



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

25 November 1993

Thursday, 25 November 1993

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

HEALTH COMPLAINTS BILL 1993

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.31):
Madam Speaker, I present the Health Complaints Bill 1993.

Title read by Clerk.

MR BERRY: I move:

That this Bill be agreed to in principle.

Most reluctantly, I ask that my speech be incorporated in *Hansard*. This is a Bill well worth crowing about; but, because of the needs of the day, I seek leave to have my speech incorporated in *Hansard*. It is another election promise.

Leave granted.

Speech incorporated at Appendix 1.

MR BERRY: I present the explanatory memorandum.

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

OMBUDSMAN (AMENDMENT) BILL (NO. 2) 1993

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.33):
I present the Ombudsman (Amendment) Bill (No. 2) 1993.

Title read by Clerk.

MR BERRY: I move:

That this Bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 2.

MR BERRY: I present the explanatory memorandum.

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

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TOBACCO (AMENDMENT) BILL 1993

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (10.34): I present the Tobacco (Amendment) Bill 1993.

Title read by Clerk.

MR BERRY: I move:

That this Bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 3.

MR BERRY: I present the explanatory memorandum to the Bill.

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

AIR POLLUTION (AMENDMENT) BILL 1993

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.35): I present the Air Pollution (Amendment) Bill 1993.

Title read by Clerk.

MR WOOD: I move:

That this Bill be agreed to in principle.

I ask for leave to have my speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 4.

MR WOOD: I present the explanatory memorandum to the Bill.

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

LEGAL PRACTITIONERS (AMENDMENT) BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services (10.36): Madam Speaker, I present the Legal Practitioners (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

Also reluctantly, I ask for leave to have my speech incorporated in *Hansard*. It is a very long and erudite speech.

Leave granted.

Speech incorporated at Appendix 5.

MR CONNOLLY: I present an explanatory memorandum to the Bill.

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

COMMUNITY LAW REFORM COMMITTEE BILL 1993

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.37): Madam Speaker, I present the Community Law Reform Committee Bill 1993.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

I ask for leave to have my rather shorter speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 6.

MR CONNOLLY: Madam Speaker, I present an explanatory memorandum to the Bill.

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

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**NATIONAL CRIME AUTHORITY (TERRITORY PROVISIONS)
(AMENDMENT) BILL 1993**

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.38): Madam Speaker, I present the National Crime Authority (Territory Provisions) (Amendment) Bill 1993.

Title read by Clerk.

MR CONNOLLY: I move:
That this Bill be agreed to in principle.

I seek leave to have my presentation speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 7.

MR CONNOLLY: Madam Speaker, I present an explanatory memorandum to accompany the Bill.

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

**SOCIAL POLICY - STANDING COMMITTEE
Report on Aged Accommodation and Support Services - Government Response and
Ministerial Statement**

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

That the Assembly takes note of the papers.

MR BERRY (Deputy Chief Minister) (10.38): Madam Speaker, pursuant to temporary order 77(d), I move:

That Executive business be called on forthwith.

Question resolved in the affirmative.

LIMITATION (AMENDMENT) BILL 1993

[COGNATE BILL:

TAXATION (ADMINISTRATION) (AMENDMENT) BILL (NO. 2) 1993]

Debate resumed from 23 November 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

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

MR HUMPHRIES (10.39): Madam Speaker, the Opposition will not be opposing the passage of these two Bills. There has been a lot of talk in the chamber in the last couple of days about guns at heads. In one sense, the whole Territory has a gun at its head; indeed, the whole of the second tier of government in Australia has a gun at its head because of the very real fear that the Capital Duplicators case will strike down a significant part of the revenue collection capacity of those jurisdictions.

The ACT is no less affected than most other jurisdictions in terms of percentage of revenue collected from things such as business franchise fees. We therefore have a very significant issue to face up to, and it would be with great trepidation that I would rise in this place to suggest that we should oppose a measure that will secure the revenue of the Territory, particularly considering that there is a retrospective element, potentially, in a decision such as this in the High Court and that the ACT, potentially, has at risk in this decision a sum of something like \$200m or more. So the Opposition will be supporting the passage of this legislation.

That is not to say, however, that these Bills are a comfortable or free-of-doubt set of legislation. They do present a very dramatic change in our approach and they do represent, potentially, a serious incursion into the capacity of citizens to sue to recover money under an invalid law of the Territory, or in other circumstances where they might legally before now have recovered moneys. It is impossible to say with any certainty just what the long-term effect of these Bills will be. They are, in a sense, novel laws being developed fairly quickly by a number of jurisdictions in areas where there is some considerable judicial fluidity. The interaction of these Bills with other legislation and with each other is not yet determined.

The Scrutiny of Bills Committee posed the question, having examined the Bills quickly yesterday: Is there an element of adverse retrospectivity about the operation of these Bills? It is a matter that is hard to be certain about. Some attempt has been made to prevent that being the case; I acknowledge that. It is also unclear to what extent it is possible retrospectively and adversely to affect people's rights, given a number of decisions of the High Court already in this area. They were outlined particularly in the explanatory memorandum to the Limitation (Amendment) Bill, and I think that has been quite clearly laid out there. I just comment that the explanatory memorandum to the Limitation (Amendment) Bill is a very good one. It was of considerable assistance in helping us determine what the situation was and what the background to these Bills was.

Let me touch on this question of retrospectivity. As I read the legislation and the explanatory memoranda, people who presently may have some claim under a law which is arguably invalid have six months in which to bring their action. For the next six months their right to recover for the preceding six years is preserved. At the end of the six months, that right is truncated to six months. So in a sense there is an element of retrospectivity only after the period of six months from the gazetting of this legislation. At the end of that six months, those rights are limited. It is possible to argue, I suppose, that a person who does not realise until after May next year that they have a cause of action might lose out as a result of this legislation, but perhaps not. Frankly, I cannot say with any

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certainty what the answer to that question is. However, I acknowledge that by creating a window of opportunity for people to sue where they already have and know that they have or believe that they have a right of action is a guarantee of some sort that people's rights are not necessarily being trampled on. I therefore welcome that provision in the Bill.

On the question of retrospectivity, it would greatly ease my mind and those of my colleagues if the Ministers could, in summing up on this debate, assure particularly the Scrutiny of Bills Committee that there is not any substantial element of adverse retrospectivity in the operation of these Bills. That question has been posed, and it would be helpful to know whether that is the understanding the Ministers responsible also have. The Limitation (Amendment) Bill certainly reduces from six years to six months people's rights to recover back payments. It is a matter that might be considered unfortunate, but I think we have to accept that that is a way of protecting the revenue of the Territory.

The taxation Bill, however, goes a stage further, and I must confess to being a little less comfortable with this Bill than with the Limitation (Amendment) Bill. It contains two important provisions. One prevents a person from claiming for the recovery of money where that person has not himself or herself, in a sense, borne the loss or borne the cost of that claim. So a person who has collected a business franchise fee for tobacco products, for example, who has charged that person's customers when collecting the cost of a packet of cigarettes and then claims that the revenue has been illegally collected because of the invalidity of the taxation law on tobacco products, would be unable to recover because that person has passed the cost of that particular tax on to his or her customers. That is, as far as I can tell, a fairly new sort of provision in the law. However, it is not one that I would seriously object to.

I point out that a tax of any kind does potentially affect the business of a retailer in the Territory, and it is possible to argue that they suffer some loss because of a particular tax being imposed, whether or not they personally bear the cost of that measure in the sense of actually paying the taxation themselves rather than asking their customers to pay it. A tobacco retailer in this Territory, I am sure, would be quick to argue that point. The business franchise fee on tobacco products is very high and, undoubtedly, people would argue that that acts as a discouragement to people purchasing those products. That, indeed, is the intention of such a high fee. Nonetheless, it makes the point that those taxes are in some senses borne by or act upon the retailers, even if they do not personally pay the tax themselves. However, the principle is a reasonable one. You should not be able to recover what you have not actually lost, and the Opposition is prepared to accept that principle.

The other provision is, frankly, much more concerning than that. It is the concept of a change in the law not allowing a person to recover a sum of money. I will read briefly proposed new section 95D:

A revenue amount paid before a non-legislative change of the law is not recoverable from the Territory on a ground of invalidity if the ground came into existence because of the change of law.

In proposed new subsection (3) reference is made to definitions of this concept of a change of the law. It does not mean legislative change but it does mean change of the law or of legal principles or a change in what is generally perceived to be the state of the law or of legal principles. I have not seen anything quite like that before, and all sorts of arguments and debate could ensue surrounding those expressions. For example, what happens where a higher court, say the Supreme Court or the Federal Court, overrules a decision of an earlier court? The question is: Has the law changed or has the higher court simply properly interpreted the existing law? Is it a change of law or is not it?

The only way you can resolve that question is to then ask lawyers what they think about the state of the law. What is the state of the law? It is no more easy to ask a lawyer after a particular case has been resolved what the state of the law might be than it is to ask them at any other time. There will always be debate about those matters. No matter how clear a court might think the state of a particular situation to be, there will be debate. The phrase "what is generally perceived to be the state of the law or of legal principles", I assume, is a reference to "generally perceived by lawyers". I do not think members of the community go around debating what the state of the law might be in a broader context.

Mr Lamont: Yes, we do.

MR HUMPHRIES: Perhaps members of the public do, I do not know; but I certainly do not think that debate would necessarily be a much better educated debate than it is among lawyers, and there is considerable debate and disagreement among lawyers.

The other concern I have is that it is not generally part of the concept of judicial consideration of issues, particularly on appeal, that courts expressly change the law. Certainly it is the common perception, particularly among lawyers, that the courts change the law. People would say, for example, that the Mabo decision of last year changed the law in Australia, but the High Court and other courts would not readily admit that they have actually changed the law. They would say, "We have merely correctly interpreted the existing law". In the case of Mabo, for example, I think the High Court would say, if asked, "No, we have not invented a new concept of native title. We have not created new law. We have simply thrown out a legal shibboleth of terra nullius, which really was an assumption made by many lawyers but was not actually a part of our law up until now". If that were the case, if the High Court were to say, "We are not changing the law; we are merely interpreting it; we are merely expounding it", it becomes a little hard to say that the law is perceived to have changed or legal principles are perceived to have changed.

Sometimes it is quite clear that the High Court in particular has expressly overruled an earlier decision. The High Court made it clear a few years ago that it was capable of changing its mind, in effect, on a particular point of law. But often it will not be relying on that concept of having changed its mind about that subject; it will be saying, "We are merely clearly stating what the principles of the law are and we are correcting a misassumption or mistake made by a lower court". In that situation, I just do not know how this law would operate. I do not know whether it could be said that the law has changed or that it has simply been properly interpreted by a higher court. That is a matter which will be resolved in our courts, I suspect, and in a not very long period.

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Let us be clear that we are dealing with a particular problem, given rise to by the Capital Duplicators case, in a way that is going to alter very significantly the rights of potential claimants under laws of the Territory. Let us make it clear that we are talking here about people suing to recover money under an invalid law, a law that is not legally capable of doing what it purports to do. A person who has been paying money under a law says, "I think this law is invalid and I should not have to pay this money". They go to court and prove that they should not have had to pay that money. This is what has happened in the Capital Duplicators case. A person said, "We should not have had to pay business franchise fees on X-rated videos", and they have proved that point in the High Court. This person's right to strike down an improperly constituted law is not being overturned - they still have the right to throw out that law - but they do not have the right to recover money that they have paid under that invalid law. That is a significant step to take; let us be clear about that much.

As I have said, the matter is one the financial consequences of which we cannot easily ignore, and therefore we will support these Bills. But I do say that I think it is incumbent on us to look at this issue more carefully over the coming months. My party has not had the chance to consult with the broader community about these Bills, naturally enough. Having done so, I must say that we would reserve the right to come back and consider whether amendments need to be made to this legislation in the future, particularly in the circumstances where the Capital Duplicators decision in the High Court on, I understand, 7 December does not strike down business franchise fees, as is widely expected. That seems to be the assumption; but, if business franchise fees are not struck down by the High Court, we would perhaps need to come back and ask ourselves whether we have used too strong a device to avert what turns out to be a threat of little consequence. I see the Minister nodding. It is possible that the Government might come back and consider that question as well. This is a very significant piece of legislation being passed today, and I hope that we do not suffer any unintended consequences through its passage.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.54), in reply: Mr Humphries raises some very valid concerns and hesitations about supporting legislation in the form the Government currently has before the house, and they are concerns the Government would generally share. We would be reluctant to bring forward this type of legislation in the general course of events. Of course, the situation that faces this Government and governments across Australia is not the ordinary course of events. Alfred Deakin, who was Prime Minister of Australia and also earned a bit of pocket money writing anonymously a weekly column for a London newspaper, was remarkably prescient when in about 1905 he wrote of the Australian Constitution:

The rights of self-government of the States have been fondly supposed to be safeguarded by the Constitution. It left them legally free but financially bound to the chariot wheels of the Commonwealth.

That has proved to be an enduring truth of Australian Federation. The States and Territories have gradually had their taxation powers whittled away, and the inelegant phrase "vertical fiscal imbalance", referring to the fact that the Commonwealth raises the bulk of the money but the States and Territories have to spend it on services such as health and police and education, is the biggest

problem in Federal-State relations. One important source of revenue for the States has been franchise fees for petroleum, tobacco and alcohol, and a similar form of franchise fee was adopted by the Alliance Government in relation to X videos. That law was challenged. It was supposed originally that the prohibition on levying an excise in section 90 of the Constitution did not apply to the Territory. The High Court has found that it does apply to the Territory, and the question of whether the X video fee is an excise is now before the court.

The court, I suppose, could do three things. It could make a decision on whether the X-rated video tax is an excise or not, and do no more, which would be a very simple outcome but highly unlikely, it seems. The court could adopt the view that Justice Murphy and Justice Fullagar have expressed in the past in dissent and say that "excise" should be given its narrow meaning, that is, a tax on production, and that taxes on sales levied by a State are not excises. In that case, all of this debate would be quite pointless because all of those franchise fees would be valid. Indeed, a whole new field of taxation would be opened to State and Territory governments. Or the court could say that a tax on a commodity at any stage from production to final consumption is an excise and is invalid and that the convoluted legal reasoning that has resulted in a restricted ability of the States to levy production franchise fees is no longer valid. That is the outcome that the States and Territories fear. As the Chief Minister indicated, it is about \$60m a year for the ACT; it is about \$1.6 billion, I understand, for New South Wales. The sums of money involved are quite extraordinary.

The States and Territories have got together. The States' Solicitors-General and Mr Peedom, the head of the Government Law Office, have met and have come up with an agreed strategy in seeking to deal with this. The limitation provision was the first agreed strategy. Mr Humphries raises the question of whether this could be seen to be retrospective. It is a legitimate question for the committee to ask. The Government's response would be that formally it is not retrospective, in that it will be enacted before any change in the law and it simply affects limitation periods for bringing an action. But I concede that you could well argue that there is an element of retrospectivity there. That is regrettable, but it is an extraordinary measure to deal with an extraordinary threat to State revenue.

The other provision that Mr Humphries quite rightly said caused him great concern - the provision that, in effect, says that you cannot recover if there has been a change in the law as a result of a court interpretation - is an extraordinary provision. It is a provision that, essentially, was adopted on the suggestion of the Solicitor-General of New South Wales, Keith Mason, QC. Mr Humphries said, "We have our doubts as to its validity, and it will not be resolved in this place". I could not agree more. The validity of that provision will indeed be resolved across the lake.

Should the Capital Duplicators case go against the States, the States, led by New South Wales, will argue a case in relation to that provision, which says, "Despite a change in the court's interpretation of section 90, you cannot recover". They will go before the High Court and effectively ask the High Court of Australia to adopt the American doctrine of prospective overruling, in effect inviting the court to say, "When we change our mind in respect of such a fundamental issue of State financial viability, we change our mind for the future, onwards, and we do not expect our decision to have retrospective effect and require the States to pay back taxes". It is a novel approach. It is one that Mr Humphries expects me to guarantee will be held valid. I would have to say,

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Mr Humphries, that I cannot guarantee that. We will have to take our chances in the High Court. Given the vast sums of money involved, not only to this jurisdiction but to all jurisdictions, it is an approach the Government feels it should support. I am pleased that the Opposition is supporting these measures, despite its reservations. Oppositions in other States have done the same, and I thank Mr Humphries for his support.

MS FOLLETT (Chief Minister and Treasurer) (11.00): Madam Speaker, I would also like to thank the Opposition for their support of the Bills. Mr Humphries and Mr Connolly have pointed out that this is not what you do in normal circumstances, but we are not faced with normal circumstances. We are faced with very dramatic circumstances, and the Government considers that these Bills are needed to protect the Territory's revenue from potentially quite devastating claims should the High Court hand down an adverse decision in the Capital Duplicators case. Members know that that decision is due on 7 December, and it may well be that the High Court will not make as adverse a decision as we are anticipating. Nevertheless, we do need to be prepared for the worst case, because of the likely impact of that worst case on the Territory.

The concerns being expressed by the Territory Government are shared by all other State and Territory governments. Several of them have enacted or are in the process of enacting legislation that will either limit or eliminate the threat to their revenues that is posed by this High Court litigation. In the past week, I can advise the Assembly, legislation that is aimed at achieving some or all of the safeguards proposed in the Bills being debated by the Assembly this morning has been either made or introduced in the parliaments of New South Wales, Victoria, Queensland, Tasmania and the Northern Territory. This is a widespread precautionary measure. What the various State and Territory parliaments are doing and what we are doing today, I believe, is fair and in the best interests of the community as a whole.

I will spend a moment on the Taxation (Administration) (Amendment) Bill, which proposes that a refund is available only if the taxpayer has reimbursed relevant third parties. This Bill recognises the inequity of taxpayers obtaining a refund of moneys which the taxpayers themselves have already passed on to their customers. That is a quite inequitable situation. Although the amendment was developed as a result of the deliberations concerning the Capital Duplicators case, it is seen as desirable, perhaps no matter what the outcome of the Capital Duplicators case is, because it does prevent windfall gains at the expense of the general taxpaying community. As Mr Humphries suggests, if the High Court decision turns out better than anticipated, obviously we would be reviewing the measures we have put in place.

The proposal that tax paid under a subsequently invalidated revenue law should not be recoverable also protects the Territory revenue from the chance overturning by a court of legislation under which taxes have been paid. I believe that it would be an intolerable situation for any government, or any parliament, having already framed successive budgets on the premise of certain revenue levels, to find suddenly that, because of a judicial decision, not only has a significant source of revenue been invalidated but also future budgets will have to fund through increased taxes and reduced expenditure the repayment of those revenues. Such a burden, I consider, should be imposed only by a decision of this Assembly. I would like to reassure members that this proposal does not affect a taxpayer's right to the refund of an overpaid tax under a valid law. We are not affecting that right at all.

Legislation will also need to be enacted by the Federal Parliament to protect the revenues of the States and Territories. There is absolute unanimity among all governments that, whatever the outcome of the case, there will be no windfalls from the repayment of taxes. In the development of the legislative responses of the Federal, State and Territory governments, the combined efforts of Solicitors-General and of officers of Attorney-General's departments, Treasuries and revenue offices have been brought together. This is very much a cooperative effort that has occurred nationally.

As I stated when I presented my Bill, the High Court decision regarding Capital Duplicators is expected to be announced on 7 December. The court announced the decision date earlier this month, and that has left very little time to put in place the necessary legislation to safeguard the revenue should the decision be against the Territory. I recognise that members of this Assembly have had a very short time in which to consider these Bills. I apologise to them for that and I thank them for their swift response. As I say, it is necessary to deal with the matter in this urgent way in order to protect the Territory.

As I explained earlier, the worst case outcome for this Territory would involve some \$200m. Quite clearly, that is a burden that, if we can, we most certainly should avoid. I believe that the Assembly does have an obligation, a responsibility, to take all responsible steps within its power to prevent what would be a devastating consequence to the Territory. I thank members for their support of these two Bills and also for their timely response to them.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

TAXATION (ADMINISTRATION) (AMENDMENT) BILL (NO. 2) 1993

Debate resumed from 23 November 1993, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

APPROPRIATION BILL 1993-94

[COGNATE PAPERS:

PLANNING, DEVELOPMENT AND INFRASTRUCTURE
STANDING COMMITTEE - REPORT ON 1993-94 NEW CAPITAL WORKS PROGRAM -
GOVERNMENT RESPONSE

ESTIMATES - SELECT COMMITTEE - REPORT ON THE
APPROPRIATION BILL 1993-94

QUARTERLY FINANCIAL STATEMENTS - PAPERS

AUDIT ACT - TRANSFER OF FUNDS - PAPERS

COMMONWEALTH GRANTS COMMISSION REPORT ON
GENERAL RELATIVITIES - MINISTERIAL STATEMENT]

Detail Stage

Debate resumed.

MADAM SPEAKER: It is an order of the Assembly that this order of the day be debated concurrently with Assembly business orders of the day Nos 16 and 17 relating to the Government's response to the Standing Committee on Planning, Development and Infrastructure report on the 1993-94 new capital works program and the Select Committee on Estimates 1993-94 report respectively. I therefore remind members that in debating executive business order of the day No. 3 they may also address their remarks to Assembly business orders of the day Nos 16 and 17. Further, is it the wish of the Assembly to debate these orders of the day concurrently with the Treasurer's quarterly financial statements, the transfer of funds made pursuant to the Audit Act, and the ministerial statement on the Commonwealth Grants Commission report on general relativities? There being no objection, that course will be followed. I remind members that in debating order of the day No. 3, Executive business, and orders of the day Nos 16 and 17, Assembly business, they may also address their remarks to orders of the day Nos 4 to 9, Executive business.

Standing order 180 sets down the order in which this Bill will be considered; that is, in the detail stage the Schedule must be considered before the clauses and, unless the Assembly otherwise orders, the Schedule will be considered by proposed expenditure in the order shown.

Schedule - Part II

ACT Legislative Assembly

Proposed expenditure - Division 10 - ACT Legislative Assembly, \$3,999,600 - agreed to.

Chief Minister's Department

Proposed expenditure - Division 20 - ACT Corporate Management, \$16,542,500 - agreed to.

Proposed expenditure - Division 30 - Economic Development, \$11,913,000 - agreed to.

Proposed expenditure - Division 40 - Audit Services, \$1,561,500 - agreed to.

ACT Treasury

Proposed expenditure - Division 50 - ACT Financial Management, \$95,205,200 - agreed to.

Department of the Environment, Land and Planning

Proposed expenditure - Division 60 - Environment and Conservation, \$33,243,600 - agreed to.

Proposed expenditure - Division 70 - Territory Planning, \$4,979,400 - agreed to.

Proposed expenditure - Division 80 - Land, \$15,406,200 - agreed to.

Proposed expenditure - Division 90 - Culture and Heritage, \$14,515,500 - agreed to.

Office of Sport and Recreation

Proposed expenditure - Division 100 - Sport and Recreation, \$12,019,700 - agreed to.

Attorney-General's Department

Proposed expenditure - Division 110 - Legal Services to Government, \$16,979,100 - agreed to.

Proposed expenditure - Division 120 - Community Legal Services, \$7,078,200 - agreed to.

Proposed expenditure - Division 130 - Administration of Justice, \$10,184,800 - agreed to.

Proposed expenditure - Division 140 - Maintenance of Law and Order, \$53,009,600 - agreed to.

Proposed expenditure - Division 150 - Housing and Community Services, \$100,212,400 - agreed to.

Department of Urban Services

Proposed expenditure - Division 160 - Public Transport, \$63,581,900 - agreed to.

Proposed expenditure - Division 170 - City Services, \$72,848,700 - agreed to.

Proposed expenditure - Division 180 - Fire and Emergency Services, \$12,723,100 - agreed to.

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Proposed expenditure - Division 190 - Public Works and Services, \$137,089,300 - agreed to.

Proposed expenditure - Division 200 - Corporate Development for the Department of Urban Services, \$8,919,500 - agreed to.

Proposed expenditure - Division 210 - Government Corporate Services, \$53,390,800 - agreed to.

Department of Education and Training

Proposed expenditure - Division 220 - Canberra Institute of Technology, \$61,103,700 - agreed to.

Proposed expenditure - Division 230 - Government Schooling, \$203,569,100

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (11.15): Madam Speaker, acting from the central point that our Commonwealth funding will continue to shrink, I have not accepted the literally unbelievable argument that we can continue spending as much as ever on education. Instead of merely accepting the situation, we should find new, affordable ways of delivering relevant learning and training to our students. We are already building on the foundation of a very successful education system. The Auditor-General's report has some very good news about the effectiveness of our school system. One instance is the great success enjoyed by graduates of ACT government school systems in gaining entrance to universities. Over the last few years the ACT has been either first or in the top two or three States in the percentage of offers to enter tertiary institutions. This is a great record.

