there is no money available, when are you going to tell the successful recipient of this job that they will not be paid?

MR BERRY: You have to, first of all, get an applicant, do you not? We provided money in last year's budget to get on with the process of - - -

Mrs Carnell: You have spent that, just about.

MR BERRY: No, we have not spent all of it.

Mrs Carnell: I did not say that you had spent all of it - just about all of it.

MR BERRY: And not just about all of it either. There are thousands of dollars left. We will continue with the planning process to ensure that, when we get to the point where we first provide one of those services, it will be a first-class service, not something that is - - -

Mrs Carnell: Not something like every other principal hospital in this country provides.

MR BERRY: Would you like to be first in an unplanned process? No fear; not you. I know that you would go to Sydney.

Mrs Carnell: That is where everyone goes now.

MR BERRY: This Government started up the process to establish a cardio-thoracic unit. We are the only ones that will carry it through. You did not even start it.

Chief Minister's Department

MS ELLIS: My question is directed to the Chief Minister. I ask: Can the Chief Minister inform the Assembly of the identity of the units within her department which, according to today's *Canberra Times*, are expensive luxuries producing little in the way of visible results?

MS FOLLETT: I thank Ms Ellis for the question. It is indeed an intriguing comment in today's *Canberra Times*. It is all the more intriguing because they have not actually hazarded a guess or a comment on what areas or what functions they consider are expensive luxuries. Perhaps the *Canberra Times* will favour us with a follow-up story and let us know which of the functions they consider to be expensive luxuries.

Perhaps they consider the Tourism Commission to be an expensive luxury, but I most certainly do not. I believe that promoting Canberra as a tourist destination and so supporting one of our largest industries in the Territory - an industry which supports 8,000 jobs here - is certainly not an expensive luxury; nor do I believe that it produces little in the way of visible results. The results are there in our tourism numbers for everybody to see. I think the same can be said for the very intensive work that is carried on in the Office of Public Sector Management. They are developing, as members will know, the separate ACT public service, and they work with all of the agencies within the ACT Administration to improve the efficiency and the effectiveness of the service delivery to our community. I consider, again, that this is not an expensive luxury and that the OPSM does produce visible results.

I believe also that the provision of occupational health and safety advice and services to both the public and private sectors is a vital function. There is no way in the world that you could call this an expensive luxury, although in debate yesterday we heard members opposite decrying occupational health and safety as nothing more than an impost on business. This is nonsense. My Government will give every support to providing a safe workplace for the workers of this Territory, and that is a tangible result that is achieved by this area of my department.

Similarly, the provision of support services on the streets to young people through the Youth Affairs Unit or information on domestic violence or on a range of other issues affecting women through the Women's Information and Referral Centre could never be regarded as expensive luxuries. They do produce tangible results for this community. The reforms that are taking place in relation to concessions, in relation to people with a mental dysfunction, employer supported child-care, and our relations with the Aboriginal and Torres Strait Islander

16 September 1993

community within the ACT are not what I would call little in the way of visible results. They are essential reforms - essential to the well-being of this community. They are all areas for which the Social Policy Branch of my department provides all of the support.

Finally, Madam Speaker, I consider that the support offered to the Territory's economic development, to essential employment programs like Jobskills, the Youth Conservation Corps, the new programs we have announced in the budget this week, as well as the services to business through the Business Services Centre and through the marketing of this Territory as a good place to do business, is showing tangible results. I would be very interested indeed to know which of those areas the *Canberra Times* consider to be expensive luxuries.

That is not to say that my department should not be subject to the same sort of efficiency monitoring as other areas of the ACT service, and indeed that is the case. Like the vast majority of agencies within the ACT, my own department is required to find a 2 per cent reduction in their running costs this year, just as they were last year. They are trying all the time to be more efficient, to produce those tangible results for our community at a reduced cost. I do not believe that it reflects at all well on the journalists involved that they appear to know so little about the role and functions within this administration. I would gladly offer them a guided tour of my department and I will assist them to search out the expensive luxuries, if they have the guts to take up that offer.

Mr Kaine: They might tell you tomorrow. Wait for tomorrow's newspaper.

MS FOLLETT: I will wait with eagerness.

Government Properties - Sales

MR DE DOMENICO: My question without notice is to the Chief Minister. I refer to page 9 of her budget speech, where she says:

A small number of properties have been identified as surplus to Territory needs. Their sale is estimated to raise an extra \$11m above the regular land development program in 1993-94.

I ask the Chief Minister: Noting that the only evidence of any receipts from property sales that I and my colleagues have been able to find is on page 202, chapter 9 of the Budget Overview, Budget Paper No. 2, which is \$1.95m for the sale of properties required in the asbestos program, where is the other \$8.1m? If the Chief Minister cannot find the \$8.1m, does she agree that - - -

Mr Connolly: It is in the land program.

MR DE DOMENICO: Just wait a minute.

Mr Connolly: We like to help you, Mr De Domenico. You are so fundamentally misinformed that you need our help.

MR DE DOMENICO: Just wait a minute until I ask the question. Where is the \$8.1m on top of the land program the Chief Minister referred to? If it is not there, does she concede that there may be an \$8.1m deficiency already in her budget?

Mr Connolly: All you have identified is the asbestos program houses.

MR DE DOMENICO: No, that is all you have identified.

MS FOLLETT: I can assure members that the figures which are in the budget documents are well founded. There is no doubt about that. We do indeed expect to increase by over \$8m the take on land sales. That is based on advice to the Government from people within our own agencies who are expert in this area.

Mr Kaine: The question was not about land sales.

Mr De Domenico: It was not about land sales. You said "over and above".

MADAM SPEAKER: Order! Let the Chief Minister answer the question.

MS FOLLETT: I am aware that the Minister responsible has offered to provide further information. I will certainly take up that offer and make it available to members.

MR DE DOMENICO: I ask a supplementary question, Madam Speaker. The Chief Minister said \$11m "over and above land sales".

Mr Wood: Yes.

MR DE DOMENICO: Land sales do not come into it, Mr Wood. I ask the Chief Minister in a supplementary question: Which assets, which schools, which Housing Trust properties? That is what you said. You said "over and above land sales". Where is the \$8.1m over and above what is found in the budget? What are you selling?

MS FOLLETT: If I may, I will refer that question to Mr Wood, who is the Minister responsible.

MR WOOD: Madam Speaker, the Government puts out over a period, and updates, a land development program that lists the land we are selling around the Territory, mostly for residential purposes, but there are areas of land we sell for other purposes. As part of the budget process, we looked at further areas of land. There is some that would be for potential commercial use. We identified areas of land we have that are no longer required for our purposes. Those are the areas of land that I fully expect are part of that statement, and I will provide Mr De Domenico and the Assembly with that list.

Adolescent Ward

MS SZUTY: My question without notice is to the Minister for Health, Mr Berry, and refers to a motion passed in this Assembly on 16 September last year, which stated:

That the ACT Government should establish ... an adolescent unit as part of the hospital redevelopment project.

Given that no funding for the adolescent ward is identified in the Government's 1993-94 budget, when does the Minister expect that this decision of the Assembly will be implemented?

MR BERRY: I do recall the motion. We have, on reflection, had discussions with an interest group concerned with that particular issue. I understand that discussions have proceeded on the basis that at some point in the redevelopment project further provision will be made within the project for that sort of service. It has not been included in this year's budget and it would be part of the redevelopment project.

Home and Community Care Program

MR HUMPHRIES: My question is to the Chief Minister and Treasurer. I refer to the decision in Tuesday's fudge-it budget to offer no indexation of the services funded in Canberra through the home and community care program. I assume that the Minister is aware of the vital importance of this program and that it is already under severe strain. Can the Chief Minister confirm that the ACT will be unable to access the 6 per cent increase in HACC funding promised by the Federal Government this year unless we match that funding? In other words, have we forgone the Federal Government's extra funding as a result of this miserly budget? I also ask: Can the Chief Minister tell us, given that the aged population of Canberra will grow this year by 4 per cent, why she has offered no increase in the funding of the HACC program? Will she concede that the HACC program has been left underfunded as a result of that population increase and her own inability to match increased funding?

MS FOLLETT: I will allow the Minister responsible to reply.

MR CONNOLLY: The Liberals are at it again - "Spend more, spend more; it is only money" - when their Chamber of Commerce mates yesterday were criticising the budget as being too soft on welfare issues. The facts of the matter in relation to the HACC program are these, Madam Speaker: The ACT is essentially the victim of the two-card trick in relation to HACC funding. The Commonwealth massively reduced the ACT's grants, as was made abundantly clear in the opening to the budget.

Mr Humphries: Did you condemn them for that?

MR CONNOLLY: Yes, we did, in relation to that, and specifically in relation to HACC. If you had been observing the press on this issue for some months you would be better informed. At the same time that our grants were massively reduced, the Commonwealth said, "In relation to HACC, we will have growth funds available if you can match them". So while they are taking a very large sum of money out of one pocket, they are saying, "You can have some more if you can match it". Last year the same thing occurred. Very few States were able to match last year's HACC funds.

I wrote to all of my ministerial colleagues with a view to a joint approach to the Commonwealth from all the States. We were most affected because last year, as this year, our reduction in Commonwealth funding was the most massive. We sought to make a general approach to the Commonwealth to say, "It is impossible for most States to match your proposed increase. Can you release that amount of money that has been set aside in the Commonwealth budget for HACC growth and pro rata it across the States?". That way at least we would get something. Unfortunately, the Commonwealth did not agree to that request.

It is a matter of some real frustration to the ACT Government that we are put in this position. We would like to make more money available to HACC. We would like to make more money available to lots of things, Mrs Carnell. Unfortunately, the brilliant insight had not occurred to us that it only takes money, as it appears to have occurred to the Liberals. You just spend it. It is simple. What we have done across the range of the community services program, including HACC, is that, while we have imposed 2 per cent savings cuts on ourselves, on our administration, which means that those very hard-worked people that we employ in the community services sector are working even harder, we have not imposed savings on these grants programs.

So the home and community care grants that we fund have not been reduced at all. In a climate of massive reductions to the ACT budget, that is a pretty good outcome. I think the community services sector, while they obviously would like more, and I have seen the press release Mrs Doobov has put out, does accept that, in a time of massive restraint and massive cutback for the ACT, any program that is able to hold its own and not be reduced is doing pretty well. It is a matter of frustration that we cannot match those Commonwealth grants because we simply do not have additional 6 per cents to make available in this area. It is a two-card trick when the Commonwealth takes money out of one pocket and then waves dollars in front of us saying, "You can have this if you match it". It is very frustrating for us that we are unable to do that.

Health Services

MR LAMONT: My question is directed to the Minister for Health. The *Canberra Times* today proposed various budget savings for ACT Health. Are these proposals realistic and accurate? How would they impact upon the delivery of service?

MR BERRY: I thank the member for the question. One of the first misconceptions is that there is going to be a whole heap of spare space in Calvary Hospital. By the time the redevelopment is completed, that will be extremely limited.

Mrs Carnell: That is just not true.

MR BERRY: Did you ask the question? It will be extremely limited by the end of the redevelopment. Secondly, there has been an acknowledgment by everybody who knows anything about hospices, Mrs Carnell, that they ought to be freestanding. There is a very strong school of thought, Mrs Carnell, that says that they ought to be nowhere near a hospital. If you have a look at the *Canberra Times* article this morning, they said that there would be a saving of \$3m.

Ms Follett: It would be free, of course. It would not cost anything.

MR BERRY: We would have a free hospice! We would get it for nothing. How can you give any credibility to that sort of article which says that the hospice will cost nothing? This bloke's builder is better than your million dollar one yesterday. I will have his builder, not yours. It is outrageous to say that \$3m would be saved. That is the actual cost of it. It is a lot of nonsense. We have never yet seen a proposal for a hospice that would cost nothing. If there is one around that will cost absolutely nothing, I would be very interested in seeing it.

16 September 1993

Mrs Carnell: Would you?

MR BERRY: I would be very interested in seeing it; absolutely.

Mrs Carnell: It is the block of land next-door.

MR BERRY: Do you have one for nothing, underneath the money tree down amongst the fairies in the garden?

One other issue that was raised was the VMO negotiations. Once again, the *Canberra Times* ignores the facts. ACT Health is already negotiating with the AMA for the new VMO contracts. We would all wish that it cost less. You can wish as much as you like on these issues; there are some realities you are going to have to deal with in an objective fashion, and that is what this Government is doing. I have made it clear from the outset that almost all of the recommendations of the Auditor-General's report have been taken up as part of the negotiations, and that is the sensible approach. You just cannot arbitrarily wish away millions and millions of dollars, and that is what the *Canberra Times* suggests can happen. I am not going to go into the detail of those negotiations because it would not serve any useful purpose. The sensible way is to get on with the job, and that is what we are doing in relation to VMO negotiations. I note that the AMA are treating this operation very positively because they know that they will get fair treatment. At the same time, where things need to be corrected they know that we will have to correct them.

On the issue of health centres, there was some claim that our health centres were inefficient, followed by a figure about savings that was plucked out of the air. Sell the lot, I think was basically the proposal, and save \$6m. They used old information to prop up the claims. Grants Commission figures show that we have dropped from 62 per cent above expenditure in 1988-89 to 16 per cent above in 1991-92, and that trend is continuing. To give you an idea about the standard of research that went into this article, this is a beauty:

A bold policy would see the sale of all health centres (except at major centres such as Civic, Belconnen, Phillip and Kambah) ...

Kambah has been shut for two years. What a nonsense! I do not mind the *Canberra Times* having a bit of a dig, but they want to get their facts right. They should throw aside some of the gratuitous invective and vitriol and just get back to some of the facts. I expect that we will get another serve for having the hide to have a go at them, but I do not care. We are coming from behind, as far as the *Canberra Times* is concerned, and we can only win from here on.

In relation to the Health Complaints Unit, we made a commitment, and a widely accepted and well-received commitment, to establish an Independent Health Complaints Unit in the ACT. I see that the *Canberra Times* says that we should sell that too, or give it to New South Wales, or some other such nonsense. Of course, that would happen for nothing. Since that commitment was announced, we have signed the new Medicare agreement, which also commits all States and Territories to health consumer protection.

Mr Humphries: That is why you are doing it, is it not? It is nothing at all to do with your commitment.

MR BERRY: It would not be sufficient to contract out that function. It just would not be adequate. Gary Humphries butts in and says, "That is why you are doing it - only because you signed the Medicare agreement". We gave the commitment before the last election. You should have had your eyes and ears open and you would have seen it. The same thing applies to professional boards here in the ACT. Our updating of all boards legislation complies with our commitment to mutual recognition across the country.

A bit of reality from the *Canberra Times* would help. This does not help the community at all, in my view. This sort of misinformation paints an inadequate picture of what is going on in government. I appreciate objective criticism by the *Canberra Times*, but I do not cop this stuff.

Aged Persons Accommodation

MR KAINE: I put a question to the Chief Minister. The Chief Minister over the last two to three years has claimed repeatedly how dedicated she is to the needs of the increasingly ageing population in the ACT. As recently as yesterday, in her response to the Social Policy Committee's report on the ageing, she said:

Appropriate accommodation for the aged is a high priority.

I have been through Tuesday's budget and I have difficulty finding any provision for a convalescent unit or for any accommodation or facilities for people suffering from Alzheimer's disease, and I can find no provision even for respite care for those who are looking after these people all the time. Perhaps it is obscured in the forward design list for future years, but I could not find it there either. Perhaps the Chief Minister can tell us how her budget reflects the fact that appropriate accommodation for the ageing is a high priority for this Government.

MS FOLLETT: Through the Housing Trust the Government has continued to provide appropriate accommodation for older people in the ACT. Members will be aware that our Housing Trust program this year is maintained at high levels. A priority within the Housing Trust for accommodation for older people is to ensure that they can remain, if it is at all possible, in the area where their family home was. I have visited a great number of the Housing Trust developments where that is precisely what has happened. The Housing Trust has provided aged persons units in the older suburbs of Canberra and made them available to the older tenants of the Housing Trust. That work will continue, and I think it is entirely appropriate that it does continue.

Mr Kaine has raised the question of dementia sufferers. As I reported to the Assembly yesterday, that is an issue we are discussing with the Commonwealth. We need the Commonwealth's assistance to go ahead with it because they generally fund such facilities. Mr Kaine knows that, I am quite sure.

For those older people who wish to remain in their own homes, the Government in this budget is proposing to make the deferment of their rates more attractive. I think this is a further sign that we understand and appreciate some of the housing difficulties that older people have. For example, we will be allowing pensioners to defer their rates at the concessional level rather than at the full level, as was previously the case. We have also lowered the interest charged on

16 September 1993

those deferred rates from 12 per cent to 9 per cent, making that deferment scheme much more attractive to them. We have made further significant concessions which will benefit aged people. I think the extension of the electricity concession period through the winter months is a concession that will be appreciated by many older people in Canberra, who remain in their homes a great deal more than some of the younger people do.

MADAM SPEAKER: Chief Minister, it is 3 o'clock. Pursuant to the resolution of the Assembly of 14 September 1993, the debate on the Appropriation Bill will be resumed.

APPROPRIATION BILL 1993-94

Debate resumed from 14 September 1993, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

MRS CARNELL (Leader of the Opposition) (3.00): Madam Speaker, this week, more than ever, we can see the need for a smaller, more efficient, more collegiate style of government in the ACT. This week the people of Canberra could well be justified in questioning the wisdom of self-government at all and asking why it continues to cost them more and more of their hard-earned pay-packet every time this Government delivers a budget. To the majority of Canberrans, this budget represents all that is odious about self-government. The people's fear in 1989 of ending up with an inefficient government that continued to cost more and more, with no direction and without the guts to make the hard decisions, is exactly what the people seem to have got.

This is a gutless budget. It is also a cowardly budget. It is a budget that reveals the extent to which these people opposite are prepared to go to cover up the truth about how inefficient they really are, how they lack any kind of vision and have no plans for the future of this city. The budget is about more spending, more taxes, more borrowing and more tinkering at the edges. It is about avoiding the tough decisions in case somebody is offended, particularly the union mates, even if in the long term we are all worse off. The budget is devoid of imagination, of courage, of vision, or, for that matter, of any admirable quality at all.

Labor is fond of referring to the true believers. Remember, Ms Follett, they are the ones you are taking for granted: Mr and Mrs Tuggeranong, Mr and Mrs Belconnen, Mr and Mrs Gungahlin - these are the people you have failed in this budget. This budget brings with it massive tax slugs which impact greatly on ordinary Canberrans doing their very best just to make a living. If you are a parent, your child will be in a bigger class at school with fewer resources. If you are a motorist, you will pay more for your fuel, you will pay more for your vehicle registration, and you will certainly pay more for your parking. The motorists will also have their hip-pockets hit every year with automatic indexation of these tax hikes - all this on top of the fuel hikes Mr Keating slugged the motorist with in his budget only a month ago.

No matter how you look at it, this Labor Government has no mandate to increase the fuel franchise fee. By doing so, they have misled the people of Canberra. Last year this Government set up a working party inquiry into petrol pricing in the ACT, and over and over again they have heaped scorn upon small

business proprietors of service stations as being the problem, small businesses supposedly ripping off the people of Canberra. The Government's solution to this was to bring in an independent operator to compete with our existing small businesses.

Now we know what the Government has really done. What this Government has done is raise the price of petrol themselves. The hypocrisy of this decision is unbelievable. So today, Madam Speaker, I give clear notice that the Liberal Party will have no choice but to oppose this insidious rise in the fuel franchise and that we will vote against it in the Assembly by way of disallowing the regulation. This extra tax is set to raise \$1m. We in the Liberal Party believe that there are any amount of fairer and more equitable measures to save that \$1m. Changing the siting of the hospice to Calvary Hospital is one example that comes very readily to mind, and there are plenty more. I am sure that my colleagues will tell the Government all about them when they speak.

Not only is this Government charging you more when you park too long anywhere, regardless of whether it is at the hospital or the law courts, but they are also charging you for moving too fast as well. Yes, we will see the introduction of speed cameras. The guardians of the true believers, the Labor Party, those opposite, expect to collect 10 per cent more this year from fines of all kinds. Instead of working out the inefficient mess they have created, they intend to suck more out of Canberrans by way of fines to cover up their mess.

If you catch a bus, you will be paying 6 per cent more for your fares, on average. The forward estimates show that this is due to increase again next year. Patronage of ACTION buses has dropped again. Still only 4 per cent of Canberrans are using ACTION for work travel. Yet this budget had nothing in it to assist those who most need to rely on public transport, that is, the aged and the disabled. Where is the social justice in that, Ms Follett? There is so much this Government could have done to reform ACTION, to make it more efficient, more attractive, and to stop it running at the massive loss that it does every year. But no, this Government is afraid of making the hard decisions, afraid of the unions. And who suffers? The aged and the disabled. Once again, Ms Follett, where is the social justice you love so dearly to talk about?

If you own a home you are paying more rates than ever before - 9 per cent, or \$55, a year more, on average. To show how this affects real people, people out there in the community, I have a letter from an older lady in Hughes, who wrote to me after she got her rates notice in July. She told me that she had a great deal of difficulty meeting her greatly increased rates and heating payments and she was concerned about how much interest she would pay in the "die now, pay later" scheme. I will quote briefly from her letter to give you some idea of what she said:

There are many people of my age and circumstances who have tried very hard to remain independent in their own homes, but we are finding this increasingly difficult and distressing. Like many of us, my home is a very small, ordinary and ex-government house with no extension or fancy trimmings and no elaborate landscaped grounds ... getting old in this town is no pleasant thing, I assure you.

16 September 1993

I found her letter quite moving, Madam Speaker. It shows the real problems that many Canberrans are suffering. If you have a home oil heater, as many older Canberrans do, as well as many people in our Housing Trust houses, I understand, you will also pay more - up to \$140 a year more. People who use diesel, the 250 or so rural lessees, will also pay more. Once again, I announce that the Liberal Party will oppose the increased tax on diesel fuel, which so greatly affects our rural constituency and those people with oil heaters. We will be voting against the budget initiative by voting against the Business Franchise (Tobacco and Petroleum Products) (Amendment) Bill 1993 when it again comes before this Assembly.

Unemployment is the greatest problem facing this city. What has Ms Follett done to improve the situation in this budget? Absolutely nothing. The Government predicts a decline of 400 in building jobs. That means that many of Canberra's blue-collar workers, supposedly those the Labor Party represents, will be hit, especially if the private sector is not able to pick up the tab. There is certainly nothing in this budget to give business the confidence to employ any more people.

There will be approximately 550 fewer public sector jobs, which remain untargeted. Try finding any specific references to such cuts in the budget papers. Where does Ms Follett really intend to make these cuts? Will it be teachers, nurses, bus drivers? Where will they be? It is clearly a case of dodge, duck and deceive. Fancy telling the community, as Ms Follett has done, that the redundancy packages have been set aside for people who want to "welcome the opportunity to change their career". What a gutless euphemism! Why does she not just say what she means? Why does she not just say that the reason she has not targeted the redundancies is that that would require a decision to be made. It would require Ms Follett to have some vision for the ACT public sector.