The Auditor-General's report indicated that our secondary colleges were well organised and well run, with staff, parents and teachers well satisfied with the management and leadership of the colleges as well as the curriculum and the work done by teachers. The report indicated that our high schools are well organised, with innovative approaches to learning evident, as well as a deep concern for students' overall welfare. The management of our primary schools was also praised, with the observation that primary schools were characterised by a very positive school climate where staff, students and parents work together to build a real community spirit. The Auditor-General's report said that our primary schools were busy, vibrant places where the emphasis was on a learning community which endeavoured to care for the individual child and ensure that his or her potential was reached. This is the sort of education system we have and will maintain.

The ACT has a high-quality, very well-resourced government school system. We recruit highly qualified, four-year trained graduates as our teachers. We have a fine stock of school buildings set in excellent spacious grounds. The schools have developed high-quality, comprehensive curriculums. The Department of Education and Training will continue to work on improving the curriculum of our schools. Under the budget the ACT will continue to be at least five years ahead of any other State or Territory in using the best of the national work in curriculum frameworks in eight key learning areas.

The department is building these into the system level curriculum frameworks, which are clear evidence of the ACT's continuing depth of curriculum expertise based in the strengths of the unique school based development of curriculum. In our secondary colleges, also unique in Australia for their system-wide structure and comprehensiveness, all courses from 1994 onwards will be based on 40 course frameworks for course writing and moderation of assessment developed over the past two years. These frameworks will continue to be at the forefront nationally. They incorporate the national frameworks and profiles and include the Mayer project key competencies.

Under the budget, the ACT will also continue to lead the way in ensuring that vocational education and education about work remain part of our vital school functions. We have the first computerised work experience program in Australia, operating with full cooperation from all industry partners. Thousands of our students will continue to be placed each year for experience of what work is really like. The department is managing a major Australian vocational certificate training system project covering seven course areas, in which project we expect over 1,000 students to participate, commencing in 1994. Approximately 250 of these students will be involved in vocational placement, an enhanced form of work experience. This builds upon our pioneering work in E for employment courses.

The process of looking ahead to work smarter is in train. Last Friday we launched a think-tank of 28 professional and community representatives who will now plan in detail for a new direction in ACT high school education and school cluster organisation. The new model cluster of schools in the rapidly growing South Tuggeranong district will centre on Lanyon High School, which is due to open in the suburb of Conder in 1996. The think-tank will work to an organisational design brief which includes highly innovative proposals, among them shared resources, including staffing by some specialised teachers, and vertical learning teams of small numbers of students instead of the usual layers of Years 7 to 10. The teams will cover eight core, nationally agreed learning areas instead of a curriculum overcrowded with arguably useful extras. There will be strong support from computer based programs for study and progress in the teams.

That computer based support can be expected to build up from the development of interactive multimedia courseware by the department, in collaboration with the ACT's growing industry information technology. Late last month I launched a prototype courseware program called English Explorer to assist students with a Chinese-speaking background to learn English more easily using information technology. The method can also be applied to teaching and learning in similar subjects, including mathematics, physics and reading recovery. It will enable students to learn at their own pace, to accelerate that pace and to correct and improve on what they are learning for themselves. It will assist teachers to move from the pedagogy of the industrial age to the student enrichment of the information age.

That is a vital reshaping. Our schools and our teaching must equip our students for this time of technological and financial transformation. Those of us here today who did not have to prepare for life careers to meet the effects of a technological tidal wave will appreciate that. It will be impossible to equip our

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students to do so if old concepts, an old structure and old ways generally continue to dominate our declining expenditures. That would be ruinous, fundamental asymmetry - a teaching system out of kilter with the times and, therefore, with the demands which society is making upon our students.

There are, accordingly, new prospects for not just maintaining but improving the quality of ACT schooling, and they do not depend upon a mode of teaching and learning essentially unchanged since the last century. Our opponents would have Canberra people believe that quality is conditional upon the preservation of a certain industrial configuration that serves those who are paid to serve the system. As I have shown, that is not necessarily so. Quality does not need to suffer because there will be about 80 fewer positions in a teaching force of more than 3,000. On the one hand, our funding from the Commonwealth will continue to shrink. On the other, we are determined to maintain and raise quality. The people of the ACT know that our opponents will see the necessity for the reconciliation of those two imperatives. I trust that they will do that today. In the end, goodwill and intelligence should prevail.

The strong sense of social justice will determine the continuity of programs sustaining our drive for quality. Preschools will feel no effects at all. Another strength of the ACT government schooling system is the top quality special services for students who need them. Students who have a disability or have learning difficulties or behavioural problems receive special support. This might take the form of a special school or special setting. It might involve an itinerant teacher working with the student in a mainstream setting. Increasingly, these services focus on supported integration into mainstream classes.

We also recognise that some groups may be disadvantaged because of their gender or race or socioeconomic circumstances, and it is for this reason that special programs are developed and offered. Many great initiatives are under way. Our introductory English centres are the envy of other States and Territories. Our English as a second language program is being enhanced by the language for understanding program, which is training mainstream teachers better to support the learning of students of non-English-speaking backgrounds. (*Extension of time granted*) These and other supportive programs such as reading recovery will remain. The budget will also provide funds to undertake special projects to enhance the quality of educational delivery, including money to integrate more students with special needs into mainstream schooling.

As more young families continue to move into Gungahlin and Tuggeranong we shall continue to build new schools to meet their needs. The budget particularly provides for high quality in buildings and facilities on which quality in education relies. Design is being undertaken with a high consciousness of energy efficiency, low maintenance and environmental awareness. The budget will provide regular improvement programs for science and technology areas. It will take older schools up to advancing building standards and bring them into line with delivery of the changing curriculum. It is a building budget for the future shape of our schooling.

It is obvious, therefore, that the ACT community, and especially our school community, can and do set a national example in realistic and innovative delivery of education. Twenty years ago this community decided to create its own mode of primary and secondary education, one with a different concept of basic parental responsibility for conduct and education provision in highly individualised schools. It demonstrated a will and capacity for change to meet the perceived distinctly new needs of people in the ACT. There is a new economic necessity to deal with now. It requires a matching will and capacity.

MR CORNWELL (11.27): Madam Speaker, I am interested in, and indeed welcome, the Minister for Education's comments about the brave new world that we are entering into. But I would suggest to him that he is putting the cart before the horse by talking in terms of reducing teacher numbers at this stage. The Lanyon High School initiative is exciting. Mr Wood allowed me to have a briefing on the matter, and I think it has a great deal of merit. I look forward to the success of that pilot program, and I believe that it will be successful, but the success of it is further down the track. Certainly, we cannot presume that it is going to be an instant success, and we must at least let the pilot have a run before we start making substantial changes.

The import of Mr Wood's comments today would suggest that we can move confidently into the future with fewer teachers from this point of time. I think that is premature, and I believe that we should be careful. It may be in the Government's financial interests to take away 80 teachers in the 1993-94 budget. I suggest to you, however, that it is not in the best interests of ACT education to do so. Obviously, the initiatives that Mr Wood has mentioned today need to be examined carefully. They certainly need to be trialled, as we are doing.

I am interested in Mr Wood's comments about the advantages that will accrue in reading recovery, in learning assistance and in the various areas of supplementation that are required in our education system. I repeat that these will not be assisted by reducing the number of teachers in this year's budget. The question of new schools I also welcome. There has been some suggestion that we on this side of the house are opposed to the development of new schools. That, of course, is not correct. Lanyon High and Palmerston - - -

Mr Berry: Gross opportunism.

MR CORNWELL: That comes well from you, Mr Berry - the man who calls doctors parasites. The Palmerston Primary School, the first school in Gungahlin, is welcomed by this side. I do not believe that we can sit back, Madam Speaker, and allow old structures to continue without examination. I think that what Mr Wood has put forward today should be welcomed by this Assembly. I will certainly read his comments with interest. But I repeat that he is putting the cart before the horse if he and this Government - and let us never forget that it is not Mr Wood's doing; it is the Government's doing - are to cut 80 teachers from the system under the 1993-94 budget proposals. He is putting the cart before the horse if he imagines that we can take those teachers out before we have trialled and piloted this brave new world of education that he speaks of.

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MR HUMPHRIES (11.31): Madam Speaker, I want to record my less than impressed response to some of the things that have been said about the Government's education strategy in the last few - -
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Mr Berry: I would not talk about education if I were you, Mr Humphries. I would sit down and be very quiet.

MR HUMPHRIES: I speak about education with great pride because I attempted to put in place an education program which acknowledged the really important elements of education in this Territory and emphasised the need for us as a community to preserve what is truly important about education, and that of course is the quality of our classroom teaching. The government of which I was a member acknowledged that fact. Unfortunately, this Government does not. That is a matter which is fundamental and crucial to any reasonable educational strategy.

Madam Speaker, I recall in the 1990 Estimates Committee being asked about the impact of school closures and being asked particularly about children having to cross major roads. I remember Mr Wood being one of the major inquisitors on that occasion. He was very keen to know what consequences the Government's decisions would have on children who would have to cross major roads to reach their new schools. That is a debate we will not go back over right now, but let it be said that I was in the position of having to acknowledge that certainly some children would have to cross major roads they had not had to cross before and that certainly this, in theory, posed a threat to some children's well-being. Mr Wood made much of that fact. He raised it in press releases and so on, and he made a great deal of it.

My colleagues and I on the Estimates Committee raised questions of the now Minister for Education, the same Mr Bill Wood, about the impact of his decision to reduce by 80 the number of people employed in our education system, who I assume would be primarily teachers, although the Minister was reluctant to admit that they would be teachers. In fact, he even put forward the rather extraordinary argument that it was entirely possible for the figure of about \$1.8m - I could be wrong about that figure - to be achieved in cuts to salaries paid in schools without necessarily any teacher positions disappearing in the process. That is what the *Hansard* of the Estimates Committee clearly shows. Mr Wood said that he did not necessarily concede that any teachers would be included in that salary cut to schools. It was put to him that the resourcing available in schools for such things as support staff, perhaps teachers aides, administrative staff in the front office and so on was the sort of thing he was talking about, but that there certainly would not be 80 positions surplus in this system at the present time, and at the end of the day you would have to look to teacher numbers. Mr Wood would not concede that.

I contrast the Minister's lack of forthrightness on that question with my forthrightness in 1990. If the Government cannot make these decisions on an up-front basis, it should at least have the good grace to admit and to concede fully what the consequences of those decisions are going to be. The Estimates Committee report had a great deal to say about the way in which the Government was approaching the question of up-front and honest budgeting and budget implications when it presented its budget and when it talked about it subsequently in the Estimates Committee.

This Government - not just in this budget, but in at least one previous budget, and perhaps two - has adopted the process of saying, "We will make some broad budgetary decisions about the way in which we should make a 2 per cent across-the-board cut, and we will then leave it to line managers, leave it to schools, leave it to heads of units in our hospital system, leave it to heads of workshops in ACTION, leave it to all sorts of relatively junior public servants, to decide what impact our Government's decisions will have on the provision of services to the people of this Territory. That is a cop-out approach. It is the coward's approach to dealing with hard budgetary decisions.

If Mr Wood, as Minister for Education, wished to cut a number of positions from the teaching service, he should have identified those positions. He should have said, "This is how many teachers will have to go, and you implement the decision that our Government has made". Do not leave it to the principals of schools, to the boards of schools, to try to struggle with the terrible question of having to rationalise resources within their schools. When my Government made decisions we did not say to the school community, "You decide which schools you would like to close, but you have to close five". We made the decisions as the government of the day elected to make those decisions. It is a pity that this Government does not have the gumption to follow that kind of principle.

Madam Speaker, education resourcing and education issues remain of critical importance to this Territory. The Grants Commission has identified a serious problem with overfunding, and that overfunding problem is particularly pronounced in the area of education. We are some \$30m overfunded in education, according to the relativities put forward by the Grants Commission. As I have said before, we can debate in this place whether we as a community wish to continue to fund education at a higher level than that at which it is funded by the States and the Northern Territory. We could have a debate about whether \$30m overfunding is actually a good thing. I am not saying that it is not in certain circumstances. Perhaps if we had a better finance situation, a better revenue base, than the States we might well be saying to ourselves, "We have more money to spend and we will spend it in education, because that is where we think we are going to get the most bang from our buck, the most value for money, the most impact on the future well-being of this Territory". That is a reasonable argument to pose, and it is a reasonable debate for us to have in this place and elsewhere.

But the issue here is not just whether we want to spend more money in education but how well we are spending our present dollars in education and, if we decide to spend more than the State average or the national average, how we go about raising the extra money to make that happen. Those are issues which, with respect, the Government has not exactly dealt with forthrightly.

The Government has avoided those issues because they are too difficult. The Government is talking about how we raise extra money, what extra taxes we can talk about or what value for money we get from our present structure. I submit, Madam Speaker, that it is impossible for this Government to deal with the question of the structure of education services, the infrastructure of education, in this Territory without looking at the question of the outlays on schools and the way in which the school structure is presently put together.

I repeat my assertion. I am not, as I think Mr Lamont suggested, ashamed to raise that point in that way. If we wanted to save money in education and come back to a State level of spending in a way which did not impact on the quality of education, then we would have to look seriously at the number of schools in the Territory and the way in which they are distributed. Indeed, Mr Wood knows that that is a fundamental question we cannot avoid, because Mr Wood himself has said, in the course of the last few weeks, in the Estimates Committee and outside it - I heard him on television saying the same thing - that the next election would have to be fought with that issue again on the table, having been put there not just by parties on this side of the chamber.

Mr Wood: And we will tell you, as we did last time, what our policy will be.

MR HUMPHRIES: That was your policy last time. It was off the agenda last time, as far as you were concerned. It is not the position that has obtained throughout the term of this Assembly because, as we know, one school has been closed, and perhaps others could follow. But at the next election it will be impossible to avoid that question.

I think it would be better and fairer for the citizens of this Territory if we were to raise that question now and put it on the table now, so that we can deal with it now and people can have a sense of the context of the debate, rather than wait for the election to come around and then say, "We are putting this issue back on the agenda, but we do not know what is going to happen with it. We will have to think about it after the election". That is a dishonest approach. It is an approach that we really cannot afford to put forward because it is going to earn contempt from those people in the Territory who expect politicians to be leading the debate and setting the parameters of the debate, explaining what it is that we are talking about, what we have to talk about, in the context of the administration of public assets. Madam Speaker, I think that the Government would do well to adopt a more open approach in education. I hope that the budget will be passed on the understanding that it begins to develop more fully the issues in education which have to be addressed.

MS FOLLETT (Chief Minister and Treasurer) (11.42): Madam Speaker, I will address this matter very briefly. I would like to say at the start that Mr Humphries has always been extremely open in his approach to education and to making savings in education. Mr Humphries's approach has been - and it is a matter of historical record - to close schools. There is no question whatsoever about that. His opening bid during his period in government was in fact to close 25 of Canberra's schools. Madam Speaker, if you close 25 of Canberra's schools you are closing down something like a quarter, 25 per cent, of this community's educational resources. I would like members to search their hearts and compare that honestly with what the budget we are faced with today puts before us - that is, a reduction of around 2 per cent. This is a pretty clear choice. If you go down the Liberals' path, it is 25 per cent of the community's resources; if you look at what is before you, it is around 2 per cent.

Madam Speaker, what the Government's schooling program is being asked to do is to achieve savings of \$3.5m in an appropriation, as we see before us today, of \$203,569,100. That is hardly an unachievable objective, in my view. As we have managed reducing budgets over several years now, I can tell you that this is a long way from being the hardest task faced by a program within the

ACT administration. It is a very modest target; it is an achievable target; and it is a target which will maintain the quality of the service that is being delivered to the community, unlike the Liberals' agenda of reducing the community's resources by 25 per cent.

Where the Liberals have not been totally honest, of course, is in acknowledging that if you close 25 schools you must reduce teacher numbers. Madam Speaker, why, if you had 25 fewer schools, would you have 25 principals who were not principals of schools? They are all school based positions.

Mr Humphries: They are not teachers.

MS FOLLETT: They are not plumbers. Why would you have 25 assistant principals? Madam Speaker, I think we are seeing a demonstration of just what I say - a disingenuous approach by the Liberals to this question. You would undoubtedly lose 25 principals' positions, school based positions. You would undoubtedly lose probably 25 assistant principals' positions. You may lose janitors; you may lose schools assistants; and you may lose all of the other school based positions. My view is that if you close 25 schools you will easily be wiping out 80 school based positions, at the same time reducing the community's school resources by 25 per cent.

Madam Speaker, I reject the Liberals' approach to education. The people of Victoria are facing incredible hardship under a Liberal government in that State. They are seeing over 200 schools close in their community. Madam Speaker, I would never countenance that kind of approach for this Territory, because people here place a high priority on education and on the neighbourhood school system. It is an inherent part of Canberra that children have a school that is close to home, that they identify with and that builds a sense of community, not just for the children but for the people who live there as well - for the shopkeepers and for the residents and so on. Madam Speaker, I totally reject the Liberals' approach.

What I believe is achievable and is a responsible approach is the kind of modest savings that we are looking at today. These savings are consistent with what is required across other program areas and they represent, as I say, only around a 2 per cent efficiency saving for this area. As I have said before, spending on education services is about a fifth of the Territory's overall budget. When you are looking at a program of that size you simply cannot quarantine it from the savings that are necessary in the light of the dramatically reduced funding that we have had from the Federal Government; nor can you do it in the light of the certain knowledge that our funding will reduce further over the coming years. Members know that. It is irresponsible simply to ignore that fact. It is a known fact.

Madam Speaker, the savings that have been developed have been developed on the basis of having a minimum impact on classroom teaching services, and we have heard that from the Minister. In fact, over half of these savings are to be achieved from non-school based services within education. The savings also differentiate between the various school sectors, and I believe that that ensures that these savings are fair, that they are equitable and that they are sustainable.

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As has been announced in the budget and by Mr Wood, Education is looking at developing a longer-term plan; and that will be developed throughout this year. It will provide a planning base for the whole period 1994 to 1998. The plan will, of course, be undertaken in the widest possible consultation with the school communities, with the unions, and with other major interest groups; so it is not something that will be done in isolation or that will be imposed from on high, unlike the Liberals' plan to close 25 schools. Whom did they talk to about that? They announced it and then were surprised that, when they did eventually start talking to people, no-one agreed with it. Madam Speaker, the plan that will be developed will be developed in the fullest consultation, and the plan will be aimed at providing ongoing efficiencies within this program whilst maintaining the quality of education services.

I think it was Mr Cornwell who addressed this very issue of what happens in the future and how we protect the quality. There will be opportunity throughout the year for people to take part in a real debate on that matter. Of course, in that debate there has to be recognition that we would need also to look at the budgetary framework for this department over the forward years. So this is an opportunity to develop some very key issues, in full consultation.

Madam Speaker, in looking at the savings for this year and at the plan, I think there are a couple of other things that also ought to be said. I refer again to the Auditor-General's performance audit of the Government's schooling program. I believe that there has been some fairly crude reporting of the Auditor-General's report. I saw a headline that said that teachers are underworked and overpaid. That is not what the Auditor-General's report says. A more detailed reading of the Auditor-General's report would show that he has fully acknowledged the workload that teachers take on and the dedication of that profession, as do we all.

What the Auditor-General has said in his report is that there are some areas that could be looked at if you are seeking greater efficiencies in this particular program. It was a performance audit, and that is precisely what the Auditor-General was looking for in undertaking a performance audit - areas of greater efficiency in delivering this program. I think that it would be foolhardy indeed for the Assembly and for the Government to ignore the report of the Auditor-General. I consider that we have been extremely well served by his work. In all of his reports, we have been able to find ways of increasing the efficiency, the management competence and so on in all of our programs.

I am not about to ignore the Auditor-General's report, and I have no doubt that Mr Kaine is not about to ignore it either, as he is the presiding member of the Public Accounts Committee and will, of course, be examining that Auditor-General's report as fully as he does all other Auditor-General's reports. So do not kid yourselves that you can just put it to one side and pretend that it did not happen. It did, and its recommendations, its line of argument, must be taken seriously. Madam Speaker, the strategies that are being implemented this year in education will also be linked to educational developments at the national level, and they will focus on improving educational standards and vocational education and training needs in this Territory.

There has been some debate about why the savings have been targeted in the way they have, and why they cannot all come out of the central office. A substantial savings effort has been made in the central office over the years and savings are required again this year. Again, members have conveniently overlooked that fact - that there will be further savings in that area.

Madam Speaker, as the school based costs represent such a large part of the education budget, it is simply not feasible to avoid the need for greater efficiency in the use of school based resources. As I said, the Auditor-General, amongst other people, has addressed that very question and he will be taken seriously.

Madam Speaker, the Government is certainly not about cutting the quality of educational services to students. We are not about closing down 25 per cent of the community's educational resources, as were the Liberals. What we are about is a planned approach to educational services in the future within this Territory's financial constraints, which simply cannot be ignored. To pretend that there were no such constraints or to pretend that education could be completely quarantined from such constraints is simply not responsible. I consider that what we have put forward is realistic, it is achievable and it will protect our schools both this year and into the future.

MR DE DOMENICO (11.53): Madam Speaker, it is at times fantastic listening to the Chief Minister. The words she uses sound quite good. Let us look at some of the words and some of the phrases she used. First, she invited us not to kid ourselves, because the Auditor-General is a wonderful person and does a wonderful job. That is true. He does a fantastic job and he is a wonderful person. She said that the aim of the Government is to improve standards. That is a wonderful motherhood statement as well, because we all want to improve standards for our teachers, for our students and for everybody. She talked about "widest possible consultation". Once again those three words - "widest possible consultation" - are really fantastic.

Mr Wood today used the words "realistic" and "innovative" in speaking about our education system. When we look at the Labor Party policy, platform and various documents released from time to time we see that their aim is to have classes of fewer than 25 students. The Chief Minister and Mr Wood have talked about there being no school closures, and they have made a lot of what Mr Humphries was supposed to have done when he was Minister for Education. Having fewer than 25 students per class sounds good; "no school closures" sounds very good as well. "Quality of education" is another phrase that sounds great.

All these things really sound fantastic, but the one thing that we did not hear the Chief Minister or Mr Wood talk about is the reality that this Government - this is their Appropriation Bill that we are debating - has said privately and publicly in the Estimates Committee and elsewhere, although it has tried to run away and not to say it, that we are talking about 80 fewer teachers.

Mrs Carnell: That is this year.

MR DE DOMENICO: That is this year. We also know that Mr Wood has not restrained himself from suggesting - quite rightly, by the way, because that is what his intentions are, quite obviously - that there may be more teachers going next year. That is a fact as well. Let us talk about the no school closures situation. At the Estimates Committee Mr Wood once again realistically said that in the future everything is on the drawing board once again. He said, "Yes, there will need to be some school closures. If we are going to be innovative and realistic, there will need to be some school closures". That is the reality. That is what Mr Wood said under questioning. Ms Follett, though, continues to attack the Opposition because of their previous policy of closing schools. That is exactly what Mr Wood suggested may happen after the next election.

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The other point that needs to be made is that this Government has already closed a school. They will try to get out of it by saying, "No, we really did not close it. It was the parents knocking our door down, kicking and screaming - - -

Mr Lamont: Madam Speaker, I rise on a point of order. Mr De Domenico does it a little bit too often. I would ask that, as the standing orders provide, he address his comments to you, as opposed to the press gallery.

MADAM SPEAKER: Thank you, Mr Lamont. Carry on, Mr De Domenico.

MR DE DOMENICO: Madam Speaker, I shall glue my eyes to your lovely face.

Ms Follett: Oh, come on!

MR DE DOMENICO: Come on? What is wrong with that? Madam Speaker, much as the Government will try to weasel out of it, they in fact did close a school, a primary school, and it was not because the parents said, "Will you please close our school? We do not really want it". It was not that at all. It is humbug when the Government says, "We will close no schools". What the Government is really saying is, "We will have fewer than 25 per class; we will have no school closures; we will have quality of education; we will have innovation and realistic outcomes; we will have all the things that are good and rosy". But at the same time what they are not saying is, "But we are going to sack 80 teachers anyway".

As Mr Moore, Ms Szuty and others have said, how can you continue to have the same quality of education as we have now with 80 fewer teachers? You cannot do it. As I said, it sounds pretty good, and it sounds even better when you say it with a smiling face; but the reality is that we are talking about at least 80 teachers going. I know that other members of this Assembly will not agree to the tactics that the Liberal Party might adopt. Mr Humphries attempted to close some schools, but is it not now incredible that the thing that Mr Humphries was attacked for doing two or three years ago is exactly what Mr Wood quite candidly concedes the Government might need to do in the future? In fact, they have done it already.

Madam Speaker, the other point that needs to be made is that no target has been shown by Mr Wood and this Government across the board. Mr Moore was quite right when he interjected before. He has seen no targets. The Government is obviously doing this in an attempt to reduce its budget. It is not thinking about quality of education; it is the bean counting principle that members of this side of the house are often attacked for. That is what this Government is doing in this instance and continues to do.