Business will pay more land tax. That means higher rents for lessees and higher prices at the cash register. Again, it is Mr and Mrs Belconnen, Tuggeranong, Gungahlin, all the people out there in Canberra, who will pick up the tab. It is not big business; it is the people at the end of the cash register who end up paying. Housing Trust tenants face higher rents. Potential Housing Trust tenants will have longer waits because the Government has decided to build fewer houses. Home buyers will face higher stamp duty, on top of the Federal tax increases of last month.

If you are late paying your rates, the Government will now slug you only 17 per cent. Thank you, Ms Follett. At least it is not 20 per cent. But interest rates are only 10 per cent, so the ACT Government is still profiteering from Canberrans who cannot afford to pay their rates on time. Every ACTEW account is tax for the Government. They are ripping another \$5m out of ACTEW this year. That is \$24.5m in all - on average, \$250 for every household in the ACT. Now we know why ACTEW had to put up their charges. Fees for regulatory services, meaning tip fees and parking fees, will go up 36 per cent.

This Government is obviously full of kindness! They are increasing their revenue take by only 7.7 per cent. This is despite the fact that inflation now stands at 1.9 per cent and, by their own figures in the budget papers, they expect prices to increase by 3 per cent in the coming year and wages to increase by only 2.5 per cent. That means that normal, average people out there in Canberra will

pay more for their food, more for their clothing, their taxes will go up, their charges will go up, their petrol will go up, but their wages will not go up enough to cover the difference. And this is supposed to be a social justice budget!

The Opposition would not be complaining about some of these increases if the Government were balancing them with restraint in their own spending. Unfortunately, this is not the case. The Labor Government is raising an extra \$49.7m in taxes and charges and spending \$56m more. This means that, as fast as extra revenue is raised, they spend it. At the same time, they have not addressed the \$77m funding shortfall from the Federal Government. This year the Follett Government will borrow \$34.4m, which will increase to \$57m every year for the next three years. On Ms Follett's own estimates, the ACT will have an extra \$200m debt in four years' time. I think an old political saying is particularly apt in this case:

Christmas is the time when kids tell Santa what they want and adults pay for it. Deficits are when adults tell government what they want - and their kids pay for it.

The ACT will be on the debt treadmill. What a wonderful legacy to leave our children!

Madam Speaker, it does not stop there. Hospital waiting lists are growing and public patients are having to wait longer. There is nothing in this budget to address the unacceptably long waiting lists we have in Canberra. In fact, quite the opposite is true. This budget will produce even longer queues at our public hospitals. The Government is basing its budget estimates for health on not having any more patients than we do now. This is simply ludicrous. Have they forgotten that we have an ageing population, growing at 4 per cent? Have they forgotten that more and more people are dropping out of private health insurance, thus placing a higher demand on our public hospitals? Have they forgotten that, even by their own figures, the population is growing by 1.7 per cent a year?

Last year the demand on our public hospitals grew by 5.35 per cent. The year before, it was just over 2 per cent. It is interesting to note that in both of those years Mr Berry budgeted for no increase in activity levels. In both years he was wrong, and he will be wrong again. Mr Berry seems unable to understand that, if you have an ageing population and an increasing population, more people will need hospitalisation. His inability to understand this simple fact means that every year the health budget blows out, and the health budget will blow out again because it is based upon the wrong information. So already, Ms Follett, your budget is shown to be fatally flawed.

One can only assume that Mr Berry has put together his health budget based upon increased waiting lists. If activity levels were kept constant, all that could possibly happen is that more and more people would end up waiting longer and longer for a hospital bed. In Wayne's World, it seems that only those lucky Canberrans who can still afford private health insurance will be assured of hospital treatment when they need it. Last year there was \$200,000 in the budget for the establishment of a cardio-thoracic unit.

Mr De Domenico: How much is there this year?

16 September 1993

MRS CARNELL: Now we know. Where is the funding for this much needed unit this year?

Mr De Domenico: It is in the land program of Mr Wood.

MRS CARNELL: It is obviously not in the health one. This morning I was advised by concerned specialists that this budget, by not addressing the cardiac unit, will mean that 400 to 500 people are likely to be affected in the next 12 months and that six intensive care beds specially designed for cardiac patients are now not going to be used for the purpose they were designed for. I have been told that this ridiculous situation is also likely to mean that two specialists will now leave Canberra. They said that, in relation to health, Canberra is losing its credibility interstate. We are being treated as a joke, to quote the specialists involved.

It would seem that Canberrans will continue to have to go to Sydney for bypass surgery. In fact, more than one Canberran every day of the year is forced to leave their home and family and have life-saving surgery in Sydney. It is no wonder that these people and their families and friends do not believe that this is a social justice budget. Yet we continue to go ahead with a 17-bed \$3m hospice on Acton Peninsula, despite quite clear expert evidence that it can be done at Calvary for at least \$2m less, not to mention reduced recurrent costs. Despite hospital waiting lists and the fact that many Canberrans will have to leave town for important and basic health treatment, the Government is still pushing ahead with its \$100,000 publicly funded abortion clinic. We know that the majority of Canberrans would much rather have as a priority basic health services or a cut in waiting lists than a government funded private abortion clinic. Where is the listening to the community argument in this decision?

This Government will bulldoze through its own factional agenda at any cost and with little regard to the needs and wants of average Canberrans. This budget is proof of that. This Government has a first-class record in looking after mates at the expense of proper financial management. Let us take a look at the evidence. In September last year, that is 12 months ago, after the 1992-93 budget the *Canberra Times* editorial said of the budget that it is "the work of a government that is incompetent or paralysed, or both". Ian Davis of the *Canberra Times* said 12 months ago:

... its weakness is that it contains virtually no real decisions at all.

You could use exactly the same lines for this budget and you would be equally close to the mark. The *Canberra Times* editorial this year was no more complimentary when it said:

The people of the ACT continue to get less for more.

If the same borrowing policy is to be relied on more and more, our children will be getting even less for even more. The editorial went on to say:

It is not exactly a recipe for asking for a renewed mandate.

The editorial was wrong. It should have said, "It is no recipe at all for a renewed mandate". Crispin Hull added his weight when he said:

If the ACT had any steel, it would join the rust-belt States.

Ian Davis weighed in again with his article headed "Failed! The acid test of self-rule". The critics of this budget are numerous and ferocious, and they have every right to be so.

Let us just have a look at youth. What has this Government produced? One hundred and thirty-one pages of waffle, and not even a real job a page - in fact, not even a real job at all. Youth unemployment in Canberra is running at 32.5 per cent, near the highest rate for youth unemployment in this country. Yet there is nothing in this budget to assist young people in this city to get jobs or homes. Yes, there is Commonwealth funding for labour market programs, but there is nothing from that bunch over there.

Ms Follett: One-and-a-half million; read the papers.

MRS CARNELL: Real jobs, jobs that actually continue. What have they provided for youth? A youth program at Calthorpes' House in Mugga Way to look at the lives of young people might be a really nice idea in good times, but it does very little to help young people who need jobs and homes. The youth budget statement contains quite a few kits, videos and the like to be produced for a variety of reasons, yet there is nothing in the way of concrete programs to create real employment or to address the long-term problems that our young people face. This Government has done nothing for youth. There is just rhetoric and empty promises.

The women's budget statement, like the youth statement, consists of 153 pages of bumf and waffle. There are no real initiatives and little that helps in the day-to-day problems experienced by many women and their families in this city. In fact, by making household budgets harder to balance, Ms Follett has made life significantly more difficult for many women in this town.

If we look at education, it has been hard hit by this budget. The loss of 90 staff positions, 80 of them at college level, means that the overall provision of services in government schools will be reduced. It is not possible to pull 80 people out of any one level of education without damaging the entire structure. Rather than sack teachers, the Government should address the cost of non-teaching staff and look at ways of fairly increasing the face to face teaching hours for our current staff. This might be achieved by reducing the non-teaching requirements placed upon our teachers or creating a more flexible working environment. No matter how it is dressed up, the Government's savage treatment of our public school system roughly translates into the loss of one position for each of Canberra's schools. Quite clearly, this Government places bricks and mortar above teachers and students. Is this social justice, Ms Follett?

This budget confirms that ideals and visions are no longer the credo of the Labor Party. They have retreated in the face of change. They have sat content with existing structures, tinkering at the edges and fiddling while the world goes by. The rest of the world is devolving, decentralising, commercialising, corporatising, privatising, and producing the results. Not so the ACT, which must be the last Stalinist outpost in the world, where we still centralise and decorporatise. We have seen ideology set in concrete, flying in the face of commonsense. Our public sector needs to become more vibrant and productive. Instead, old ways live on. It is no wonder that our public servants are restless. Nothing has changed, except that there will be fewer of them.

16 September 1993

Overseas and in other States, reform has been embraced and opportunities seized. The public sector is being refocused, becoming goal rather than process orientated. Modern commercial practices and techniques are being embraced. In Western Australia only a fortnight ago a host of sweeping measures were proposed in a review of public sector finances. The public will get more for less, whereas Labor here in the ACT is prepared to make us pay more for less. We know that we will continue to get less Federal money. We will be treated like everybody else. The ACT will be treated in exactly the same way as other States, yet we are doing nothing about it. People want value for money, for waste comes at a cost to all of us, for businesses and consumers. It stifles our trade; it stifles our standard of living; it limits our future by squandering what we have.

Reduction of public expenditure does not mean reduction in services. That happens only if a decision - and I emphasise "decision" - is taken to that effect. Many activities of government have parallels within the private sector, particularly in the administration area. So why not apply the same management and operating skills? Devolution of decision making makes sense, for it gives staff responsibility, it rewards initiative, and it produces results now, not when the ponderous wheels of bureaucracy determine it. Devolution frees up resources to produce results.

So many areas of government can use the forces of competition to focus on the needs of clients - again, result orientated, not process orientated. The simple fact is that our public sector can be a vibrant place. It can be an efficient service provider to users, be they businesses, consumers or members of the public. We can do more for the disadvantaged if there is more opportunity and less bureaucracy. If you want to help a target group, the last thing you want to do is put layers of bureaucracy between the idea and the people you want to help.

The ACT needs new ideas and innovation. This budget merely confirms that the Labor Party has no positive ideas at all. Quite clearly, the ACT Follett Labor Government is lagging behind the rest of Australia in economic reform. It can only be called dinosaur economics. Every other State government, including Labor governments in Queensland and South Australia, has embraced significant changes in the way governments deliver services to the community. Here in the ACT we seem to be trapped in Jurassic Park, with a government that holds on to obsolete and inefficient budget strategy.

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I seek to make a small statement under standing order 47.

MADAM SPEAKER: Proceed, Ms Follett.

MS FOLLETT: Madam Speaker, there was a great deal that was entertaining in Mrs Carnell's speech and, unfortunately, a great many inaccuracies. I would seek to correct one of them because I think it will lead to needless anxiety on the part of the community. It relates to Mrs Carnell's claim that families using oil for heating purposes will be \$140 worse off as a result of the abolition of the diesel fuel exemption.

I point out to members the advice I have, which is that heating oil is not the same as diesel fuel. In relation to heating oil, the Government has taken no action whatsoever. We do not tax it. In relation to diesel fuel used for home heating, my advice is that there are a very small number of Canberra homes that use diesel fuel for home heating. Where those homes are inhabited by pensioners or health care card holders, they will continue to get the benefit of a concession. I want to make that quite clear, Madam Speaker. The reason I raise it at this point is that the information that has been put out publicly is quite inaccurate and will lead to concern by members of the community, who need not have that concern. If they are heating their homes with heating oil, they are unaffected by this budget.

MR MOORE (3.31): Madam Speaker, it is appropriate that I should follow people talking about inaccuracies. I was going to start my speech by drawing attention to an inaccuracy on the front of the document headed "1993-94 Budget: Protecting Canberra's Future". I have corrected my version and put a question mark where it belongs, at the end of "Protecting Canberra's Future".

The question most of us wish to assess in the initial instance is: Is this a social justice budget? On the positive side, the Chief Minister has been very thoughtful in providing a statement for us, *Towards a Social Justice Budget Statement*, which probably should have had a question mark there as well. Certainly it is very convenient in that it defines what social justice is, for some people who do not understand it. It would appear to me that there are some very positive initiatives outlined in that social justice package. They are very small initiatives, but they are positive. If you add it up, \$1.6m towards some employment opportunities is a very small amount of money when you consider that most people identify unemployment as the major problem in our society at the moment. There are some quite important health initiatives associated with the mentally ill, and also other initiatives directed at violence in relation to women and children.

On the negative side, I would like to go back to the arguments Labor put against the GST. They were very strident in their criticisms of the GST in terms of its being a regressive taxation system, and indeed I agree wholeheartedly. I oppose the GST for those reasons. It is ironic - in fact, it is getting very close to hypocrisy - therefore, for this Government to use exactly the same system to raise \$5m through the same regressive taxation on goods and services through ACTEW. That is what we have done: There is an extra \$5m coming through ACTEW under a taxation system.

If you look at their definition of social justice and where it is directed, and if you also take into account Labor's arguments at the Federal election - and we heard the same arguments from this team of people just here - you would clearly say that either they do not understand the significance of regressive taxation or they simply accept it or they think it is a good idea and they have decided that the Federal election argument was all just words.

On the negative side, Mrs Carnell has elaborately pointed out the ramifications as far as employment goes, so I do not intend to review those. In education, the whole concept of "Protecting Canberra's Future" - question mark - has to be questioned when you look at a \$3.4m cut. On budget day I did a phone around to a half-dozen or so primary schools - in fact, it was my staff who did it for me, and a good job they did, too - and asked: Of Years 4, 5 and 6, what are your biggest classes? Of those six schools, five had classes over 30.

16 September 1993

Mr Wood: Did you ask them also what were their smallest classes? Would you answer that?

MR MOORE: We also had the situation - - -

Mr Wood: No, you will not answer that.

MR MOORE: One of the schools had a class of 36 and one of the schools had a class of 35. The Minister for Education ought to be ruffled, and the reason he ought to be ruffled is that he has enough qualifications to know the significance of the class size compared with educational outcomes. He knows that; he knows that that is the single most important factor in education. He knows that it is, and that single most important function in education is quite clearly going to be affected by these budget cuts. These budget cuts are going to increase our class sizes. They are going to ensure that educational outcomes go downhill. They are going to ensure that our children are in a worse position for the future. Protecting Canberra's future? Huh!

On the other side, because I like to look at both sides, I see a very positive move by the Minister for Education in the way he has handled the \$12m for the Kurrajong Hotel. The money is done on a loan-style basis - I think that is a fair description. By doing that, we can expect a significant improvement in education of older students into the hospitality industry, which I expect will continue to flourish in the ACT.

It is very interesting that the Liberal Opposition has decided that it is going to oppose this budget. There was an interjection earlier - - -

Mr Humphries: No, an element of the budget.

MR MOORE: Parts of the budget. It is very interesting because earlier there were some interjections that Mr Kaine would not have done that if he had been leading this team. I would suggest that the reason is this - - -

Mr Kaine: I did not say that. When did I say that?

MR MOORE: No; the interjection that you would not have done it came from somebody else, not from you. It may have been just cross-chamber chatter. This budget is not so different from every other budget we have had since the beginning of self-government. The reality is that budgets in the ACT were set originally by some Federal public servants. All that has happened with successive governments is that they have fiddled around the edges. There has been no attempt whatsoever to set priorities and to readjust these funds accordingly. We do not see major changes or any major shifts in priorities; it is simply a matter of "Keep the rudder as it is; let the ship sail on the way it is; let us have as little change as possible".

One would wonder whether, as Ms Szuty put it, it is just a question of the Grants Commission directing how our budget should go and a response from this Government. That often seems to be the way priorities are set - just a little more of the same, instead of rearranging it. A good example, Madam Speaker, is your own budget, the Legislative Assembly budget, which was given to us in 1989 by a set of bureaucrats. That budget was put together by a set of Federal bureaucrats and then handed over to us. What changes have we seen to that budget?

Every year, the same as everywhere else, we just see across-the-board cuts. The finances of this Assembly are still more or less the same, with the same set of priorities as were set for 1989.

Mr Kaine: Yes, they are almost exactly.

MR MOORE: Yes. That says something particularly about the way this Assembly and the various governments have been able to readjust their own sets of priorities - as if anybody, whether a set of bureaucrats or the Federal Minister at the time, could foresee what the necessary expenditure was going to be to run an assembly such as this.

I released a press release the other day, a little tongue-in-cheek, which described this budget as the ostrich budget because the ostrich government and the chief ostrich had their heads buried in the sand. I think I may have commented about being bird brained and a lack of flight. Either way, there is an important view here about a failure to set priorities. When I looked at the *Canberra Times* this morning and read how they would go about making some savings, I was appalled. I thought that there at least, when we had an outsider looking in, people would not just look at where you can pick and nick and nip and tuck; they would actually say, "What are the community priorities? How are we going to put our community priorities into effect?". Instead, people are saying that our community priority is money and therefore we are going to do everything in terms of money. It is a sad day when people here tend to respect money and use people instead of using money and respecting people.

There is a series of issues I would like to raise. The first is one of the revenue measures that appear in the budget papers, suggesting that a small number of properties will be surplus to the Territory needs, which would mean revenue of some \$11m in this year. The question I would like to ask, first of all, is: Which properties are surplus to Territory needs? My memory, from the estimates committees in the last few Assemblies, is that this Government spends approximately \$20m a year on rental, and in one year we are going to sell off \$11m in properties that are surplus to needs. We would like the Chief Minister in her reply to explain to us exactly what those properties are and why it is that they are surplus to the Territory's needs.

Turning to health, the Chief Minister in her speech described the ramshackle financial system given to us at self-government. Five years later we can now see some improvements, but what happened in those first years when Labor was in government and then the Alliance Government was in place? We are hoping to see some results from that. I must say that I am not particularly confident that we will see such great results in the health budget. However, I am happy to wait and see.

It seems to me that, rather than seeing efficiencies coming out of new management practices and the further efficiency returns the Chief Minister was talking about, we are seeing longer and longer waiting lists. That is the trade-off, and the trade-off simply is not acceptable. Already today we have heard some discussion on visiting medical officers and the negotiations going on there. It seems to me that it would be appropriate for us to look very carefully indeed at the negotiations that are going on before those contracts are signed.

16 September 1993

I recommend to the Minister for Health that, just before they are signed, he should take them to other members of the Assembly and say, "This is what we are looking at". The health budget is going to continue to be a problem, and I suggest that the Minister should attempt to tie other people in if he can.

I will make a few other comments on matters I found interesting in relation to maintenance of law and order, Mr Connolly's portfolio. I notice that for police there is going to be a \$205,000 reduction in motor vehicles. I wonder whether we could have got more than that simply by buying Lada Nikis, if that is the intention of the Minister. How is that \$0.205m going to be saved? Maybe it is just a reduction from V8s to V6s or something along those lines.

Mr Connolly: Pushbike patrols.

MR MOORE: I acknowledge the interjection from the Minister about pushbike patrols. I imagine that we will see a continuation of that very positive contribution to the community.

In concluding, I draw attention to some positive aspects, such as the men's shelter in the housing and community services area. I would like to ask a final question. (*Extension of time granted*) When the Chief Minister replied today to a Dorothy Dix question about her own department, very obvious by its absence, when she carefully defended her department, was the position of Head of Administration and his support.

MR STEVENSON (3.47): The Labor Government has jumped into a chasm with this budget, not knowing where the bottom is. I speak of something that has not been highlighted to any degree, and that is borrowing. The ACT has been in a unique position, and the Labor Party was in a unique position because of it. They inherited something that was not already in hock because of earlier government mismanagement; yet they have finally gone down the perilous road that leads to the sorts of problems that every single State in Australia has, some of them being worse than others. Let me particularly point out Victoria, where 23 per cent of all tax money collected goes to servicing the debt - just the interest. In other words, the Government has to take \$130 for every \$100 it wants to spend on government services. I read in the newspaper yesterday about the Victorian Government saying that things were coming along nicely. What a bizarre situation!

There is only one reason to borrow. The only reason to borrow is if you have a productive use for the money, if it is going to earn you money. Let us say that the will of the people of Canberra was initiated and we had a very fast train, but say we needed a station for it. Borrowing for something like that could well be justified for the benefit that would come back to the ACT through increased tourism and the money those people would bring in. In this case, we have a \$78m Commonwealth Grants Commission budget cut to the ACT and a \$77m borrowing by the Labor Party.

I believe that the ACT Assembly, in the whole, has absolutely no right and no justification to place our children and our children's children in debt. In some Australian States it has got so bad that, when you talk about it, all they now say is, "Well, what can you do? It is useless. It is gone on for too long". Could the Labor Party have done something to plan for it? Could this Assembly? In my reply to the budget speech on 28 September 1989 I said:

Let us have a look at what is going to happen in a few years in Canberra. When the Federal Government funding, the special funding, cuts off or diminishes - and who knows how soon that will be, as the Federal Government has already shown it cannot be trusted with its promises - we will have to either find more money or make drastic cuts. We should not wait until that time. We should take due planning; we should run a surplus budget. There is a far better case to run a surplus budget than a deficit budget.

What has happened? Now we are down the rocky road, and we are running a deficit budget. What is happening in clear terms is that the ACT is now using the Bankcard to pay for the groceries. What would a prudent financial manager ask before the money was borrowed? He would ask: "What exactly are you going to borrow it for? How soon can you repay it? Where are you going to get the money to repay the principal, let alone the interest?". It is a nonsense; it is an absolutely ridiculous thing to do. There were minor borrowings buried in various places in previous budgets, but this is just a jump over the cliff.

When we look at something that could have made a difference - business - what has the ACT Assembly, or the Labor Party specifically, done in this area? Once again I quote from my reply to the budget statement in September 1989:

The money that comes into the ACT will come from two areas basically - obviously the ongoing grants from the Federal Government ... and the small business sector. We all acknowledge that the small business sector needs to be encouraged, but where is the encouragement of small business in this budget?

That was the 1989 budget, and I can repeat exactly the same words in relation to this budget. It is not necessarily that we need to do something for small business. It would be an advantage in a lot of cases if we stopped doing things to them and let them get on to produce and create jobs. Government does not create jobs; it used to once, but it is rare these days. They might give more people a piece of paper that says that they have another little qualification, but it is the small business sector that will create jobs. It will not be done by any government in this Territory, I will bet you.

What has the Government done? This morning I spoke to someone in the rural sector in the ACT. That is a small business sector. What did they say? They said that they have an old truck. They use it on the farm and they transport some cattle. Over the last 10 years they have run up 25,000 kilometres only, or 2,500 kilometres a year. That is not much. They do not use it to take the family out, I can assure you. It is just for cattle now and again, and a couple of other things on the farm. So what happens under this budget? They get their fuel price and the price of diesel increased. They said, "There is nothing to promote people staying in business". In their case, interestingly enough, they have only just reregistered the truck. It had been out of registration for some time because they simply could not afford it. At least they got in before the costs were even greater.

What are they going to do in the future? What is small business going to do in the future in the ACT? That is the only thing that is going to save us, prior to the time when we get some sense and get back to a council. They said, "It makes honest people give up". That is a sad condemnation of someone who is supposed to be helping the prosperity of the community, as the ACT Labor Government is. We need jobs. The suggestion that you can create them by dreaming up job creation schemes is largely nonsense and has been proved to be so. It is fairly obvious that "unemployment isn't working". Get out of businesses' way and let them create employment, which then creates production and which then - you may not have perceived it yet - creates more taxes. You do not have to steal it, to plunder it from the population, and give it to people who do not work. You can take it in taxes from people who do work.

When it comes down to self-government, we do not have self-government in the ACT. The ACT does not and cannot ever have absolute power over the national capital. That is something for which all Australians are responsible. It was unreasonable that the bulk of the brunt of paying for the national capital was forced onto people who happen to work and to live here. It is not on. What have we seen since self-government, or should I say State-like government, was rammed down our throats? The Royal Canberra Hospital was closed, and now we have problems with beds. Schools have closed, property taxes have gone up, petrol has gone up, water rates have gone up, licences and rego have gone up. Fines, fees and rates have gone up. Mrs Carnell mentioned a whole litany of increased taxes. It almost sounds like a GST.

Mr Berry: Your wages went up. That was a waste.

MR STEVENSON: As Mr Berry says, my wages went up. As he knows full well, I use a lot of it to let the people know what you are up to. I think it is obvious that the views of Canberrans have varied very little from 1978 when we had one of the referendums on whether or not people wanted to be forced down this road. They still have the same views.

Let us have a look at the Assembly itself. There is another \$4m to the Assembly for the coming year and we have, so far, a \$12.7m refurbishment. It is not a new parliament house; it is a refurbishment of the South Building. What would that bring on the commercial market? We have 6,000 square metres. At about \$370 a square metre per year, you are looking at \$2.2m a year that the Government could make from leasing that building.

Mr Berry: To whom?

MR STEVENSON: To whom? I agree; it is a damn good question. In any sane situation you could say "to small business". In this one you could quite often meet a hollow ring.

Earlier on Mrs Carnell started her speech with a question on behalf of Canberrans about self-government and about what it is costing - more and more and more. I well remember, as she mentioned, that before self-government was stuffed down people's throats we were told by the party leaders that there would be no tax increases. We are usually told that at most elections, but I think by now people have started to realise that you cannot necessarily take any notice of the things that have been said.

What about the quality of life in Canberra since then? One of the greatest blights on the nation of Australia, let alone the capital, is the fact that we are known as the porn capital throughout Australia. Again and again we spend money on investigations and inquiries. We stand up in this Assembly and we talk about violence against women, and about child sexual abuse, child molestation, incest and other things. The most worthwhile thing that you could do in helping to alleviate the problem would be to stop educating the population - whatever percentage of it is being educated along those lines - that women are to be used for sexual purposes. Our surveys on the porn that is available in newsagents, service stations and so on around Canberra show overwhelmingly that people do not agree that that should be on sale in family stores, and it should not. What have we done about it? Nothing. We watch the rape rate, the violence rate and the child abuse rate increase around Australia while we fiddle at the edges.

There is tremendous frustration. Nineteen groups were represented at a meeting on Acton Peninsula, a community rally, just a few weeks ago. I do not know whether any of the members of the Labor Party know much about it, because I did not see any of them there. There were representatives there from every other party.

Mr Berry: Were you there?

MR STEVENSON: Yes, I was there, Mr Berry. There are 19 groups - that is incredible - working against what has happened.

Mr Connolly: There were 80 people. That is about four people per group.

MR STEVENSON: There were hundreds of people there. If you had gone along you would have seen them. There is this tremendous frustration that people feel because they find that they are fighting against the very people in the Assembly who should be working on their behalf. While the word "consultation" is often used, consultation rarely occurs. Where was the consultation before the various budget cuts and tax increases were made? We have heard nothing about that. The reason we have not is that there was none. These were just thrown on people, on the rural sector and on various other areas.

Someone told me another story recently. The ACT was contacted with a proposal that could have brought in millions and millions of dollars to the ACT - a new business involved in recycling locating here. Another State jumped at the chance. It said, "We will give you free land, and pay half of the multi-million dollars that are necessary". What happened in the ACT? They did not even get a reply.

MADAM SPEAKER: Order! Your time has expired, Mr Stevenson.

MR KAINE (4.02): Madam Speaker, - - -

Mr Wood: This is the real speech, is it?

MR KAINE: No, this is the fun one.

Mr Wood: Are you going to give us the Liberal counterbudget, which Mrs Carnell did not do?

16 September 1993

MADAM SPEAKER: Order! I believe that Mr Kaine has the floor. Proceed, Mr Kaine.

MR KAINE: Just listen patiently and you will hear. Madam Speaker, things change but things remain the same. I was looking at statements made by the Chief Minister and me back in July 1989 and it was almost like reading the budget papers and the budget response today. I was talking about what the Follett Government had failed to do in 1989 - it has failed to do it since - and that is to approach the basic restructuring that must be undertaken so that this place can run at a reasonable price, and so that we can maintain a level of taxation that people can afford. I said on 27 July 1989:

These real issues will not go away. They will be there waiting next year and the year after, and must eventually be confronted. Their magnitude may well be greater then than now.

That was four years ago. The problems are still there. The only restructuring that was undertaken was during the year of the Alliance Government, and nothing - - -

Mr Connolly: Restructuring? Look at the ACTION budget. It went berserk.

MR KAINE: We began a program of restructuring which this Government has done nothing but dismantle ever since. Mr Deputy Speaker, I do not intend to pursue ACTION today; others have taken up that issue. I notice that the *Canberra Times* now, after four years, has started to make the very same points. In fact, if you read the article in the paper today, a great deal of that was what I said, as Treasurer, three years ago. The Government did not listen then, and it will not listen now. It will always take the easy option.

That brings me to my first point, Mr Deputy Speaker. I want to talk about the mythology associated with this budget, because there is a great deal of it. The first myth is that this was a tough budget. The word "tough" is used three times at least on page 1 of the Chief Minister's speech. This budget was a pushover. The Chief Minister started talking, after the Premiers Conference, about the \$74m that the Commonwealth had taken away from it - this huge budget gap. What happened when the time came? They ended up, by pure bad management last year, underspending or getting more revenue to the extent of \$60m, and that allowed the Chief Minister to create, as she said, \$40m worth of reserves. Where did the \$40m of reserves go? Straight into this budget. Then she borrowed the other \$34m to top it up, and, hey presto, the big hole went away. Where was the difficulty?

I want to pursue that point a little further because the next myth is the myth of cutting expenditure. Members opposite have done nothing but talk about cutting expenditure. The budget papers are full of it. But let us look at some figures. Let us look at the health budget. The amount appropriated one year ago by this Assembly for health was \$232m. This year they are appropriating \$268m. If somebody can produce sums that show me that a \$34m increase in the budget represents a reduction in expenditure, I would love to see them. Let us analyse this increase from \$232m, because I think the Minister has something to answer for. The Minister, at the end of the last fiscal year, produced an accounting for his last year's operations. He said that, against the approximately \$231m appropriated, he ended up spending \$238m, in round figures. In other words, he overspent by about \$8m.

When you go to this year's budget, what does it tell you? Their actual expenditure last year was \$263m. How did we get from \$238m to \$263m? How come this big gap, this huge gap? It is not explained in your outcome statement for last year, Minister. Suddenly, from last year's figures to this, your achievement has gone up from \$238m to \$263m. If you spend more than you appropriated you get rewarded because that becomes your new budget base for this year. Not only does he ask for the \$263m that he actually spent last year, which has never been explained to this Assembly; he asks for \$268m. Where on earth is the reduction? They talk about a 2 per cent reduction. If you took a 2 per cent reduction and you revert to the originally appropriated amount last year of \$232m, your budget this year ought to be \$227m. But in fact it is \$268m. So do not give me this nonsense about making budgetary cuts.

Let us move on to education. The same myth is perpetuated in education. The total amount appropriated for the education budget last year - four different programs - was \$293m.

Mr Lamont: It is easy to see who should be the Leader of the Opposition.

MR Kaine: Mr Lamont might like to listen because he might learn something. They appropriated \$293m and they actually spent \$302m according to this year's budget. So they actually spent \$9m more than they were appropriated. That is not what we were told at the end of the year either, when we got the end of the year accounting. They actually spent \$302m, according to their own budget, and what are we appropriating this year? It is \$329m. So we have gone from \$293m to \$329m. We know that \$12m of that is a loan for the Hotel Kurrajong. Take that off. It is still \$317m as opposed to \$293m last year. Where is the cut? It is a massive increase. The only one who has been cut is good old John Turner with his urban services, and he has been chopped by nearly \$50m. That is the only place where the cuts have taken place. So where is this myth? The teachers union need to have a look at these figures because they are being told, "We have to cut 80 teachers because we are making cuts in education". In fact there is a massive increase in expenditure in education.

Mr Wood: Will you tell them that? You tell them that.

MR Kaine: I will. But you had better explain it, Minister, because you are coming in here and telling us that you are making cuts. That is the second great myth associated with this budget. First of all, it was tough, and, secondly, we have cut expenditure in health and education. Neither of those statements is true. They are building this mythology, and nobody seems to be prepared to challenge them.

The third myth is that we are creating jobs. We have heard this creating jobs business ever since 1989. The Chief Minister said, in 1989, "By giving impetus to the private sector and especially small business we will broaden the range of employment". That was in 1989. She is still saying that. But where are the jobs, Mr Deputy Speaker, in this budget? There are nearly 1,000 fewer jobs in this budget. There are 500-odd coming out of the public sector and 400 at least disappearing because of a reduction in the capital works budget. They are the Government's own figures, not mine. That is nearly 1,000 fewer jobs. The Leader of the Opposition dealt with this earlier. Not a single job is created by this budget. There will be nearly 1,000 fewer jobs, and they talk about a budget creating jobs. That is the third great myth.

16 September 1993

The fourth great myth is that this is a budget based on social justice. I raised with the Chief Minister the question of social justice for the ageing, for whom she professes so much concern. But here we are, in 1993, four years after self-government, with the fourth Labor budget, and there was no provision whatsoever in there for the ageing. In fact, what they have generally done is reduce some of the concessions that the ageing have had up until now. They have reduced the 50 per cent rate concession by putting a \$300 cap on it. Anybody who has been getting a concession higher than that in previous years is now going to lose part of that concession. This is the myth of social justice. The Chief Minister, I believe, misled the Assembly yesterday when she talked about the home and community care program, and I tried to get to this at question time today.

Mr Lamont: I rise to take a point of order, Mr Temporary Deputy Speaker.

MR KAINE: She can deal with that when she comes back. She is not here to listen, and she should be. I am going to prove my point, Mr Lamont.

Mr Lamont: Excuse me. I am sorry; I have a point of order.

MR TEMPORARY DEPUTY SPEAKER (Mr Westende): What is your point of order?

MR KAINE: I said that I believe that she did. I am not making any accusation and she may want to consider whether she did. I will make my point, if you do not mind, Mr Lamont.

Mr Lamont: I am sorry; I have raised a point of order.

Mr De Domenico: Go back to your seat.

Mr Cornwell: Mr Temporary Deputy Speaker, a point of order cannot be moved by somebody who is out of his seat.

MR KAINE: Exactly. I would like to refer, Mr Temporary Deputy Speaker - - -

Mr Lamont: Mr Temporary Deputy Speaker, I rise to take a point of order. The former Leader of the Opposition has accused the Chief Minister of misleading this Assembly. I seek that he withdraw.

MR KAINE: Mr Temporary Deputy Speaker, I did not, and I do not withdraw. I said that I believe that she may have, and that is a matter for the Chief Minister to consider.

MR TEMPORARY DEPUTY SPEAKER: Mr Kaine, I clearly heard you. I heard you say, "I believe that she may have misled ...". Those are the words I clearly heard. There is no point of order.

MR KAINE: When you read what the Chief Minister said yesterday and what the Minister for Community Services said today, you have to ask the question. I quote what the Chief Minister said yesterday:

I am pleased to advise that additional funding has been provided through the home and community care program ...

Today Mr Connolly said that they could not do that because the Commonwealth, to quote him, has chopped our HACC funds massively. The massive cut that Mr Connolly refers to is a \$12,000 reduction out of a total of \$3.2m. This is the massive reduction that was inflicted on the ACT Government. Because of a \$12,000 reduction in the Commonwealth funding, out of a \$3.2m subvention, they have frozen the HACC money for this year, and they have told the ACT Council on the Ageing so. Yet the Chief Minister said yesterday that they have increased the HACC funding. I think it is something that the Minister and the Chief Minister need to look at. It is another part of the myth of the social justice budget. And so it goes on.

I asked about the provision of facilities for the ageing. There are absolutely none. I gave the Chief Minister the opportunity to tell us that she had something in the forward design program so that it might come up next year, but there is no provision for that either; and they have the effrontery to come in here and talk about social justice. So there are at least four great myths. First of all, it was a tough budget; secondly, we have actually made expenditure reductions in health and education; thirdly, it is a jobs budget; and, fourthly, it is a social justice budget. It is none of those things, Mr Temporary Deputy Speaker, and it is about time somebody set the record straight.

Of course, the community has made its judgment about this budget. It was presented only two days ago, but the community has made its judgment and I think that this Government stands condemned. The first judgment about it was by Ian Davis, and his heading in the *Canberra Times* was, "Failed". That is your mark on your performance on your budget - "Failed". It is not only Mr Davis; the entire community agrees with him. The teachers union agrees with him, the Trades and Labour Council agrees, the ACT Business Council agrees, the Motor Trades Association agrees, the ACT Chamber of Commerce agrees, and even ACTCOSS agrees. This Government's biggest supporter in town has told them that their budget is a failure for two reasons: Firstly, because of its effect on public housing, and, secondly, because of the job losses - those 1,000 jobs that I mentioned before that have disappeared out of the system. ACTCOSS has given them a fail mark because of that. The ACTU's accommodation group has given them a fail mark and the ACT Council on the Ageing has given them a fail mark.

This is not just me speaking and it is not just Ian Davis speaking. It represents the entire spectrum - trade unions, business, the welfare sector. Everybody in this city in two days has condemned this budget for what it is - a sham and a failure. I think it is interesting that the Chief Minister does not want to sit here and listen to the debate.

Mr Lamont: She did. She listened to the Leader of the Opposition.

MR KAINE: This debate is still going on, Mr Lamont. This debate is still going on and there are other people yet to speak; but, of course, the Chief Minister does not want to sit here and listen because she is absolutely embarrassed. She knows that her budget was a failure.

MRS CARNELL (Leader of the Opposition): I wish to make a statement under standing order 47. Earlier on the Chief Minister, in an explanation, suggested that I was wrong in comments about the diesel fuel exemption scheme. I thought it appropriate to read into the record an explanation from page 3 of her press release, and I will read it directly. It states:

Changes to the diesel fuel exemption scheme. To ensure that only those in genuine need benefit from this scheme the Government will be introducing into the Legislative Assembly legislation to make diesel fuel used for home heating and other off road uses subject to franchise fees from 1 November 1993. Diesel fuel used for home heating by holders of Health Care Cards and Pensioner Health Benefit Cards will remain exempt.

Therefore, diesel fuel used for home heating will become approximately 7c more expensive from 1 November.

MS SZUTY (4.19): I took the opportunity last year, and I will do so again this year, to preface my remarks on the ACT Labor Government's budget by restating the commitment to stable government that I have given the Canberra community. That commitment stated that I would "guarantee stable government (in a balance of power situation) by guaranteeing support for the Chief Minister in a no-confidence motion and guaranteeing passage of the Supply and Appropriation Bills".

The Chief Minister, Ms Follett, has reminded the Assembly that this year's budget is part of a three-year budget strategy. The continuation of that strategy predominantly hinges on a further 2 per cent reduction in expenditure expected to be found by most government agencies. However, in many respects this year's budget has had to be framed according to the extraordinary circumstances that the ACT finds itself in as a result of the harsh treatment that the ACT has received from the Commonwealth Government in terms of our resource allocations. There is no doubt that the ACT was treated harshly in that we have suffered a greater reduction in revenue levels in both absolute and per capita terms than has been forced upon any other State or the Northern Territory. This is to say nothing about the appropriate resourcing levels for a Territory which has been self-governing since 1989. The Northern Territory experience has certainly been very different.

It is interesting to compare the treatment of the ACT by the Commonwealth with the treatment of the so-called rust belt States of Victoria and South Australia after their finances were crippled by massive debt problems. It seems as though the Federal Government has rewarded them for their poor financial management at the expense of the ACT which has managed its finances well. Indeed, it seems that when States get into difficulties in managing their finances the Commonwealth Government takes a helpful approach. However, if you are the ACT and have been fiscally responsible, you get your funding cut. I believe that the ACT Government has responded to this situation in a measured way, borrowing funds to assist in meeting the immediate shortfall. The alternative would have been unacceptable levels of increases in taxes and charges, and even greater expenditure reductions.

The major difficulty I have with the Government's budget is the aim for an anticipated surplus of \$12.8m in the recurrent budget at the end of the 1993-94 financial year when major expenditure reductions are planned to occur in the health and education portfolios. I stated publicly on Tuesday, at the time the budget was tabled, that I believed that this was an unintelligent response to the ACT's financial position, and one which is difficult to understand in the context of a \$12.8m recurrent budget surplus.

Specifically, I believe that the planned expenditure reductions in the health portfolio will create further disquiet in a system that has been shaken by massive reorganisation over the past three years. To quote the Chief Minister:

With the progressive completion of the hospital redevelopment project there is potential for further efficiency returns within the new facilities.

She is not talking of the final completion of the project; that is still some \$47m away, with \$31m to be spent this financial year. How can efficiencies be easily identified in a hospital system in transition? What about the inefficiencies caused by stress and disruption, and constant change? Is it not time for consolidation and concentration on developing the hospital's strengths, rather than looking, at the moment, at pursuing more funding reductions in the name of efficiencies?

I am also concerned at the use of the generic term "health service" which will be targeted to provide the current target of \$3m in savings. I expressed some disquiet last year when community health services were incorporated into the general health budget. Prior to last year, hospitals and preventative and community health services were considered to be separate items. I look forward to examining the more detailed subprogram information for the estimates process, to effectively judge whether separate funding for each area can be clearly identified.

Education is the other major portfolio area where I believe that arbitrary levels have been set for achieving savings. I am extremely disappointed that, given the Government's general supportive comments about the need to fund and support high schools in particular through the high school development program, it has seen fit, according to the Australian Teachers Union, ACT branch, to reduce staffing positions in high schools in the ACT by some 30 positions. That equates to 30 staffing positions across 16 government high schools which are responsible for meeting the needs of some 11,000 young people.

The Government has emphasised thus far that most of the cuts to school based positions will occur in secondary colleges. Again the Australian Teachers Union ACT branch anticipates that 30 positions will be lost from the Government's nine secondary colleges. The union also anticipates that some 15 school based positions could be lost from the primary school sector. These measures have been proposed by a Government which has, for the first time, produced a separate youth budget which specifically highlights relevant budgetary initiatives which relate to young people. It is incongruous to me that we are contemplating the loss of 90 positions from the education system, positions which could be assumed to directly support young people and children during the years of their schooling.

16 September 1993

I also wish to comment, in the context of cuts to the education sector, about the proposed cuts to non-government schools. Indeed, I congratulate the Government for its announcement on the breaking of the nexus between the Commonwealth and ACT funding of non-government schools. It is simply unacceptable that the government schools sector has continued to bear the brunt of expenditure reductions in education over many years. I also urge the Government to revisit the Berkeley report's recommendations concerning the subsidies which support the transport of students by bus to out of area government schools and non-government schools. In fact, recommendation 8 of the Berkeley report stated:

In any examination of the adjustment of costs for subsidising the transport of children to schools, particularly out of their area or beyond the nearest appropriate non-government school, options for reducing services or the cost of such services to the public purse should be devised.

I believe that greater cost recovery for these services is attainable and should be pursued in future years. I further note the reduction of library grants of \$163,000 to non-government schools.

I note that the Chief Minister welcomed the introduction of the voluntary separation scheme, for which the Government has set aside \$17m. I would caution the Government, however, to ensure that the cooperation and assistance of the unions is actively sought. I understand that letters have already been sent to public servants promoting the voluntary separation scheme, although the Chief Minister has stated that there has been no targeting of these packages. I also note that notices of dispute have been lodged with the Industrial Relations Commission, requesting the withdrawal of these letters. The Chief Minister has stated that voluntary redundancies and retirement would occur within the scope of existing awards, and I believe that she needs to commence negotiations with the Trades and Labour Council and specific public sector unions at the earliest opportunity.

Mr Temporary Deputy Speaker, having spent some time outlining what I am unhappy about in this year's budget, I would like to spend some time talking about the measures which I believe the Government deserves to be congratulated on. I have spoken often in this chamber on the need to raise awareness in our community of the issues involved in domestic violence, and I am pleased that the Government has undertaken to fund a three-year community awareness program. I am also pleased to see an increase in the funding for child-at-risk assessments. I have also spoken of the need for a men's shelter, and I welcome that initiative. I also support the funding of a halfway house for women experiencing drug- and alcohol-related problems. In meeting the needs of the men and women who will use these facilities we reduce the stress placed on the community services sector as a whole.

I am also pleased that the International Year of the World's Indigenous Peoples has been recognised with the provision of funding for the promotion of the awareness of Aboriginal culture and languages, the provision for three new emergency accommodation houses to be managed by Aboriginal organisations, the establishment of an Aboriginal and Torres Strait Islander employment team, and the restating of the provisions for the keeping place. These initiatives go some way to recognising Aboriginal Australian culture and heritage, and the present needs of the Aboriginal members of our community.

I am pleased at the Government's initiative in establishing the youth link program. I still have on the notice paper a motion which seeks to address the issue of unemployment, and youth unemployment in particular. Of course, I will continue to monitor and assess whether the youth link program will bring about real change. However, I am nonetheless pleased to see the status of young people raised and their needs recognised in the budget documents.

I am also happy to see the Education Department looking more closely at its playground equipment, with a \$100,000 increase allocated for funding for playground equipment. This is a good example for other government departments to emulate. The Government has copious quantities of research material and standards against which to judge the safety and adequacy of its playground equipment, as well as numerous studies which have been published in the past few years on the latest thinking in early childhood development. I would suggest that considerably more effort needs to be expended in ensuring that the Government's own attempts to provide physical recreational facilities for our children do not, at the same time, place those children at risk of injury.