Let us look at consultation. I see that hands are waving all over the place, but let us look at the words "widest possible consultation". They sound good. It is a fantastic concept. What are the teachers saying about the 80 cutbacks?

Mr Connolly: Mr Temporary Deputy Speaker, I raise a point of order. I wonder whether Mr De Domenico could stick to his promise and direct his attention to the lovely face of the Temporary Deputy Speaker, Mr Westende, rather than to the press gallery.

MR DE DOMENICO: Mr Temporary Deputy Speaker, I wonder whether Mr Connolly could sit down and keep his mouth shut and contribute in the normal fashion afterwards. That is impossible when you have a turbo tongue. But I will look at your wonderful handsome face, Mr Temporary Deputy Speaker.

Let us look at the words "widest possible consultation". They are an attempt to direct interest away from what the truth is all about. The fact is that the "widest possible consultation" in this instance has been absolute and utter zip, zilch, nought, nothing. We all know about the consultation process when Mr Wood went out and, I must admit, bravely and quite openly approached the public meetings that he went to. That is one thing we must say about Mr Wood. But Mr Wood will know that the parents are against the sacking or getting rid of 80 teachers. The students are against it. In fact, the entire community is against it. The community is saying, "Listen, that is not what we want. We do not want our teachers to be sacked". It is simple. Ms Follett, also - - -

Ms Follett: Not one teacher will be sacked.

MR DE DOMENICO: Not one? That is an interesting comment - "Not one teacher will be sacked". There will be 80 fewer teachers on the payroll next year than there are this year. That is the correct way of approaching it.

Ms Follett: Quite so.

MR DE DOMENICO: "Quite so", the Chief Minister says.

Mr Connolly: So you acknowledge that no-one will be sacked?

Mr Humphries: But he said that there would not be any teachers; it might be only support staff.

MR DE DOMENICO: Thank you, Mr Humphries. The Chief Minister now agrees that there will be 80 fewer teachers on the payroll - - -

Ms Follett: School based positions.

MR DE DOMENICO: Now she changes her mind again. Now they are school based positions; they are no longer teachers.

Mrs Carnell: We have 80 janitors.

MR DE DOMENICO: That is an interesting point, Mrs Carnell. As the Chief Minister quite rightly said - - -

Mr Kaine: The Treasurer is no better informed than the Minister for Education. They both deserve to be censured.

MR DE DOMENICO: That is right. There are no targets at all here, Mr Kaine. The Chief Minister said that when Mr Humphries - - -

Mr Lamont: Mr De Domenico - - -

MR DE DOMENICO: Mr Temporary Deputy Speaker, would you please tell Mr Lamont that you are in the chair and he is not.

The Chief Minister, when she was on her feet, said that had Mr Humphries closed 25 schools we may have lost some janitors. That is true. I agree with Ms Follett. We might lose some janitors if that were to happen. However, if you go out into the community and ask parents, "Would you rather have 80 fewer janitors on the payroll next year or 80 fewer teachers?", we all know what the answer to that question would be. They might say, "We may be prepared on a voluntary basis to do the work of the 80 janitors, but we certainly could not on a voluntary basis do the wonderful work that would have to be done if we did not have 80 fewer teachers".

MR MOORE (12.04): The question of education, Mr Temporary Deputy Speaker, is one that is going to cause a great deal of anguish, I believe, in this community for some time to come. It appeared to many people at the last election that the Labor Party was the party that would be the one to protect public education. Certainly, they ran very heavily on that concept. But I suppose that, if people had looked back over the last 10 years and seen that the Labor Party had cut education and cut education year after year, they would have really doubted Labor's statement that education was the highest priority.

The Chief Minister today and earlier in the week has stated that education must take its cuts like anything else. If somebody says that education must take its cuts like anything else, they can hardly say that education is the highest priority, because clearly it is on the same priority level as everything else. In fact, it is on a lower priority level because there are areas in the budget that have been preserved by this Government. Health is one example where cuts have not been made to the same extent. If we use a slightly different technique, it would appear that health may well not have been cut at all. Yet another example is tourism. The Government's highest priority has been in those areas, because those areas have not taken cuts.

Apart from that, the Government's approach has been largely to simply say, "We are going to make across-the-board cuts. With a couple of exceptions, it is just cutting the salami", or, as Mr Connolly and I would say, just cutting the fritz.

Mr Connolly: It is a South Australian term. We will explain later.

MR MOORE: It is a South Australian term. I think one of the most interesting things about this debate is that the Minister for Education has stood up time and time again and said - and it has been reiterated today by the Chief Minister: "Why will you not participate in the debate?".

Mr Wood: We know why you do not.

MR MOORE: And there we have the interjection again from the Minister, "You do not". The reason is very simple: We are not going to debate within your parameters. The parameters you set are: "We are going to make education cuts. Now let us debate how we are going to make those education cuts". The question that really remains is: Should you be making the education cuts? That is what we want to debate. Why do you not debate it, Minister? You will not debate it. We are not going to be drawn into the parameters that you set. That is the first point.

The second point is that the Chief Minister, in ensuring that education is not given the highest priority, said that education cannot be quarantined. Education expenditure represents a certain percentage of the budget, and of course here in the ACT and almost everywhere else in Australia it has suffered cut after cut after cut. When the teachers went out on strike to express their dissatisfaction with this, they did not go out on strike for any benefit to themselves. That contrasts greatly with the greed that we see from the VMOs at the moment. By going out on strike they are putting people's health at risk purely for their own selfish interests. Not so the teachers. They went out on strike and lost money. They did that on behalf of the students because they recognised that these cuts were going to have a significant impact on the students. They realised what was going to happen.

It was fair enough for us to ask the Minister for Education in the estimates process, "Where are these cuts going to be made? What is going to be the impact?". The Chief Minister earlier said, "It is going to be fair; it is going to be equitable; it is going to be sustainable". But the truth is that they do not know that. They still do not know where the cuts are coming from, other than that they are coming from schools. The evidence presented here on Tuesday makes it very clear that the areas from which the cuts are coming call into question Labor's commitment to social justice. The cuts are coming from areas such as languages other than English; they are coming from learning areas; they are coming from career advisory areas. It is the areas in which those who are least likely to enjoy school, particularly high school, are having the most difficulty that are being cut. The academic kids will manage, even in very big schools. Many of us sitting here had very big classes and we managed.

Mr Cornwell: But not in supplementation, though, Mr Moore.

MR MOORE: But we managed. But what was happening to the rest of the kids who were not managing? Many of them are still illiterate. You have all seen the illiteracy figures in Australia. They are something that shocks all of us. The Chief Minister has been saying to us that there has been the widest possible consultation on these cuts. How was it achieved? She pointed to the Liberals and said, "You just said that you were going to cut schools and then you started the consultation process". What is the difference? You cut teachers and then you start the consultation process. What is the difference in terms of the process? There has been no consultation at all, and it is a great shame on you.

This Minister could have said to this house, to the Estimates Committee or to the public, "We are going to make cuts. They are going to be in these areas, in these schools, and therefore there will not be a problem". Then we would have been able to say, "Okay. We can look at this issue and we can see why it is that you have been able to get efficiencies within education". My argument would be that if you can sustain efficiencies in education, as indeed the Auditor-General suggests, then that should be of great benefit to the students. That is a way in which we can improve the education system, not by counting beans, changing dollars and saving some money in the overall budget by cutting education yet again. And it has not stopped. Look at what we are expecting to see over the next two years - another 80 teachers or the equivalent and, after that, another 60 to 80 teachers or the equivalent. Since when have Labor managed to show that they put a high priority on education? They have not. It is a pretence.

We are all seeking a high quality of education within the government system. We have had a system that we can be proud of. That does not mean to say that there are not efficiencies that can be made. Of course, no matter how well we do something, we can all look to see how we can improve on what we are doing and what we are delivering. You cannot do it by cutting teachers. The inevitable result - and it shows very clearly in the evidence presented here on Tuesday - is going to be an increase in class sizes. Such are the ramifications of not only this cut this year but the cuts that you propose for next year and the year after - and who knows about the years after that?

How can we maintain a quality system, how can we run the best education system in Australia, how can we be the smartest Territory, how can we be the smartest jurisdiction, if we keep cutting education back? What has happened to your sense of social justice? The trouble is that you have been convinced by Treasury officials and the Treasurer that you cannot quarantine education. Why are you letting the Grants Commission set your priorities?

Mr Connolly: Because they give us the money.

MR MOORE: Mr Connolly interjects, "Because they give us the money". Yes, they give us the money, but they do not tell us how to spend it. You have that choice. If you were really interested in priorities you would be starting to make some changes. We have not seen a major change in emphasis from the first budget in 1989, which was based on the budget of the previous year done under the Federal Government and public servants. We have not seen you set your priorities and live by the priorities you told the people of Canberra when you went to the election. Your priorities were clearly set out. They were clearly in favour of education, as indeed were the priorities of Ms Szuty and me. Basically, the truth of the matter is that you are renegeing. With this budget you are renegeing on that priority, and you are now caught up in the bureaucratic advice so much that you cannot set your own priorities; you are doing what you are told. It is time that you did set your priorities, and it is time that we saw a much more significant and a much better approach to education.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (12.14): Madam Speaker, the Government is under assault this morning on two fronts. One is easily disposed of because it is essentially humbug. The Liberal Party now stand up and purport to be the champions of public education, saying, "We are attacking you, Labor Government. We would do wonderful things for the public education system". Their record in office stands. As the Chief Minister indicated, they attempted to shut down 25 schools and destroy the neighbourhood school concept. Mr Moore knows that well because he played a prominent part in that debate. Madam Speaker, you only have to look at the way the Liberal Party deals with public education whenever they manage to get themselves into office in any jurisdiction in Australia to see the humbug in what the Liberal Party are saying. It did occur to me, when I saw Mr Cornwell haranguing the students at a public education rally the other day and purporting to be the champion of public education, that if any of the students actually believed what Mr Cornwell was saying it would indicate that our public education system is fundamentally failing. I am sure that they did not.

Mr Moore's assault - and I presume Ms Szuty's when she speaks - is obviously of more concern to the Government. Mr Moore says that a Labor government should have a basic commitment to public education. We endorse that. Mr Moore says that he acknowledges that there are financial difficulties in the ACT. He even acknowledged, I heard in his remarks this afternoon, that there is scope for efficiencies within the public education system. He said that he acknowledges that the Auditor-General has indicated that there are major problems and that they can be addressed, he said, by efficiencies. Mr Moore attacks the strategy of the Labor Government, which he says is to continue to cut education. I think I heard the phrase "slash and burn" used - or it may have been used by a Liberal, but Mr Moore seemed to nod enthusiastically at that.

Mr Moore criticises slicing fritz, continuing to spend less money every year. He said that the Labor Government should not slavishly follow the advice of bean counters; they should prioritise and they should treat education as they treat some other areas and have some marginal increases in expenditure. Madam Speaker, it is a pity that before Mr Moore wrote that speech he did not actually do a little bit of homework. When you look at what we are debating, which is the budget, and when you look at what the budget shows for expenditure, you find that the Government has done exactly what Mr Moore urged it to do. We have not sliced the piece of fritz on the education budget, Mr Moore. We have in fact shoved a bit of fritz on. The recurrent expenditure for government schooling last year was some \$195,072,000. This year, in Mr Wood's so-called slash and burn budget that is slavishly following bean counting advice to reduce expenditure, it is \$203,569,000. Madam Speaker, the rhetoric from Mr Moore displays a fundamental lack of basic research.

While across the board we have sought to reduce expenditure by about 2 per cent, there have been some programs that have taken some dramatic cuts. I point to my programs of city services, where we have been constantly striving for reform and I think have hit the jackpot with a 19 per cent saving; public transport, with a 4 per cent saving; and corporate development for DUS, with a 10 per cent saving. We have increased expenditure in other areas. We have increased expenditure on community services by some 10 per cent. I am sure that Mr Moore and Ms Szuty would say that that is a sensible thing to do in difficult economic times. Recurrent expenditure on health has increased by 2 per cent.

Mr Moore said, "You, Labor Government, should show your commitment to your priorities, and you should deal with education as you have dealt with health. You should perhaps find a little bit more". Mr Moore did not read his budget papers, because what we have done is in fact to increase recurrent expenditure on public education by 4 per cent and on non-government schooling by some \$3m, or almost 5 per cent.

Madam Speaker, this talk of cutting and slashing and reducing expenditure in education is ill researched, ill considered nonsense. Mr Moore did not actually look to see how this year's expenditure compared to last year's expenditure. That is not to say that the Government is not committed to a program of creating greater efficiency. The education budget, like any other budget, cannot just grow like Topsy. Every dollar has to be carefully targeted. We have to look for what Mr Moore said we should look for, which is efficiencies.

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Again, the rhetoric overtakes the reality. Mr De Domenico was getting terribly agitated and excited about sacking 80 teachers. Madam Speaker, no teacher will be sacked. Nobody in a school based position will be sacked. What we are saying is that the ordinary turnover that occurs within this program, which I am advised was in the order of some hundreds a year but is probably down to about 100, will ensure that nobody is sacked. Let us get this emotive nonsense about sacking teachers out of the way.

I can understand why Mr De Domenico keeps talking about sacking teachers. That is what his mates in Victoria are doing. I can understand why the Liberals keep rabbiting on about this slash and burn mentality about public education they accuse us of, because that is what in their heart of hearts they would like to do. They would love to be up there with Jeff Kennett, ripping into the system, as he is in Victoria. It percolates to the surface and emerges in their rhetoric. As I say, we ignore what the Liberals have to say because we know that it is humbug, because we know what their record was here, and because we know what their record is whenever they get their hands on the levers of government in any jurisdiction in Australia.

But the issue of concern is the assault that is mounted on the Government by the Independents. The Independents say of this Government, which they pledged to support and whose budget they pledged to support, "As a Labor government you should be looking carefully at your priorities, and you should not just slice every program of every budget by the same amount". Madam Speaker, before they said that they should have looked at their budget papers; they should have compared expenditure this year to expenditure last year. Madam Speaker, notional savings are often achieved within an actual increase in expenditure because we factor in growth. The fact is that, in dollar terms, we are spending more money this year than last year. We are striving for efficiencies, and Mr Wood is developing a program to spend that money better. Mr Moore seeks to stand on the platform and talk about a cut to the education budget. The fact is that there is not a cut to the budget. This year's budget, compared to last year's budget, will show an increase in expenditure. Mr Wood is striving to achieve efficiencies within his program, as is every Minister in this Government. Our record on delivering that stands in this Assembly, and we are happy to compare it with the Liberals' record any day.

But let us get to the reality rather than the rhetoric. Before Independent members do some deal with the Liberal Party to say that they voted against the budget that slashes education expenditure, let them look carefully and see precisely what this budget is doing. What this budget is doing is what Mr Moore, in his remarks, said we should do. It is looking at different programs. Some programs are suffering quite dramatic expenditure reductions. Actual expenditure in city services in my Urban Services portfolio, as I say, is down by about 19 per cent - a very dramatic reduction.

In some programs we are spending a bit more than last year. As I said, in community services we have an increase in recurrent expenditure of about 10 per cent. That is probably something the Liberals would not be happy with - that is, spending on the disadvantaged. We do not want any of that! I would imagine that Mr Moore and Ms Szuty would think that increasing recurrent expenditure on community services makes sense. In relation to education, the recurrent expenditure this year is up on the recurrent expenditure last year. It will be disciplined; it will be targeted more effectively.

There is a proposal which Mr Wood is implementing to reduce the number of school based positions. It will involve looking at those areas that the Auditor-General focused on. Mr Moore in his remarks said, "Yes, there is scope for delivering the efficiencies that the Auditor-General found in some of those classes which are grossly underutilised. Yes, there is scope for efficiency there. But you should not slash the education budget. You should target education. You should show your commitment. You should treat it like health, and spend a little bit more".

Madam Speaker, that is exactly what we have done. We have done what Mr Moore urges us to do. If he had done his research he would not have made the statement that he did. In fact, the expenditure this year is above the expenditure last year, and that level of increase is greater than for health. We are constantly disciplining ourselves and our officials to deliver every dollar we spend more efficiently and more effectively. If that is what you are criticising us for, you are condemned by your own remarks, because you said that we should strive for efficiencies.

MR HUMPHRIES (12.24): I wanted to deal with a couple of the myths and fallacies that have been put about by the Labor Party in the course of this debate. The first thing that really gets me is that here we have a government saying, "You are dastardly people for daring to actually close four schools", when they themselves, in fact, are responsible for more school closures in this Territory than anybody on this side of the chamber is. I repeat the fact that the Australian Labor Party, of which Ms Follett was the ACT president in 1987 and 1988, closed six schools in the ACT during that period. Ms Follett claims, "We did not really favour that. We were really so upset and we were rent and cut to the core by these awful school cuts that were going on". I do not recall your saying that on television, on the radio or in the newspapers.

Mr Kaine: Or even in private.

MR HUMPHRIES: Or even in private, for that matter. I do not recall your lying in front of the bulldozers when Fisher Primary School was being closed or when - where does the Chief Minister live, Downer? - the Downer Primary School was being closed. Where was Ms Follett when her local primary school was getting closed by a Labor government? She was backing them up; that is what she was doing.

Mr Kaine: She was saying, "I will drive the bulldozer".

MR HUMPHRIES: That is right. She was saying, "Come on, guys. We need the money".

Madam Speaker, when my party came into office in 1989, we sat down and looked at the important question of education budget savings, which Ms Follett and her colleagues now say is a very important issue we cannot ignore. They were certainly ignoring it from 5 December 1989 to 6 June 1991. In that period we did not hear any of those words we have heard today - not one gasp of them. Madam Speaker, when we came to office, we started looking at this important question. My department, the Education Department, was very quick to point out - and they produced the figures - that in the vicinity of 11,000 - - -

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Mr Kaine: It was 13,000.

MR HUMPHRIES: I beg your pardon. Mr Kaine corrects me. That is the right figure. There were 13,000 empty places in our ACT school system - places which were being heated, lit, cleaned, maintained and otherwise preserved at a cost to the ACT education system. My department said to me, "Minister, if you want to make a reasonable saving, you cannot go beyond cutting out those empty places which our school system is maintaining". In case anyone imagines that the Liberal Party jumped into office and started ideologically slashing and burning because that was what we wanted to do, let me make it quite clear that that advice came to me unsolicited from my Education Department.

The strongest supporters for these changes, these school closures, that the government of which I was a part embarked upon were the education advisers and bureaucrats, who took the program on with great enthusiasm.

Mr Kaine: And the Teachers Federation.

MR HUMPHRIES: And the second group was the Teachers Federation, and particularly teachers in small schools, because those were the teachers that had to bear the brunt of the policy of previous governments to leave those tiny schools open. Madam Speaker, 13,000 empty places equate to between 15 and 25 schools. That is where the figure of 15 to 25 schools came from. What my Government said in about May 1990 was that that was the equivalent amount of surplus space which we were carrying and for which we would find we were paying for years to come if we did not do something about it. I never at any stage promised to close 25 schools.

Mr Lamont: Yes, you did.

MR HUMPHRIES: Mr Lamont, I will happily give you another Havana cigar and even a box of French chocolates if you can show me in *Hansard*, on the television or in the newspapers that I said that I was going to close 25 schools. You show me where I said that I was going to close 25 schools and the box of chocolates is yours. Madam Speaker, that is not what was said. What the Alliance Government did finally was to implement a program of school closures less ambitious than that implemented by the Labor Party in 1987 and 1988. In fact, if you add in the school closure of 1993, Griffith Primary School, you can see that the program implemented by Labor was more ambitious, by about 50 per cent, than that implemented by the Alliance Government. Madam Speaker, the old web of deception is being cast by the Labor Party, and the spinners include Mr Lamont, Ms Follett, Mr Berry and, of course, the Minister for Education, Mr Wood. Madam Speaker, our record by the time we finished in office would be much better than that of this Government if these cuts today go ahead - and the word is "if".

Madam Speaker, the claim has been put by this Government that in closing schools you have to lose teaching positions; that our plan must have entailed the loss of teaching positions. That is what they say opposite. I have already put in this Assembly the clear argument that our plan was to close schools and transfer teaching positions with the pupils who moved to other schools. We were not changing the ratios whereby people who moved to particular schools were able to

attract teaching positions to go with them. So, if you had X number of students in your school, you would have Y number of teachers. That was by a formula which was not changing. Ms Follett says, "You were going to cut down principals". Madam Speaker, I do not know of any school in the system at the present time - I might be wrong - where a principal actually teaches. Does Ms Follett?

Ms Follett: They are promoted from teachers.

MR HUMPHRIES: Does Mr Berry? Does Mr Wood? As far as I know, all the principals in our system at the present time are in non-teaching positions. If you abolish principals' positions you do not actually lose any teaching positions. We are talking about contact hours. I am sure that there are deputy principals in our system who also teach, at least on a part-time basis.

Mr Lamont: There are principals who teach.

MR HUMPHRIES: Will you be quiet, Mr Lamont.

Mr Lamont: You are wrong.

MR HUMPHRIES: You do not know a thing about education.

Mr Lamont: You are misleading this house.

MR HUMPHRIES: I ask that that comment be withdrawn, Madam Speaker.

MADAM SPEAKER: I have lost track. Which particular comment?

MR HUMPHRIES: That I have misled the house.

MADAM SPEAKER: Mr Lamont, please withdraw the comment that he misled the house.

Mr Lamont: Madam Speaker, Mr Humphries is wrong in what he is asserting.

MADAM SPEAKER: Just withdraw the comment, Mr Lamont.

Mr Lamont: I withdraw, on your request, Madam Speaker.

MADAM SPEAKER: Thank you.

MR HUMPHRIES: Madam Speaker, of course it is not true that most of these positions of principals and deputy principals are teaching positions. They simply are not. They might be filled by teachers, but it would be equally true to say that I am a solicitor because I am qualified as a solicitor, or that Mr Moore is a teacher because he is qualified as a teacher. Mr Moore is not working as a teacher. Mr Berry is not working as a fireman. Mr Lamont is not working - or maybe he is - - -

Mr Kaine: Mr Berry is not working at all.

MR HUMPHRIES: Mr Berry is not working at all. Perhaps so. What does Mrs Grassby do? I am not sure. Madam Speaker, these people's qualifications and what they are actually doing are different things. Let us come back to the crunch, though. Ms Follett says that if I was going to close schools I must have lost teaching positions.

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Mr Lamont: When you closed your schools.

MR HUMPHRIES: That is the point, because we did close schools. How many teaching positions did we lose when we closed those schools?

Mr Lamont: Yes, but not 25.

MR HUMPHRIES: How many teaching positions did we lose?

Mr Lamont: We stopped you closing the 25. We stopped you doing the slash and burn.

MR HUMPHRIES: Of course, Madam Speaker, Mr Lamont knows, because he is trying to talk over me. He knows that we did not lose a single one. No teaching positions were lost when we closed schools in 1990 and 1991.

Mr Berry: But how many principals did you lose?

MR HUMPHRIES: They were not teaching positions. The principals did not teach, and any deputy principals who taught had their teaching hours transferred to another school. So there was not one change in the student-teacher ratio under our government. That was because we decided that teaching numbers were important. I almost hesitate to say it, but that now stands as almost a golden age in education when teacher-student ratios were being preserved. They certainly are not being preserved under this Government.

Debate interrupted.

Sitting suspended from 12.34 to 2.30 pm

MADAM SPEAKER: Members, in accordance with temporary order 74, the resumption of debate on Division 230 of the Schedule to the Appropriation Bill 1993-94 is fixed for a later hour this day.

QUESTIONS WITHOUT NOTICE

ACTEW - Water Pollution

MRS CARNELL: Madam Speaker, my question without notice is to the Minister for Urban Services. I refer the Minister to statements he has made about a recent leak of partly treated effluent into Lake Burley Griffin which was sourced to a broken sewer in the Jerrabomberra Creek area. The Minister stated publicly that, between 9 August and 23 October when the leak was found, ACTEW scientists had thought that the problem was due to animal droppings and not effluent from the fractured pipe and that that was the reason that they had not told the public. A signed briefing note sent from ACTEW to a Canberra media organisation on 9 November stated:

... further investigation following on from heavy rain removed cattle from the equation. Follow up sampling and testing over a period that extended to 23 September led the scientists to suspect that the excess nutrients were coming from the sewerage network ...

This note clearly shows that ACTEW had suspected that the sewerage leak was the source in September, not October, as Mr Connolly claimed. Minister, were the scientists right in September or were you right in October, and why did ACTEW not pass on their suspicions to the Office of the Environment one month earlier?