I am also encouraged by the additional funding for the dog control unit. Debate following dog attacks in past months has demonstrated that the community is concerned about dog attacks. With extra resources, a prosecutions officer, and increased public profile, I am hopeful that more dog owners will act responsibly - if not because they recognise that they have been irresponsible in the past, because there is now an increased risk of prosecution and financial loss.

There are a number of other programs which I would refer to briefly. In the housing and community services area, I see providing a worker under the community services grants program to deliver support and referral services and to undertake community development in Gungahlin as a very positive initiative.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

APPROPRIATION BILL 1993-94

Debate resumed.

MS SZUTY: Madam Speaker, some of the other initiatives I am extremely pleased to see are the extension of electricity concessions to all holders of health care cards, and the extension of the winter concession period to the months of June and November. I also note the Government's intention to examine the prospect of tip fees for all comers. I think that has been anticipated for some time and it is an initiative that the Government could well examine carefully for the future.

16 September 1993

There are two others that I will mention briefly. One is from the Housing Trust - a pilot program for tenants at the Bega, Allawah and Coorong flats that I look forward to hearing more about. I also look forward to the establishment of the community safety committee to be chaired by the well-known Canberran, Ken Begg.

Madam Speaker, I do wish to comment briefly on the detail of budget paper No. 4, Capital Works 1993-94, page 39, which refers to the draft variation for Richardson, the Tuggeranong Homestead site. I will quote the relevant passage. It states:

Richardson Infrastructure Stage 1.

External infrastructure including road works and sewerage that is required for the development of the first land release package in Richardson Section 450.

Completion Date: August 1994

The sum allocated is \$756,000. It has been made abundantly clear by the ACT Legislative Assembly's Standing Committee on Planning, Development and Infrastructure that it finds the practice of including timeframes for developments which have not gone through the variation process reprehensible. It appears that the compilers of the final capital works budget paper have not received that message. The entries for the other variations - - -

Mr Wood: How do you handle it? We may be going down this path.

MS SZUTY: I will show you. On the very same page you refer to North Watson infrastructure stage 1 and North Duffy infrastructure stage 1. It says that the completion date is "dependent on plan variation". You did not do that for the Tuggeranong Homestead site.

In conclusion, Madam Speaker, in my speech this afternoon I have attempted to assess the Government's budget fairly. I believe that overall the ACT Government's budget strategy is appropriate. However, I remain gravely concerned about the planned expenditure reductions in health and education in the light of an anticipated recurrent budget surplus of \$12.8m at the end of the 1993-94 financial year.

MR DE DOMENICO (4.33): Madam Speaker, I rise very briefly to comment on the budget.

Mr Connolly: Is that a promise?

MR DE DOMENICO: It depends on the number of interjections I get because I will react to those as they come along, as you know, Mr Connolly.

Mr Lamont: That is a nice tie, Mr De Domenico.

MR DE DOMENICO: It is the same as yours, thank you, Mr Lamont. Madam Speaker, to get back to the business of the response to the budget - - -

MADAM SPEAKER: It would be appropriate, yes.

MR DE DOMENICO: Thank you, Madam Speaker. I think the words "budget revisited" have been mentioned and attested to by my colleagues. I cannot but reiterate that, because when we look three or four years ahead we find that, under the strategies of this Follett Labor Government, we are looking at \$200m of borrowings. If you say it quickly it does not sound much. We are looking at \$200m worth of borrowings by a government whose Chief Minister said about 12 months ago, "Gee, aren't I good; I do not borrow". In four years' time we are looking at \$200m worth of borrowings. That is point No. 1. This year we have \$34.4m worth of borrowings anyway, and another \$43m is coming out of provisions, says the Chief Minister, because she does not like to use the word "reserves". Call them what you will, provisions or reserves; but the Canberra community is looking this year at \$74.4m worth of borrowings.

Mr Connolly: That is nonsense. That is just nonsense.

MR DE DOMENICO: Mr Connolly says that that is nonsense.

Mr Connolly: Borrowings are borrowings. Reserves are not borrowings. You do not have to repay them.

MR DE DOMENICO: And provisions are provisions. Mr Connolly, I am not going to get into semantics. It is ironic that the *Trends* magazine issued by the Advance Bank not too long ago predicted exactly that same net financing requirement. Let us call it a net financing requirement so that people do not get upset about the words one uses. It predicted a net financing requirement of \$74m. Surprise, surprise! When we look at what the Federal Government took away from us this year, what is that figure? Once again - surprise, surprise! - it is about \$74m. What a tough decision it was, as Mr Kaine said, for Ms Follett to realise that. She had it there before her for a long time before that.

The other point to be made, as Mr Kaine said, is that people were talking about cutting back on things. Let us have a look at the budget papers again. The total expenditure in this budget is \$1,360.7m. If you look at last year's budget and you do your sums, that is a 4 per cent increase; not a reduction, but a 4 per cent increase. Let us have a look at the revenue side. Although our own source revenue increases by \$49.7m, an increase of 7.7 per cent, what is the result of all that, Madam Speaker? The result of all that is that expenditure is increasing faster than revenue. If you say that quickly it goes away; but the fact is that, if you look at the budget papers properly, expenditure is increasing faster than revenue. We are spending more than we are earning. Mr Stevenson said it. We have whacked it on Bankcard. For the very first time we are starting to use the old Bankcard provision. That is the result.

On top of that, we are spending more than we are earning, and look at how we are earning our money. There has been an increase in taxes, of course. We have to look back to June, for a start, for increases in rates and all sorts of things that the community have been slugged with, together with the 0.5c a litre increase in the price of fuel from 1 November, which will bring in \$1m in the first year. When you look at that together with the Federal Government slug on petrol prices, you wonder, as Mr Moore said, whether this Government is concerned about social justice at all. I am suggesting that it is not.

Mr Moore also pointed out that the Government is trying to get another \$5m-odd from ACTEW and that, purely and simply, when translated into laymen's terms, is a services tax. That is the very thing about which this mob across the road, months ago, were saying, "Horror, bleep, horror, horror, Liberal governments, John Hewson, how terrible!". If you are going to use ACTEW as a means of collecting taxes, say so. I know that in difficult times every government does it, all over the country; but, for heaven's sake, come clean and say to the community, "This is why we are doing it". Mr Connolly, when Mrs Carnell was on her feet, started talking about making it less than New South Wales. To be honest, I do not give a damn about what New South Wales is doing in terms of this; we are now talking about the people of the ACT. Madam Speaker, those are some of the realities of the budget.

I asked Ms Follett a question this afternoon during question time. In her speech - it is quite clear - she said that, over and above any land servicing provisions and land sales, there would be \$11m from asset sales. Asset sales are not new. Mr Kaine quite eloquently pointed out that when he was Chief Minister there was the Rae Else-Mitchell report and the Priorities Review Board report that brought out all these sorts of things. Ironically, they are coming back to haunt this Government time and time again. Everybody realises what needs to be done. Anyway, Ms Follett could not answer when I asked, "What particular assets are you going to sell? Where is the provision in the budget for the receipt of the \$11m?". We could find \$1.95m. She tried to fob it off as part of the land program, but she said quite clearly that this was over and above the land sales. The budget mentions the sale of sites under "Environment and Conservation"; all these sites around Canberra. The budget speech contains reference to \$11m, but nowhere in the budget papers is there a receipt of \$9m, or \$9.1m, which is the difference between \$1.95m for the sale of housing properties in relation to the asbestos program, and the \$11m that Ms Follett mentions in her speech. So we are already looking at a deficit of a further \$9m on top of the \$74.4m that the Chief Minister was alluding to. That is how fudgy the figures and the speeches presented to us are.

Let us now have a look at particular programs, because a lot has been said about what Mr Davis said this morning in the *Canberra Times*. A lot of what Mr Davis said - - -

Mr Lamont: Who?

MR DE DOMENICO: Mr Davis, a very well-respected economic writer, Mr Lamont, for your information. Let us also have a look at what has been said from time to time by Professor Hughes, from the Australian National University, and by Dr David Chessell, from Access Economics, and I can name others.

Let us look at ACTION buses. People have mentioned how ACTION buses are going to save \$4m from last year. Actually ACTION buses will be spending \$63m next year. What did it spend last year? It spent \$54m. Mr Connolly is going to jump up and down, point his finger, and say, "Yes, but a lot of that is for buying 33 new buses". So it is, Mr Connolly; but every Canberra household will be subsidising ACTION buses in the coming year - \$630 per household in comparison with \$540 per household last year. So we are subsidising it more this year than last year. Ironically, the budget papers also say - these are not my words, but the words of the budget papers - that there has been a reduction in patronage of ACTION buses of 3.3 per cent. So we are spending more, but fewer people are using the service.

Mr Connolly: What did we spend when Trevor was Chief Minister?

MR DE DOMENICO: I do not know.

Mr Connolly: About \$75m, you might find.

MR DE DOMENICO: Mr Connolly keeps throwing up what happened during the Alliance Government. I want to know, Mr Connolly, what is going to happen under your stewardship. I invite myself to tell you what is going to happen, Mr Connolly. The answer is nothing. Let me also now tell you why the answer is nothing. When you look at it very quickly, we are going to make massive cuts to the workshop area. What are we going to do to the bus drivers and to the actual buses? The answer is nothing.

Why are we going to do nothing, Madam Speaker? We all know why we are going to do nothing. Because the trade union movement, and in particular the Transport Workers Union, would absolutely and utterly bring Mr Connolly down kicking and screaming. They would threaten all sorts of things if Mr Connolly even contemplated things like competitive tendering or the use of casual and part-time drivers, or perhaps - horror, shock, horror! - even using people who work in the workshop who are also qualified to drive buses. We will say, "Good on you, Terry". If you can fix that, Mr Connolly, I will say, "Good on you".

Ms Ellis: Good; get it ready.

MR DE DOMENICO: All right, I will, Ms Ellis. Mr Connolly said in a press release recently that he has to critically examine the bus replacement program. What does he do in critically examining it? He is going to spend part of \$11m - \$8.5m, actually - to buy 33 new buses. Notwithstanding the fact that we have a 3.3 per cent reduction in patronage, we need 33 new buses at a cost of \$8.5m. This is where the priorities of this Government are.

Mr Davis quite rightly indicated this morning about \$15m worth of reductions in ACTION buses. Part of that money from the reduction in the ACTION bus budget could be used to fund the fact that we have put up the petrol levy by 0.5c. Here is one part of the costing for the 0.5c petrol levy. That is one thing. Who could ever forget what happened two weeks ago? Who could ever forget two weeks ago when Mr Connolly scurried away when someone suggested that there was going to be a colour change to the ACTION buses at a cost of - - -

Mr Connolly: Because it was nonsense. It was a figment of your fevered imagination.

MR DE DOMENICO: "Because it was nonsense", Mr Connolly says. Mr Connolly says that it was nonsense, but that is not what Mr Wadsworth said. Anyway, thankfully, Mr Connolly, on a public platform after that, was sort of muted and said that it was not on. Credit has to be given to Mr Connolly, too, because when they were about to spend over \$300,000, at about \$8,000 to \$10,000 a time, to build bus-shelters, he did say that that was an extravagance. Mr Connolly was not prepared to entertain that extravagance and reduced the cost to \$100,000. They are the sorts of things that can be done, and more needs to be done to make sure that we can afford not to put on that petrol levy that Mrs Carnell has alluded to.

A lot has been said about employment. The Chief Minister, as long as I have been in this place, has been coming in here, smiling, and saying, "The greatest priority this Government has is jobs". Then, once again, she pauses, smiles again, and says, "Of course, the youth unemployment situation is the thing that is really of great concern". Let me say to the Chief Minister that last week the figures came out and, of course, there was 33.5 per cent youth unemployment - the highest in the country - right here in the ACT. We will have a look at the ACTCOSS figures because maybe we do not want to believe ABS because they are not of our political persuasion; we do not know what they are. At least we know that in ACTCOSS we have people that are closer to this Government than any other organisation. Their figures, ironically, tell me that 19 per cent of the unemployed Australia-wide are between the ages of 15 and 19. In the ACT 21 per cent of the unemployed are between the ages of 15 and 19. That confirms the fact that we have the highest youth unemployment in the country.

What does this budget do for unemployed youth in this Territory? The answer is zilch; not one thing. The Chief Minister came in here and said, "We are spending \$1.5m on youth unemployment". What did she spend last year? She spent \$1.5m. There is not one cent more this year, in this year's budget, than she spent last year.

Mr Lamont: What absolute nonsense and poppycock!

MR DE DOMENICO: That is the figure from your budget papers, not from anywhere else. How many jobs did it create last year? The answer is none. How many jobs will it create this year? The answer is nil. Let us have a look at what this budget has done to employment, once again on the Government's own figures in the nice little glossy pamphlets that were produced last year and this year. Mr Moore was waving one. Last year it said that in the public works situation there were 3,400 jobs. This year there are 3,000 jobs. So there are 400 fewer jobs automatically. In the teaching situation - no-one can deny this - 90 jobs are to come from the teachers. So there is 490. Ms Follett has set aside \$17m, so she says, for voluntary redundancies. She did not use those words, though, because the new "in" words in the ACT are "voluntary separation". Because of voluntary separations, let us estimate 500 jobs. That makes a total of 990 jobs.

So what rubbish it is when the Chief Minister comes in here and says, "This is another budget about jobs". What rubbish it is when they come in here and say, "This is a budget that is going to cut costs". It is salami slicing at its best; it is fudging at its best. The Government is telling the community what it may want to hear from time to time; but the community will not believe this Government, as it did not believe the Federal Government. This budget is a nonsense. The Government continues to sit on its hands and do nothing. It takes the easy way out. It has not accepted the reality of self-government. Let us look at it realistically. In four years' time this community - - -

Mr Lamont: What about Lanyon High School? Do you want to close that too?

MR DE DOMENICO: Lanyon High School is a fantastic idea. This community is looking at \$200m worth of debt under this Government. Shame!

MR CORNWELL (4.48): Madam Speaker, not surprisingly, in my comments on the Appropriation Bill I would like to concentrate on the matter of education. What better place to begin than the budget media release of the Minister for Education on Tuesday, which says:

Most of the reduction will be achieved through economies in operating costs which will not affect the level of service to schools ...

That raises a rather interesting point. I quoted that yesterday in asking Mr Wood why, therefore, the Government were cutting 80 teaching positions if they did not wish to affect the level of service to schools. Mr Wood gave me something of a non-answer. But it raised another question: If indeed these 80 teachers can be cut in the 1993-94 budget, why were they not cut in previous budgets? Surely, if they are surplus to requirements now, they were surplus to requirements in earlier years. The fact is that they are not surplus to requirements at all; they are simply expendable. They are expendable to a desperate Government that is floundering around trying to make cuts in the budget.

Mr De Domenico: And taking the easiest way out.

MR CORNWELL: And taking the easiest way out. But I ask you: Are these but the beginning of teacher cuts? There is a small problem that I have not been able to resolve. Next year Conder Primary School opens. Are we going to recruit more teachers to open that primary school or are the existing primary schools in this Territory - stop going white, Ms Ellis - going to suffer further reductions in teachers in order to staff Conder Primary School? I do not know the answer to that. Mr Wood might like to make a comment. If you are taking from other primary schools it will certainly impact even further upon that sector of education, which is already affected by the cutting of 80 staff positions, despite the Chief Minister's claim that most of the teachers will be lost from the colleges.

That statement alone brings forth two responses: Firstly, Madam Speaker, it is alleged that the colleges are overstaffed in the non-core subject choices - which, I might add, include sporting activities. We have had quite a debate recently about the need for sport in schools, and the Government has supported the concept of developing school sport. We now find that this is one of the non-core subjects in respect of which we can afford to dispense with teachers.

Mr De Domenico: In fact, Mrs Kelly said that too, did she not?

MR CORNWELL: Indeed she did. Apart from appearing to go back upon its word in relation to the sporting question, the Government's suggestion about teacher reductions being at college level and being confined to non-core subjects is both misleading and insulting. It is misleading because it suggests that the ACT government college system has staff involved solely in teaching such non-core subjects. This is an irresponsible claim and fails to recognise that no college has the luxury of such unlimited resources. Mr Connolly can stop waving the Auditor-General's report at me.

It also insults the professionalism of our teachers to suggest that such liberal use of resources would be tolerated by other staff. Even if these staff cuts were confined to college level, I am afraid that the concept has failed to address the much higher percentage of students staying through to Year 12. I quote from the P and C *Feedback* of September 1993:

16 September 1993

The apparent retention rate in ACT government schools to Year 12 in 1991 was 115 per cent compared with a national average of 67 per cent ... Some 60-65 per cent in the difference in costs between the ACT system and those of the rest of Australia is attributable to the higher proportion of students in the post-compulsory years of schooling.

There is no slacking off, I suggest, in the non-core subjects in that area. I concede that there may be some opportunity within the colleges to rationalise and consolidate small classes. I have no problem with that. I do not think anybody has any problem with it. In fact, it is happening in some of the colleges. But the reality is that the high retention rate that we enjoy here in the ACT - and we would certainly not wish to see it cut back in any way - does involve increased costs.

I would like to go further in addressing this suggestion that all the cuts are going to be in the colleges. It is not realistic to suggest that; nor, I suggest to you, is it possible. I have said that it is not realistic because of the higher retention rates, but just pause for a moment and consider whether it is possible or not. There are nine colleges. If you are going to take the 80 teachers out of those colleges, each college is going to lose 8.8 teachers - almost nine teachers per college. That is impossible. It would represent an 11 to 13 per cent drop in the number of teachers at each college, and it is patently absurd.

The truth is, of course, that it will not happen. The cuts will apply across the board, across all three sectors of education. They have been calculated as follows: 3.8 positions at a college, two positions at each high school and 10 per cent of a teacher at a small primary school. As I prefer to calculate them, they will represent 0.84 per cent of a teacher per school. Effectively, one teacher will be lost from every government school in the ACT. Well might Rosemary Richards, the president of the Australian Education Union, ACT branch, state:

The Government has failed to demonstrate a commitment to public education.

Mr De Domenico: Is she a member of the Liberal Party?

MR CORNWELL: She is certainly not. Well may she say that the Follett Labor Government has failed to demonstrate a commitment to ACT public education. Where, therefore, does Mr Wood's comment stand? I quote again:

Most of the reduction will be achieved through economies in operating costs which will not affect the level of service to schools ...

Of course the reductions are going to have an effect. The effect will be that the overall provision of services will be reduced. I mentioned the problem of staffing new schools, such as Conder, coming on line next year. What about new initiatives such as reading recovery? According to *The Literacy Challenge*, a report by a Commonwealth committee, we are dealing with only 11 per cent of the reading recovery needs of an estimated 19 per cent of people in our school system. Do you believe that cutting 80 teachers out of the government system is going to assist in making up that difference between the 11 per cent being treated now and the 19 per cent who need assistance? I think not.

What about the existing levels of services we are providing? They are not terribly good in some areas. Mr Moore asked earlier about class sizes. Mr Wood has kindly provided to me - and it is most timely, I might add - an answer to a question on notice. I think I should read the details into the *Hansard*. The fact of the matter is that, of the ACT government junior primary classes, 11.5 per cent had over 30 pupils in 1992. The national average is 9 per cent. Of the ACT government senior primary classes, 37 per cent had over 30 pupils. Do you know what the national average is, Mr Connolly? It is 11 per cent. We are only 27 per cent above the national average!

Mr De Domenico: On class sizes?

MR CORNWELL: On class sizes in senior primary classes. The answer concludes with this most remarkable statement:

The Department is focusing additional resources to meet identified needs in areas such as improving literacy and numeracy and for programs for students with gifts and talents.

I cannot see them achieving a great deal if you are going to chop 80 teachers out of the system. This is absurd.

Unfortunately, Madam Speaker, the Chief Minister's mania for protecting bricks and mortar at the expense of the essential and fundamental needs of education - namely, teachers - apart from being amply demonstrated in this budget, has blinded her to other ways of saving money. I will give the Government the opportunity to save some money in education. I asked another question that arose from a point raised by the ACT Council of Parents and Citizens Associations in respect of the education of the children of diplomats accredited to Australia. The council thought that there were some 350 of these children going to ACT government schools and that the ACT Government were paying for them. I have to advise the Assembly that that figure in fact is incorrect; that 407 of these children require some form of English as a second language - ESL - assistance. Using the 1992 average net cost per student, it has been estimated that the cost of that minimum number of students - that is, 407 - is \$1.7m per annum. Very interestingly, this \$1.7m - you have gone quiet all of a sudden, Mr Connolly - is half of the \$3.48m that we have to save from the education budget. That is very convenient. It is half of the 2 per cent being sought but - - -

Mrs Carnell: Negotiate with the Feds.

MR CORNWELL: I think that you should negotiate with the Federal Government. Why should the ACT Government and its ratepayers be subsidising diplomats accredited here by the Government of Australia? I suggest that you do something about it. I will certainly be writing to you, Chief Minister.

I have every reason to write to her because in the budget speech, at page 3, she stated that your Government, Mr Connolly, will be seeking full reimbursement from the Commonwealth of revenue forgone from the issue of free motor vehicle registration and licences to diplomats and their staff in line with its policy of directing assistance to those most in need. Why do you not do something in education as well? Get \$1.7m out of the Commonwealth and leave our 80 teachers alone. Why not? If we did obtain this \$1.7m we could employ, at \$38,000 each per annum, 45.9 reading recovery teachers. I introduce that as an indication of what could be done with that sort of money.

In the brief time left available to me, I would like to say that I share the concerns of the non-government school sector in relation to this budget. I notice that Ms Szuty does not seem to worry about breaking the nexus of 50 per cent of Commonwealth funding levels. However, I remind members, and particularly Ms Szuty, that this will impact most on the higher categories, the category 12 Catholic Education Office schools, and I think that is a matter of grave concern to that organisation. The Association of Independent Schools are equally concerned about this matter. I do not blame them. I believe - it is a matter of concern to them and to me - that the Government has identified only the new lower funding of its non-government funding level for the 1993-94 year. I view that with considerable suspicion because I believe that this Labor Government is keeping its options open to further reduce non-government school funding in future years.

MR HUMPHRIES (5.03): Madam Speaker, it seems to me that last Tuesday the budget this Government launched took off at full thrust with soothing reassurances from the pilot that all would be well, but it crashed minutes after take-off. I have never seen an ACT budget plunge so precipitously from grace as has this budget.

Mr Kaine: Reminiscent of Mr Dawkins.

MR HUMPHRIES: Yes. I said "ACT budget". If I had said "budgets", I would have had to qualify it by mentioning the Federal budget presented last month. Certainly this is the worst result for any ACT budget I have ever seen. Madam Speaker, never has an ACT budget faced such a bad reception. Never has it been such a clanger. The worst thing of all, though, is this: There is so much pain delivered in this budget in all sorts of areas; we have so little gain.