MR CONNOLLY: Madam Speaker, there is one journalist who believes this nonsense and Mrs Carnell is peddling his story for him. I suggested in a letter I wrote to Mrs Carnell that she should be cautious about peddling people's lines and should look at the issues themselves. I provided a raft of documents to Mrs Carnell and I think I offered a briefing. I am not sure whether that offer of a briefing was taken up.

Mrs Carnell: Next week.

MR CONNOLLY: Next week. Exactly. Go on the attack. The Opposition strategy is to pass sentence and then consider the evidence.

Mr De Domenico: Be careful.

Mrs Carnell: Do not get carried away.

MR CONNOLLY: These juvenile little people opposite who are getting terribly agitated are getting agitated about a briefing note to a journalist which was - - -

Mrs Carnell: No, it was signed by the Deputy General Manager, Operations.

MR CONNOLLY: A signed briefing note to the *Canberra Times* which was written in order to give the *Canberra Times* some background to what had happened. They are treating that as though it is inconsistent with all the other documentary material which they have. Mrs Carnell, who understands scientific method, one would have thought, would have understood this.

The situation is that high levels of nutrient were detected in the lake - nutrient, but not bacteria. The evidence and the information which you have been offered on the briefing - you say, "I have not had the briefing yet; I will get that next week" - would put all this into context. High levels of nutrient were detected during routine sampling. ACTEW did further sampling and located a source at which this material seemed to be at its highest. All of this is in the briefing which Mrs Carnell has been offered and has not accepted but has gone on the attack over. The high level of the nutrient was sourced to a point where there was a large quantum of cow poo - not Opposition questions, but cow poo; they are closely related. It was detected by the lake. That gave ACTEW the indication that that was probably the source.

ACTEW advised the EPS of that in a document which is in the material which Mrs Carnell has or is being offered. The note to EPS said, in effect, "This is what we think it is; we think it is the cow dung, but there could be other reasons including" - and I think it says "seepage (?)". So the note to the EPS on a date in September indicated the most likely source and the possibility of an alternative. ACTEW, being a very responsible environmental organisation, did not sit there. They conducted further and further testing and eventually discovered that there was some seepage from a pipe - not raw sewage, but material that is pumped onto the golf course at Duntroon. It is treated water with a level of dry effluent

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put back into it - fertiliser, if you like. It is not the sort of thing one would wish to drink as a staple diet, but it is certainly not the raw sewage that the more fervent imaginations opposite seem to think it is. That was detected towards the end of October or November.

The point is that the first suspicion that it was seepage in September was notified to the EPS. The person who wrote that briefing note used somewhat loose language. It is possible, with a fervent imagination and a conspiracy theory, to draw from that briefing note the inference - - -

Mr Humphries: It says it in black and white.

Mr De Domenico: It says it in the thing. He signed it.

MADAM SPEAKER: Order!

MR CONNOLLY: Look, settle down. It is possible to draw from that briefing note an inference that ACTEW knew - - -

Mrs Carnell: It said on the 23rd that they knew.

MR CONNOLLY: No, no; not that ACTEW knew that it was seepage. In fact, as was made clear in the material sent to the EPS, that was a suspicion. I wrote to Mrs Carnell, setting out these facts and offering her full briefing. Mrs Carnell, as a cheap and sensationalist politician, has chosen not - - -

Members interjected.

MR CONNOLLY: This is a serious indictment, Madam Speaker. Mrs Carnell has chosen not to take up that offer of a briefing. She says glibly, "I will get that next week". So she does not want to look at the facts, on a very serious matter. Nothing could be more serious, Madam Speaker, than the allegation that the Electricity and Water Authority is deliberately polluting the environment. That is a serious allegation. I have refuted that in a statement to Mrs Carnell, and I have offered Mrs Carnell the full material. I think you asked for the raw data, and I think I said in my letter to you, "The raw data is a massive pile of material, It may be more convenient, Mrs Carnell, if I provided you with the raw data and an engineer to go with it to explain it". Mrs Carnell, instead of taking up that offer of briefing, comes in here and makes the sensationalist allegation that ACTEW is involved in a conspiracy to pollute the lake.

Mrs Grassby: That does not get you headlines, Mr Minister.

MR CONNOLLY: Exactly, Mrs Grassby; that does not get you headlines. Madam Speaker, I am disappointed in Mrs Carnell because I have made it a practice with Opposition members, if they ask for briefings within their portfolio areas, or in the case of Mrs Carnell, as Opposition Leader, on anything, to offer them.

There is a serious issue of public importance here. Is our Electricity and Water Authority acting irresponsibly in relation to the environment? An allegation has been made by a journalist that it has. It was refuted by me repeatedly. It was refuted by me in a letter to Mrs Carnell, which I do not have here - you can table that as well - but which set out the sequence of events, which is different

from the briefing note to a journalist that was signed by the manager, north region or south region. As I said in the letter, this is the sequence of events that we have determined. You can draw from that a different conclusion, but it is not correct. I offered Mrs Carnell the full facts and a briefing. Instead of taking up that offer of a briefing, she has come in here and chosen to trivialise and sensationalise the issue.

Mrs Carnell: With a briefing note signed by your people.

MR CONNOLLY: It is hardly a state secret, Mrs Carnell. It is a note to a journalist. It is a note to a journalist by an official in ACTEW which used loose language and which has not conveyed the full facts. The full facts were conveyed in a letter to you with the offer of a substantial briefing. Instead of taking that substantial briefing, instead of listening to the evidence before drawing your conclusion, you jump to your conclusion.

Mrs Carnell: The evidence is here.

MR CONNOLLY: What a silly thing to say, Mrs Carnell! You, Mrs Carnell, wrote to me asking for the full data. You are trained in scientific method. You were offered the full information. You were offered a full briefing with the relevant engineers and scientists. Instead, you have come into this place to make trivial and sensational allegations, and damaging allegations. Mrs Carnell, I am disappointed in you.

As my statement stands, the full facts were as set out in the brief to you, with the further material that was offered for your briefing. ACTEW did not know that sewage was going into the creek in September. They suspected that it may have been, as was said in the note to you. The advice to the EPS in September - I cannot recall the date, but I think it was the 29th - indicated "seepage (?)" as a possible cause. It is the responsibility of ACTEW to advise EPS of what is going on, or what they think may be going on. It is a matter really for EPS to take further steps and to issue public health warnings if necessary. Public health was not an issue here, as was said in the letter to you, but which you have chosen not to take up briefing on, because these were high nutrient levels, not high bacteriological levels.

Mrs Carnell: And they do not run together at all, do they, Mr Connolly?

MR CONNOLLY: No, they do not, Mrs Carnell. They do not necessarily, in an area where you are taking water samples for a working dairy. Again, if you were serious about this issue you could have taken up the briefings from the environmental scientists and engineers. You do not want to do that. You want to come in here, to cheapen this issue, to sensationalise this issue, and to make silly allegations.

Mrs Carnell: May I table the briefing note, please?

Leave granted.

Mrs Carnell: Thank you very much.

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Mr Connolly: Madam Speaker, I request that my response to Mrs Carnell also be tabled.

Mrs Carnell: You are more than welcome. I thought you might like to table your letter, but I am happy to do so. I have only the front bit of it.

Mr De Domenico: He has not got it.

Mr Connolly: Mr De Domenico, I do not bring all my files into the chamber.

MADAM SPEAKER: Thank you, Mrs Carnell. That is very obliging of you.

Visiting Medical Officers Dispute

MS ELLIS: Madam Speaker, my question is directed to the Deputy Chief Minister in his capacity as Minister for Health. Could the Minister please inform the Assembly as to the current state of play in the dispute with Canberra's visiting medical officers?

MR BERRY: I thank Ms Ellis for the question. The first issue that I would like to deal with, Madam Speaker, relates to comment in the *Canberra Times* this morning about differing recommendations to women close to term. I have a letter from the AMA that said on 20 November that a confinement would be seen as urgent, yet I see in the paper today differing views by doctors about how they will deal with women who are confined. Dr Bates recommended that mothers with no complications should move out of Canberra to have their babies. That clearly is in conflict with the undertaking that was given to me by the AMA on the 20th. Dr Mutton - - -

Mrs Carnell: Are you answering this so that you can improve the consultations this afternoon?

MR BERRY: Would you allow your workers to treat your clients like this?

Mrs Carnell: You are saying - - -

MR BERRY: Go on; answer the question. Say yes or no. No, of course she would not. She would sack them. How dare you even consider that we should not have the same sort of attitude! So there you go. How dare you! Dr Mutton said that women at high risk should leave. That too is clearly in conflict with the undertaking that was given to the Government - that is, that a confinement would be seen as urgent. Madam Speaker, I find that very disturbing. It does nothing but bring shame to the medical practitioners involved.

I now turn, Madam Speaker, to a further publication in the *Canberra Times* of today which talks about some comments that were made by Mr Lamont, and a spokesperson outside the Assembly, in relation to payments. Mr Lamont allegedly made the statement that somebody involved in the doctors dispute had asked for \$300 or \$400 up front to guarantee that they would treat patients. Dr Grahame Bates said that he would be very surprised if any doctors had demanded money from patients. Madam Speaker, sadly I report that I have seen a statutory declaration which sets out that Dr Grahame Bates demanded \$200 off a patient to ensure that they were treated more quickly than other people on the list.

Regrettably, Madam Speaker, there is a difficulty with these issues. I would ask members to have a look at a 17 November 1992 article in the *Canberra Times* which sets out the position of some of these people. The article related to the Lankuts matter. I quote from the newspaper article:

Mr Lankuts said the obstetricians had advised his wife to get out of Canberra.

This was as a result of one of her complaints. It continued:

She had rung every other obstetrician in Canberra but had been turned down. Eventually, she had found a doctor and his locum who would see her, but had gone to Adelaide to have the baby, fearful that these two doctors might not be on duty when the baby arrived.

The people who have complained to me about these matters are women of child-bearing age. They are not prepared to stand up front on these issues because if it comes to the point of them needing to receive attention they are very worried that they might be discriminated against.

Mrs Carnell: Unsubstantiated comments. We all have millions of them.

MR BERRY: I ask you again: Would you let your workers treat your clients like that? The answer is no.

Mrs Carnell: I do not have any contractors working for me.

MR BERRY: You have workers.

Mrs Carnell: I also would not be behaving like you.

MADAM SPEAKER: Order!

MR BERRY: Members may have heard on ABC radio a report of a road accident around Yass today where a person was injured. I am advised that a doctor from Yass wanted to transfer a patient at about 12.15 today. This was somebody who was hit by a truck on the highway and, according to my advice, had closed head and chest injuries and a compound fracture of the leg. The AMA hot line was rung.

I should describe to members what the AMA hot line is. There are three of them. There is a surgical one, there is an orthopaedic one and there is an obstetrics one, and there is a keeper at each gate; that is, there is a senior member of the AMA who handles that hot line and, of course, they prevent access by the patients to the various VMOs, so the VMOs cannot be identified as refusing service. The person on the end of the phone refuses services or argues the toss with the doctors at the hospital who want emergency services over whether it is an emergency or not. The report to me said that somebody rang the AMA hot line and the person on the hot line said that the patient should go from Yass to Sydney or to Goulburn. If he came to Woden Valley Hospital they would not provide VMO care. This doctor rang the doctor in Yass, who said that the decision may well cost that patient his leg. There was no further discussion of the issue. Subsequently, helicopter retrieval had to be arranged and the patient was transferred to Sydney.

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Another matter was raised also in the article to which I referred earlier and which reported events in this Assembly. I had said in the Assembly yesterday that Dr Grahame Bates was among those who had organised this chaos by way of this hot line. Dr Grahame Bates said in the paper today that the comments represented an absolute outright lie. I then turned up a transcript of what Dr Bates said on the ABC yesterday. I quote: "I mean, I have been up all night trying to coordinate some sort of emergency service". Obviously he was the doctor who was on the emergency line.

These sorts of statements conflict with the ethics which these people are supposed to have. This has been an education to me. For all of my life I have heard doctors make claims about their commitment to their ethics, their commitment to treat patients. That cannot be reconciled with the events to which I refer. I can say in relation to at least one of those incidents that I will be referring the matter to the Medical Board, and I trust that it will be examined more closely.

Mrs Carnell: Where was the person with peritonitis you spoke about yesterday treated, Mr Berry?

MR BERRY: My understanding is that they were treated - - -

Mrs Carnell: In Canberra? Thank you.

MR BERRY: The fact is that services are being denied to patients in the ACT, and continually so. You would not tolerate them - - -

Mr Humphries: Not that one yesterday.

MR BERRY: They were denied for a time.

Mrs Carnell: You indicated that they were sent to Sydney.

MR BERRY: Would you allow your workers or contractors to treat your clients like that? No, you would not; you would sack them as quick as a flash. So, Ms Ellis, sadly I report that there is a campaign against patients continuing in the ACT. This morning, Madam Speaker, the matter was before the Industrial Relations Commission. My officers continue to talk with the AMA about some of the issues. I am prepared to discuss - - -

Mrs Carnell: Inflaming the dispute.

MR BERRY: I am not prepared to hide things while the doctors remain on strike and while patients are being affected. I am perfectly prepared to maintain the usual industrial silence on negotiations when people learn to behave themselves; but I am certainly not going to allow these sorts of things to go on quietly, without telling the people of the ACT. It would be dishonest of me not to tell them what was going on, and I am not prepared to do that.

Mr Humphries: I raise a point of order, Madam Speaker. I ask that Mr Berry table the statutory declaration that he referred to in his remarks.

Mr Berry: I am not prepared to do that, Madam Speaker.

MR HUMPHRIES (2.53): The Minister who is not prepared to hide things might like to table the document. If not, I move, under standing order 213:

That the statutory declaration to which the Minister referred be tabled.

Mr Connolly: Can you guarantee that that woman will not be black-banned if she ever needs to see a doctor again? Can you guarantee her safety?

MR HUMPHRIES: Come on!

MADAM SPEAKER: Order!

Mr Moore: It has happened before, Gary.

MADAM SPEAKER: Order! I believe that we have a motion before the Assembly.

MR HUMPHRIES: Put your evidence on the table, Wayne. You have made extreme allegations; back them up.

MADAM SPEAKER: Did you move a motion, Mr Humphries?

MR HUMPHRIES: Yes, I did, Madam Speaker.

MADAM SPEAKER: There is a motion before the Assembly that the Minister table the stat dec.

MR HUMPHRIES: Madam Speaker, the Minister has made an allegation which is extremely serious. He has made an allegation which, in the circumstances, could seriously inflame this dispute even further, if that is possible. Yet he is not prepared in this place to table the document that would substantiate these extreme claims that he has made. He has made some allegation about people being black-banned. The fact of life is, Madam Speaker, that this Minister has made an extremely serious allegation and he should back it up in this place. Mr Berry, above all people in this place, has had a lot to say about the coward's castle. The doctor or the doctors affected have the right to be able to defend these allegations. Therefore, Mr Berry should produce that stat dec to which he has adverted in the course of his remarks and indicate the basis on which he makes these outrageous claims. It is up to him to provide the evidence and, therefore, he should table that stat dec. If not, the Assembly should make him.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (2.55): Madam Speaker, the Assembly has available to it the option of supporting this motion by Mr Humphries; but I would urge them not to, on the basis of what might happen to the individual concerned. I have seen the statutory declaration and I am satisfied as to its veracity, but I am not - -
Mr Humphries: Well, we are not, until we have seen it.

MR BERRY: I can tell you that I am not prepared to provide it.

Mr Humphries: Are you going to defy the Assembly?

MR BERRY: The vote has not been taken yet. I have to say, on the evidence that is on the public record, that I would not be prepared to endanger the future of those women who have complained to me - - -

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Mr De Domenico: And you want to settle this dispute?

MR BERRY: I am not prepared to keep things quiet.

Mr De Domenico: You are keeping the stat dec quiet.

Mr Kaine: You are interested in full disclosure, except when it suits you.

MADAM SPEAKER: Order!

MR BERRY: I repeat what I read from the *Canberra Times* article of 17 November. It runs as follows - - -

Mr Kaine: I raise a point of order, Madam Speaker. The debate surely is about whether the Minister is to table or not table a document to which he has referred. What might be said in the *Canberra Times* can have no bearing on that. That is not the matter that we are debating, and I suggest that the Minister confine himself to the question at issue. He has already taken nearly 16 minutes to answer a question which has led us to this point. It is a waste of question time. He could have chosen to make a ministerial statement. I would suggest that he now be confined to debating the matter before the house, which is an affidavit.

Ms Follett: Madam Speaker, I take a point of order or call for a clarification. The standing order -
- -

Mr Kaine: Madam Speaker, I have already taken a point of order which has not been dealt with.

MADAM SPEAKER: Mr Kaine, I am allowed to take another one. Just a minute.

Mr Kaine: You cannot take another point of order, surely, until the first one is dealt with.

MADAM SPEAKER: Mr Kaine, I am the Speaker. I am taking another one.

Ms Follett: Madam Speaker, the standing order to which Mr Humphries referred states:

A document quoted from by a Member may be ordered by the Assembly to be presented ...

Mr Berry has not quoted from any document. He has referred to it and he has said that he has seen it, but he did not quote from it. He does not have it with him. He could not have quoted from it.

MADAM SPEAKER: I will take advice on that, Ms Follett.

Mr Berry, I assumed that you had quoted from it. I am going to ask you the question directly: Did you quote from the document?

Mr Berry: No.

MADAM SPEAKER: I am sorry, Mr Humphries; your motion, unfortunately, is out of order.

ACTTAB - Contract with VITAB Ltd

MR DE DOMENICO: Madam Speaker, my question without notice is to the Deputy Chief Minister in his capacity as Minister for Sport. I refer him to questions the other day about VITAB Ltd. Is it true that the Minister has had discussions with Mr Bob Hawke, who is one of the majors in the company VITAB? If it is true, how many times has he spoken to Mr Hawke, and when was the first time he spoke to Mr Hawke?

MR BERRY: Yes, I have had discussions with Mr Hawke a few times. They have not been very long ones. My first recollection of a discussion with Mr Hawke was, I think, around about 1975 or 1976 - - -

Mr De Domenico: "About VITAB" I said.

MR BERRY: At the 1973 ACTU conference.

Mr Kaine: I have had a few chats with him too, but I have never mentioned VITAB once.

MR BERRY: I mentioned it more than once. I met with Mr Hawke in relation to the VITAB matter once, and that was at the launch of the agreement. That was at ACTTAB and it was probably on the TV. I think Mr Hawke's picture was on the television, not mine; but I was there. I shook his hand and we exchanged a few words, a few niceties, and we both agreed that the - - -

Mr De Domenico: That was the only time you have spoken to him about VITAB?

MR BERRY: I had not met him on that issue up to that point.

MR DE DOMENICO: I have a supplementary question, Madam Speaker. Seeing that Mr Berry is the Minister who is not prepared to hide things, is he prepared to table a copy of the agreement between ACTTAB and VICTAB, the Victorian TAB, and also VITAB Ltd, the offshore company that Mr Hawke is involved with?

MR BERRY: When last this issue was raised I said that in relation to VITAB I would consider the matter. At this point I am inclined not to.

Mrs Carnell: But you do not hide things.

Mr De Domenico: But you are the Minister who is not prepared to hide things.

MADAM SPEAKER: Order!

MR BERRY: Hang on! Do you want to ask some more questions and let me sit down for a while? I am not going to stand here all day while you harangue me. I am saying to you that I am not inclined to table the contract with VITAB because it is a commercial-in-confidence document. In relation to the agreement between - - -

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Mr Humphries: What have you got to hide, Wayne?

MR BERRY: I have nothing to hide.

Mrs Carnell: Show it to us in confidence.

MADAM SPEAKER: Order!

MR BERRY: I cannot show you anything in confidence, Mrs Carnell. It is like pouring water into a colander; it just goes straight through. As for the VICTAB one, I am prepared to take advice on that; but I can say to you that if it too is a document of a commercial nature I am not prepared to table it either.

Measurement Systems

MR STEVENSON: My question is to Mr Connolly as police Minister. I have seen reports in the media concerning the description of offenders which stated their height in metrics. I know that the police give heights in both systems. Could the Minister liaise with the media and make sure that the media use feet and inches as well as centimetres? Could the Minister indicate what 185 centimetres is in height? How high would such a person look?

MR CONNOLLY: I think, about your height, Mr Stevenson. I hope that that was not the description of a particular suspect seen fleeing the scene. Madam Speaker, it is a relevant point. The police use both imperial and metric systems when they are issuing public descriptions of suspects. I am advised that that is on the basis that elderly citizens may have difficulty in converting. It is not just elderly citizens, I think. Most of us still probably tend to think in feet and inches. I understand that it is about six feet.

Mr Stevenson: It is about your height, actually.

MR CONNOLLY: It is about my height, yes. It is a relevant point. I cannot tell the media what to do, much as I would like to. Perhaps I will try. With your indulgence, Madam Speaker: Media, it would be helpful if you did run the full police descriptions rather than just the metric conversion. It would help all members of the community.

Supply and Tender Agency

MR WESTENDE: My question is to the Minister for Urban Services. Could the Minister confirm or state otherwise whether the operative staff of the Supply and Tender Agency consists of one person? If it is correct that only one person is engaged in this work, will the Minister undertake to speed up the process of compiling the various registers and commence the calling of tenders through the agency? In any case, can the Minister indicate when the agency will be fully operative?

MR CONNOLLY: I think it is correct, as I think I said in a letter to Mr Westende, that there is one person operating full time on the Supply and Tender Agency. It is a process of compiling information. We are in the process of going out to the business community. A series of brochures and other promotional material have been distributed recently to the business sector, which I will table in this place if Mr Westende has not seen copies already. In a sense we need the business community to come to the Government and say, "This is what we have". That person will compile the material and in due course we will have a database available.

I could do more if we were able to devote more resources to the problem, no doubt; but the issue in ACT Government is trying to deal with resource constraints. The Opposition, as always, wants us to spend more on particular pet projects and is very unhelpful when it comes to savings options. The information I gave to Mr Westende was correct. I am not sure whether I gave Mr Westende the promotional material that we have been distributing recently. If I have not, I will. The situation at the moment is that the business community is approaching us, saying, "This is what we have". The purpose of the Supply and Tender Agency is to enable us, on a single database, to match what the business community has with what we need.

Tourism Commission

MRS GRASSBY: My question is directed to the Chief Minister. Can the Chief Minister comment on the effectiveness of the ACT Tourism Commission's recent marketing activities?

MS FOLLETT: Madam Speaker, I would like to thank Mrs Grassby for her question. Members know that I have outlined to them previously the marketing campaign known as the winter sizzlers campaign.

Mr Moore: I raise a point of order, Madam Speaker. Under standing order 118(a), the answer to a question should be concise and should be confined to the subject matter. The subject matter of the question was, "Is she able to answer the question?". The answer is either yes or no.

MADAM SPEAKER: Thank you for pointing that out to me. However, it is entirely up to each Minister to determine how they will answer the question. Please proceed, Ms Follett.

MS FOLLETT: Madam Speaker, the answer is obviously yes, and I am about to comment. As I said, Madam Speaker, the winter sizzlers campaign will not be news to members of this Assembly because I have outlined it to them previously. I am sure that all members will be delighted to know that during what always has been a seasonally slow period for Canberra, the September quarter, we have seen a real surge in our occupancy rates, up to 62 per cent. The official figures that have just been released by the Australian Bureau of Statistics show that this is a rise of nearly 8 per cent compared to the same quarter last year. It is a very hefty rise indeed, and I think it is attributable to that marketing campaign.

During that period we also had the Floriade, which was remarkably successful this year. I think it probably also contributed to those very good figures. Another very pleasing aspect of the latest statistics is that the dollar earnings by Canberra tourist accommodation houses also rose quite markedly during that September quarter; in fact, by no less than 16 per cent. That again is a very pleasing sign indeed. Also, in marked contrast to the national trend, visitors to the Canberra region over that period appeared to be extending their stays here in the national capital. Those ABS figures that I referred to reveal that during the September quarter - as I said, a traditionally very slow period for Canberra - the average length of stay was two days compared to 1.9 days during the preceding quarter, and also 1.9 during the September quarter of last year.

Madam Speaker, I think that the Tourism Commission's marketing activities recently have been showing some real signs of success. This will be reflected not just in the industry figures but also in jobs for Canberra, which is an extremely important aspect. I am confident that when we get the comparative results for the whole of the nation, in about six weeks' time, they will show that Canberra, or the ACT and our region, is the rising star of tourism in Australia.

Non-Government Schools Funding

MR CORNWELL: Madam Speaker, my question is addressed to the Minister for Education, Mr Wood. I refer to the budget decision to break the nexus between Commonwealth and ACT Government funding for non-government schools. You will recall that in the budget document it was stated that in the forward years, that is, from 1995, it is proposed that territorial funding will be linked to government schooling costs. Can you tell me what the actual basis of the ACT funding link to government school costs will be? Do the consultations proposed by the department with the non-government sector on this funding link include policy discussions as well as the mechanics of the funding allocation? Thirdly, how can these consultations take place between now and February 1994, as I understand that they are going to, given the intrusion - the fairly large intrusion - of Christmas, New Year and school holidays?