I have no difficulty in understanding the circumstances under which this Government has framed its budget. Those circumstances have been extremely hard. We all have to acknowledge that the Commonwealth has been extremely uncompromising, has been very harsh on the ACT. There was no mention of that fact by this Government at the Federal election a few months ago. Nonetheless, we all acknowledge that it has been very harsh on the ACT. I think that the taxpayers and the citizens of the ACT were quite prepared for strong measures to come forward in this budget. Such measures were expected. We would have worn a harsh budget if long-term gain had been the goal, but it was not. I quote from Ian Davis, writing in the *Canberra Times* of yesterday:

The real task in preparing yesterday's Budget was whether the ACT government could adjust the territory's finances to cope with a major and permanent fall in Commonwealth funding.

It was as big a challenge as any that the ACT has faced since self-government.

... ..

By any reasonable measure it failed the test.

... ..

This lack of courage in the face of unavoidable structural changes is a repeat of what happened last year, except that the impact was less severe because the reduction in Commonwealth funding was only about \$13 million, or 3 per cent.

Madam Speaker, what will be the legacy of this budget in five years from now? What is the test of this budget? Is it a budget that will produce lasting benefits for the Territory or is it one that is designed only to limp through to the next election or at least the next budget? I see nothing at all of a lasting or durable kind in this budget.

It is worth bearing in mind that the really hard issues that this budget should have faced up to were spending issues. I quote from the recent *Trends* publication:

According to the Grants Commission's assessments, the ACT has far greater scope to reduce expenditures, while still providing the average level of services -

that is, average across the country -

than it does to increase revenues, without becoming a high tax jurisdiction. The Grants Commission estimates imply that the ACT could have reduced outlays by \$32 million in 1991-92 and still have provided the same standard of services as enjoyed in the States and the Northern Territory on average in that year. That is, relative to the States, the ACT is a high spending jurisdiction. By contrast, there was only scope to raise a further \$3 million of revenue in 1991-92 before the rates at which ACT taxes and charges would exceed tax rates in the States and the Northern Territory on average.

Does this budget tackle the question of spending and avoid the question of raising revenue? No, it does not. It massively increases revenue efforts, and that must put us well above the Australian average, or certainly significantly above it; but it does nothing to face up to the question of reining in outlays.

Madam Speaker, cutting teacher numbers, for example, makes no long-term gain, but it does do short-term damage to the quality of classroom teaching in this Territory. Stretching waiting lists in public hospitals does not strengthen the public hospital system; it just makes life miserable for sick people who are waiting for surgery. Sacking 500 public servants does not create long-term benefits. It changes the functions and rationalises the activities of government, but there is no evidence that this Government has actually tried to make that kind of hard decision. As far as this Government is concerned, every service is a sacred cow. Every building is sacred ground. But this leads to the third shibboleth: Every taxpayer is a deep, deep pocket to be targeted. That is a policy, Madam Speaker, designed to limp through to the next election, not to set the Territory on a firm and secure path. I greatly regret that the ACT Government has found itself, and put the Territory, in the position where this should have happened.

Let me look at some of the specifics of this budget - the revenue bite. I want to talk, first of all, about the extraordinary decision on petrol in the ACT. Madam Speaker, the stench of hypocrisy in this place is absolutely overpowering. These petrol pump crusaders across the way have become petrol pump raiders.

16 September 1993

Some deluded motorists in this Territory might have thought that this Government were their friends. Every time Mr Connolly has been on the radio about petrol prices it has been to say, "Look at the terrible things that retailers in this Territory are doing to you motorists. This Government really feels for you. We are on your side. We are going to do something about high petrol prices". They sure did. They helped put them up. When the Federal Government, only a little while ago, also put up petrol prices, this Government was stone silent.

Mr De Domenico: And which Minister from the Federal Parliament?

MR HUMPHRIES: In the Federal Government it was Mrs Kelly; in the ACT it was Mr Connolly.

Mr De Domenico: The same faction.

MR HUMPHRIES: The same faction. After this budget the ACT Government will collect 9.2 per cent of petrol revenue in tax. The Federal Government will collect 53.8 per cent in tax, and that level will increase progressively in line with the Federal Government's tax rises announced in the recent Federal budget. By contrast, retailers - the great villains, according to Mr Connolly - collect only 5.7 per cent of that total take; yet Mr Connolly continues to bleat about how retailers are uncompetitive and are failing to provide motorists with competition and better prices. What a hypocrite he is to urge restraint, yet show absolutely none himself. I think that until we see restraint from this Government we simply cannot expect ACT motorists to take this Government seriously.

A consumer filling a petrol tank of, say, 50 litres in the ACT will now pay something like \$37.70. Of that \$37.70, some \$20.40 will go in ACT and Federal government tax. It is very simple. I know what this is. This is Labor's hidden GST. It is a tax on petrol. Remember that when you go to the petrol station to fill up your tank Ms Follett is there, right behind Mr Keating, putting her hands, along with his, in your pockets to get your money. Madam Speaker, Mr Connolly and Ms Follett do not have much regard for petrol prices.

I should acknowledge something very important. I should say that at one time Ms Follett had a much different attitude. She did at one time have compassion. She had compassion in September 1990, when the Alliance Government was in power and she was commenting on a budget which tried to make some money in the area of petrol pricing. I want to quote what Ms Follett said. Here is what Ms Rosemary Follett said on 13 September 1990, in commenting on the 1990-91 budget:

Mr Speaker, it is on the revenue side of the budget that we can most easily see the callous disregard that this Government has for the people of Canberra. The decision to almost double the business franchise fee on petrol at this point in time clearly shows how out of touch this Government is ... We should also remember that, whether we like it or not, Canberra has been built for cars. Our public transport system at this point is not adequate.

Oh, dear! Well, well, well! What a change of heart! Ms Follett has certainly had a change on the road to Damascus. It is not the only change of heart she has had. I also found another interesting comment in the same speech. It has to do with the question of public service job reductions. Ms Follett said:

At least 400 public sector jobs will go as a result of this budget ... The Treasurer assures us that no-one will be sacked ...

Much quivering of the voice, no doubt, accompanied this:

In 1990-91 over \$6m is going to be spent in paying people out of the public service. This is a disaster for Canberra at a time when the employment outlook is very gloomy.

Mr De Domenico: And this is Rosie!

MR HUMPHRIES: That is right.

Mr De Domenico: Things are rosier now, aren't they?

MR HUMPHRIES: They sure are. She said:

There is some bad news hidden very deep in Mr Kaine's budget.

Madam Speaker, I need not remind members of this place that in the 1993-94 budget over \$17m is going to be spent in paying people out of the public service. As I said, the stench of hypocrisy is absolutely amazing.

Mr Cornwell: They have gone quiet over there.

MR HUMPHRIES: Yes, they have gone strangely quiet. Madam Speaker, I also want to touch on the question of what people are paying for diesel fuel for use in their homes. Bristling with indignation, Ms Follett rose to say that we have got it wrong; that Mrs Carnell got it wrong. She said that there is not a high number of people in the ACT - a couple of hundred people perhaps; only a few people - who use diesel oil in their homes in order to heat them. She said, "No; you can sweep these people off to one side. They are of no significance. Do not worry about these people".

My office has spoken with only one of a number of people in the ACT who sell diesel fuel to householders for heating - to these insidious people who are pumping the fuel out of their home oil tanks into cars, semitrailers or something. He sells heating fuel to these people and he alone expects - or he did before this budget - in the coming year to sell one-and-a-half million litres of diesel fuel for home heating.

Mr Connolly: How much?

MR HUMPHRIES: One-and-a-half million litres. Those couple of hundred people - - -

Mr Connolly: They must be putting it in the tank and then siphoning it into their Land Rovers.

MR HUMPHRIES: Those couple of hundred people must use a lot of fuel. They must have houses like ovens. This person alone has 750 home user clients in the ACT. He estimates that there are something like not a couple of hundred but 3,000 homes in the ACT which use diesel fuel for home heating. I ask you this: Where is the tax on electricity? Where is the tax on people who use electricity for home heating in this Territory? Will that be in next year's budget?

Where is the tax on people who use other forms of fuel for heating their homes in the ACT? Where is the tax on gas? Where is the tax on wood? No, there is no tax on any of those things.

You people are picking out people who use diesel fuel because you think they are a small enough constituency for you to be able to get away with it. You are victimising these people because you think you will get away with it. You are targeting people who are on hospital waiting lists; you are targeting people with kids at school; you are targeting people who have to put petrol in their cars. You people could not give a damn about the citizens of this Territory. You just want to get your take. But, for all the pain we are experiencing, for the gutless approach you take, there is no long-term benefit to the citizens of this Territory - absolutely none. Madam Speaker, the people of the ACT could have forgiven toughness, but they cannot forgive wimping out. That is what this budget has done. This Territory might not be bankrupt, but this Government's strategy certainly is.

MR WESTENDE (5.18): Madam Speaker, much has been said this afternoon about the budget. I do not think it could have been said more eloquently than the *Canberra Times* put it in its lead article today. It said that \$60m could be shaved off the expenses without hurting and without harming services provided. This was said by an economics writer who has been writing for the *Canberra Times* for at least the last seven or eight years that I know of.

Mr Lamont: And has been wrong for seven or eight years.

MR WESTENDE: He has not been wrong.

Mr Connolly: He was wrong about the Kambah Health Centre.

MR WESTENDE: But forget about the lead article in the *Canberra Times*. The hindrances the business community has suffered from this Government are numerous. The Chief Minister yesterday made a statement that the Government's aim is to have a construction industry that is strong, healthy and sustainable. Why, then, does the Government deem it necessary to impose on builders, especially as the building industry is one of the main providers of jobs in the ACT, a 5 per cent fee for site works, a \$100 fee for design and siting and an increase in tip fees for builders' spoil of 100 per cent?

Mr Lamont: And record building in the ACT in the housing industry.

MR WESTENDE: Where is the assistance to business? We will wait for how long? Not for long.

Mr Lamont: That is what has happened and you do not like it very much.

MR WESTENDE: I like it very much. But listen to another imposition. I can quote only the figures from 1992 because the ACTEW annual report in 1993 very conveniently omits these figures. In 1991-92 a residential megawatt of electricity cost 76.3c; a commercial megawatt, 127.6c; and an industrial megawatt, 91.2c. Combine the commercial users and the industrial users and you find that, on average, they pay double the price domestic users pay. Yet business people are the people you rely on to provide jobs. What hypocrisy! You rely on business to provide jobs, and what do you do? At every step you make it difficult.

We have already spoken about the petrol harvest. This Government is hypocritical with its 7c a litre fuel franchise tax. At the last sitting I stood up and defended some of the service stations that were working on margins that were unheard of in business; yet this Government then had the hypocrisy to say that the service station operators were profiteering and pushing up the price of petrol. If you want to hit them, hit the majors, not the small operators. Businesses once again are hit hard with this petrol tax. Petrol is a major part of the cost of transport, particularly transport used by small business.

The people on the other side are the so-called champions of the workers. I will give you a nice example of what they are championing. If a person wishes to give away a share nominally worth, say, \$1 to one of his employees, it will cost that owner \$1.49, because he has to pay 49c in fringe benefits tax for something that he gives away so that his worker can share in his profit. How can you encourage any employer to give shares away to his employees if he has to pay 49c in fringe benefits tax for something that he gives away? What a retrograde step!

Mr Connolly: What is the relevance of this to the ACT budget? We do not impose fringe benefits tax.

MR WESTENDE: I did not say that the ACT applied it, but people of your ideology apply it.

Mr Lamont: I raise a point of order, Madam Speaker, on the ground of relevance.

Mr Kaine: I take the point of order, Madam Speaker, that Mr Lamont is not even sitting in his seat.

MR WESTENDE: The hindrance to business is seemingly endless.

Mr Lamont: I rise to a point of order for the second time this afternoon, Madam Speaker - in the proper seat. My point of order relates to relevance. We do not impose fringe benefits tax. That may have escaped Mr Westende.

MR WESTENDE: I said "people of your ideology".

MADAM SPEAKER: Order! Mr Westende, continue.

MR WESTENDE: Take quality assurance. I understand that this Government, in conjunction with the Federal Government and various State governments, is going to insist on quality assurance. That is fair enough. I am all in favour of quality assurance. It is an excellent idea, an excellent requirement; but should it be necessary to pay for it? Most goods being sold today are required to be quality tested. An industry I have some knowledge of uses the AFRDI to test furniture. Most governments require that furniture be AFRDI tested. Fair enough. We have to be members and we have to pay for the test. But quality assurance costs you a minimum of \$15,000. Maybe that is fair enough too, but then you have to pay an annual fee of \$6,000 to \$8,000 to continue to be registered under a quality assurance program. Do not tell me that that is not something from the ACT, because your own NIES department specifies that.

16 September 1993

I could give a litany of the never ending obstacles that are put in the way of business. The increase in taxes will exacerbate the high costs faced by ACT business following previous announcements by the Government in July. As reported in the *Canberra Times* today, the Transport Workers Union is dictating policy by blaming ACTION management for its inflexibility over budget cuts and is targeting buses taking people to Floriade - an event that is going to bring some benefits to this town, an event that is very important to the tourist industry.

Instead of the Government hounding business out of the Territory through the imposition of further crippling taxes, why does the Government, through its senior public servants, not turn its attention to working alongside the private sector and perhaps even reconsider resurrecting plans for the public sector management board? In this way you could have a combined working party whereby government and private enterprise could work together. Take off your ideological hats and blinkers; take some advice and heed it. It has all been done before in other places.

The private sector could improve ACTION. Contracting out to the private sector will create competition and could improve work practices and staff levels, as has been the case in Melbourne, where private contractors and corporatised sections of Metway assumed responsibility for bus transport through public tender. Rather than auction taxi licences, to improve Canberra's taxi service let the private sector operate minibuses with these licences, with the objective of taking over non-profitable, low usage ACTION bus routes.

The Government could contract out parts of the fire services in areas such as maintenance of hoses and checking of fire alarms. Similarly, certain sections of the Ambulance Service could be contracted out. After you have done that, you can combine the two services to achieve even greater efficiency and rationalisation. Cuts and improvements could be achieved by handing over consumer and safety standards to the private sector for rationalisation and improved efficiency. It works in other places. It is how private enterprise operates. It is how other governments, both here and overseas, operate. Show some real concern. Show how we can work together, how we can all benefit. Show some leadership. That is what true management is all about. This is true cooperation. Listen to the voice of business; listen to the voice of experience. Do not be afraid of learning. It is a mighty rewarding experience.

Question resolved in the affirmative.

Bill agreed to in principle.

MR BERRY (Deputy Chief Minister) (5.30): Madam Speaker, pursuant to standing order 174, I move:

That the Appropriation Bill 1993-94 be referred to the Select Committee on Estimates 1993-94.

Question resolved in the affirmative.

PAPERS

MADAM SPEAKER: Members, I present, for your information, the following papers:

ACT Legislative Assembly Secretariat - Report and financial statements, including the Auditor-General's report, for 1992-93 - Volumes I and II, together with the 1993-95 Corporate Plan.

Commonwealth Parliaments - Twenty-Fourth Regional Conference of Presiding Officers and Clerks - Australia and Pacific Region, Port Vila, 24-29 July 1993 - Report, including a copy of the transcript of proceedings.

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

Director of Public Prosecutions Act - Director of Public Prosecutions - Report for 1992-93.

Head of Administration - ACT Government Service - Report for 1992-93.

SUBORDINATE LEGISLATION Paper

MR BERRY (Deputy Chief Minister): Madam Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for a determination.

The schedule read as follows:

Motor Vehicle (Dimensions and Mass) Act - Determination of fees - No. 120 of 1993 (S185, dated 9 September 1993).

LANDS ACQUISITION LEGISLATION Exposure Draft

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning): Madam Speaker, for the information of members, I present an exposure draft of the Lands Acquisition Bill 1993, together with an explanatory statement and a tabling speech. I move:

That the Assembly takes note of the papers.

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

16 September 1993

PARKINSON'S DISEASE AWARENESS WEEK
Ministerial Statement

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport): Madam Speaker, I seek leave to incorporate in *Hansard* a ministerial statement on Parkinson's Disease Awareness Week.

Leave granted.

Document incorporated at Appendix 4.

HARE-CLARK ELECTORAL SYSTEM
Paper

MR HUMPHRIES: I seek leave to table the final report of the Working Party on the Implementation of a Hare-Clark Electoral System in the Assembly, and to make a short statement.

Leave granted.

MR HUMPHRIES: I thank members for their generosity. I will be very brief. Madam Speaker, I table the final report of the Working Party on the Implementation of a Hare-Clark Electoral System. Members will recall that this working party was set up in June last year to begin work on advising the community - and the Assembly, I suppose - about the details of how the Hare-Clark system might operate in the ACT. That was a system which had overwhelming support from the electors of the ACT at the 1992 referendum.

There was much detail to be worked out about the way in which the system, which has its origins in a sense in Tasmania, would be implemented in the ACT. The report which I have tabled today represents more than a year's work towards that goal. This paper offers guidance, not just to the broad community but specifically to the Government, about the important issues which will have to be dealt with in the context of the electoral system. If legislation which results in due course in this Assembly follows suggestions made here, I believe that it will be fair and workable and will provide a fair electoral system. The process is not a simple one. There are many opportunities for rorts to occur, and we cannot allow rorts to happen. It is too important for our future and the future of the Territory for us to be put in the position of allowing to go forward an electoral system which is not as good as it could possibly be.

Madam Speaker, the Government promised legislation on this subject by the end of this year. If indeed the legislation arrives at the end of this year and it is debated next year, it will have been debated in this place and presumably passed more than two years after the original referendum result clearly indicated a preference by ACT citizens for Hare-Clark. I hope that we will have the legislation sooner than that; but I believe that this report will provide a helping hand to this Government, which seems to have found a great deal of difficulty in making the decisions necessary to get this vital legislation on the books for the ACT.

FLUORIDATED TOOTHPASTE

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport): Madam Speaker, Yesterday Mr Stevenson asked me a question in relation to fluoridation. I table a statement in reply to that question.

ADJOURNMENT

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

That the Assembly do now adjourn.

Middle East Peace Accord

MR HUMPHRIES (5.35): Madam Speaker, I want to make a brief reference to an extremely significant event that took place this week. I was hoping to do this on Tuesday, but today is as good a day as any, I suppose. Members will all be aware that in Washington this week an historic peace accord was signed between Israel and the Palestine Liberation Organisation.

I think we have all grown up as witnesses to a period of history which has been characterised by a very significant conflict focusing on the Middle East. It is a conflict which has very ancient origins and which has caused great suffering for many millions of people around the world - not just those people who have been, for example, displaced from their homeland or who have been the victims of violence in the Middle East, but all those other people around the world who have been in some way or other affected by the violence which has emanated from the Middle East.

I think I could say that all of us would have felt a great deal of joy to see on Tuesday of this week television pictures of the historic peace accord being signed in Washington between Israel and the PLO and pictures of Yasser Arafat and the Israeli Prime Minister, Yitzhak Rabin, shaking hands after the signing of that peace accord to indicate a new future for those two peoples. It would have been extremely hard just a few years ago, even a few months ago, to have imagined that taking place.

The process which was begun to find peace is not yet over, but I think it holds great hope for our community and for our world. If we are able to approach seemingly insurmountable gaps between groups of individuals on the basis on which these people have approached the task before them, I believe that no obstacle will be too great for our community in Australia or for people anywhere around the world.

Question resolved in the affirmative.

Assembly adjourned at 5.38 pm until Tuesday, 12 October 1993, at 2.30 pm

16 September 1993

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ANSWERS TO QUESTIONS

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

Questions No. 825 - 835

Government Service - Consultants, Contractors and Temporary Staff

MRS CARNELL - Asked the Chief Minister upon notice on 17 August 1993:

- (1) How many (a) consultants; (b) contractors; and (c) temporary staff have been engaged/ employed by Agencies during the financial year 1992/93.
- (2) What was (a) the name and the amount of remuneration paid in respect of each consultant, contractor; and (b) the total remuneration paid to temporary staff.
- (3) What was (a) the nature and duration of each consultancy, contract or reason for the employment of temporary staff; and (b) who approved their employment, consultancy or contract.
- (4) How was the consultant, contractor selected and was it as the result of the calling of tenders.
- (5) In respect of temporary staff - how were these selected and what was the maximum period of engagement for these staff.

MS FOLLETT - The answer to the Members questions is as follows:

- (1) Information on the number of consultants and contractors engaged/ employed during 1992/93 will be available in Agency Annual Reports, for contracts generally over \$5000 and contracts for consultants over \$1000.

The number of temporary staff on payroll at 30 June 1992 and 1993 will be available in Agency Annual Reports. These reports will be available by 20 September 1993.

- (2) (a) The Agency Annual Reports provide the name and amount of remuneration paid in respect of each consultant and contractor reported during 1992/93.
- (b) To provide the total remuneration paid to temporary staff during 1992/93 would require an inordinate amount of time and resources which I am unwilling to authorise.
- (3) (a) The Agency Annual Reports provide the nature and duration of each consultancy and contract reported.

Temporary staff were employed to fill positions where short to medium term vacancies existed. The reasons for employment included engagement for specific project work, pending permanent filling of a position, pending permanent appointment, and to meet work demands in times of peak activity.

- (b) In respect of temporary staff, the Delegate of the Public Service Commissioner under section 82-AD of the Public Service Act in each agency approved each of the contracts.

16 September 1993

(4) The ACT Government Service guidelines for the Selection and Management of Consultants and the ACT Government Purchasing Manual provide guidelines for managers on the tendering process used to select consultants and contractors. A minimum of three oral quotes is required for projects below \$5000, for projects between \$5000 and \$50,000 a minimum of three written quotes is required, and for projects over \$50,000 tenders are publicly invited.

(5) Temporary staff were selected following referral from Templine, or by external advertising and the usual merit selection process. On occasions, where an urgent and/or specific task needs to be done, temporary assistance was obtained through Employment Agencies. The maximum period of engagement for these staff is expected not to exceed twelve months.

Agencies have devoted a considerable amount of time and effort to provide detailed information on consultants and contractors in Agency Annual Reports. Consequently I am unwilling to seek a duplication of this effort, as Agency Annual Reports will be available for the Estimates Committee process which will commence on 20 September 1993.

3246

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 841

Oatley Court, Belconnen - Parking

Mr De Domenico - asked the Minister for the Environment, Land and Planning -

- (1) Who made the decision to place the car parking facilities catering for the basketball facility at the northern end of Oatley Court Belconnen.
- (2) When was the decision made.
- (3) Why was the car parking placed on the northern end rather than the southern end closer to the basketball facility.

Mr Wood - the answer to the Members question is as follows:

- (1) The Department of the Environment, Land and Planning
- (2) March 1992
- (3) The major reasons for the location of the car parking area were:

to protect the established landscaping, mounding and tree plantings on the southern end of the site.
to match the car park already constructed at the other end of Oatley Court.

It should be noted that the car park was not specifically built for the basketball centre patrons, but to serve the whole general area.

3247

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 854**

Government Service - Tea Supplies

MR CORNWELL - Asked the Chief Minister upon notice on 17 August 1993:

- (1) Which Government Departments or statutory authorities provide "tea supplies" for staff.
- (2) In each case (a) what was the cost for 1992-93 and from what budget program did it come; (b) did staff contribute to any degree; and (c) what "supplies" were provided.
- (3) How are orders placed for supplies; how are they delivered; and by whom.
- (4) Is order, supply and/or delivery of "tea supplies" specified on any duty statement for any Government position.
- (5) Is any person specifically employed for the purpose of tending to order, supply and/or delivery of "tea supplies" to a Government Department or statutory authority.

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

- (1) ACT Electricity and Water (ACTEW), ACT Milk Authority, Totalcare, Housing and Community Services Bureau and A.C.T. Health
ACT Electricity and Water (ACTEW)
- (2) (a) \$53 947 funded from the ACTEW budget;
(b) No; and
(c) Tea, coffee, sugar, whitener and biscuits.
- (3) Orders are placed direct to suppliers using a standing order. The suppliers deliver the supplies directly to ACTEW.
- (4) Yes, although this duty is only one of various duties for this position.
- (5) No person is specifically employed for the purpose of tending to order, supply and/or deliver tea supplies.

ACT Milk Authority

- (2) (a) Approximately \$175 funded from the Authority's own (off budget) funds including provision of courtesy "tea supplies" for visitors;
 - (b) No; and
 - (c) Tea, coffee, sugar and milk.
- (3) Tea and sugar are purchased from Canberra Gourmet. A staff member makes the purchase (on foot) and charges to an account. Coffee is ordered as required from Harris Coffee and, delivered by Harris Coffee delivery truck. For milk, there is a standing order of 2 x 600ml cartons per week from Capitol Chilled Foods Pty Ltd and delivered by Capitol Chilled Foods Pty Ltd delivery truck.
- (4) No.
 - (5) No person is specifically employed for the purpose of tending to order, supply and/or deliver tea supplies.

Totalcare

- (2) (a) Approximately \$10 000. Totalcare is not "on budget" and costs are borne as a company operating expense;
 - (b) No; and
 - (c) Tea, coffee, sugar and milk.
- (3) Orders placed through the Supply Department and picked up by divisional staff.
- (4) No.
 - (5) No person is specifically employed for the purpose of tending to order, supply and/or deliver tea supplies.

3249

16 September 1993

Housing and Community Services Bureau, Belconnen Remand Centre.

(2) (a) Cost of "tea supplies" for custodial staff in 1992-93 was approximately \$3 800 funded from Other Operational Budget (E 5311 Domestic Supplies).

(b) No; and

(c) Tea, coffee, sugar and milk.

(3) The Duty Chief, a Custodial Officer Grade 3, orders detainee meals and sundries daily and at the same time places an order for the detainee and staff milk supplies. Custodial staff pick up the milk once a day when collecting meals and sundries. The "tea supplies" for staff and detainees are ordered approximately fortnightly and obtained from Dawes Wholesalers. These supplies are delivered to the Belconnen Remand Centre by the supplier.

(4) Yes, Custodial Officer Grade 3.

(5) No person is specifically employed for the purpose of tending to order, supply and/or deliver tea supplies

A.C.T. Health, Woden Valley Hospital.

(2) (a) No cost break up can be provided as tea supplies are procured through the Food Services Department;

(b) No; and

(c) Tea, coffee, milk and sugar.

(3) Tea and coffee are purchased under the normal procurement process which is covered by Government purchasing guidelines.

(4) No.

(5) No person is specifically employed for the purpose of tending to order, supply and/or deliver tea supplies.

A.C.T. Health, Jindalee Nursing Home.

(2) (a) \$2 545;

(b) No; and

(c) Tea, coffee, milk and sugar.

(3) Part of bulk orders for the Jindalee Nursing Home.

(4) No.

(5) No person is specifically employed for the purpose of tending to order, supply and/or deliver tea supplies.

3250

A.C.T. Health, Calvary Hospital.

(2) (a) \$24 900 funded through the Public Hospitals annual operating budget;

(b) No; and

(c) Tea, coffee, milk and sugar.

(3) Provided in the Staff Cafeteria which is serviced by the catering contractor appointed by the Hospital.

(4) No.

(5) As part of the catering contract, the contractor has direction to supply staff in this regard.

3251

16 September 1993

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

QUESTION NO. 877

Chief Minister - Trade Union Grants

MRS CARNELL - Asked the Chief Minister upon notice on 17 August 1993:

In relation to the last two financial years - 1991-92 and 1992-93

- (a) how many grants did the-Chief Minister authorise to Trade Unions;
- (b) for what purpose;
- (c) to what total value;
- (d) to which trade unions; and
- (e) who authorised each--and every payment.

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

In the years 1991-92 and 1992-93 I authorised no grants to trade unions.

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

QUESTION NO. 878

Minister for Sport - Trade Union Grants

MRS CARNELL - Asked the Chief minister upon notice on 17 August 1993;

In relation to the last two financial years - 1991-92 and 1992-93

- (a) how many grants did the .Minister for Sport authorise to Trade Unions;
- (b) for what purpose;
- (c) to what total value;
- (d) to which trade unions; and
- (e) who authorised each:-.and every payment.

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

In the years 1991-92 and 1992-93 the Minister for Sport authorised no grants to trade unions

16 September 1993

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

QUESTION No. 879

Minister for Health - Trade Union Grants

MRS CARNELL - Asked the Chief Minister upon notice on 17 August 1993:

In relation to the last two financial years - 1991-92 and 1992-93

- (a) how many grants did the Minister for Health authorise to Trade Unions;
- (b) for what purpose;
- (c) to what value;
- (d) to which Trade Unions; and
- (e) who authorised each and every payment.

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

- (a) One (1) grant was made from the ACT Health Promotion Fund to a Trade Union over the period.
- (b)-(d)

The grant of \$40 639 to the Building Trades Group of Unions was for a "Drug and Alcohol Rehabilitation Program".

- (e) The Minister for Health authorised the payment of this grant on the advice of the Health Promotion Fund Advisory Committee. This is consistent with normal procedures for payment of grants.

3254

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

QUESTION NO. 880

Minister for Industrial Relations - Trade Union Grants

MRS CARNELL - Asked the Chief Minister upon notice on 17 August 1993;

In relation to the last two financial years - 1991-92 and 1992-93

- (a) how many grants did the Minister for Industrial Relations authorise to Trade Unions;
- (b) for what purpose;
- (c) to what total value;
- (d) to which trade unions; and
- (e) who authorised each and every payment.

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

1991-92

- (a) 1 Grant
- (b) Part payment of cost of employment of Equal Employment and Occupational Health and Safety Education Officers
- (c) \$49,000
- (d) ACT Trades and Labour Council
- (e) Minister for Industrial Relations

1992-93

- (a) 2 Grants
- (b)(i) Part payment of cost of employment of Equal Employment and Occupational Health and Safety Education Officers
- (ii) Campaign on sexual harassment in the Hospitality Industry
- (c)(i) \$70,000
- (ii) \$15,000
- (d)(i), (ii) ACT Trades and Labour Council
- (e)(i) Minister for Industrial Relations
- (ii) Minister for Industrial Relations on advice of Industrial Relations Advisory Council

3255

16 September 1993

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

QUESTION NO. 881

Minister for Urban Services - Trade Union Grants

MRS CARNELL- Asked the Chief Minister upon notice on 17 August 1993;

In relation to the last two financial years - 1991-92 and 1992-93

- (a) how many grants did the Minister for Urban Services authorise to Trade Unions;
- (b) for what purpose;
- (c) to what total value;
- (d) to which trade unions; and
- (e) who authorised each and every payment.

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

In the years 1991-92 and 1992-93 the Minister for Urban Services authorised no grants to trade unions.

3256

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

QUESTION NO. 882

Attorney-General - Trade Union Grants

MRS CARNELL - Asked the Chief Minister upon notice on 17 August 1993; i In relation to the last two financial years - 1991-92 and 1992-93

- (a) how many grants did the Attorney-General authorise to Trade Unions;
- (b) for what purpose;
- (c) to what total value;
- (d) to which trade unions; and
- (e) who authorised each and every payment.

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

In the years 1991-92 and 1992-93 the Attorney-General authorised no grants to trade unions.

3257

16 September 1993

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

QUESTION N0.883

**Minister for Housing and Community Services -
Trade Union Grants**

MRS CARNELL - Asked the Chief Minister upon notice on 17 August 1993:

In relation to the last two financial years - 1991-92 and 1992-93

- (a) how many grants did the Minister for-Housing and Community Services authorise to Trade Unions;
- (b) for what purpose;
- (c) to what value;
- (d) to which Trade Unions; and
- (e) who authorised each and every payment.

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

In the years 1991-92 and 1992-93 the Minister for Housing and Community Services authorised no grants to trade unions.

3258

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

QUESTION NO. 884

**Minister for Education and Training -
Trade Union Grants**

MRS CARNELL - Asked the Chief Minister upon notice on 17 August 1993;

In relation to the last two financial years - 1991-92 and 1992-93

- (a) how many grants did the-Minister for Education & Training authorise to Trade Unions;
- (b) for what purpose;
- (c) to what total value;
- (d) to which trade unions; and
- (e) who authorised each-and every payment.

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

In the years 1991-92 and 1992-93 the Minister for Education & Training authorised no grants to trade unions.

16 September 1993

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

QUESTION NO. 885

Minister for the Arts - Trade Union Grants

MRS CARNELL - Asked the Chief Minister upon notice on 17 August 1993;

In relation to the last two financial years - 1991-92 and 1992-93

- (a) how many grants did the Minister for the Arts authorise to Trade Unions;
- (b) for what purpose;
- (c) to what total value;
- (d) to which trade unions; and
- (e) who authorised each and every payment.

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

In the years 1991-92 and 1992-93 the Minister for the Arts authorised no grants to trade unions.

3260

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

QUESTION NO. 886

**Minister for the Environment, Land and Planning -
Trade Union Grants**

MRS CARNELL - Asked the Chief Minister upon notice on 17 August 1993;

In relation to the last two financial years - 1991-92 and 1992-93

- (a) how many grants did the Minister for the Environment, Land & Planning authorise to Trade Unions;
- (b) for what purpose;
- (c) to what total value;
- (d) to which trade unions; and
- (e) who authorised each and every payment.

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

In the years 1991-92 and 1992-93 the Minister for the Environment, Land & Planning authorised no grants to trade unions.

16 September 1993

**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 901**

Government Primary Schools - Class Sizes

MR CORNWELL - asked the Minister for Education and Training on notice on 17 August 1993:

- (1) What is the percentage of ACT Government junior primary school classes with over 30 pupils and what is the national average for such classes at the junior primary level.
- (2) What is the percentage of ACT Government senior primary school classes with over 30 pupils and what is the national average for such classes.
- (3) What is being done to reduce such classes above 30 pupils.

MR WOOD - the answer to Mr Cornwells question is:

- (1) The 1992 ACT Department of Education and Trainings Class Size Survey shows 11.5 per cent of ACT Government junior primary classes had over 30 pupils in 1992.

According to the Australian Education Union (AEU), the 1992 national average for such classes at the junior primary level was 9 per cent.

- (2) The 1992 ACT Department of Education and Trainings Class Size Survey shows 37 per cent of ACT Government senior primary classes had over 30 pupils in 1992.

According to the AEU, the 1992 national average for such classes at the senior primary level was 11 per cent.

- (3) The Department of Education and Training allocates staffing points to schools so that Kindergarten classes should have approximately 25 students and other primary classes approximately 30 students. Primary school principals have the responsibility to make the best use of resources to meet the needs of the students.

The Department is focussing additional resources to meet identified needs in areas such as improving literacy and numeracy and for programs for students with gifts and talents.

3262

**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION**

Question No. 923

**Institute of Technology - Student
Enrolment Statistics**

MR CORNWELL: To ask the minister for Education and Training -

- (1) How many (a) full time and (b) part time students were enrolled in the Canberra Institute of Technology courses in 1992.
- (2) How many in each category were mature aged students, ie 25 years and over.

MR WOOD: The answer to the members question is as follows:

- (1) The number of full time and part time students enrolled in the Canberra Institute of Technology in 1992 are listed below.
 - (a) Full time 13233
 - (b) Part time 4821
- (2) The statistics on mature age students within these categories are not available at present.

3263

16 September 1993

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 954

Rural Leases and Agistment Licences

MR CORNWELL - asked the Minister for the Environment, Land and Planning -

In relation to rural leases and agistment licences in the ACT -

- (1) What is the total acreage covered by these arrangements.
- (2) Are all rural leases "registered" and can such registrations be sighted; if not (a) how many are registered and (b) why are all rural leases not registered leases.
- (3) Are all agistment licences registered and can such registrations be sighted; if not (a) how many are registered and (b) why are all agistment licences not registered
- (4) If any rural leases or agistment licences are registered, where can such licences be sighted.

MR WOOD - the answer to the Members question is as follows -

- (1) There are 47,367 ha. of rural land held under lease and 10,065.8 ha. held under agistment licence in the ACT.
- (2) There is no legislative requirement for any lease, rural or otherwise, to be registered.

Registration of a lease is generally a requirement of financial lending institutions.

- (3) There is no legislative requirement to register an agistment licence. The rights offered in the licence are not assignable or transferable, nor may they be held in trust for any other person.
- (4) I attach a list of all current agistment licences and registered and unregistered leases.

3264

ACT RURAL LEASES

DISTRICT	BLOCK	LESSEE
BELCONNEN	166, 183, 190, 1382	Wallace, AT & MJ
BELCONNEN	371	Stuart, N
BELCONNEN	177	Heanes, GG & BA
BELCONNEN	50	Long
BELCONNEN	184	McKinnon
BELCONNEN	1330	Tindale
BELCONNEN	1490	Tully
BELCONNEN	173, 1381	Anderson, A
BELCONNEN	49, 53, 108, 160, 1160	CSIRO
BELCONNEN	181	Coonan
BELCONNEN	1422, 1514	Shepherd, AR
BELCONNEN	1329	Parkwood Eggs P/L
BOOTH	70	Richardson
BOOTH	43	Gregory, PM & NE
BOOTH	75	Rowley
BOOTH	57pt	Begbie
BOOTH	3, 1, 74	Baptist Community Service
BOOTH	53, 72, 73, 79	Curtis, NH & EM
BOOTH	39	Curtis, K & A
BOOTH	38	Adamson
BOOTH	21	Smith
BOOTH	40	Lonergan, G
BOOTH	126	Gregory
CANBERRA CENTRAL	1279, 422	Canberra Riding Club
CANBERRA CENTRAL	212	Stuart
COREE	22, 24, 26	Blundell
COREE	21	Retallack
COREE	47	Webb
COREE	9	Buckmaster, PB
COREE	18	Transferring
COREE	52-56	Hyles
FYSHWICK	180, 343	Stuart
GUNGAHLIN	5, 6, 9, 242, 458, 461	Mawson
GUNGAHLIN	1, 2	Murray
GUNGAHLIN	317, 320	Tarawa Pty Ltd
GUNGAHLIN	4, 8, 305, 310	Cavanagh
GUNGAHLIN	15	CSIRO
GUNGAHLIN	470	Carmody
GUNGAHLIN	422	Morris

DISTRICT	BLOCK	LESSEE
GUNGAHLIN	452	Bolton
GUNGAHLIN	186	Johnston
GUNGAHLIN	431, 442, 425, 407	Fernhill Past Co.
GUNGAHLIN	325	Gold Creek Pty Ltd
GUNGAHLIN	68, 12	McKeahnie
GUNGAHLIN	322, 368, 369	Wingrove
GUNGAHLIN	315, 378	Pattinson
GUNGAHLIN	316	Gale
HALL	307	Doughty, R & CO Pty Ltd
HALL	310	Brown
HALL	48	CSIRO
JERRABOMBERRA	53	Campbell
JERRABOMBERRA	98	Douglas
JERRABOMBERRA	2056	Barron
JERRABOMBERRA	38pt	Therapeutic Goods Admin
JERRABOMBERRA	154	Wallace
JERRABOMBERRA	27	Qbn City Council
JERRABOMBERRA	11, 26, 72	Allen
JERRABOMBERRA	166	Bemoa Pty Ltd
JERRABOMBERRA	37pt, 182, 1035, 1036	Mulligan
JERRABOMBERRA	97	Mark Dallas Pty Ltd
JERRABOMBERRA	2052	Wombey & Ipkendanz
KOWEN	63	Montgomery
KOWEN	23	McKeahnie
KOWEN	29	Neilson, L & Norman, B
KOWEN	75	McInnes
MAJURA	52	Hanstein
MAJURA	34, 26	Toukay Invest. (Dr Killen)
MAJURA	139	Southwell
MAJURA	48	Hall
MAJURA	28	Hunt
MAJURA	51	Brogan
MAJURA	138	Scott
MAJURA	55	Rees, J
MAJURA	59	Sullivan, AJ & Hicks, PA
MAJURA	147	Smith, R
MAJURA	56, 57	McKeahnie, C
MAJURA	102, 146	Van Gelder
MAJURA	36	Underwood
MAJURA	60, 92	Taylor, R
MAJURA	135	Van Gelder

DISTRICT	BLOCK	LESSEE
PADDYS RIVER	144	Robertson
PADDYS RIVER	18, 35, 36, 145	Shanahan
PADDYS RIVER	1	Kenyon
PADDYS RIVER	16, 26, 133-138, 70	Hyles
PADDYS RIVER	185	Hyles
PADDYS RIVER	7, 120, 125, 127, 128, 182	Gullett
PADDYS RIVER	132	Gorman
PADDYS RIVER	237	Trenerry
PADDYS RIVER	121	Boorman & Kiernan
PADDYS RIVER	14	Carmody & Burgess
PADDYS RIVER	143	
PADDYS RIVER	34	Flint
PADDYS RIVER	33, 220/221	Flint
PADDYS RIVER	22, 129	Gregory
PADDYS RIVER	45, 118, 119	Oldfield
PADDYS RIVER	24, 130	Norgrove
PADDYS RIVER	114, 115	Oldfield
PADDYS RIVER	226	Wells
PIALLIGO	1	Penman, R
PIALLIGO	14	Burgess & Cottier
PIALLIGO	8	Gavaghan
PIALLIGO	9	Eliot
PIALLIGO	20	Kelly
PIALLIGO	18	Kerrison
PIALLIGO	10	Fleming
PIALLIGO	19	Bruce
PIALLIGO	32, 35/36, 30/2	Flamen Nominees Ltd
PIALLIGO	22	Hincksman & Smith
PIALLIGO	11	Mason
PIALLIGO	4	McCarthy
PIALLIGO	12	Cleary
PIALLIGO	23	O'Sullivan
PIALLIGO	7	Martin
PIALLIGO	19	Darbyshire
PIALLIGO	17	Smylie
PIALLIGO	27	Bruce
PIALLIGO	1/13	Bruce
PIALLIGO	6	Smith
PIALLIGO	21	Smith
PIALLIGO	13	Banks
PIALLIGO	15	Allen
PIALLIGO	31	Hauptman
PIALLIGO	33/2	Rutzou

DISTRICT	BLOCK	LESSEE
STROMLO	19	Katz
STROMLO	6, 412, 413	Gale
STROMLO	439-442	Dickson, K
STROMLO	40, 57, 159pt	Mark Dallas Pty Ltd
STROMLO	400/415	Champion
STROMLO	29	Christensen
STROMLO	5	Buckmaster
STROMLO	15	Brown
STROMLO	14	Arthur, RJ & Carron, P
STROMLO	16	Silk Rd Enterprises
STROMLO	10	Tanner and Son
SYMONSTON	3/310, 1/6	Curley, S & Coster, A
SYMONSTON	2/97	no lease
SYMONSTON	3/97	Blackman
SYMONSTON	4/97	Pini, B & J
SYMONSTON	1/85, 2/85, 2/103	Owens
SYMONSTON	3/108	Wombey & Ipkendanz
SYMONSTON	1/103	Swan
TENNENT	20	Gregory
TENNENT	50	Hyles
TENNENT	81	McCormack
TENNENT	56, 60, 61, 62, 69, 80	Moore
TENNENT	98, 99, 100, 101, 102	Martin
TENNENT	74	Loneragan
TENNENT	3, 68	Tong
TUGGERANONG	86, 1249	Royalla Pty Ltd
TUGGERANONG	35	Adams
TUGGERANONG	1448	Lions Club
TUGGERANONG	103	Moore
TUGGERANONG	99, 101, 4, 17, 1195, 1194	Griffin
TUGGERANONG	2, 96, 1191, 1192	Morrison
TUGGERANONG	1188	Michell
TUGGERANONG	115, 121	Morrison
TUGGERANONG	100	McDonald
TUGGERANONG	98	Davidson
TUGGERANONG	116, 118, 122	Vallona Pastoral Co.
TUGGERANONG	97pt, 1307, 1414/1461	Pini
TUGGERANONG	36, 119, 120	Smith
TUGGERANONG	85	Goodall, J
TUGGERANONG	104	Byrne
TUGGERANONG	1428, 1446, 1478, 1480	Gieke
TUGGERANONG	1466	Mark Dallas Pty Ltd
WESTON CREEK	1171	Tully
WESTON CREEK	864, 1151	Forest Park Riding School