MR WOOD: Madam Speaker, first of all, I can say that we do allow for school holidays. I also point out that the world does not stop during school holidays. Some of us keep working, and I am sure that Mr Cornwell will. From time to time negotiations do intrude into some part of that. I think that is a reasonable and sensible proposal, Mr Cornwell. We reduced the non-government school budget this year by one per cent. We made clear that that was comparable with the reduction in the ACT government school budget. We removed the nexus and we have now to work through for the more permanent structure that will apply from next year. I understand the background of your question because the players in the non-government school sector are quite keen to join in the discussion on how that might be done.

Mr Cornwell: They do have an interest.

MR WOOD: Absolutely, and I meet with them frequently. We are discussing, in the first instance, a proposal with the providers - that is, the Catholic Education Office and the Association of Independent Schools. They are the ones who run the schools. We will be taking our suggestions to them, in the first instance, to see where we may go. After that we will be discussing proposals as they emerge with APFACTS, the organisation of parents for non-government schools.

I think that is where the concern is, and we will be taking our proposal to them in due course. We did, over the last year, set out a process to try to come to the needs based component of the funding system and, in fact, that was not capable of clear resolution. So, as we move towards the long-term funding arrangement, we have this style of policy consultation.

Adelaide Avenue Roadworks

MS SZUTY: Madam Speaker, my question without notice is to the Minister for Urban Services, Mr Connolly. Surveyors have been conducting survey work along Adelaide Avenue today. Could the Minister inform the Assembly as to the nature of the surveys and whether there are any plans to carry out further works on Adelaide Avenue? If works are to be carried out, could the Minister also inform the Assembly as to their nature and what has prompted them?

MR CONNOLLY: Madam Speaker, I do expect my workers to punch the Bundy clock in the morning but not necessarily to check into my office as to precisely where they all are. I will find out what they were doing. From time to time we do survey roads. There is a program, for which money has been appropriated, for a long-term exercise about repairing Adelaide Avenue. There are some areas of Adelaide Avenue where the road surface has been deteriorating. I assume that it was that sort of work. I will find out and let Ms Szuty know.

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

Australian Capital Auctioneers

MS FOLLETT: Madam Speaker, I would like to answer a question which I took on notice from Mrs Carnell. I regret to say that it appears to be somewhat out of time and I do apologise for that. It relates to the amount of money lost by the ACT Government in the collapse of Australian Capital Auctioneers. Madam Speaker, I will table the full response; but, in brief, the ACT Government's exposure amounts to \$36,373 as a result of the voluntary liquidation of Sale-O Pty Ltd trading as Australian Capital Auctioneers. This amount is spread over a number of agencies. As a result of this, all agencies have examined their procedures and their controls to ensure that the Territory's assets and moneys are safeguarded. I would ask that the full response be incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 8.

DISTINGUISHED VISITOR

MS FOLLETT (Chief Minister and Treasurer): Madam Speaker, I draw your attention and the attention of members to the presence in the gallery of Mr Abe, who is the managing director of Japan Travel Bureau Oceania Pty Ltd. This is the world's largest travel organisation and brings over 165,000 visitors to Australia every year. I would like, in Mr Abe's presence, publicly to thank him for his hospitality to me and to our delegation while we were in Japan recently.

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AUDITOR-GENERAL - REPORT NO. 10 OF 1993
Family Services Sub-Program

MADAM SPEAKER: Members, I present, for your information, the Auditor-General's report No. 10 of 1993, Family Services Sub-Program.

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

That the Assembly authorises the publication of Auditor-General's report No. 10 of 1993.

ROAD SAFETY STRATEGY - DRAFT
Paper

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Madam Speaker, for the information of members, I present the draft ACT Road Safety Strategy. I move:

That the Assembly takes note of the paper.

I seek leave to speed up business by having my tabling speech incorporated in *Hansard*.

Leave granted.

Speech incorporated at Appendix 9.

Question resolved in the affirmative.

LIQUOR REGULATIONS (AMENDMENT)
Papers

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Madam Speaker, for the information of members, I table a regulation made under the Liquor Act. This is a regulation which declares certain areas around EPIC, once known as Natex, to be alcohol-free for the duration of the Summernats. I would ask members to note that the 15-day deadline for cut-out of a regulation will not occur until after the Summernats. If anyone has problems with this they should deal with it swiftly.

MADAM SPEAKER: Do you wish to make a statement, Mr Connolly?

MR CONNOLLY: No.

PAPER

MS SZUTY: Madam Speaker, I ask for leave to present a petition which does not conform with standing orders as it does not address the Assembly or contain a request.

Leave granted.

MS SZUTY: Thank you. I present an out-of-order petition from 227 students from Dickson College expressing concern over the impact of education cuts on the quality of education in all colleges and high schools. I apologise to members for not having it this morning.

APPROPRIATION BILL 1993-94

[COGNATE PAPERS:

PLANNING, DEVELOPMENT AND INFRASTRUCTURE
STANDING COMMITTEE - REPORT ON 1993-94 NEW CAPITAL WORKS PROGRAM -
GOVERNMENT RESPONSE

ESTIMATES - SELECT COMMITTEE - REPORT ON THE
APPROPRIATION BILL 1993-94

QUARTERLY FINANCIAL STATEMENTS - PAPERS

AUDIT ACT - TRANSFER OF FUNDS - PAPERS

COMMONWEALTH GRANTS COMMISSION REPORT ON
GENERAL RELATIVITIES - MINISTERIAL STATEMENT]

Detail Stage

Proposed expenditure - Division 230 - Government Schooling, \$203,569,100

Debate resumed.

Proposed expenditure agreed to.

Proposed expenditure - Division 240 - Non-Government Schooling, \$60,973,000 - agreed to.

Proposed expenditure - Division 250 - Higher Education and Training, \$2,826,200 - agreed to.

Department of Health

Proposed expenditure - Division 260 - Health, \$267,863,200

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.18): Madam Speaker, the 1993 budget provides a framework for ACT Health to continue providing the highest level of both hospital services and community health services to the community. That is the Government's commitment to the community and we intend to stand by it. There are some out there in the community who are trying to interfere with our commitment, but that will pass in due course.

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Some initiatives in this year's budget include the expansion of the child at risk unit to allow more children who are abused to be appropriately assessed; the expansion of the child immunisation program in line with the Government's commitment to ensure that the maximum number of children are immunised; funding for a women's halfway house for drug and alcohol affected women; extension of the current after hours crisis service to respond to a wider range of people, including those with an intellectual disability, personality disorder or psychiatric illness; funding to allow two children with Ondine's curse to be cared for at home rather than in a hospital; funding for a number of essential pieces of new and replacement equipment, including an angiography suite, a fluoroscopy table, an automated bacteriology processor/reader, dental chairs, hospital beds, surgical instruments and equipment to allow ACT Health to purchase cheaper electricity; and funding for essential information technology infrastructure. At the same time, Health will become more efficient by continuing to treat more people, on average, with fewer resources.

These initiatives complement the ongoing work in ACT Health. The outlook for ACT Health for 1993-94 is to keep building on those past achievements, to ensure that it maintains an excellent and comprehensive service to the community. With the redevelopment of Woden Valley Hospital past the halfway mark, as has been mentioned by the Chief Minister, the establishment of a clinical school in the ACT, a new Medicare agreement and much improved financial management, as has been acknowledged in this place before, clearly ACT Health is on track and on target, despite the criticisms of the Opposition. It is progressing at a fast clip.

I would like to outline some of the major successes for ACT Health over the last financial year and some of the major plans for this financial year. First, I want to refer to the hospital redevelopment. During 1992-93 the ACT public hospital redevelopment, as I have said, passed the halfway mark, with works to the value of \$90m-plus either in progress or completed. Some of the significant milestones include the completion and the opening of the paediatric unit in March by my colleague Mr Lamont, and the opening of the radiation oncology department by me in May of 1993. It gives me - - -

Mr Humphries: Mrs Carnell was free.

Mrs Carnell: Yes. I was not even asked.

Mr De Domenico: Did you get an invitation to that?

Mrs Carnell: No.

Mr De Domenico: I did not either.

MR BERRY: You do not have the knockers hanging around. You would not have them hanging around. All you do is knock us. You do not expect us to slap you on the back and give you a free cup of tea if you keep knocking the system.

Mr De Domenico: It is like the old Conrad Black story, is it not? "If you do not agree with me I will not invite you."

Mr Humphries: That is right. It is Conrad Black all over again.

MR BERRY: Mrs Carnell was invited to something I went to over at the hospital a couple of weeks ago and she did not turn up. What was that? I cannot remember what it was.

Mrs Carnell: I was doing something else. It was the Ladies Auxiliary who asked me.

MR BERRY: That is right. I looked pretty good there. You would have enjoyed it.

It gives me a great deal of pleasure to say that the redevelopment project is expected to come in on budget and to come in on time. I am also very pleased to be able to talk about the involvement of the Arts Council. Those of you who have been out there in recent times will have noticed that significant progress has been made on what is described as the entry precinct. That will be opened, we had earlier thought, around Christmas time or that part of the year. The Arts Council has carried out a unique program of community consultation in the design of the artworks and features to create a people-oriented atmosphere in these buildings. The buildings are going to be there for a long time and they have to create an impact when you enter them. Some of the diverse community groups involved include an Aboriginal youth group, schools and aged people's hostels. This year all the major building works in the project will be completed and we will begin to see the new Woden Valley Hospital really taking shape. Already, I understand, some of those portable buildings have gone or are being dismantled. As the year progresses, the benefits of the work will become more obvious.

Another significant development that will come to fruition this financial year will be the start of the clinical school.

Mrs Carnell: You need doctors for a clinical school.

MR BERRY: We will have doctors and there will be a significant increase in the number of salaried doctors within the hospital system, which will lead to an improvement of services within that system and less difficulty with contracts such as we are experiencing now. They will be covered by awards of the commission and so on and will not be subject to the pressures which are being applied by the AMA in this case.

In March 1993 a memorandum of understanding was signed by the ACT Government and the University of Sydney to establish that clinical school. The appointment process, as I understand it, is proceeding and I look forward to the announcement of the associate dean in due course. I think I might have said in the past that I expect that appointment to be made in January. The clinical school will have its first intake of students, on my last advice, in March 1994. These will be final year students of the University of Sydney Medical School. Initially, 20 students will be placed. From 1994, 20 places a year will be allocated from the start of the three clinical training years, making a total of 60 students. Those figures do not include full-fee-paying students. The clinical school will be dynamic, innovative and impressive, and it will be affiliated with the whole of the public health system in the ACT, not focused only on one hospital.

Talking about that clinical school leads me to the issue of cardio-thoracic surgery. The Government is committed to the provision of cardio-thoracic surgery in our system and we will be looking again at that issue in 1994. The timing will allow the dean of the clinical school to be appointed and to be involved in the establishment of the service as it becomes acutely necessary and as resources become available. In the meantime the Government will continue to make funds available for public patients and their relatives to access cardio-thoracic surgery services in Sydney.

Another new service we can expect to see provided at Woden Valley Hospital this financial year is magnetic resonance imaging. Currently ACT Health has an arrangement with a private radiology practice for the provision of MRI scans to public patients at public expense. Commonwealth funds for the capital and recurrent costs of an MRI unit, which will be located at Woden Valley Hospital, have been made available, and I understand that the tender process is under way. It is anticipated that the MRI service will be available at Woden Valley Hospital in 1994. It is onwards, ever onwards. We are certainly making some great inroads.

Mrs Carnell: It is the last in Australia, is it not, Mr Berry?

MR BERRY: It is probably one of the smallest too. If you are not the biggest you do not get it first. That is usually the rule with these sorts of things.

Mr De Domenico: That is another good one - if you are not the biggest you do not get it first.

MR BERRY: Some of the big Sydney hospitals would expect to get it first, would they not?

Mrs Carnell: Tasmania got theirs ages ago in Launceston.

MR BERRY: We are not divided from New South Wales by a large body of water, either, as you may have noticed as you drive in and out of the place. (*Extension of time granted*) That service will provide MRI scanning facilities to in-patients and outpatients in place of the current restricted service.

I would like also to say a few words about financial management. There have been significant improvements not only to Health's financial management but also to the timing and procedures related to preparing annual financial statements. There is no question about that. Over the last few years Health has halved the time required to produce its audited financial statements from six to three months, and for 1992-93 reduced that period by a further three weeks. So it is improving all the time. As proof of the continued improvements to financial management, the Auditor-General gave an unqualified audit certificate to Health's financial accounts. I did not see a press release from Mrs Carnell on that one, congratulating us and saying, "What a good job Mr Berry is doing".

Mr Kaine: You have an affidavit to this effect, have you?

MR BERRY: ACT Health also has prepared a financial management training course which has been presented to more than 150 senior staff. This is something you should have thought of, Mr Kaine, when you were the Treasurer - to give some training to the people that were supposed to be managing this. You did not

think of that, but we fixed it. This course is being complemented by further, more in-depth workshops. This training is an example of ACT Health's commitment to maintaining and improving standards - - -

Mrs Carnell: It was Enfield who suggested that.

MR BERRY: Yes; but we did it. We did not just talk about it; we did it.

Mrs Carnell: They commissioned the report, and then you took over.

MR BERRY: We did it. We produced the goods.

Mr De Domenico: That is because you were in government at the time.

MR BERRY: The Liberals always talk about it, but they never, ever, produce the goods. Labor produces the goods continuously, and we will continue to do so.

This training is an example of ACT Health's and this Government's commitment to maintaining and improving standards of service, and giving value for money. I will outline some other initiatives and plans that will help ACT Health to consolidate services. Some were outlined earlier, like expanding the child immunisation program and so on, but 1993-94 will be an exciting year for the public health system. The ACT will begin to reap the benefits of the work of the past few years. Existing services will be consolidated, new services will be launched, and planning to meet the future health needs of the community will continue. We will settle the VMOs dispute, but it is not going to be done by folding; it is not going to be done by collapsing. It is going to be done by reasonable means to reach a solution which the community can live with. After all, it is this Government, not the AMA, that has been elected by the people. We are the ones who are going to have to live with the outcome of those deliberations on contracts. They will be difficult, as is often the case with industrial relations matters. It is particularly so when you run into a group which is not guided by any rules such as is the case with the rest of the trade union movement and workers throughout this Territory.

This Government is committed to ensuring that the community has the best possible health system, and we are getting there in a big hurry. We are producing much better. Financial management is far and away much better than it ever was. I think even Mr Kaine would acknowledge that through his examination of the operations of ACT Health.

Mr Cornwell: Secrecy. Maligning people.

Mr Kaine: We will come to your good management of your health budget shortly.

Mr Cornwell: That is right. Maligning people publicly.

MR BERRY: It has improved so far. What was that?

Mr Cornwell: I said, "Maligning people publicly".

MR BERRY: Who was that?

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Mr Kaine: No, not in public; only with immunity.

Mr Cornwell: Only with immunity, that is right; and then hiding the evidence.

Mr Kaine: Only with privilege.

Mr De Domenico: No, he is not prepared to hide things. He said so.

MADAM SPEAKER: Order! Mr Berry has the floor.

MR BERRY: We are achieving that commitment, Madam Speaker.

Proposed expenditure agreed to.

Advance to the Minister Administering the Audit Act 1989

Proposed expenditure - Division 270 - Treasurer's Advance, \$12m - agreed to.

Remainder of Bill, by leave, taken as a whole

MR CORNWELL (3.34): I move the following amendment circulated in my name:

That the following new clause be inserted in the Bill:

"11. The Executive shall not use money appropriated by this, or any other, Act for the purposes of reducing:

- (a) the number of persons employed as teachers in schools or colleges in the Territory; or
- (b) the number of teaching hours provided overall in those schools and colleges taken as a whole."

MADAM SPEAKER: It has not yet been circulated, has it? Mr Cornwell, would you desist for a moment and let members have a look at this? May I also see it as it is being circulated? Mr Cornwell, let me make a statement at this stage. The Opposition did me the courtesy of showing me this amendment a couple of hours ago, at lunchtime.

MR CORNWELL: I cannot hear you, Madam Speaker.

MADAM SPEAKER: I was given the opportunity to view this at about one o'clock or so, at lunchtime. I have considered the amendment in the time available. As far as I can ascertain, it is unprecedented here or in the House of Representatives. Members may be aware - I would like to point this out - that here and elsewhere there are very strict limitations on amendments that may be moved to Appropriation Bills. In the United Kingdom no amendment to a motion of Supply is in order, except a simple reduction to the amount demanded. The implications of the amendment circulated, Mr Cornwell, are, to a certain extent, unclear. There could be really important implications for future governments in this Assembly. It should also be noted that the provisions of the Australian Capital Territory (Self-Government) Act, upon which standing orders 200 and 201 are based, may soon be altered.

I think I would be inclined to rule the amendment in order under standing orders 200 and 201; but, because of the unprecedented nature of this and the scope of the potential effect, I propose to take further points of order on the matter. I think that I should hear more of people's views on it before I proceed to rule it in order, because it is such an extraordinary step that is being taken. Would members like to comment on that?

Ms Follett: Madam Speaker, I need to take advice on this matter. I would ask whether you might entertain a motion for a short adjournment.

MADAM SPEAKER: I would be prepared to suspend proceedings in order to allow members to prepare their thoughts and then to address me. I could then make a ruling on the matter finally and we could proceed. If members are willing, we will take a suspension and resume on the ringing of the bells.

Mr Cornwell: For how long?

MADAM SPEAKER: Until the ringing of the bells. How do members feel about 20 minutes or thereabouts? We will resume at about 4.00 pm.

Sitting suspended from 3.36 to 4.02 pm

MADAM SPEAKER: Members, I called an arbitrary suspension, but I believe that some people would like more time.

Mr Kaine: We had made up our minds before you suspended the sitting.

MADAM SPEAKER: Is there anyone who wishes to take a point of order on this amendment and my ruling on it?

Mr Humphries: What is your ruling, Madam Speaker?

MADAM SPEAKER: I told you that I was inclined to rule it in order and then listen to any further points of order. If there are no points of order, I rule it in order; and Mr Cornwell can proceed.

MR CORNWELL: Madam Speaker, in moving this amendment to the 1993-94 Appropriation Bill, I state categorically that nothing in subsection 65(1) or (2) of the self-government Act prevents any member of the Assembly from moving such an amendment, in my opinion. The section has been used as an argument against anybody other than a Minister amending the budget. However, a simple reading of the section, particularly subsection (2), indicates that, while there are very definite limits placed upon members, these limits are restricted to increases in a budget in respect of the amount of public money to be disposed of or charged. I remind members that subsection (2) states:

Subsection (1) does not prevent a member other than a Minister from moving an amendment to a proposal made by a Minister unless the object or effect of the amendment is to increase the amount of public money ... to be disposed of or charged.

Mr Stevenson: On a point of order, Madam Speaker: It is a very important debate and it is difficult to hear, particularly for people in the gallery, I would think.

MR CORNWELL: The section does not prevent any member from placing limits or caveats upon aspects of the budget. A member can, for example, suggest the substitution of one budget proposal for another. Members can, for example, propose rejection of a budget proposal - either reject it outright or reject it for another proposal. Specific funding, in my opinion, does not need to be identified because none was identified in the original proposal. The budget is a single appropriation of \$1.353 billion, I think. As long as the member does not seek to increase the amount of public money to be spent and to be charged, I believe that amendments are not only possible but permitted. Madam Speaker, the same could apply in relation to standing orders 200 and 201.

MADAM SPEAKER: I have just ruled on that, Mr Cornwell.

MR CORNWELL: I know that you have ruled on that, Madam Speaker, and I am not disputing your ruling. I am simply arguing the case that we are not seeking to increase the amount or seeking to alter the destination of money to be disposed of or charged from the budget. The amendment I am now moving by way of a new clause adds a rider or a limitation to the Appropriation Bill that simply prevents the Government from appropriating money to cut the number of teachers in ACT schools or colleges. It does not block the budget. It does not prevent public servants from being paid, or the overall business of government from being proceeded with. It simply states that, in the portfolio area of education, in achieving the Government's 2 per cent reduction in funds this Assembly does not wish this financial cut or any part of it to be achieved by a reduction in the number of teachers in ACT schools or colleges.

The amendment also does not attempt to prevent the Government from making other announced cuts in the budget; neither does it presume to direct the Government where else it should make cuts to make up for the loss of teacher cuts in the education portfolio. Certainly, it does not presume to direct the Government that it should make cuts in any other portfolio. There is no increase in the amount of public money of the Territory to be disposed of or charged, nor is there any increase in funds proposed in the education budget or any increase in costs proposed in the education budget by this amendment. In fact, the words of the preamble to the new clause call upon the Government to do quite the reverse, instructing the Executive not to appropriate money for the purposes of reduction.

While the Appropriation Bill can be amended in this way, and the Liberal Party is prepared to do so in this case in the best interests of the ACT community, it is not our intention to be too prescriptive, recognising that the Labor Government, however belatedly, has recognised the need to make budget cuts. Therefore, we are not going to lay down where substitute savings can be found instead of cutting 80 teacher positions in ACT primary schools, high schools and colleges. We give the Government as broad a choice as possible. Nevertheless, in case the Government wishes to plead that it has searched all hollow logs and found them empty, and in deference to Mr Wood's claims over the past few days about how he agonised and burned the midnight oil for months in trying to find alternatives to cutting teachers, let me say that there are three portfolios that have been quarantined from any cut, 2 per cent or not. Perhaps some of these could be examined to provide a proportion of savings proposed by teacher cuts. There also is the matter of \$5.1m in rental arrears outstanding in Mr Connolly's Housing Trust. That is another thought.

There are areas in education itself: The unknown amount owed by the Commonwealth for the children of diplomats; the amount of money that clearly has been set aside in the budget for the voluntary separation or redundancy packages of teachers. There must have been some money set aside. Then there is the Treasurer's Advance - that pot of some \$12m for contingencies; or the Government might like to reconstruct their education budget taking into account the \$2.9m raised in voluntary contributions in 1992-93, which represents 1.47 per cent of that year's education budget. This 1.47 per cent of the education budget in voluntary contributions has been steady for two consecutive years, so it is reasonable to assume that it is about the average annual takings. It could be argued that, as a 2 per cent education budget cut has been sought and parents are paying 1.47 per cent in voluntary contributions, the education budget is either bearing a disproportionate share of costs and cuts, totalling 3.47 per cent, or, thanks to the generosity of some but not all school families, a voluntary contribution of 1.47 per cent of the 2 per cent of cuts sought has been achieved already. I put those examples forward not in any sense that the Government should adopt them; they are simply suggestions that I put forward. They are certainly not directions; they are ideas that the Government might pursue. How you compensate for these teacher cuts is your choice.

I wish to conclude, Madam Speaker, by explaining why this amendment is being moved. The Liberal Party is committed to the highest quality education and to freedom of choice in education. Neither of these policies can be achieved by cutting 80 teachers from a system. For a Labor Government which parrots social justice platitudes at every opportunity, I find their action incomprehensible. It indicates a government either out of control of its financial situation or out of touch with its societal responsibilities. Either way, the Liberal Party does not support this minority Government's budget intentions in respect of these 80 teachers. I commend the amendment to the house so that, hopefully, the will of a majority of the Assembly can prevail against the proposal to reduce these 80 school based positions.

MS FOLLETT (Chief Minister and Treasurer) (4.12): Madam Speaker, the Government will be opposing this amendment and I want to say a number of things about it. The first thing is that I absolutely deplore the arrogance displayed by the Liberal Party in moving this amendment on the floor of the house. Madam Speaker, an amendment of this order surely should have been canvassed in some way with people who are expected to vote upon it; but, no, it is simply sprung upon the Government. No doubt the deal has been done with the Independents. I would like to know what that deal is. For our part, Madam Speaker, we had not seen this amendment until the moment that it was tabled in the Assembly, and I call that extraordinarily arrogant.

The second thing I want to say is a very serious point indeed, and I say it through you, Madam Speaker, to the Liberal Party. Do not ever do your own drafting. This amendment is an utter nonsense. Any way you look at it, Madam Speaker, it is simply not drafted in a way that lends itself to rational interpretation. I have been upstairs in a meeting with the Attorney-General and with all of our legal advisers, qualified legal advisers, including the Parliamentary Draftsman. Madam Speaker, we could not come to any agreement on what this amendment might mean.

Madam Speaker, Mr Cornwell, in introducing the amendment, offered no explanation whatsoever. I would like now to offer some interpretations that have been offered by qualified legal persons. The first thing, Madam Speaker, is that the amendment probably also applies to non-government schools. If members read it and read the Appropriation Bill they will know that the Appropriation Bill appropriates money for non-government schools, and non-government schools employ teachers. Of course, the Executive has no power whatsoever over how many of those teachers non-government schools employ; nevertheless, this motion has the clear intention of controlling those numbers as well. It is a nonsense.