LICENSEE	BLOCK/SECTION	DISTRICT	AREA (ha)	CHARGES - QRTL	Carrying capacity Dry Sheep Equivalent
H.J.P. & M.K. Adams	34	Tuggeranong	67	\$62.66	60
T.G. & G.G. Allen	4/1,	Symonston	39.4	\$176.15	169
T.G. & G.G. Allen	3/110, 5/110, 6/110	Symonston	73	\$417.56	402
A. Anderson	1465	Belconnen	16.1	\$68.90	66
A. Anderson	Pt. 1360	Belconnen	71.66	\$372.63	358
R.A. Begbie	64	Booth	137.68	\$114.53	110
Bemoa Pty. Ltd.	17	Jerrabomberra	163	\$203.45	196
Bidgeyarra Pty. Ltd.	10	Coree	60.3	\$94.12	91
T.D. Brayshaw	49	Booth	735	\$1,070.16	1,029
T.D. Brayshaw	72	Tennent	(Incl above)		
W.E.A. Bruce	Pt 1/13	Pialligo	10	\$52.00	50
P.B. Buckmaster	192	Belconnen	64	\$166.40	160
P.B. Buckmaster	23	Coree	157.4	\$671.15	645
M.D. Campbell	6/17,	Hume	100	\$364.00	350
M.D. Campbell	2060	Jerrabomberra	30.25	\$135.33	130
M.D. Campbell	2048	Jerrabomberra	8.75	\$22.75	22
M.D. Campbell	5/18, 6/18, 4/24 & 5/24	Hume	75	\$390.00	375
A.P. Carmody & C.R. Burge	187	Paddy's River	177	\$552.24	531
Couranga Pastoral Co.	2/5,	Paddy's River	38.14	\$36.40	35
Couranga Pastoral Co.	3	Paddy's River	216.74	\$234.00	225
Couranga Pastoral Co.	116	Tennent	118	\$49.14	47
Couranga Pastoral Co.	75	Tennent	352	\$439.27	422
Couranga Pastoral Co.	117	Tennent	121	\$125.84	121
N.H. & E.M. Curtis	17	Booth	721.4	\$600.20	577
N.H. & E.M. Curtis	78	Booth	177.5	\$147.68	142
Mark Dallas Pty. Ltd.	1/45, 1/46 & 1/47	Fyshwick	48.6	\$252.72	243
Mark Dallas Pty. Ltd.	2/19, & 3/19	Hume	19.7	\$122.98	118
Mark Dallas Pty. Ltd.	196	Jerrabomberra	112.5	\$526.50	506
Mark Dallas Pty. Ltd.	2062	Jerrabomberra	50.59	\$78.91	76
Mark Dallas Pty. Ltd.	2043	Jerrabomberra	11.74	\$33.02	32
Mark Dallas Pty. Ltd.	13	Paddy's River	184	\$574.00	552
Mark Dallas Pty. Ltd.	7/106	Symonston	2.43	\$12.74	12
Mark Dallas Pty. Ltd.	21	Jerrabomberra	2	\$57.72	56
K.L. & W.J. Dickson	63 & 221	Stromlo	21	\$87.36	84
P.M. & N.E. Gregory	44-47	Booth	917	\$1,049.10	1,009
P.M. & N.E. Gregory	73	Tennent	145.07	\$226.33	218
E. Hamilton	3/35 & 1/2,	Pialligo	58	\$361.92	348
E. Hamilton	1/72, 1/79 & 1/80	Watson	30.6	\$127.27	122
R.B. Hyles	1	Kowen	142.5	\$370.50	356
R.B. Hyles	2	Kowen	236.6	\$615.16	592

3270

J.K. Ipkendanz & M.J. Wombey	4/107, & Pt. 5/107	Symonston	14.6	\$75.92	73
M.J. & M.M. Lonergan	64	Tennent	300	\$546.00	525
B.W. & M.F. McCormack	76	Tennent	183	\$114.14	110
H.A. Moore	83-7	Tennent	395	\$279.37	269
J.M. Moore	175	Belconnen	256	\$837.72	806
R. Moore	110-111	Tennent	96	\$149.76	144
A.W. & C.M. Morrison	1187	Tuggeranong	103	\$107.12	103
M.P. & J.M. O'Brien	1476	Belconnen	31.6	\$131.43	126
M.P. & J.M. O'Brien	1475	Belconnen	33.6	\$156.13	150
C. Oldfield	8,9,12 & 74	Watson	11	\$68.64	66
D.E. Oldfield	32	Paddy's River	13.35	\$19.44	19
J. Pini	Pt. 12	Tuggeranong	54	\$67.34	65
J. Pini	1415	Tuggeranong	82.6	\$111.67	107
R., Rankin	Pt. 1360	Belconnen	16.8	\$87.36	84
C.C. Russell	153 & 40 (Symonston)	Deakin	167	\$156.00	150
C.C. Russell	569	O'Malley	157.1	\$130.65	126
F.J. Scott	322	Campbell	16	\$66.56	64
F.J. Scott	1411, 1412, & 1413	Majura	110.6	\$460.07	442
A.R. & A.L. Shepherd	1414 & Pt. 192	Belconnen	16.5	\$42.90	41
A.R. & A.L. Shepherd	1409	Belconnen	29.3	\$60.97	59
A.R. & A.L. Shepherd	1408	Belconnen	5	\$26.00	25
B.A. Southwell	Feb-44	Belconnen	19	\$59.28	57
D.M. & M. Stuart	3/70,	Mitchell	7.7	\$203.84	196
D.M. & M. Stuart	2/64 & 5/64	Fyshwick	54	\$449.28	432
D.M. & M. Stuart	1/59 & 1/65	Fyshwick	85	\$530.40	510
N. Stuart	21	Fyshwick	40	\$374.40	360
R.W. & F. Taylor	1262	Canberra Central	97	\$403.52	388
R.W. & F. Taylor	206	Belconnen	13.7	\$71.24	69
R.W. & F. Taylor	514	Majura	17.3	\$89.96	87
R.W. & F. Taylor	515	Majura	15	\$78.00	75
B, L.A. & R., T. Tong	Pt. 92	Majura	6	\$31.20	30
B, L.A. & R.T. Tong	1/147	Majura	224	\$112.32	108
B, L.A. & R.T. Tong	104	Kaleen	56	\$203.84	196
B, L.A. & R.T. Tong	68	Tennent	75	\$171.60	165
B, L.A. & R.T. Tong	77-79 & 95	Tennent	607.02	\$315.64	304
M. Tully	3	Tennent	125	\$195.00	188
M. Tully	1419	Tennent	114	\$59.28	57
M. Tully	Pt. 180	Belconnen	154.7	\$402.22	387
M. Tully	179	Belconnen	70.83	\$42.20	41
Mr. & Mrs. Van Gelder	1020 & 178	Belconnen	97.5	\$375.18	361
	Pt. 113	Belconnen	44	\$91.52	88
		Majura	15.18	\$47.32	46

Mr. & Mrs. Van Gelder
Mr. & Mrs. Van Gelder
A.J. & M.J. Wallace
A.J. & M.J. Wallace
A.J. & M.J. Wallace
A.J. & M.J. Wallace

Pt. 146
Pt. 102
1418
203
2/13,
1/6,

Majura
Majura
Belconnen
Jerrabomberra
Lawson
Lawson

6.4
25.7
69
14.57
70.7
136.8

\$33.28
\$160.42
\$215.28
\$22.75
\$257.40

.32
154
207
22
248

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 955

Rural Property Licences

Mr Cornwell - asked the Minister for the Environment, Land and Planning - in relation to the Minister's reply to question on notice No.778 regarding rural properties held under licence in the ACT -

- (1) What is the total acreage of the 45 properties held under licence in the ACT.
- (2) What types of leases or contracts covered these properties before the introduction of "agistment licences" in July 1989.
- (3) What is the carrying capacity of this land.
- (4) How many sheep, cattle and horses is this land currently carrying.
- (5) How many of these properties under licence are held by employees of the Minister's Department or their companies or their families.
- (6) What total acreage is held by people mentioned in (5).
- (7) By what types of arrangements (other than rural leases, agistment licences) can people obtain use of acreages in the ACT for short or long term use.

Mr Wood - the answer to the Member's question is as follows:

- (1) The total acreage of the 45 properties held under licence is 10,065 hectares.
- (2) Before the introduction of these "agistment licences" there were no formal arrangements in place. The costs were set relating to carrying capacity and there were no clear rules as to responsibility.
- (3) The total carrying capacity for this land is 19,241 dry sheep equivalent.
- (4) The Department is unaware of the current stock numbers currently on these parcels of land. Persons using this land can have a mixture of stock. Carrying capacities are set to indicate what the

land will carry over an average year. Persons can graze these areas on a rotational basis, that is at times at higher levels than indicated as long as the average carrying capacity is not exceeded.

- (5) Of the 88 properties held by 45 different licensees, 16 are held by 5 employees of my Department, or their companies or their families.
- (6) The total area held by people mentioned in (5) is 1,319 hectares.

Mr Louie Margules is a member of a company (Mark Dallas Pty Ltd) which holds 8 licences. The area concerned is 431 hectares. He has grazed these areas for a number of years, in some cases since the mid 1960s.

Mr Colin Oldfield holds 1 licence and the area is 11 hectares. He has grazed the area since June 1983.

Mr Graham Heanes holds 1 licence and the area is 16.8 hectares. He has grazed the area since 1992, when he purchased an adjoining lease. Due to the lack of boundary fencing on Ginninderra Creek, the licence area has been traditionally grazed by the adjoining lessee, and this arrangement continued when Mr Heanes became that lessee.

Mrs B A Southwell, wife of Kevin Southwell (Department Ranger), holds 1 licence and the area is 7.7 hectares. The family have grazed this area since 1991, when a licence was granted after formal selection. Prior to that, the area was used as a horse paddock by a Department Ranger, who has now retired. Mr Southwell also uses a horse paddock on an adjoining block.

Mr Laurie Tong, in partnership with his mother and brother, holds 5 licences and the area is 977 hectares. The family have grazed various areas since the 1970s. They also hold significant leasehold lands, their occupation of which date back to the early 1900s.

- (7) Other types of arrangements by which people obtain use of acreages in the ACT is permissive occupancy (free agistment). This type of agistment is used when the land is only available for a very short period or where it is part of a nature reserve or where it is uneconomical for the department to provide water and fencing. It is generally used to reduce grass for fire management purposes.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 956

Abattoir Holding Paddocks

MR CORNWELL - asked the Minister for the Environment, Land and Planning -

In relation to the one parcel of land available to be leased at 16 June 1993 (your reply to question on notice No. 793) -

- (1) What is the current status of that parcel of land.
- (2) Where is that land and what is its identifying block or section number.
- (3) What is its acreage and what improvements are on it.
- (4) What is its current use.
- (5) For what purpose may it be used in future.
- (6) Why has it become available and for how long has it been released.
- (7) What steps are being taken to re-lease this parcel of land and when is it expected to be leased.
- (8) What will be the length of its lease and what will be its annual rent, its rates and any other charges attached.
- (9) Will it be leased with a withdrawal clause.

MR WOOD - the answer to the Member's question is as follows -

The parcel of rural land available for lease is the area known as the Abattoir Holding Paddocks and I refer the Member to the answer to Question Number 957, where a detailed response has been given.

MINISTER FOR EDUCATION AND TRAINING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 960

Education Advisory Bodies

MR CORNWELL - asked the Minister for Education and training on notice on 24 August 1993:

In relation to education advisory bodies:

- (1) Why is the ministerial "Advisory Council" on Public Education so named, when the non-government body is termed a ministerial "Consultative Committee".
- (2) Is there any significance between the terms Advisory and Consultative and; if so, what is the significance.
- (3) Who are the members, by name, of each body and what are their qualifications for the position.

MR WOOD - the answer to Mr Cornwell's question is:

- (1) The Ministerial Advisory Council on Public Education and the Ministerial Consultative Committee on Non-Government Schooling were both established to implement Labor Party policy as articulated prior to the 1992 election.

In the document *Protecting Canberra's Schools: Labor's Schools Policy* there are separate references to both groups.

The first, in the part of the policy devoted to government schools, is "Labor will establish a Schools Advisory Council which will provide publicly available advice to government on priorities in ACT schooling".

The second, in the part of the policy devoted to non-government schools, is "Labor will formally establish the Non-Government Schools Consultative Committee to advise the Minister on matters affecting non-government schools."

Since the establishment of the Ministerial Consultative Committee on Non-Government Schooling is to enhance the status of an already existing body, it was decided to retain the existing terminology to maintain continuity.

- (2) No

(3)

(a) Ministerial Advisory Committee on Public Education

Ms Di Mildern, Chair	(Ministerial nominee)
Dr Marilyn Fleer	(Ministerial nominee)
Mr Ray McCulloch	(Ministerial nominee)
Dr Sarah Ryan	(Ministerial nominee)
Dr Rolf Gerritsen	(Ministerial nominee)
Ms Ricki Dargavel	(Ministerial nominee)
Mr Charles McDonald	Trades and Labour Council of the ACT
Ms Wendy Coutts	Australian Education Union (ACT Branch)
Ms Margaret Hird	Australian Education Union (ACT Branch)
Mr Trevor Cobbold	ACT Council of P&C Associations Inc
Mr Ross Dalton	ACT Council of P&C Associations Inc
Ms Trish Payne	School Board Forum
Ms Marguerite Walshaw	Canberra Preschool Society Inc
Ms Cecelia Machan	ACT Student Representative Council
Ms Cheryl Vardon	Ex-officio member

(b) Ministerial Consultative Committee on Non-Government Schooling.

Professor James Walker, Chair	(Ministerial nominee)
Mr Geoff Joy	Catholic Education Commission
Ms Anne Cummins	Catholic Education Commission
Dr Vimala Sarma	Association of Parents and Friends of ACT Schools
Ms Joyce Hill	Association of Independent Schools
Ms Helen Allnutt	(Ministerial nominee)
Rev David Oliphant	(Ministerial nominee)
Ms Dianne Kerr	Department of Education and Training

The nominee from Independent Schools' Staff Association is at present not available, pending resolution of problems within the Association.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 965

Rural Leases - Withdrawal and Refencing

Mr Cornwell - asked the Minister for the Environment, Land and Planning -

- (1) What notice is given to a rural lessee that resumption of land and consequent refencing is to occur.
- (2) Does the Department attempt to co-operate with the leaseholder in order to disturb their land and stock management program as little as possible.
- (3) While fencing is being done, what steps does the Department take to ensure its fencing contractors do not create conditions which may cause injury to stock.
- (4) If such injuries occur, what liability is accepted by the Department.

Mr Wood - the answer to the Member's question is as follows:

- (1) It is a requirement that 3 months formal notice be given to lessees of an intended resumption of land and consequent re-fencing. Whenever possible rural lessees are informed informally about impending withdrawals well before the 3 months legal requirement.
- (2) The Department works with the lessee to ensure that the minimum possible disturbance occurs through the withdrawal process. The Department also works closely with the developer to facilitate a smooth transition from grazing to project site.
- (3) The Department liaises with the lessee to remove stock from paddocks when fencing operations are underway, although some lessees choose to leave their stock in the area at their own risk. Where stock remain in the same paddock, the Department requires the contractor to undertake all possible steps to avoid creating conditions that may cause injury to stock.
- (4) In these cases, the ACT Government does not accept liability, although this does not negate any of the common law rights of the lessee.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 967

Rural Leases - Withdrawal

Mr Cornwell - asked the Minister for the Environment, Land and Planning -

- (1) Does a written policy exist to be followed regarding resumption of a rural lease.
- (2) If so, can a copy be provided to me and, if a written policy does not exist, why not.
- (3) Does a minimum time exist to give notice of the resumption of a rural property.
- (4) If so, what is the time limit and if no time limit exists, why not.

Mr Wood - the answer to the Member's question is as follows -

- (1) and (2) Yes. There is a requirement under Section 29 of the *Australian Capital Territory (Planning and Land Management) Act 1988* for a document outlining the procedures to be followed. The term used is 'withdrawal' rather than 'resumption'.

I have attached a copy of the relevant section from the procedures.

- (3) and (4) The standard withdrawal clause used in rural leases granted under the *Leases Act 1918*, and now under the *Land (Planning and Environment) Act 1991*, provides that the Territory notify in writing of its intention to withdraw land from a lease. That clause does not specify a minimum time for notification, however it has been Government practice since well before Self-Government that a minimum three months' notice be given.

The Assembly will be aware that, on 16 September 1993, I tabled an exposure draft of a *Lands Acquisition Bill* for the Territory and that draft will be subject to public consultation over the next two months. This legislation will obviate the need for withdrawal clauses in rural leases.

When the Bill is finalised its provisions will cover the acquisition in a most comprehensive manner, with specific time periods and rights of appeal.

15.

EXCISION OF LAND FROM A LEASE (LAND WITHDRAWAL)

ACTION

Withdrawal of land from a lease in accordance with the lease provisions, to reduce the area of the land comprised in the lease.

AUTHORITY

The conditions of the Crown Lease/Ministerial discretion.

WHO IS ELIGIBLE TO APPLY

The Crown Lessee and Government agencies who require the use of the land (including, but not limited to, DELP, DUS, TELECOM, ACTEW, etc)

HOW ELIGIBLE PERSONS APPLY

Submit formal application to:

Assistant Secretary
Lease Administration Branch
Department of the Environment,
Land and Planning
PO Box 1908, CANBERRA CITY ACT 2601

PROCESS

Check lease to:

- (a) ensure that withdrawal action is an option;
- (b) check that there are no registered encumbrances;
- (c) establish any rights to compensation.

Refer to ACTPA for comments.

Refer to AVO for advice on rental leases and valuation of any improvements for compensation purposes.

Notice of withdrawal is hand-delivered to lessee.

Survey is carried out, and Balance Certificate of Title is prepared and registered at the Land Titles Office.

Payment of compensation is finalised.

DECISION CRITERIA

Whether proposal is of a minor nature, or affecting compliance with the existing lease covenants.

APPEALS

AAT (against new rental or compensation).

WITHDRAWAL

(f) That if at any time during the term of this lease any portion or portions of the land are required by the Commonwealth for the construction of public roads railways associated works and services or any other Commonwealth purpose the Commonwealth may by notice in writing served on the Lessee withdraw any such portion or portions of the land from the lease and the Lessee shall not be entitled to any compensation as a result of such withdrawal;

NOTICES

(g) That any notice requirement demand consent or other communication to be given to or served upon the Lessee under this lease shall be deemed to have been duly given or served if signed by or on behalf of the Commonwealth and delivered to or sent in a prepaid letter addressed to the Lessee at the registered office of the Lessee in the said Territory BUT if for any reason the Lessee does not have a registered office in the said Territory then at the usual or last-known address of the Lessee or affixed in a conspicuous position on the premises;

EXERCISE OF COMMONWEALTH POWERS

- (h) Any and every right power and or remedy conferred on the Commonwealth or the Minister hereunder or implied by law may be exercised on behalf of the Commonwealth or the Minister as the case may be by:
- (i) the Minister of State of the Commonwealth for the time being administering the Leases Ordinance 1918 or any Statute or Ordinance substituted therefor or the Member of the Executive Council of the Commonwealth for the time being performing the duties of such Minister;
 - (ii) an authority or person for the time being authorised by the Minister of State referred to in (i) above or by law to exercise those powers or functions of the Commonwealth or the Minister; or
 - (iii) the person to whom the Minister of State referred to in (i) above has delegated all his powers or functions under the said Leases Ordinance 1918 or any Statute or Ordinance in substitution therefor.

MINISTER FOR SPORT

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 976

Wright Corporate Group Companies

Mrs Carnell - asked the Minister for the Arts -

(1) Has the ACT Government and any of its agencies had any business or other dealings with any of the following companies or organisations (a) Cinnavon Pty Limited ACN 061 141 295; (b) Canberra Mail and Print Pty Limited ACN 008 537 406; (c) Canberra Mailing and Print Company Pty Limited ACN 008 537 406; (d) Canberra Mailing Co. Pty Limited ACN 008 537 406; (e) The Wright Corporate Group Pty Limited ACN 008 557 668; (f) Austwide Communications Pty Limited ACN 008 557 668; (g) Professional Fund Raising Services Pty Limited ACN 008 557 668; (h) Envelope House; and (i) Wright Anderson Pty Limited ACN 061 340 010.

(2) On what dates did these dealings or transactions take place, and what was the value of the transaction.

(3) What was the nature of the dealings or transactions.

(4) How was any work or contract awarded and who approved it.

(5) If the tender was not the cheapest, why were any of the above entities selected and who approved it.

Mr Wood - the answer to the Member's question is as follows:

(1-5) My Department has not had any dealings with the companies listed.

MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NUMBER 981

Wright Corporate Group Companies

Mrs Carnell - asked the Minister for the Environment, Land and Planning -

- (1) Has the ACT Government and any of its agencies had any business or other dealings with any of the following companies or organisations (a) Cinnavon Pty Limited ACN 061 141 295; (b) Canberra Mail and Print Pty Limited ACN 008 537 406; (c) Canberra Mailing and Print Company Pty Limited ACN 008 537 406; (d) Canberra Mailing Co. Pty Limited ACN 008 537 406; (e) The Wright Corporate Group Pty Limited ACN 008 557 668; (f) Austwide Communications Pty Limited ACN 008 557 668; (g) Professional Fund Raising Services Pty Limited ACN 008 557 668; (h) Envelope House; and (i) Wright Anderson Pty Limited ACN 061 340 010.
- (2) On what dates did these dealings or transactions take place, and what was the value of the transaction.
- (3) What was the nature of the dealings or transactions.
- (4) How was any work or contract awarded and who approved it.
- (5) If the tender was not the cheapest, why were any of the above entities selected and who approved it.

Mr Wood - the answer to the Member's question is as follows:

- (1-5) My Department has not had any dealings with the companies listed.

ATTORNEY-GENERAL

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 984

Wright Corporate Group Companies

MRS CARNELL: Asked the Attorney-General -

1. Has the ACT Government and any of its agencies had any business or other dealings with any of the following companies or organisations (a) Cinnavon Pty Limited ACN 061 141 295; (b) Canberra Mail and Print Pty Limited ACN 008 537 406; (c) Canberra Mailing and Print Company Pty Limited ACN 008 537 406; (d) Canberra Mailing Co. Pty Limited ACN 008 537 406; (e) The Wright Corporate Group Pty Limited ACN 008 557 668; (f) Austwide Communications Pty Limited ACN 008 557 668; (g) Professional Fund Raising Services Pty Limited ACN 008 557 668; (h) Envelope House; and (i) Wright Anderson Pty Limited ACN 061 340 010.
2. On what dates did these dealings or transactions take place, and what was the value of the transaction.
3. What was the nature of the dealings or transactions.
4. How was any work or contract awarded and who approved it.
5. If the tender was not the cheapest, why were any of the above entities selected and who approved it.

MR CONNOLLY: The answer to the member's question is as follows:

1. The ACT Attorney-General's Department has directly dealt with Canberra Mail and Print Propriety Limited on one occasion over the term of the present Government.

The Department has also had indirect dealings with the specified companies through Registry in the Corporate Services Bureau. Details regarding these transactions have been provided in the response by the Department of Urban Services portfolio.
2. The single direct dealing which the Attorney-General's Department had undertaken with Canberra Mail and Print Propriety Limited took place on 29 October 1992 and amounted to \$66.50c in total.
3. This dealing was required in order to print 1,000 prepaid envelopes for a survey of Justices of the Peace.
4. The work was awarded to Canberra Mail and Print Propriety Limited through Publications and Public Communication (in the Corporate Services Bureau), who surveyed three firms in the ACT to establish the firm which could most cheaply fulfil the requirements of the job. The delegated Administrative Officer within the Administrative Law and Justice Branch authorised Publications and Public Communication to undertake this process, which did not require the Government to enter into a formal written contract given the size of the transaction.
5. Canberra Mail and Print Propriety Limited was the cheapest service provider on this occasion.

16 September 1993

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 989**

**Housing and Community Services Portfolio -
Personal Development Consultancy**

MR HUMPHRIES - asked the Minister for Housing and Community Services in relation to ACT Gazette No. 36, dated 8 September 1993, specifically Purchase Reference 000011-5, a consultancy awarded to Ms Kate Elliott of 2 Tooms Place, Lyons ACT 2606 at a cost of \$5,000

- (1) For what services is Ms Elliott contracted.
- (2) Over what timeframe is Ms Elliott contracted.
- (3) What deadlines is she expected to meet for the delivery of the service/s for which she is contracted.
- (4) Was this consultancy advertised. If so (a) when: and (b) where. If not, why not.
- (5) Has Ms Elliott ever worked for the Housing and Community Services Bureau. If so (a) when; (b) for how long; (c) at what level; and (d) what were her duties.

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

- (1) Ms Elliott was contracted to:
 - (i) Prepare and submit a proposal and anticipated costings for evaluation of an agreed pilot project in cooperation with another designated psychologist. The proposal was to provide a measurement on ascertaining the effectiveness and feasibility of various aspects of the Personal Development workshop.
 - (ii) Co-facilitate the Violent Offences (VO) course no. 13 - including the modification of the current course content, provision of a written summary of course content, planning for and debriefing after each session, attending interviews with course coordinators as required, participation in session and course evaluation/final report, providing support and training to co facilitators as required, and accept administrative supervision and support from the course co-ordinator.

3284

- (iii) Develop and formulate a Personal Development workshop for women.
- (iv) The possible provision, upon mutual agreement, of occasional training workshops for facilitators of both Drink Driving and Violent Offences courses.
- (2) Ms Elliotts contract was to be in force over the period 1 July 1993 until 30 November 1993, unless terminated earlier. The contract was terminated with effect on 16 September 1993.
- (3) The deadlines Ms Elliott was expected to meet were stipulated in the contract as follows

In reference to the tasks outlined at 1 (i,iii & iv) above, a mutually agreed time period was to be fixed.

The co-facilitation of the Violent Offences course, (1) (ii), was required for a minimum of 12 weeks, at 5 hours per week, during the period July to September 1993.

- (4) The consultancy was not advertised, however earlier in the year

contact had been made with a number of psychologists to ascertain the availability of those with relevant experience in group work. It should be noted that specialised skills are required to facilitate groups of Corrective Services clientele.

Of those psychologists contacted, two individuals, one of which was Ms Elliott, were identified as having both the required skills, and considerably lower fees. The second psychologist is also being used for Attendance Centre course delivery project work.

The guidelines for selecting and managing a management consultant were followed in this exercise. The Management Advisory Services area in the ACT Office of Public Sector Management were contacted on this matter, as is mandatory, to allow access to their database of management consulting firms. That office advised that they need not be involved in the process due to the relatively small sum of money concerned.

- (5) Ms Elliott has not been employed as a salaried employee of the Housing and Community Services Bureau at any time previously, although she has done prior consultancy work of a similar nature during the previous financial year.

3285

16 September 1993

**SPEAKER OF THE LEGISLATIVE ASSEMBLY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION ON NOTICE NO 993**

**Legislative Assembly Secretariat -
Advertising**

MR HUMPHRIES - asked the Speaker:

In relation to the 1992-93 financial year -

- (1) What services were advertised by the Legislative Assembly Secretariat,
- (2) What was the total cost of advertising of these services by the Legislative Assembly Secretariat.
- (3) In what publications were advertisements placed by the Legislative Assembly Secretariat.

MADAM SPEAKER - The answer to the Members question is as follows:

- (1) Services advertised by the Legislative Assembly Secretariat in financial year 1992-93 were advertisements relating to Committee inquiries and requests for submissions and vacancies for both Members staff and Secretariat staff,
- (2) \$7964.24.
- (3) Advertisements were placed in the following publications: (a) The Canberra Times (b) The Canberra Chronicle (c) The Australian (d) The Tuggeranong Valley View.

3286

APPENDIX 1:

(Incorporated in Hansard on 15 September 1993 at page 3109)

PARLIAMENTARY COUNSELS OFFICE

SUBJECT: ACTS AMENDING REGULATIONS: OPINION

REF:

Attorney General

You have asked for my advice on the question of whether an Act can amend regulations and, if so, the source of power for the Legislative Assembly to pass such an Act.

2. In my opinion, the legislative competence of the Assembly does extend to passing an Act that would expressly amend regulations. In essence, therefore, I am concurring in the view that you expressed in the Assembly on Thursday 26 August 1993 in debate during passage of the Registrar-General (Consequential Provisions) Bill 1993 (see that days Hansard at page 97). The reasons for my view are set out in the following paragraphs.
3. Legislative competence to amend or otherwise affect subordinate laws (for present purposes I will confine myself to regulations made by the Executive) is simply one minor facet of the Assemblys plenary power under subsection 22 (1) of the Australian Capital Territory (Self-Government) Act 1988 (Cwlth) (the SelfGovt Act) to make laws for the peace, order and good government of the Territory. Any argument to the contrary would, I assume; have to be based on the premise that it would be an insupportable incursion by one law-maker into the domain of another. Such a view is simplistic and ignores the hierarchical relationship between a superior legislature and a subordinate law-maker. It also disregards the fact that regulations are never an independent sphere of discretionary law-making; rather, they are generally subservient to all Acts, not just to their respective parent Acts.
4. In forming my view, I have considered whether anything turns on the fact that in the Territory the subordinate law-maker, the Executive, is not itself the creature of an Act passed by the Assembly (the Executive having been established under Part V of the Self-Govt.Act). I have come to the conclusion that this is immaterial -it is sufficient that the Executive derives its law-making powers from Acts passed by the Assembly. The relationship between ,the Commonwealth Parliament and the Governor-General is an analogous one and that factor has obviously been discounted as irrelevant (see paragraph 10 below).
5. The consequence is, I believe, as sound in logic as it is in law, namely, that the Assembly, as the superior legislature, is just as competent to repeal or amend the text of regulations made by the Executive, as the subordinate law-maker, pursuant to a power conferred by the Assembly as it is to affect those regulations in other ways. An Act may limit or revoke a regulation-making power by amending the Act containing that power, thus in effect repealing some or all of the regulations that relied on that power for their validity.

Acts sometimes

save existing regulations (with or without adaptations) to fit them to a new statutory regime. An Act may affect regulations by providing for them to be applied or interpreted in a certain way. These are all examples of a superior legislature intruding into the bailiwick of a subordinate law-maker and are devices that are legitimately employed from time to time. Viewed in this light, it would be incongruous if an Act altering the terms of a regulation were not regarded as *intra vires*.

6. In this overall context, it is interesting to note that subsection 22 (2) of the SelfGovt Act expressly provides that the power to make laws extends to making laws with respect to the exercise of powers by the Executive. Section 37 of the SelfGovt Act charges the Executive with responsibility for, *inter alia*, executing and maintaining subordinate laws.

Thus the Self-Govt Act itself contemplates the

Assembly's involvement with matters pertaining to the Executive. In my view there is no reason in law why regulations should be regarded as outside this purview of the Assembly.

7. The existence of the Assembly's power, by resolution, to disallow regulations should not be taken by inference to confine the Assembly's discretion to review regulations in this way only. If the Self-Govt Act itself had conferred the disallowance power, there might be some grounds for contending that the principle embodied in the maxim *expressio unius est exclusio alterius* applied - that the conferral of the power manifested the Commonwealth Parliament's intention that the disallowance mechanism should be the only means by which the Assembly should be able to review regulations, and to that extent the otherwise plenary power should be read down. However, the maxim cannot apply in this instance because the Assembly's disallowance power is conferred by another ACT Act (the Subordinate Laws Act 1989). The Assembly could not fetter itself by denying itself power to legislate to amend or otherwise affect regulations. This is so even if the Subordinate Laws Act provided in effect that the disallowance provision was to be taken to be an exhaustive statement of the means by which the Assembly might review regulations - a later Act could override that.
8. Our researches have failed to reveal any instance when the issue of the competence of a Parliament to amend regulations directly has been specifically addressed by a court. In *Hume v. Higgins* (1949) 78 CLR 116 the High Court had to consider the ambit of the defence power after the cessation of hostilities and, particularly, the constitutionality of defence and national security legislation (including regulations) of the Commonwealth. Implicit in the Court's decision was an acceptance of the principle that an Act could terminate or extend the operation of regulations or even strengthen their impact by making an infringement of the regulations punishable as an offence under the Act. The overall dearth of judicial authority on the point is, I suggest, not surprising. Having regard to the minute proportion of statute law which falls to be judicially considered and the fact that the practice has been generally confined to amendments of a formal and non-contentious nature, it is extremely unlikely that anyone would ever have the interest or standing to contest the validity of such a provision.

3

9. The subject has been addressed, albeit briefly, in several notable legal textbooks and commentaries dealing with the exercise of statutory powers in Australian jurisdictions, New Zealand and the United Kingdom. Uniformly, they provide support for the proposition that direct textual amendment of delegated legislation is a valid exercise of parliamentary legislative power.
10. The interstate experience is illuminating. The jurisdiction that most frequently amends regulations by Act is the Commonwealth; there are many examples of such provisions in Commonwealth Acts. In the States and the Northern Territory the device has been used infrequently, with New South Wales appearing to have done so more regularly. In the course of my enquiries of interstate colleagues in this respect; it was pleasing to learn that each of them confidently share my view on the question of power. However, they also feel strongly, as I do, about the dangers inherent in any proliferation of the practice. I believe it is important that I should lay my thoughts in this regard before you as part of this advice.
11. I believe that there are cogent legal and practical reasons why the power to amend regulations by Act should be exercised sparingly. It should be invoked only in those infrequent instances when it is important that changes to regulations be made quickly to coincide with the commencement of an amending Act and it is impracticable to use amending regulations or for some other reason it is administratively desirable to include the amendments of the regulations in the amending Act. Moreover, such amendments should be confined to the formal arid non-contentious variety.
12. The practice of amending regulations by Act could complicate legal research. A person attempting to ascertain the up-to-date text of regulations could overlook amendments made by an Act, with resultant public criticism. This risk is greater if the practice were to be extended to making changes of substance. A particular problem could arise if an Act amended regulations in a way that exceeded the regulation-making power in the parent Act. Presumably even that amendment would be valid because the regulation-making power binds only the Executive, not the Assembly. Nevertheless, it would be a bizarre situation if subsequently a court, being asked to rule on the validity of regulations, had to address its mind to the question of whether all of the text was the product of the Executive or whether there had been input from the Assembly.

D K Hunt Parliamentary Counsel

7 September 1993

3289

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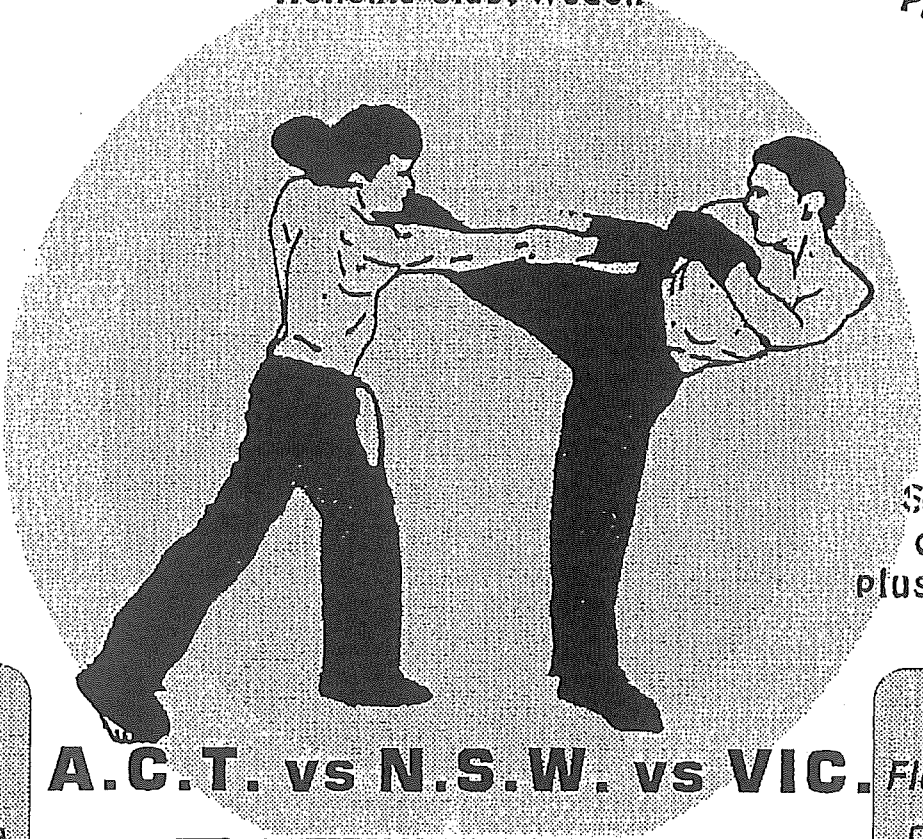
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3291



16 September 1993

APPENDIX 4:

(Incorporated in Hansard on 16 September 1993 at page 3242)

1992-1993

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

MINISTERIAL STATEMENT ON

PARKINSONS DISEASE AWARENESS WEEK

13 - 19 SEPTEMBER 1993

To be delivered by:

Wayne Berry MLA

Deputy Chief Minister

3292

2

MADAM SPEAKER, THIS WEEK, 13 TO 19 SEPTEMBER, IS PARKINSONS DISEASE AWARENESS WEEK.

PARKINSONS DISEASE IS A CHRONIC, PROGRESSIVE NEUROLOGIC DISORDER WHICH WAS FIRST DESCRIBED IN 1817 BY AN ENGLISH PHYSICIAN, JAMES PARKINSON, WHO DOCUMENTED CASES OF WHAT HE CALLED A "SHAKING PALSY".

THERE IS A RELATIVELY HIGH INCIDENCE OF THIS DISEASE: IT EFFECTS APPROXIMATELY 1% OF THE POPULATION AGED OVER 50 YEARS AND APPEARS TO BE MORE COMMON IN MEN.

PARKINSONS DISEASE IS MANIFESTED BY A NUMBER OF DISTRESSING SYMPTOMS WHICH MAY SIGNIFICANTLY IMPAIR THE INDIVIDUALS MOBILITY AND, EVENTUALLY, HIS OR HER INDEPENDENCE. SOME OF THESE SYMPTOMS INCLUDE TREMOR, LOSS OF BALANCE AND JERKY OR SPASMODIC MOVEMENT OF LIMBS.

A SUFFERER MAY ALSO BE PRONE TO SUDDEN UNEXPLAINED FALLS AND MAY EVENTUALLY BECOME CONFINED TO A WHEELCHAIR.

SLOWNESS IN INITIATING MOVEMENT IS ONE OF THE MOST DISABLING SYMPTOMS OF THE DISEASE. PATIENTS MAY EXPERIENCE DIFFICULTY IN RISING FROM A CHAIR, IMPAIRED MANUAL DEXTERITY, DIFFICULTY IN PERFORMING SEQUENTIAL OR REPETITIVE ACTIVITIES AND THEY MAY EXPERIENCE A FIXED FACIAL EXPRESSION.

THE PRECISE CAUSE OF PARKINSONS DISEASE IS NOT YET CLEAR, BUT IT IS LINKED TO NEUROLOGICAL DEGENERATION IN THE PATIENTS BRAIN. POSSIBLE CAUSES INCLUDE VASCULAR, INFECTIOUS OR ENVIRONMENTAL FACTORS. THE DISEASE APPEARS TO HAVE A LONG COURSE PERHAPS 30 YEARS OR MORE, BEFORE THE APPEARANCE OF SYMPTOMS. THE AVERAGE AGE OF ONSET IS 60 YEARS OF AGE, ALTHOUGH ABOUT 5% OF PATIENTS ARE UNDER AGE

40.

16 September 1993

WHILE THERE IS NO KNOWN CURE FOR PARKINSONS DISEASE RESEARCH GAINS OVER THE LAST TWO DECADES HAVE BEEN SUBSTANTIAL, RESULTING IN IMPROVED MEDICATION AND THERAPEUTIC APPROACHES FOR MANAGING EARLY SYMPTOMS AND DELAYING THE ONSET OF SERIOUS DISABILITY.

CURRENTLY RESEARCH IS BEING UNDERTAKEN INTO NEURO-PROTECTIVE AND PREVENTATIVE THERAPIES, IMPROVED DRUG TREATMENTS AND NEW DIAGNOSTIC INTERVENTIONS.

IN ORDER TO GET THE FULL BENEFIT OF NEW AND EXISTING THERAPIES, AN EARLY AND ACCURATE DIAGNOSIS IS VERY IMPORTANT

EARLY SIGNS AND SYMPTOMS OF THE DISEASE MAY INCLUDE SUBTLE CHANGES IN PERSONALITY, SLIGHT DEPRESSION AND TIREDNESS, MILD SLOWING, CHANGES IN HAND WRITING AND CO-ORDINATION, FEELING OF WEAKNESS OR NON SPECIFIC PAIN, LOSS OF THE SENSE OF SMELL, STIFF POSTURE AND MUFFLED SPEECH.

ONCE THE PATIENT HAS BEEN DIAGNOSED AS HAVING EARLY SYMPTOMS OF THE DISEASE, MANAGEMENT OF THE DISEASE WILL INCLUDE A PROCESS OF MULTIDISCIPLINARY SUPPORT.

THE GENERAL PRACTITIONER WILL PLAY AN IMPORTANT ROLE IN PROVIDING REGULAR PATIENT FOLLOW UP AND SUPPORT, AND WILL CO-ORDINATE THE OVERALL CARE OF THE PATIENT.

SPECIALIST MEDICAL SERVICES IN THE AREAS OF NEUROLOGY, REHABILITATION AND GERIATRICS, COMBINED WITH SERVICES PROVIDED BY PHYSIOTHERAPISTS, OCCUPATIONAL THERAPISTS, SPEECH PATHOLOGISTS, SOCIAL WORKERS, PSYCHOLOGISTS AND NURSING STAFF WILL PROVIDE A COMPREHENSIVE MULTIDISCIPLINARY APPROACH TO MANAGEMENT OF THE DISEASE.

4

A.C.T. HEALTH PROVIDES A BROAD SPECTRUM OF SERVICES WHICH, IN CONJUNCTION WITH PRIVATE AND VOLUNTARY ORGANISATIONS IN THE COMMUNITY, PROVIDE MANAGEMENT OF THE DISEASE AND ONGOING SUPPORT FOR THE PERSON DIAGNOSED WITH PARKINSONS DISEASE.

PLANNING FOR LONG TERM PROGRESSION AND DISABILITY IS BEST DEVELOPED FROM EARLY STAGES, DRAWING UPON THE ABOVE RESOURCES.

TREATMENT WITH ANTI PARKINSONIAN DRUGS IS THE PRIMARY METHOD OF MANAGING THE SYMPTOMS OF PARKINSONS DISEASE.

DRUG THERAPY CAN BE EFFECTIVE AND LONG LASTING AND ENABLES MANY DISABLED PATIENTS TO REGAIN A SUBSTANTIAL DEGREE OF MOTOR FUNCTION. HOWEVER RESPONSE TO MEDICATION IS LESS EFFECTIVE OVER AN EXTENDED TIME.

A CRUCIAL ASPECT OF MANAGING CARE FOR PEOPLE WITH PARKINSONS DISEASE AND THEIR FAMILIES IS HELPING THEM TO COPE WITH THE DIAGNOSIS EMOTIONALLY AS WELL AS MEDICALLY.

UNDERSTANDABLY PEOPLE FREQUENTLY DENY THE DIAGNOSIS. OR UNREALISTICALLY HOPE FOR A CURE. THE NATURAL RESPONSE OF FEAR AND ANXIETY MAY BE CONSIDERABLY EXACERBATED IF THEY ARE NOT WELL INFORMED ABOUT THE DISEASE.

PEOPLE MAY NEED HELP AND SUPPORT IN DEALING WITH THE PROBLEMS OF CHANGING SELF IMAGE AND SELF ESTEEM, EMPLOYMENT AND FINANCIAL CONCERNS, A SHIFT OF ROLES WITHIN THE FAMILY, AND CARE GIVING DECISIONS.

THERE ARE CLEAR BENEFITS FOR THOSE SUFFERING FROM THE DISEASE IN MAINTAINING SOCIAL INTERACTIONS, PHYSICAL ACTIVITY, AND INDEPENDENCE. THIS WILL HELP TO FACILITATE MEDICAL MANAGEMENT AND DELAY SYMPTOMATIC PROGRESSION.

16 September 1993

HOWEVER THE PERSON SUFFERING FROM THE DISEASE AS WELL AS THEIR FAMILY SHOULD BE ENCOURAGED TO IDENTIFY PROBLEM AREAS AND, WITH THE HELP OF THE COMPREHENSIVE SERVICES AVAILABLE, DEVELOP STRATEGIES TO COPE.

COUNSELLING AND SUPPORT IS AVAILABLE FROM MEDICAL STAFF, SOCIAL WORKERS, PSYCHOLOGISTS AND THE PARKINSONS DISEASE SOCIETY OF THE A.C.T. THESE ARE ALL VALUABLE RESOURCES IN ASSISTING INDIVIDUALS AND FAMILIES TO MAKE ADJUSTMENTS TO THE IMPACT OF THE DISEASE AND RESPOND TO NECESSARY CHANGES.

THE PARKINSONS DISEASE SOCIETY OF THE A.C.T. PROMOTES THE INTEREST OF PEOPLE WITH THE DISEASE, ORGANISES MEETINGS, ENCOURAGES RESEARCH AND FACILITATES LIAISON WITH THE MEDICAL PROFESSION.

AS THE DISEASE PROGRESSES, COMMUNITY NURSING, PHYSIOTHERAPY, OCCUPATIONAL THERAPY AND SPEECH PATHOLOGY SERVICES WILL BE SERVICES CENTRAL TO THE PERSONS CARE. A.C.T. RESIDENTS WHO SUFFER FROM THE DISEASE ARE ABLE TO ACCESS THIS BROAD SPECTRUM OF SERVICES THROUGH WODEN VALLEY HOSPITAL AND THE COMMUNITY HEALTH SERVICES.

WITH THE HELP OF SERVICES AVAILABLE THROUGH WODEN VALLEY HOSPITAL, THE COMMUNITY HEALTH SERVICES, AND THE PARKINSONS DISEASE SOCIETY OF THE A.C.T., PEOPLE SUFFERING FROM THE DISEASE ARE NOW ABLE TO LOOK FORWARD TO A MORE PRODUCTIVE AND SATISFYING LIFE.

MADAM SPEAKER, I HOPE THAT MEMBERS OF THIS ASSEMBLY AND THE A.C.T. COMMUNITY CAN TAKE THE OPPORTUNITY THIS WEEK TO BROADEN THEIR UNDERSTANDING OF THIS DISEASE. A BROADER COMMUNITY UNDERSTANDING OF THE DISEASE, COMBINED WITH THE SUPPORT SERVICES THAT ARE AVAILABLE, WILL HELP SUFFERERS OF PARKINSONS DISEASE MAINTAIN A MUCH HIGHER QUALITY OF LIFE MUCH LONGER.