A further meaning of it could be that the Government is not to make any adjustment in the teaching formula in the light of demographic change, and that is clearly a nonsense. It is well known that in most of our schools the enrolments are falling, and under the existing formula that also means that the number of teachers would be reduced. The number of teachers who are paid are paid under the appropriation which is contained within this Bill. Is it the intention of the Opposition that we ought to pay more teachers than the current teaching formula states?

Mrs Carnell: It does not say that.

MS FOLLETT: Madam Speaker, this is not my interpretation; it is the interpretation of legally qualified people. A further problem with it, Madam Speaker, is that it simply specifies no point in time. What teachers? When? Do I count them on the day they go on holidays?

Members interjected.

MADAM SPEAKER: You will have your opportunity to explain in a moment.

MS FOLLETT: Madam Speaker, does it mean full-time teachers or part-time teachers? Can we use any combination of those? Can we use expensive teachers, cheap teachers, beginning teachers? What do you mean?

Mr Wood: We can use quite a variety of teachers, Chief Minister; believe me.

MS FOLLETT: And I think we will be. What do you mean? Madam Speaker, the amendment is quite clearly a nonsense. It also mentions teaching hours. What does that mean? Does it mean contact hours? Does it mean that six children getting one hour's teaching is the same as 60 children getting 10 minutes' teaching? I do not know. Who can tell? Mr Kaine is having a sly little giggle to himself, and I have no surprise whatsoever at that.

Madam Speaker, the amendment is a nonsense. As I said, Madam Speaker, the lesson for the members opposite is: Do not do your own drafting. Get the parliamentary draftspeople to do it. They would have done it for you, no problems, and you might have ended up with something that could be interpreted as having some meaning. Unfortunately, the amendment that is before us has so many possible meanings that it is incapable of rational interpretation. Whilst I understand that members' hearts may be in the right places, unfortunately their work here has not, in my view, interpreted that intention in any sort of a legislative sense that is capable of being implemented. Madam Speaker, we will be opposing the motion, and I would urge other members to oppose it too. I think you risk looking absolute dills if you support something that clearly is meaningless.

MR HUMPHRIES (4.18): Madam Speaker, it certainly is amusing to see the Government bleating and wriggling to try to avoid the effect of this amendment, but they know full well that what they see in front of them here is their own promises to the ACT community coming home to roost. They know that they were the ones who paraded themselves at the last election as the friends of teachers and teacher numbers, and this amendment is all about that. It is about making this Government live up to its promises. To quote another person in another place, it is about keeping the bastards honest.

Madam Speaker, it is perfectly true that the Government does not directly spend money in non-government education - indeed, it does not - which is why a prohibition on the Executive using money appropriated for the purpose of reducing the number of persons employed as teachers in schools or colleges does not affect non-government education. The Government does not employ people in non-government education. It gives grants to the non-government education sector, which it employs - - -

Mr Connolly: If they use those grants to pursue redundancies in the non-government sector the money has been appropriated for the purpose of reducing the number of teachers.

MR HUMPHRIES: No, no; the Executive does not use the money for that purpose, Madam Speaker. Members can argue and weasel their way all around this, and they can pretend that they have all sorts of comfort in the vagueness of the language. Might I say, Madam Speaker, that for a Government that today has introduced legislation which is exceptionally vague, and I am referring to the Limitation (Amendment) Bill and the Taxation (Administration) (Amendment) Bill (No. 2), it is a bit rich to hear them accuse anybody else of using language which is broad based.

Madam Speaker, I think I heard Ms Follett say something about arrogance. That makes me wonder about the extent to which people like Ms Follett look at themselves in the mirror. Think of the rich vein of arrogance which is present in this Government which can say to the people of the ACT, "Yes, we promised at the last ACT election to reduce class sizes, and now we are going to increase them. How dare you Opposition members try to make us, the Government which promised this, stick to our promises? How disgraceful! We are the Government. We can throw out whatever promises we want, because we have just discovered how bad the problems facing the Territory are".

Well, I am sorry, Madam Speaker; some of us knew about that some time ago and some of us were able to frame promises to this community which were not based on those outright lies, but this Government could not. Now, Madam Speaker, the chicken has come home to roost. It is time for this Government to acknowledge that it has built this nest itself, and it now has to lie in it. Yes, it is true that this sort of amendment is unprecedented in this place and in many other places, but so was the Government's dumping of an election promise central to the importance of public education. That is the reason, Madam Speaker, why this Government should wear this amendment today.

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MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.21): Madam Speaker, normally in speaking to an amendment you would speak to what the amendment means, but it is clear from the Opposition speeches that this is purely a political stunt. None of them have attempted to explain what this means. It is obviously a piece of political rhetoric that has been drafted by the Opposition or some of their advisers for the purpose of doing their little deal with the Independents. We had a bit of a go at Michael the other day, but at least the Independents do have a certain view on increasing public education which is rather more consistent with what we do. How you Liberals can lie straight in bed and move these motions is beyond me.

Madam Speaker, the points that the Chief Minister made were extremely valid. You do not write an unprecedented amendment to an Appropriation Bill on the back of an envelope and expect it to make sense. You really should get this thing drafted properly. Mrs Carnell was smugly saying, "You should get better lawyers; it is simple enough". Madam Speaker, a very simple piece of language in the Australian Constitution says that trade, commerce and intercourse between the States shall be absolutely free. That is very simple, a little bit of layman's language, as Sir Henry Parkes described it. It has been the subject of - - -

Mr Moore: Yes, I know; but it was actually done by lawyers, was it not?

MR CONNOLLY: No, it was not. It was Sir Henry Parkes, who was not a lawyer, who referred to it as a little bit of layman's language for that reason. It is a simple phrase that has caused the High Court endless confusion. This amendment is totally confusing. What does "use money for the purposes of reducing" mean? We think that we could be at risk of being in breach of this section, and what does it mean if we are in breach of this section, if moneys that we appropriate to the non-government schools - - -

Mr De Domenico: Just ring up one day. We will tell you.

MR CONNOLLY: Mr De Domenico, that demonstrates a fundamental lack of knowledge. Let me see whether I understand this. The process is that officials, in future, in administering a law, ring up Mr Humphries and say, "Is this what you want, Gary?". Is that what we should do? A very sensible approach! Madam Speaker, say Mr Wood writes a cheque to the Catholic Education Office. If they, at the time, say that they are going to be reducing teacher numbers in this school or that school, does that put Mr Wood in breach of the Act? What does "reducing the number of persons employed as teachers in schools or colleges in the Territory" mean? Does it mean in any school or college? Does it mean globally and collectively across the board?

Mr Moore: Move an amendment.

MR CONNOLLY: Do you want the numbers to remain precisely as they are in each school or college, because that would be one - - -

Mrs Carnell: Obviously not.

MR CONNOLLY: Well, not obviously. It could be read either way. Mr Moore says that perhaps we should amend it to make it clear.

We would invite any amendments to make this clearer, because it is abundantly clear at the moment that it makes very little sense. What does "the number of teaching hours" mean? Is a teaching hour an hour of a teacher's time, or is it the hour for which a student is exposed to a teacher?

Mr Cornwell: Oh, come on! Stop being pedantic.

MR CONNOLLY: No; they are extremely important issues. You neither care nor understand. Mr Stevenson has made it a point of principle since he has been in here to object to laws that cannot be clearly understood, and to object to laws that are rushed through. What you are doing here is rushing through a law which seems to make no sense.

What does "teaching hours" mean? It is a totally vague term. It may mean, on one extreme, the - -
-

Mr Humphries: I think teachers know what it means.

MR CONNOLLY: Teachers normally understand it as the exposure of a student to a teacher, so one teacher speaking to two students would be two hours, two students speaking to one - - -

Mr De Domenico: The bow is getting longer all the time.

MR CONNOLLY: No, no. This is very important because, when we are talking about small classes - - -

Members interjected.

MADAM SPEAKER: Order!

MR CONNOLLY: Again, as I said at the outset, if we were seriously debating an amendment, these issues that I am raising would be important. If you are making a puerile political stunt - that clearly is what members of the Opposition are doing - you may well laugh while I am speaking, and continue laughing to your heart's content. Are 10 hour-long classes for which there are only two students the equivalent of one class in which there are 20 students for an hour? What do you mean by "teaching hours"? What do you mean by "persons employed"? Again, as the Chief Minister indicated, is one person who is employed for 40 hours a week the same as one person who is employed for one hour a week? Is that the same thing? Is a one-hour teacher the same as a 40-hour teacher? When does this start from?

I cannot speak for Mr Wood; but I can speak for the Department of Urban Services or, indeed, for the Australian Federal Police, to take an even more sensitive area, about numbers. On any given day, how many police do we have? I have just received a piece of advice from my Chief Police Officer confirming that we are again, for the next financial year, maintaining the staffing number, the 695, which is the number of operational police officers that are required to be made available under the police agreement. But at some times of the year we will have over 700 and at other times of the year we will have under the 695. On any given day the number of police employed in the ACT will vary, and on any given day the number employed in Urban Services will vary.

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What is the date from which Mr Wood apparently is required not to use money for the purposes of reducing - whatever that means - his number of teachers? Madam Speaker, if members were seriously legislating and seriously considering the implications of this unprecedented type of adjustment to an Appropriation Bill, those questions would cause them great concern. Those questions would cause members to say, "This is a foolish amendment and we will not proceed with it at this time". But, as I say, if members are wanting to make a puerile political stunt, what I have said will cause no concern. They will continue to giggle and cackle and carry on as they did while I was asking those questions, and they will do it anyway. Madam Speaker, it may well be, as we try to find out what this means - if it is possible, if it is capable of having a legal meaning and some form of legal effect on the operations of government - that we may have to come back into this place in the next sittings, or in some sittings next year, and bring before this chamber legislation to try at least to make some sense out of this.

Members who were here during the last Assembly would well recall the famous back-of-the-envelope amendments that were being circulated in those bizarre long sitting hours on the planning legislation. Those amendments, which were belted out, which were vague and meaningless, have caused us considerable practical difficulties and have taken up considerable amounts of the time of this Assembly in fixing them up. I suspect, if members are determined to proceed with this political stunt and pass this, that we will be back at some future stage trying to make sense of this vague and meaningless provision. Some members have stood up here in the past and piously said, "You should not be springing amendments on us; you should not be springing on us significant and important pieces of legislation that cannot be understood". If those members vote in favour of this their commitment to principle is severely questioned.

Mrs Carnell: We told you three weeks ago that we were going to do this.

MR CONNOLLY: You said three weeks ago that you would do something, but in your usual cheap political manner you did not give us the courtesy of circulating the amendment. We knew that you were going to pull a political stunt. You had made that clear. We knew that you were going to do something, but what you have done, we suspect, is probably meaningless. We suspect that this actually has no effect or meaning at all. On the other hand, Madam Speaker, it could have fundamental effect, to the point that, if a school in the non-government sector wishes to reduce its number of teachers by one, Mr Wood, who has appropriated the money to allow that to happen, is in breach of the law, and that would be an extraordinary proposition indeed. You would agree that that would be an extraordinary proposition. We just do not know.

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

[COGNATE PAPERS:

PLANNING, DEVELOPMENT AND INFRASTRUCTURE
STANDING COMMITTEE - REPORT ON 1993-94 NEW CAPITAL WORKS PROGRAM -
GOVERNMENT RESPONSE

ESTIMATES - SELECT COMMITTEE - REPORT ON THE
APPROPRIATION BILL 1993-94

QUARTERLY FINANCIAL STATEMENTS - PAPERS

AUDIT ACT - TRANSFER OF FUNDS - PAPERS

COMMONWEALTH GRANTS COMMISSION REPORT ON
GENERAL RELATIVITIES - MINISTERIAL STATEMENT]

Detail Stage

Remainder of Bill as a whole

Debate resumed.

MR KAINE (4.31): Don't they squirm, don't they twist and turn to try to avoid the obvious? Mr Connolly, of course, has gone. He does not want to hear the rebuttal to his argument. The proposition put forward by the Opposition in this amendment is no different from the proposition put by the Government in bringing their Appropriation Bill before the house. Mr Wood is asking for an appropriation of approximately \$330m, of which \$203m is for the government schools, and he said, "Somewhere in there we are going to reduce the number of teachers by 82". Let me ask Mr Connolly the same questions that he asked. Where does Mr Wood intend to take the 82 teachers from? Is he talking in globo? Is he talking about the whole system? Does he intend to specify which schools?

Mr Wood: Where I want.

MR KAINE: Exactly, Madam Speaker. All this amendment does is say to the Minister, in the same terms that he is putting to us, "We do not agree that you should do it". Whatever it is that you intend to do to get rid of 82 school teachers out of your system, we are saying to you, "You may not do that". It is as simple as that.

Mr Wood: You just talk nonsense. That is what you have done.

MR KAINE: It is as simple as that. At some time over the next eight months, when Mr Wood sits in his office on the fifth floor and says to his senior advisers in the Education Department, "How can we take 82 teachers out of the system - - -

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Mr Wood: It is 80. You are wrong there too, you see.

MR Kaine: Eighty. Whatever it is. I thought it was 82, but I concede my mistake. When he says to his advisers, "Where can we take these 80 teachers from", they are going to say, "Minister, do you mean part-time teachers or full-time teachers? Do you mean teachers who work only one hour a week, or do you mean teachers who work 36 hours a week? Do you mean male teachers or female teachers? Do you mean college teachers, secondary school teachers, or primary school teachers?". Those are the very questions that the officials are going to be putting to him so that they know what to do.

What we are saying to him is that, when they say that, when they ask those questions, his answer is, "I am not permitted to do what you are proposing, because the Assembly has forbidden it". It is as simple as that. Whatever you intended to do you will not be permitted to do once this amendment is passed. If the Government is going to get all twitchy about the fact that we are not being so specific as to say, "You cannot get rid of that teacher or that one", why have they not specified which 80 teachers they are going to get rid of? Their appropriation is so woolly that we should not approve it at all, if the Minister is so unclear as to where the teachers are going to come from.

Mr Wood: I am clear.

MR Kaine: You obviously are not clear. You have not been able to explain it to this Assembly. You have not been able to explain it to the teachers union. I do not believe that you do know. The Chief Minister said this morning that it was not teachers; it was school based staff. That is a total contradiction of everything that you have said, Minister. Which of you is right? Is it going to be teachers, or is it going to be school based staff? Or have you changed your mind since you tabled the budget in the first place? You do not know. You cannot answer the question. So do not play this funny game of getting up and saying, "The Opposition are woolly; they do not know what they mean". We know exactly what we mean, and the interesting thing is that so do you. You know exactly what we mean.

Mr Wood: You might know what you want, but you cannot write it down. That is the trouble.

MR Kaine: You cannot write down where you are going to take the 80 teachers from, can you? If you can, do it now, and we will make our amendment very specific. You tell us where you are going to take the 80 teachers from and we will give you a specific amendment that says that you cannot do it, which is what we are trying to do now.

These people play funny games. Mr Connolly had the effrontery to get up and talk about arrogance. This is the ultimate in arrogance. You know exactly what we mean. We are expressing our amendment in exactly the same terms that you have used in putting your budget forward. If you do not understand what we are saying, you do not understand your own budget. This would not be the first time I have said that, because I do not think you do understand your budget; but we will deal with that in a more general sense later. Everybody sitting in this room knows exactly what we mean, including the members of the Government, and I suggest that they support the amendment, Madam Speaker.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.36): The outcomes of this will be worked through over a period of time; that is clear. But this debate today might be a watershed in our history - a watershed for so long as there is minority government in the Territory. Let us pray that after the 1995 election we get a majority government because, if this sort of irresponsibility continues, the ACT will go down the path of Victoria. The Opposition Leader spoke in her budget speech of anxiety about the ACT debt, but that is what she wants to run us into.

Mrs Carnell: No. We just do not want you to sack teachers.

MR WOOD: I will be more precise, because the Liberal agenda has become quite clear, and these two Independents are going to support it. It is remarkable. Your agenda is clear. The Opposition Leader said in her speech that it was a gutless budget. I think it was a copy of her earlier statement. "Another gutless budget", she said. I know where the gutlessness is; it is on that side of the house. You cannot face up to the responsibility of self-government. You get a few phone calls, you get a little bit of heavying, and you want to cave in, you want to deliver.

There has been a mixed view coming from the Liberals. Earlier on the Liberals were saying, and in a sense they still say it, "Cut the budget; reduce the education budget; we overspend on education". If you want them, I have the precise quotes there. Trevor Kaine said, "Significantly overexpended", "Scope for significant cost reductions".

Mr Kaine: It is the Grants Commission that says that, old chap. I am simply quoting the Grants Commission.

MR WOOD: That was your quote.

Mr Cornwell: We are saying, "Do not cut 80 teachers".

MR WOOD: Yes, that is your policy. Yes, you are consistent. Never mind the bricks and mortar; that has been a consistent argument on that side. You now concede that you want to open some schools - - -

Mr Cornwell: Yes, in new areas. We have never argued that.

MR WOOD: So it comes back to the old argument of closing schools. That is your argument. That is what you want to support.

Mr Cornwell: Dear me!

MR WOOD: Yes, it is. Clearly it is. That is what you want to support. You are totally irresponsible. Let me go further. In his speech, and in an earlier speech by Mrs Carnell, we get a few very clear indications of what they want to do. Mr Cornwell said, "There is \$1.47m contributed to the budget by parents". Did you say "contributed to the budget"?

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Mr Cornwell: I said "1.47 per cent".

MR WOOD: Per cent?

Mr Cornwell: Yes. That was the percentage that the voluntary contributions represented of the education budget.

MR WOOD: It does not go into the budget, Mr Cornwell. What Mr Cornwell is saying is that parents have to start paying, deliberately and consciously - - -

Mr De Domenico: He did not say that at all.

MR WOOD: That was the message that Ms Szuty and I clearly got. You want the parents to pay more for education. That is what you want. You have a little bit of a note in this nonsense of an Appropriation Bill about teaching hours.

Mr Moore: It is your Bill.

MR WOOD: In the amendment. Did you not hear?

Mr De Domenico: No, you said "Appropriation Bill".

MADAM SPEAKER: Order!

MR WOOD: Mrs Carnell gave only one paragraph to education in her speech on the budget. It is not high on her priority list either, any more than on yours, Mr Moore. In that speech she said:

... 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.

To the extent that this amendment can be interpreted in any way, and that is pretty difficult, she wants us to maintain teaching hours and she wants us to reduce money. So, as well as getting the parents to pay for their education, Mrs Carnell is clearly telling the Government - and she is getting the support of the Independents - to increase the face-to-face teaching time of teachers. You will be supporting an increase in the face-to-face teaching time of teachers, and I happen to think that is very valuable time. So there you are. I do not think it is very responsible of you to support that sort of proposal.

Mr Moore: That is exactly what you are doing, and you say that we are not responsible.

MR WOOD: No, I have never gone down that path. So, there is the Liberal agenda - close schools; more face-to-face teaching time; parents to pay up; parents putting their money into the mainstream budget. That seems to be what Mr Cornwell is saying to me - that parents are to pay. That is what it is about. That is what the Independents will be supporting. That is the measure of the responsibility of the Independents.

Maybe Mr Moore will get up and repudiate some of his other priorities. Mr Moore has gone on the record - correct me if I am wrong - and said, "Backbench members need more travel; we need access to international travel". That is where Mr Moore wants to put money.

Mr Moore: I have never said that.

MR WOOD: All right; if you have not said that, I apologise. Ms Szuty, I know, wants an electorate allowance, as I have said before, to help her dress, and that is a priority. Can you imagine? Ms Szuty wants to establish a unit in the Government for aerosol painting sprees. That is the measure of some of their ideas. I would not claim that it is their highest priority, but that is the measure of some of the suggestions we get on how to spend our money.

Mr Moore: This is gutter stuff again. You are going back down into the gutter again, as you did on Tuesday.

MR WOOD: You say these things. They will come back to you. There is no question about that. I have mixed views about this amendment. It is a nonsense. It really is. The fact is that it means nothing. I can find no inhibition in this - - -

Mr De Domenico: Do not worry about it if it means nothing.

MR WOOD: I am saying that. Will you listen? I can find no inhibition on what I may do. You have come up with a motion that, certainly in the space of time we have had it, cannot be seen to follow a coherent argument; that cannot be seen to make sense. You have no definitions.

Mr Moore: Why are you so upset?

MR WOOD: I am upset because you are repudiating your election promise. Mr Moore got into this Assembly by hanging onto Rosemary Follett's coat-tails. He said to the electorate, "I will support Rosemary Follett as Chief Minister and I will support her budget". Now he wants to hack around with the budget, and he will come up with some spurious arguments to try to justify that. I am angry; but principally I am angry because you are going down the path of irresponsibility. Next year, with this precedent, should it be set, you will say, "What do we want money for? Aerosol units somewhere in the arts branch. Let us have money for that".

Ms Follett: What about the jewellery allowance?

MR WOOD: That might come up, too, in other areas. The potential for future budgets, while there is a minority government, will be, "What do you want out there? We will give it to you". The Liberals are so desperate to win the next election that they will do anything.

Mr Kaine: We will romp it in, mate.

MR WOOD: I hope that this community is not as gullible as that. If we go down this path of irresponsibility, of not accepting the imperatives of the day, in a few years this Territory will be in considerable difficulty. Let us pray that Rosemary Follett, after the next election, leads a majority government and that good sense, good management and responsibility may continue.

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MR STEVENSON (4.45): This action is unprecedented, but we should look at the sequence of events that led to it being taken. First of all, the Labor Party made a decision to cut the number of teachers; not cut the budget, but cut the number of teachers. The Labor Party are well aware that that is not supported by the majority will of the people in Canberra. Nevertheless, they did it and, after being reminded again and again, they failed to change. So this Assembly, on behalf of the will of the people in Canberra, carried a motion requiring that that action not be taken. Mr Wood said that it was an important motion, but proceeded to say - I paraphrase - that he would not take any notice of it. Then we passed a motion censuring Mr Wood and the Treasurer. It was said very clearly that we did not want this reduction of teachers. We called on that decision to be reversed, but it was not reversed.

This is not the last resort. Two other actions can be taken. If the second last does not work, the last resort must be taken. The second but one is a vote of no confidence in the Education Minister. But passing a vote of no confidence in the Education Minister because of cuts to the number of schoolteachers in Canberra is absolutely useless unless the majority of people in this Assembly are prepared to enforce it. The only way you can enforce that is to then move a motion of no confidence in the Chief Minister. The moment you are convincing enough that you will do that, action will be taken.

Crying wolf is not the answer. If the majority of members in this Assembly want something done, they cannot allow Ministers or the Government to ignore their directions. In the past, unfortunately, we have allowed those directions to be ignored, with the inevitable result that now we get ignored. That is not surprising. Mr Wood said that if this action is taken he can carry on unaffected. "I can carry on unaffected", he said. That was an interjection he made. If that is the case, I dare say that other action will be taken; and it must be enforced, logically, by a no-confidence motion in the Chief Minister if nothing is done about an Education Minister who is prepared yet again to ignore a direction from this Assembly.

Mr Connolly brought up the point that I have held as a principle for a long time that laws should be able to be understood - they should be in plain English - and, secondly, that laws should not be rushed through the house. I am not the only person who stands for that. The vast majority of people in the community believe that laws affecting their lives, governing their lives, should be able to be understood without having to go along to Mr Connolly, in his past occupation, and his colleagues to find out what on earth things mean. I remind the Assembly that at one time I moved to change our standing orders in order to allow a minimum of two months before any law could be passed through this Assembly, provided that it was not urgent or not declared so following debate by this Assembly. Unfortunately, I just missed out on that one! The vote was 16 to one.

Mr De Domenico: Close!

MR STEVENSON: That was close! I worded the proposed change to say that after 30 days we could discuss the matter before the Assembly without having to have an in-principle debate. We would not have to say whether we were committed to something or not. At that time we could also bring up amendments.

I made the point that there may be a Bill before the Assembly for a month or two, although that is unusual. Quite often Bills pass within one to six days. In fact, 35 per cent of the Bills that went through this Assembly last year were passed in from one to six days. Let us say that it lasted a month or two; but on the last day, 20 minutes or so before the Bill is to be passed, there are amendments tabled and approved that are of import. There has been no time, and it is a problem. I well remember seeing members with various amendments on the table that all came in in the last few minutes, and we were trying to work out what on earth they meant and how they fitted.

Mr De Domenico: Do you remember the Animal Welfare Bill?

MR STEVENSON: Yes, indeed. I agree that there can be problems in drafting legislation that is difficult to understand. I well recall the 170-word sentence in what was laughingly called the Fair Trading Bill. How you can trade fairly when you cannot understand what the law is, Lord knows. I also remember the animal farewell Bill that farewellled horseracing - at least legal horseracing in this town - as sections 7 and 8 said that it was illegal to cause unnecessary pain or cruelty to an animal. Of course, horses are animals and when you whip them that is not necessary.

Mr De Domenico: And goldfish too, do you remember?

MR STEVENSON: And goldfish. The point of the matter at hand is that it is an unusual solution, but we should not look at the solution without looking at the sequence of actions that caused the unusual solution. Something had to be done to maintain what the people in Canberra wanted, and what the majority of members of this Assembly had stated again and again.

Mr Wood, as Education Minister, says, "Let us pray that we get a majority government in the next term". I have an idea, first of all, that God tends to answer those people who call more often. Perhaps more importantly, if there is one thing that Canberrans should pray for it is that we do not ever get a majority government in this Assembly. If you want to see real arrogance you will see it when they know that they have the numbers. Unfortunately, that does not exclude any of us.

MS SZUTY (4.54): Madam Speaker, for the benefit of Government members, the meaning of the amendment is that we do not want you to cut the 80 teaching positions that we have been talking about for the last two months. In plain and simple terms, it is equivalent to \$1.5m of the budget, and effective for the 1993-94 budget. Both Ms Follett and Mr Connolly referred to the Independents as doing deals with the Liberals. We have done no such thing. I want to put it categorically on the record that no deals have been done. It is simply a case of the Independents working together with the Liberals and Mr Stevenson, on this occasion, to achieve the same objective.

Madam Speaker, I support the amendment proposed by Mr Cornwell to the Appropriation Bill. I would like to commence my comments on the amendment by referring to the term "amendment" as the dictionary defines it. In relation to a law, which is effectively what we are dealing with, the meaning of "amendment" is to alter. I would prefer to refer to this amendment moved by Mr Cornwell as inserting a condition or a caveat in the Appropriation Bill.

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Mr Cornwell himself referred to this in his remarks. The dictionary definition of a condition is "a limiting or modifying circumstance". That is, indeed, what Mr Cornwell's amendment effectively does. It includes in the Appropriation Bill a condition which says to the Government, "You can spend the amount of money you have allocated to the Department of Education and Training; you can spend the amount of money you have allocated to government schooling; but what you cannot do is reduce teacher numbers as a result of your budgetary reductions".

During this debate I feel that it is necessary for me to reiterate the commitment I have made to the current ACT Labor Government and to the Chief Minister, Ms Follett, "guaranteeing passage of the Supply and Appropriation Bills". This I will do. I also want to refer to a statement I made in this Assembly - I am sure that other members might want to remind me of it - on 25 November 1992 which concluded with these words:

... I will be fulfilling the third of my pledges to the people of Canberra, taken before the election, by supporting the Government's Appropriation Bill 1992-93 without amendment.

Some of you will say that I am now breaking the commitment I have given by supporting the amendment moved by Mr Cornwell. Others will say that I had no right to give such a commitment to pass the Government's Appropriation Bill without amendment in the first place. Still others will say that I am justifying by semantics my position in supporting Mr Cornwell's amendment. I am open to that criticism and have taken it into account in arriving at my decision in support of Mr Cornwell's amendment. I believe that the Liberal Opposition has found a way to impose in the Appropriation Bill a condition that enables me to justify my decision, a way that neither my colleague Mr Moore nor I had considered possible. I congratulate the Opposition for their efforts.

As I have stated earlier, what the amendment will do is prevent the Government from cutting teaching positions as part of its budget strategy. It will not do a number of things. It will not alter the bottom line of the budget. It will not change the numbers in the budget. It will not dictate to the Government how the Assembly wants it to find the additional funds for teacher positions. That is, and remains, the Government's decision. It is important to remember that we are talking about a sum of \$1.5m in a budget of \$1.35 billion - a tiny proportion of the Government's funds.

There is no doubt, Madam Speaker, that my colleague Mr Moore and I have been in a dilemma since the tabling of the Government's budget on 14 September. On the one hand we have had our commitment to the Government to consider, and on the other hand we have had our commitment to public education to consider. I have already talked about our commitment to the Government as I see it. It is now appropriate for me to talk about our commitment to public education, and I would like to quote to you some passages from our policy document in relation to education. The first one says:

Short term economic considerations should give way to long term planning of education and school facilities. This means increased, not decreased, funding to education.

Another one states:

Focus of the education system is on the students and this should be reflected in education budgeting and spending.

Another one says:

Support and encouragement for teachers allowing them the flexibility as professionals to do their job.

Further:

Class sizes, especially in primary schools, need to be lowered as a priority.

And still further:

Recognise that Languages other than English, drama, sports and art, for example, are an integral part of a well rounded curriculum along with the traditional literacy and numeracy skills.

I could go on. My colleague Mr Moore and I have given the Minister for Education, Mr Wood, every opportunity to talk to us, and to inform the Assembly about where the cuts would fall and what the cuts would mean for individual schools and for students. We have not been assured that the cuts will not damage individual schools and students, and we are not prepared to allow the Government to make these cuts.

The objective of my colleague Mr Moore and me has been, up until now, to try to persuade the Minister for Education and the Chief Minister to change their decision on teacher cuts; to recognise the damage to public schooling that will inevitably occur; to weigh up that damage against their need to find \$1.5m; and to change their minds. We have failed. The fact that the changes have not been defined after a period of two months means to me, Madam Speaker, that the task is too hard. But we have tried. We have spoken to the Minister for Education, Mr Wood, and to the Chief Minister, Ms Follett. We have sought information about the proposed changes, and the impact on individual schools and students, from the Department of Education. We have liaised and consulted with teachers, parents and students.

During the last sittings of the Assembly I moved a motion instructing the Minister for Education to maintain all school based positions targeted in the 1993-94 budget. The motion was passed by this Assembly. The Minister for Education has ignored it, and the Government has ignored it. On Tuesday of this week my colleague Mr Moore moved a no-confidence motion in the Minister for Education, Mr Wood, which was amended by the Leader of the Opposition, Mrs Carnell, to include the Treasurer, Ms Follett, and amended further by Mr Stevenson to become a censure motion. The motion was passed by this Assembly. The Chief Minister, Ms Follett, has dismissed it. The attitude of the ACT Government to these motions, and the intransigence of the ACT Government in relation to this issue, cause me great concern.

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Mr Moore: You have to learn to negotiate.

Mr Wood: Well, come in at the right time, Michael. Come in when it is needed, Michael.

MS SZUTY: Madam Speaker, the last two months have been the most difficult two months I have experienced since my election to this Assembly.

Mr Moore: You must learn to operate within our parameters, Bill.

Mr Wood: Fucking crap!

MS SZUTY: I have not reached my position on this amendment without a great deal of thought and consideration about whether it is the right decision to make. I know now that it is the right decision. The passage of the amendment to the Government's Appropriation Bill, which I would prefer to refer to as a condition, represents what I believe to be the right decision in relation to this matter.

As I have stated earlier, my colleague Mr Moore and I have done everything possible to encourage the Government to change this decision. We are prepared to take this final step to ensure that the decision to cut 80 school based positions will not take place. The Government will be forced to act in accordance with the will of this Assembly. I have been reminded often in the last few weeks, Madam Speaker, of the need for my colleague Mr Moore and me to provide the appropriate checks and balances to the Executive decision making of this minority ACT Labor Government. By supporting this amendment today we are applying that check. We do not necessarily wish to do that; but we feel that we must, to protect the interests of government schooling and government school students in the ACT. I commend the amendment to the Assembly.

Mr Moore: I raise a point of order, Madam Speaker. Under his breath, but quite audibly, the Minister for Education just used the words "fucking crap".

Mr Wood: I beg your pardon.

Mr Moore: I think he ought to be asked to withdraw them.

Mr Wood: I do not think that is my language, Mr Moore. If Mr Moore is offended, if he thinks I said that - - -

Members interjected.

MADAM SPEAKER: Order!

Mr Wood: I did use the word "crap", and I will withdraw that. If he thinks I said something else I will withdraw.

MADAM SPEAKER: Are there any further speakers? Mr Connolly?

Mr Connolly: No. I am sorry; I am leaving. I am offended by Mr Moore's point of order.

MR MOORE (5.04): Madam Speaker, I think that Ms Szuty has very carefully set out the position. It is very simple for the Government. If they are having trouble in understanding what everybody else understands perfectly well - - -

Ms Follett: We know what you want, but that is not what you have said.

MR MOORE: All you have to do, to be quite comfortable and relaxed about staying within the will of the Assembly and within the law, is simply not cut those 80 teacher positions. It is very simple. It is not difficult at all. You know exactly the intent of that amendment if it is passed. The amendment will last as part of the Appropriation Bill for 12 months. What it does is set the parameters on how you can operate in terms of your budget. It sets parameters or, as Ms Szuty said, puts a caveat, and I think that is an entirely appropriate thing to do. It seems to me, Madam Speaker, that we have provided for this Government opportunity after opportunity to negotiate on this issue. We have raised the issue again and again.

Mr Wood: In the last week, since you came back from overseas.

MR MOORE: Mr Wood interjects, "Last week, since you came back from overseas". Before Ms Follett went overseas, Mr Wood, you may recall that Ms Szuty sat in the Chief Minister's office with you and the Chief Minister and some advisers and put our position very clearly. That was a very short time after this budget was introduced. For you to misrepresent things in that way is entirely inappropriate. Indeed, you have misrepresented things in the last week. If I may digress a little, Mr Wood, in his speech, mentioned something about my talking about allowances for overseas. He would remember that there was something to that effect printed in the *Canberra Times* that was inaccurate.

Mr Wood: I can understand that, Mr Moore. It happens a lot.

MR MOORE: I accept that Mr Wood withdrew it at the time, and I do not have any problem with it. I just explain that that is what happened.

Mr Wood: This sort of misprint happens too often.

MR MOORE: It was not an issue that I felt was worth chasing. Madam Speaker, I heard interjections about renegeing and that sort of thing. Ms Szuty has dealt with them well. However, I think it might be appropriate for the Government to look to itself. I explained this morning in a debate on government schooling when we were dealing with the Appropriation Bill - we went through it line by line - that if anybody has renegeed it is this Labor Government. They went to the polls telling people that they would set public education as their highest priority.

Mr Wood: No, we did not. Will you now be accurate?

MR MOORE: I quoted from your youth policy. You will find in *Hansard* that I quoted from your youth policy. The reality is that we had the Chief Minister saying this morning, "We are not going to quarantine anything. We are going to do the same everywhere". That is a very different thing from setting priorities. If anybody has renegeed it is the Labor Party. It would seem to me that that in itself would have been enough reason for us to take appropriate action. Instead, we searched for a way to allow you to have your budget and still allow us to stick with our commitments. In the end this method was suggested by members of the Liberal Party. It seems to me to be a particularly sensible method.

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It does set a precedent, and I want to talk about that precedent. When this passes today that will allow further Appropriation Bills to be dealt with in the same way. This will allow us to set caveats. I would suggest, as you think about the next budget, that you begin negotiating and talking to members of the Assembly.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.08): Madam Speaker, I want to correct this perception about promises of smaller classes and the like. It has been raised a number of times. I am sure that the Liberals understand this. We have a broad policy objective which we print out every year after our conference and in it we spell out our long-term, broad goals. Mr Humphries, I think, accurately quoted from that.

Mr Moore: That was not about what you went to the election on.

MR WOOD: When we go to the election, Mr Moore, we are quite specific. We say exactly what we intend to do. I have to tell you that we did not make any commitments about class size in our three-year proposal for the ACT electorate because I knew then that we were not in a position to fund that. I should make that clear.

The same point applies to what Mr Humphries said, quite wrongly, about the Chief Minister and me being in conflict about school closures. In the Estimates Committee I said, quite clearly, "Sure, in the future schools have to close". I am not going to say that a school will never close, but I never said that there will be any closures in the next year before the election, or the next year in a few months. We will come out ahead of the next election and again state a policy on school closures. We will state that policy. We will be specific. Then you can hold me to that. I felt that I needed to make that point.

Madam Speaker, I regret that a lot of the things that have been said today were not said earlier this year. I think they should have been, but I have made that point over and over again. Madam Speaker, we have an amendment that I think is unfortunate. I think it is irresponsible, but it appears likely to be passed by this Assembly. The Government has made it quite clear that we see it as difficult to interpret. Obviously, I will obey the law. Just as obviously, I am going to have to spend a lot of time deciding what this means. It is going to take quite a deal of interpretation. Just as obviously, I do not want to make those savings in education in the ways that the Liberals have suggested. I do not want to attack teaching conditions, which is something we did not do. Obviously, you have given me a sizeable problem and I now have to work through it, or I will, should this go through.

MR MOORE (5.11): Madam Speaker, I have a few minutes. Somebody is bringing down for me a copy of the Labor Party policy which I referred to.

Mr Wood: I have it here. Do you want it? Which one?

MR MOORE: The youth policy is the policy that I referred to. Mr Wood is going to be most helpful, as always. I want to show where you set out education as your highest priority. That is the issue that I was taking you to task over.

Mr Wood: I do not renege from that, Mr Moore.

MR MOORE: Mr Wood says that he does not renege from it. Is that the word you used? You do not resile from that.

Mr Wood: We have maintained that priority. You wanted us to increase it.

MR MOORE: Mr Wood now tells me that I wanted to increase spending on education.

Mr Wood: No, the relative level.

MR MOORE: The relative level. What did we notice today from Mr Connolly? He said, "Of course, we increased expenditure on education. Of course, we put more money into it, lots more money. No problem. We have been terrific on it". I cannot see why putting so much more money into education is going to be a problem for you. What is going to happen is really very simple. I quote, Madam Speaker, something that you would know well:

The education of our young people remains the highest priority for Labor.

That is the very first sentence of Labor's school policy. Actions are going to speak louder than all of this verbiage we have had from the Labor Government. They know exactly what is intended by this amendment and they can deliver on it quite easily. Ms Szuty and I, right up to lunchtime today, were asked by a journalist, "Why are you not saying what you are going to do?", and I replied, "Because Labor still has time to do the right thing, to act appropriately, and not to renege on its promises".

Question put:

That the proposed new clause (**Mr Cornwell's** amendment) be inserted in the Bill.

The Assembly voted -

AYES, 9

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

NOES, 8

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

Question so resolved in the affirmative.

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MR KAINÉ (5.16): I would like at this stage to make some comments about clause 6 of the Appropriation Bill, with some reference to some of the matters that we are debating cognately, specifically some of the periodic reports that have been submitted over the last few months and the Grants Commission relativities paper. I think that members are well aware that when we vote on this Appropriation Bill, probably in only a few minutes' time now, we are appropriating to the Government a sum of \$1.354 billion. It is a very substantial sum, and of course a couple of things need to be mentioned in connection with that.

First of all, that is not the total amount of money that the Government will be spending in the course of the next year. There is a great deal of money that is off budget and that does not appear in this figure of \$1.354 billion. If you were to look through the budget papers and examine the transactions that occur - such as those in respect of the Housing Trust Fund, the Transport Trust Fund, the Borrowing and Investment Trust Fund and a series of other accounts - you would find that the total amount of money that the Government is dealing with in the course of the year is in fact closer to \$2 billion than it is to \$1 billion, so we need to get the thing in some sort of context.

There has been much talk about the Government's restraint, cutting budgets and the like. In fact, the budget total is \$60m more than we were asked to appropriate this time last year. Every Minister gets up and says, "We are cutting. We are cutting. We are cutting". But if you go through the programs which we have taken individually this afternoon, there is in fact only one where there was indeed a cut, and that was Mr Connolly's Urban Services area in general - and \$30m of that was in fact a reduction in expenditure on capital works. This is the sort of cut that the Government makes in order to balance its budget at a time when we need employment opportunities and we should be injecting money into the private sector rather than taking it out. I am not impressed by this constant harping, "We are cutting our budgetary expenditure". They are not; and the worst case, of course - -

Mr Berry: Give us your version on health again.

MR KAINÉ: I hear little Sir Echo over there. The worst case is the health budget. The health budget went from an appropriated amount of \$232m last year to an appropriated amount of \$268m this year.

Mr Berry: And what about the income? Where did that go?

MR KAINÉ: The Minister always has reasons. Minister Fudge always has a good reason. He is right, to the extent that up until last year about \$30m a year being spent in the health budget was never declared anywhere. Finally, we caught up with them this year, because we have been trying to figure out what the heck was going on. He has had to include it this year. But, when all of that is included, there is still a net increase in the budget over and above that by a very considerable sum. So let us stop this nonsense of talking about how we are cutting the budget.

Madam Speaker, we are talking about over \$1.3 billion of appropriated money. That places a responsibility on the Government. The Government has to be accountable and it has to exercise some decent management, which it has not demonstrated up until now. The Chief Minister and Treasurer continually harps

on the fact that the Commonwealth is reducing our money. We have known since 1989 that they were going to continually reduce our money and that the process was going to go on for a long time. The responsibility of government is to manage that change.

Mr Stevenson: The people knew it back in 1978.

MR KAINE: Certainly; but the responsibility of government is to manage that change. To continue as though we were sitting on the edge of the razor year after year, month after month demonstrates that the Government is not really in control of what is happening. The sort of management that I am talking about should not result in ad hoc decisions such as chopping 80 teachers in the one year without really any thought about what the alternatives are. It should not result in the modern Nero fiddling up on the fifth floor while our health system disintegrates around our ears. We have known for years that our health system had problems, and it is no better in 1993 than it was in 1989. What on earth is the Minister doing? Why is he not managing? Why is the Treasurer not managing?

The sort of management that I am talking about, Madam Speaker, entails the Minister for Urban Services not fiddling around the edges of ACTION with \$1m or \$2m a year. He has been told in a report that he should cut by \$15m in one year. Being a Minister and being responsible for administration and resources means making decisions about those things, not taking hands off and saying, "Heavens, I cannot manage. Let it manage itself". It means, for example, the Treasurer or the Minister for Land making a decent estimate about what their expected revenue from land sales is. Last year they underestimated by \$30m, and the indications are that they are going to underestimate again this year by a similar sum. What is wrong with the managers that they cannot get a better handle on it than this? The management that I am talking about means identifying waste and inefficiency in the system and eliminating it. If they were to identify all the waste and inefficiency in the system we would not be talking about firing 80 teachers. There is plenty of scope for eliminating waste and inefficiency and for identifying redundant functions that the Government can do away with and not perform. That gets back to the point that I am constantly making to the Chief Minister: There needs to be some restructuring of the way the Government does its business. Until it does that, it is not going to save any money.

An extension of that, Madam Speaker, is the question of the form and content of Government accounting and the reports that they submit - some of the matters that we are debating cogently. We need to have better financial management of the money that we have. We need proper financial accounting and accountability and better financial reporting. Most of the reports that are listed for cognate debate are incomprehensible. They tell you nothing. Until we get a process that allows us to follow through from the budget and measure performance against that budget and know at the end of the year what actually happened, those reports are meaningless.

The only other matter that I want to speak to specifically, Madam Speaker, is the Grants Commission relativities. The Government is failing because it is allowing the Commonwealth to get away with murder. Water supply is a classic example. When this city was built it was built in the knowledge that this was a dry area and there was going to be a problem with water. Yet the Commonwealth

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has walked away and abdicated all of its responsibility. It has said to the 300,000 living here now, "It is all yours. We do not give a hoot how much it costs". The Commonwealth should be told and the case should be put to the Grants Commission that there remains a special case for consideration in terms of water supply, and the Government should be putting the case. Has it? The answer is no, it has not.

The same thing applies to our sewage processing. When the city was put here, it was known that there was going to be a problem getting rid of our sewage. We put in a big works. I can remember that in 1976-77 when the third stage of processing was put in we argued that it should not be charged to the ACT community, and the Commonwealth accepted that. It is a very costly processing stage to protect the people downstream. It was insisted upon by the Commonwealth and they initially accepted responsibility. They have walked away from that in recent years. Why is this Government not putting to the Grants Commission a special case that the Commonwealth should accept its responsibilities in these matters?

Those are just two matters that I can think of. If the Chief Minister and Treasurer is concerned about the Grants Commission recommending further reductions, then let us put a substantial case to the Grants Commission to combat that. If we do not put the case, we cannot argue when we get the result. There are things that the Government can and should be doing. I do not see them doing those things, and I think that they will become accountable for failing to meet these requirements in the future.

I have only one other brief comment. Some essential priorities are missing from this budget. You only have to look around this city. You hear the Government talking platitudes about social justice, but where in the budget is the substantial provision for homeless youth or unemployed youth? Where is the provision for the disabled and the disadvantaged? Where is the provision for the increasing aged sector of this community - accommodation facilities for dementia patients, convalescent care and the like? There is absolutely nothing in the budget. We go year after year and the Government talks about it, but in practical terms it makes no provision. It is about time they started to accept the responsibility for these things and started to build it in very explicitly with some specific programs and specific targets in mind. They have not done it this year; they did not do it last year; they did not do it the year before; and unless we ginger them up a bit they will not do it next year either.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (5.26): Madam Speaker, I would like to respond very briefly to a few of the points that Mr Kaine has made. He cheated with the figures.

Mr Kaine: Are you going to tell us about the Alliance Government now? Let us have a look at your performance.

MR BERRY: No, I am going to say that you cheated with the figures and tried to create a false impression. There is only one example that I need to quote to blow all that Mr Kaine said out of the water, because it was a whole load of rubbish based on his assessment of things. If you have a look at page 344 of Budget Paper No. 3, you will see that the total health appropriations for 1992-93 were \$263m.

Mr Kaine: No, the appropriation was \$232m. You spent \$263m.

MR BERRY: I am referring to the actual appropriations.

Mr Kaine: Yes, but the appropriation was \$232m.

MR BERRY: What you are trying to do is hide the fact that it went to a statutory authority and the Board of Health - - -

Mr Kaine: What you are trying to do is to pretend that no matter how much you spend it is okay.

MR BERRY: The great Treasurer is just about to be brought undone. This is about playing ducks and drakes with the figures.

Mr Kaine: I said that the appropriation was \$232m, and so it was.

MR BERRY: Yes, and you were cheating with the figures. Turn to page 344. Actual appropriations were \$263m in 1992-93 and are \$267m this year. So, Mr Kaine, you are cheating with the figures - cheating, cheating, cheating. Then you went on to describe a whole range of things in health, all of which - - -

Mr De Domenico: On a point of order, Madam Speaker, I ask you to ask the Deputy Chief Minister to withdraw the imputation he made when he said to Mr Kaine, "You are cheating, cheating, cheating". I do not believe that that is very parliamentary.

Mr Kaine: Yes, I wish him to withdraw that too.

MR BERRY: He is cheating with the figures.

MADAM SPEAKER: Yes, Mr Berry, but truth is never a case in these matters. You are not allowed to impute improper motives to a member, so I am afraid that I will have to ask you to withdraw.

MR BERRY: Okay.

Mr Kaine: On a point of order, Madam Speaker: Since the Minister chooses to get into a debate about figures, I refer him to the Appropriation Bill 1992-93, where the appropriation for the health organisation was \$231m. It is in black and white. That is what I said, and that is a fact.

MADAM SPEAKER: Mr Kaine, it is very helpful, but it is not a point of order. Mr Berry, please continue.

MR BERRY: Mischievous misinformation again from the Treasurer who cannot count. I pointed out to you that the actual appropriation was \$263m, as set out in Budget Paper No. 3 at page 344. There is no denying that. It includes a whole range of things which arose from the new departmental structure for Health following the resignation of the Board of Health, which was of course caused by this lot opposite. If you want to look at the running costs this year, Mr Kaine, you will get a better appreciation of the actual picture. If you take a look at page 343, at the subtotal of running costs, you will notice - - -

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Mr Kaine: When I know the actuals for this year, I will compare that figure to the actuals last year, and that is a secret yet to be revealed.

MR BERRY: If you are in accounting, one of the basic rules is to compare like with like, and that is what you are not doing. Do not try to pull that fast one here. I would not let you near my books, because you fiddle the figures. There is no question about that. That is what you have tried to do in this debate. As with the rest of your contribution on this matter, it was just a whole load of rubbish.

Remainder of Bill, as amended, agreed to.

Bill, as amended, agreed to.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -
STANDING COMMITTEE**
Report on 1993-94 New Capital Works Program - Government Response

Debate resumed from 23 November 1993, on motion by **Ms Follett:**

That the Assembly takes note of the paper.

MS SZUTY (5.30): Madam Speaker, I suppose that we are not going to debate Government responses at length because of the hour of the day. I do not wish to take terribly much time of the Assembly, but certainly I, as a member of the Planning, Development and Infrastructure Committee, appreciate the comments that the Government has made in its response to the report. The report provides an important opportunity for the Government to listen to not only the views expressed by the committee but also the views expressed by industry and community groups. I would like to comment briefly on the Government's response to a number of the recommendations of the Planning Committee which it has not fully adopted.

The Planning Committee, for the first time, in 1993 referred extensively to the question of value management, and we were very keen for the Government to take up the question of value management as it applies to capital works projects. I note that the Government proposes that, beginning in 1994-95, a limited number of projects having a capital cost of over \$1m and selected across agencies be assessed on a value management basis. My interpretation of that comment, Madam Speaker, is that the information gathered from that trial will provide a basis for any future decisions on whether more capital works projects are assessed from the value management perspective. I think the committee is very keen to see the value management approach adopted for capital works projects overall, and I certainly hope that the trials that the Government is going to introduce will lead to a more extensive consideration of the value management approach in future consideration of capital works projects.

I noted that recommendation 10 - that information on the three-, four- or 10-year indicative works design program of each agency be included in the documentation provided to the Executive and then to the Planning Committee - was disagreed with by the Government, basically on the grounds of possibly increasing the expectations of the community as to what capital projects would go ahead at what time. I suppose, Madam Speaker, that I viewed the Government's response to this recommendation as being very negative. It is easy to think that

putting forward a capital works program on a long-term basis will increase the expectations of the community perhaps above and beyond the Government's means at the time, but I think the Planning Committee sensed that the community wanted more information and wanted to be part of the consideration of the Government's capital works process in a more meaningful way. I certainly hope that the Government will reconsider the recommendation of the Planning Committee in the light of further experience with the development of capital works projects over the next few years.

I also noted that the Government was not keen to include a lot of information about minor new works projects in the information that it regularly provides to the Planning Committee. That is a disappointing response, Madam Speaker, because I think Planning Committee members appreciate the time and the care taken by agencies, which provide considerable amounts of information about minor new works to inform committee members as to exactly what the parameters of these minor new works may be. The minor new works allocations in the capital works program for this year, agency by agency, did not amount to terribly much money; but the overall total - I cannot recall the exact figure - was some \$6m. Even if it is applied to minor new works projects, that is a considerable amount of money. While it would be costly to provide detailed information to committee members, committee members would be keen to see information provided to the greatest extent possible.

Recommendation 17 is the final one that I will comment on. It reads:

That the Capital Works Program include information on an agency's list of outstanding minor new works, in order to provide an insight into the type of projects being considered for future years.

The Government, in its response, says that it is inappropriate, for policy reasons, for details of minor new works to be carried out in future years to be provided to the committee. From the committee's perspective, we are always grateful for the detail of information that can be provided to us to assist us in our task.

I note, Madam Speaker - I think it was in the Government's response to the Estimates Committee report - that the Government wants to review the timing of the process of the consideration of the capital works program by the Planning Committee and perhaps by the Estimates Committee. I had brief discussions with the chair of the Planning Committee earlier this afternoon. While a decision still has to be made on the timing of the budget process next year, particularly as it relates to the Federal budget process, it is perhaps timely to look at the whole structure of how the committees of the Assembly review the Government's budget, including capital works projects. I think we need to have some fruitful discussions and consider that matter further.

Question resolved in the affirmative.

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ESTIMATES - SELECT COMMITTEE
Report on the Appropriation Bill 1993-94

Debate resumed from 23 November 1993, on motion by **Ms Szuty**:

That the report be noted.

MS SZUTY (5.36), in reply: I will not take up terribly much of the Assembly's time this afternoon in addressing the Government's response to the Estimates Committee's report. However, I would like to thank the Chief Minister for her comments on the work of the Estimates Committee and the detailed response that she provided to each of the committee's recommendations. As she said in her address, there were only a small number of recommendations which the Government did not agree to.

However, I need to point out to the Assembly that the Government response to the Estimates Committee report does not relate exactly to the recommendations as they appear in the final report. For the information of members, I point out that I wrote to the Speaker this morning when it was brought to my attention that the Government response was not exactly in line with the final report of the Estimates Committee. The Chief Minister may wish to provide an amended Government response to the Estimates Committee report in the light of the errors in the existing Government response. It appears that the Government response is based on a draft report of the Estimates Committee and not the final report, which I think is unfortunate in terms of the work of the Estimates Committee and the credibility of the Assembly. I have left that matter with Madam Speaker to consider.

In conclusion, Madam Speaker, I am pleased that the Government has supported the majority of the Estimates Committee's recommendations, and we will hear further about the Government's response to the committee's report.

Question resolved in the affirmative.

QUARTERLY FINANCIAL STATEMENTS
Papers

Debate resumed from 25 March 1993, on motion by **Ms Follett**:

That the Assembly takes note of the papers.

Question resolved in the affirmative.

QUARTERLY FINANCIAL STATEMENT
Paper

Debate resumed from 13 May 1993, on motion by **Ms Follett**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

**QUARTERLY FINANCIAL STATEMENT AND TREASURER'S ADVANCE
Papers**

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

That the Assembly takes note of the papers.

Question resolved in the affirmative.

**PUBLIC WORKS AND SERVICES PROGRAM - TRANSFER OF FUNDS
Paper**

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

That the Assembly takes note of the paper.

Question resolved in the affirmative.

**AUDIT ACT
Paper**

Debate resumed from 20 May 1993, on motion by **Ms Follett**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

**COMMONWEALTH GRANTS COMMISSION REPORT ON GENERAL RELATIVITIES
Ministerial Statement**

Debate resumed from 13 May 1993, on motion by **Ms Follett**:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly adjourned at 5.40 pm until Tuesday, 7 December 1993, at 2.30 pm

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ANSWERS TO QUESTIONS

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 1006**

Housing Trust - Rent Arrears

MR. CORNWELL - Asked the Minister for Housing and Community Services - How do you reconcile the claim that "bad debts are falling by \$200,000 a month" (The Canberra Times 9 September 1993) when rent arrears have "jumped by \$400,000 for vacated homes to \$2.8 million and by \$700,000 to \$2.7 million for current accounts" (The Canberra Times 9 September 1993).

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

The report in The Canberra Times on 9 September 1993 quoting the Commissioner for Housing as saying that bad debts are falling by \$200,000 a month was based on a comparison between the current and vacant arrears as at 30 June 1993 and 29 August 1993. The situation at those dates is as follows:

	CURRENT ARREARS	VACATED ARREARS	TOTAL ARREARS
30.6.93	2,720,717	2,387,692	5,108,409
29.8.93	2,280,175	2,879,374	5,159,549
%CHANGE	-16.19%	+20.59%	+1.00%

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1007**

Housing Cooperatives

MR CORNWELL - Asked the Minister for Housing and Community Services - In relation to housing co-operatives in the ACT:

- (1) How many housing co-operatives exist by name.
- (2) How many properties does each hold.
- (3) How many people officially can be accommodated in each property.
- (4) How many properties were purchased through ACT Government funding.
- (5) What was the level of funding in each case.
- (6) Does each co-operative cater for a specific group of tenants and if so, what eligibility criteria does each co-operative impose.
- (7) What steps are followed to set up a housing co-operative.
- (8) Who manages housing co-operative houses.
- (9) If self-managed, what control does the Government have over the asset.

MR CONNOLLY - the answers to the members questions are as follows:

- (1) There are a number of low income housing groups in the ACT which operate along the principles of co-operative living. A housing group can be legally incorporated as either a co-operative society, a company limited or an association. In the ACT the majority of low income housing groups are incorporated as an association or as a company limited. There is currently one government funded low income housing group which is legally incorporated as a co-operative society. This is the Barton Housing Co-operative.

There are nine other government assisted housing groups which are managed co-operatively. These are the Household of Meagre Earners Association Incorporated; SEGAISS Association Incorporated; Peasants of Ainslie Collective Housing Company Limited; Juno Womens Housing Association Incorporated; Student Association School Without Walls Incorporated; Wyuna Community Incorporated; Meidalant Association Incorporated; National Brain Injury Foundation; and Havelock House Association

(2) Barton Housing Co-operative owns two properties purchased with Commonwealth capital funds under the former Local Government and the Community Housing Program. They also head lease four properties from the ACT Housing Trust.

The Household of Meagre Earners Association Incorporated owns three properties purchased with Commonwealth capital funds under the former Community Housing Expansion Program and the Local Government and Community Housing Program. They also head lease five ACT Housing Trust properties.

SEGAIS Association Incorporated own two properties purchased with Commonwealth capital funds under the former Community Housing Expansion Program and Local Government and Community Housing program funds.

The Peasants of Ainslie Collective Housing Company Limited owns four properties. Three of these properties were purchased with Commonwealth capital funds under the former Community Housing Expansion Program and the Local Government and Community Housing Program. One property was financed privately and a further property is head leased from the ACT Housing Trust.

Juno Womens Housing Association Incorporated are on separate tenant arrangements with the ACT Housing Trust but operate as a housing collective.

Student Association School Without Walls Incorporated head lease one property from the ACT Housing Trust under the Single Share Accommodation Scheme.

The Wyuna Community Incorporated own one property purchased with Commonwealth capital funds under the former Community Housing Expansion Program.

Meidalant Association Incorporated own one property purchased with Commonwealth capital funds under the former Community Housing Expansion Program.

The National Brain Injury Foundation own one property purchased with Commonwealth capital funds under the new Community Housing Program. .

The Havelock House Association is a body established to manage Havelock House which houses 103 people in 21 self contained units, varying in size from three to seven bedrooms. The Havelock House Association has an operational subsidy from the ACT Housing Trust and owns two properties purchased with Commonwealth capital funds under the new Community Housing Program.

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- (3) The number of people which each co-operative officially accommodates is determined by the number of bedrooms and the sleeping arrangements in each room. Co-operatives are autonomous bodies and the accommodation service provided is therefore determined by the cooperative according to identified need and to the rules of the cooperative.
- (4) As stated earlier, all properties purchased by low income housing groups are either through Commonwealth capital grant funds or through private financing by the group. All other properties are head leased to groups by the ACT Housing Trust.
- (5) Low income housing groups in the ACT are eligible for government assistance. This assistance is either in the form of Commonwealth capital grant funds, Commonwealth seeding grant funds or head leasing arrangements with the ACT Housing Trust. Some low income housing groups have obtained housing by utilising various housing options, such as part capital funding/leasing arrangements.

In the ACT the Community Housing Program and its predecessor the Local Government and Community Housing Program made capital funding available to low income housing groups from 1989/90 to 1992/93. These are listed in the table below. All other organisations received funding under the pilot Community Housing Expansion Program in 1983, 1984 and 1985 through the then Department of Territories.

Year Organisation Funding

1989/90 Barton Co-operative \$128,000
Housing Society
Household of Meagre \$222,618
Earners Inc.
1990/91 & Peasants of Ainslie \$200,000
1991/92 Co-operative Housing
SEGAIS \$132,450
1992/93 Havelock House \$285,340
Association Inc.
National Brain Injury \$300,000
Foundation

- (6) The specific groups of tenants which each co-operative caters for are:

The Household of Meagre Earners Association Incorporated provides accommodation to families on low incomes.

SEGAIS Association Incorporated provides accommodation for women with stress disorders and physical disabilities.

Meidalant Association Incorporated provides accommodation for women on low incomes and their children.

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The Peasants of Ainslie Collective Housing Company Limited provides accommodation for low income earners.

Juno Womens Housing Association provides accommodation for single women with children.

Student Association School Without Walls Incorporated provides accommodation for young people.

The Wyuna Community Incorporated provides accommodation for homeless people.

Barton Housing Co-operative provides accommodation for low to middle income earners.

The National Brain Injury Foundation provides accommodation for people with acquired brain trauma.

Havelock House Association provides independent shared accommodation for low income earners and accommodation specifically for young single mothers.

Each low income housing group imposes its own eligibility criteria.

(7) In order to establish a housing co-operative:

A group of interested people must form a legally incorporated organisation, such as a co-operative society, a company limited or an association. The incorporation must comply with the requirements specified by their method of incorporation.

The incorporated body has to develop a management plan, which addresses all areas of co-operative management (including financial management and maintenance planning).

The incorporated body has to also develop policies and procedures in such areas as decision making, grievance and conflict resolution, obligations under the landlord and tenant legislation, tenant selection, payment of rents, rent arrears, and evictions.

(8) Housing co-operative houses are managed by the members of the co-operative who tenant the houses. Tenant involvement in management is an essential part of co-operative housing.

(9) As the administrator of capital grant programs such as the Community Housing Program, the ACT Government requires annual reports and annual audited financial statements from all organisations receiving funding. The ACT Government is assisted in its role by the Community Housing Advisory Service ACT Incorporated which is funded by the Commonwealth Government to provide infrastructure support and monitoring of the community housing sector. This Service is an important resource for co-operatives and other interested community housing groups and is responsible for the promotion and development of the community housing sector in the ACT.

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**MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1032**

Sutton Road Driver Training Complex

Mr Cornwell - asked the Minister for the Environment, Land and Planning - In relation to the Sutton Road Driver Training Complex -

- (1) To whom is the complex leased; what type of lease is it and for what period is its lease.
- (2) What was the value of the complex at the time of allocation of the lease.
- (3) In what condition was the complex (track, facilities, open spaces etc.) at the time of its lease.
- (4) What are the terms of the lease, including lease purpose clause and withdrawal clause.
- (5) Who manages the operation of the complex and what process is followed in decision making for the complex.
- (6) How much annual rent and land tax is levied and how much are the rates.
- (7) How much money has been spent on maintenance by the current lessee.
- (8) Have all conditions of the lease been fulfilled.
- (9) Have any requirements under the lease been disregarded.
- (10) In what condition is the complex currently (track, facilities, open spaces etc.)
- (11) At the time of leasing, what groups of people were targeted to benefit from use of the facility and how has this been achieved in respect of each group.

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

- (1) The Sutton Road Driver Training Complex is leased to the ACT Regional Transport and Distribution Industry Training Council Incorporated and was granted under the Land (Planning and Environment) Act 1991. The lease commenced on 19 January 1993 for a term of 10 years.

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- (2) At the date of commencement of the lease the site was valued at \$135,000.
- (3) A report on the pre-lease condition of the complex was not undertaken, however a general report describing the complex refers to excellent facilities for on and off the road driver training. The condition was considered fair and safe for the purposes intended, with some modifications recommended for large vehicles.

(4) The lease purpose clause is " to use the premises only for the purposes of a transport and distribution industry training facility and ancillary thereto other training activities and non-training vehicular activities including
road testing of vehicles
vehicle safety and component testing
vehicle and equipment shows displays and launches

retailing of goods PROVIDED ALWAYS THAT the area to be used for retail does not exceed 50 square metres; and

PROVIDED ALWAYS that these activities do not breach in anyway the provisions of the Noise Control Act 1988".

The lease does not contain a withdrawal clause.

(5) The complex is managed by the Lessee, the ACT Regional Transport and Distribution Industry Training Council. A Board of Management was formed to provide the Transport Council with advice on how the complex can be managed to provide maximum benefit to the ACT community. The Board is chaired by the Chairperson of the Training Council. The process of decision making is an internal matter for the Training Council.

(6) The annual rent levied is a peppercorn rent. For the 1993-94 period the land tax levied is \$1495 and the rates charged is \$1329.

(7) The ACT Government is not aware of the amount of money spent on maintenance.

There is a maintenance provision within the lease which requires the improvements to be maintained to an acceptable level but does not specify quantum of money to be spent in this regard.

(8) The ACT Government is not aware of any conditions under the lease that have not been fulfilled.

(9) The ACT Government is not aware of any requirements under the lease which have been disregarded.

(10) The Lessee has made some improvements, including modifications to the office building and verandah roof and repair of broken edges on the track. They have also rehabilitated two of the training tracks and installed a plant operator training

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centre, with sheds and compound and a dam. It is considered to be in fair and reasonable to good condition for the purpose of the lease.

(11) The announcement on the lease of the complex to the ACT Transport and Distribution Industry Training Council, said that it was to be used for a wide range of activities in addition to driver training. Childrens road safety training, tourismrelated events, vehicle launches and limited motorsport could be held at the site. Uses were to include transport driver, forklift and warehouse training.

I understand from information provided on usage by the Lessee that from February 1993 to October 1993 the complex had been used approximately 70 times for training and approximately 10 times for non-training purposes. Training usage had included groups such as heavy vehicle driving schools, Government groups (ACTION buses, COMCAR drivers and ACT Fire Brigade), forklift drivers, motorcycle and vehicle drivers.

Non-training use has included groups such as car clubs, motorsport (Repcos Rally) and motorcycle promotions.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1033

Sutton Road Driver Training Complex

Mr Cornwell - asked the Minister for the Environment, Land and Planning - in relation to the Sutton Road Driver Training Complex

- (1) Is the Minister in a position to advise whether any bookings made by training organisations have been accepted and later cancelled by (a) the training organisation or (b) the management of the complex.
- (2) If so, what are the relevant details in each instance.

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

- (1) This is a matter that involves the internal operations of the complex and of which the ACT Government has no authoritative knowledge.
- (2) Not applicable.

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MINISTER FOR THE ENVIRONMENT, LAND AND PLANNING

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO 1034

Sutton Road Driver Training Complex

Mr Cornwell - asked the Minister for the Environment, Land and Planning
In relation to the Sutton Road Driver Training Complex

(1) Under the current lease how many times have motorbike races been held?

At the time of granting the current lease, what level of usage by motorbike clubs/riders was envisaged or announced as appropriate and what restrictions (eg environmental considerations) were prescribed for such usage?

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

(1) This is a matter that involves the internal operation of the complex and of which the ACT Government has no authoritative knowledge. The lessee has informed my Department, however, that no motorbike races have been held at the complex under the current lease.

(2) At the time of the granting of the current lease there was no specific level of motorbike club/rider usage envisaged. The announcement of the lease in relation to motorsport usage was that limited motorsport could, be held at the site.

The provision applying in the lease to all activities on the site is that they do not breach in any way the provisions of the Noise Control Act 1988. In order to cater for special events that may exceed the levels prescribed in the Act a maximum of four exemptions per year for activities which emit noise between 6dB(A) to 10dB(A) above background at the nearest and/or most affected residence have been provided to the complex under Section 16 of the Act.

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**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1036**

Stormwater Drains - Yarralumla

Mr Cornwell - asked the Minister for Urban Services

- (1) Is it a fact that stormwater pits in Abbott Street, Bidwell Close (block 69) and Novar Street (block 63) Yarralumla are blocked, causing severe flooding during heavy rain.
- (2) If so, what steps are proposed to be taken to correct this flooding.
- (3) Are policies in place to regularly inspect stormwater pits and stormwater lines and, if so, what are these policies.

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

- (1) No.
- (2). N/A.
- (3) Yes. There is a cyclical program of inspection and cleaning of sumps every 18 months to 4 years depending on the age of the suburb. The public are a useful source of information with regards to problems not addressed in the periodic programs

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 1045**

Housing Trust Properties - Subleasing

MR CORNWELL - Asked the Minister for Housing and Community Services -

- (1) Can a Housing Trust tenant in receipt of rental rebate sublet the premises.
- (2) If so, (a) for how long; (b) what rent can be charged and (c) how does the Trust ensure that this level of rent is charged.
- (3) How many properties were sublet in (a) 1991-92 and (b) 1992-93 by tenants in receipt of rental rebate.

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

- (1) Yes. A tenant can request permission to sublet a Housing Trust property. This request is assessed against guidelines. This policy is currently being reviewed.
- (2) (a) Up to one year.
- (b) & (c) A condition of granting permission to sublet is that the tenant agrees to pay full rent to the Housing Trust. Rent rebates are not provided during a subletting period. The rent under the subtenancy is a matter between the tenant and the subtenant.
- (3) Information on total sublets approved is not available for the periods requested. It is estimated there are currently about 50 approvals for sublets on Housing Trust dwellings.

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

Question No. 1046

**Auditor-General - Report on Government
Schooling Program**

MR CORNWELL - Asked the Chief Minister upon notice on 19 October 1993:

What was the cost of the Auditor-Generals Report No.6 - Government Schooling Program.

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

In accordance with Section 68 of the Audit Act 1989 the cost of all performance audits are reported to the Assembly. I am advised by the Auditor General that, in the normal course of events, the cost of the Government Schooling Program audit (along with all other performance audits completed in 1993-94) will be included in the Auditor-Generals 1993-94 Annual Management Report which will be tabled in September 1994.

The Auditor-General has agreed to provide the following break-down of the costs of Report No. 6:

Arthur Andersen Consulting (main contractor) \$100,000
Professor F Sharpe (adviser to Auditor-General \$ 5,466
and independent reviewer of Report draft)
Audit Office internal costs - \$ 13,260
Printing \$ 2,810
Total \$121,536

The Auditor-General has advised that the selection of the main contractor and the adviser was made using a competitive selection process with cost and the qualifications of tenderers being taken into account.

MINISTER FOR HOUSING AND COMMUNITY SERVICES

**LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1049**

**Housing and Community Services Portfolio -
Comcare Premiums and Claims**

MR CORNWELL: Asked the Minister for Housing and Community Services upon notice on 19 October 1993 - In relation to Comcare Premiums -

- (1) Why has the premium for Housing increased by 125% and for Community Services by 84.4% for this financial year when the average increase for an ACT agency or authority is around 24%.
- (2) In (a) 1991-92 and (b) 1992-93 what were the number of claims made and the average payout per claim for Housing and for Community Services.
- (3) Has the number of claims or the amount of payouts affected the premiums charged for Housing and for Community Services.

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

Advice from Comcare Australia is as follows:

- (1) In relation to the Housing Trust:

"Premium for 1993-94 consists of two parts, one being the prescribed amount for 1993/94 (206,927) and a premium reconciliation from 1992/93 of \$59,297. This later figure is due to a deterioration in the claims experience from the 1991 /92 experience year.

Premium rate has increased by 73% for 1993/94 due to increase in average claim cost from \$7,431 (as at 4/92) to \$8,069 (as at 4/93). In addition to this ACT Housing Trust was allocated to a group of other small ACT Government premium payers and the group performance also contributed to the increase in premium rate."

In relation to Community Services:

"Premium for 1993/94 consists of two parts, one being the prescribed amount for 1993/94 (584,090) and a premium reconciliation from 1992-93 of \$54,366. This latter figure is due to a deterioration in the claims experience from the 1991-92 experience year.

Premium rate has increased by 41% for 1993/94 due to increase in average claim cost from \$14,203 (as at 4/92) to \$17,417 (as at 4/93), and an increase on frequency of claims from 1.38 claims per million dollars salaries and wages. The premium also increased due to a 22% increase in estimated wages and salary."

(2) In relation to Housing Trust:

"Number of claims received 1991 /92 experience year = 18 at an average of \$18,287.

Number of Claims received 1992/93 experience year = 9 at an average of \$9,689."

In relation to Community Services:

"Number of claims received 1991 /92 experience year = 49, at an average of \$26,651.

Number of Claims received 1992-93 experience year = 48 at an average of \$17,417."

(3) In relation to the Housing Trust:

"The increase in Frequency of Claims has had an effect on the premium rate increase and also the performance of the allocated group of ACT Government customers."

In relation to Community Services:

"The frequency and average cost of claims received has a substantial impact on the movement of the premium rate. In the case of Community Services both these indicators deteriorated and a premium increase resulted."

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**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1050**

**Government Schools and Colleges -
Sex Education**

MR CORNWELL - asked the Minister for Education and Training on notice on 19 October 1993:

In relation to sex education in Government schools and colleges

- (1) Who, formulates the curriculum and makes decisions about inclusion of material on controversial issues in that curriculum.
- (2) Has the curriculum been approved by parents and citizens bodies.
- (3) With regard to complaints about content of courses (a) who handles these complaints; (b) how many complaints have been received during 1993; and (c) what were the results of investigations into those complaints.
- (4) With regard to complaints about the methods of teaching these courses (a) who handles these complaints; (b) how many complaints have been received during 1993; and (c) what were the results of investigations into those complaints.
- (5) How frequently is the curriculum pertaining to sex education reviewed.

MR WOOD - the answer to Mr Cornwells question is:

- (1) In the ACT there is school based curriculum decision making whereby school boards have the responsibility to determine the schools curriculum within the parameters of the Departments policies and guidelines.
- (2) The School Board is responsible for the development and approval of individual school policies and the approval of the schools curriculum which would include guidelines on the inclusion of material on sensitive and controversial issues.
- (3)& With regard to complaints:
 - (4)
 - (a) Complaints about any aspect of the curriculum are handled initially by the principal: If the matter cannot be resolved at the school level, the Executive Director (Schools) for the relevant district will take appropriate action.
 - (b) There have been no complaints received about the teaching of sex education in Government s&-ols and colleges in 1993.
 - (c) Not applicable.
- (5) Teachers review their .programs each year before they are taught. Thus includes sex education. The Department has a School Performance and Review process whereby each school is completely reviewed every five years. Part of this process is to review the curriculum, survey the parents and have community involvement into the assessment of the school.

**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1062**

Secondary Students - Federal Family Payments

MR CORNWELL - asked the Minister for Education and Training on notice on 23 November 1993:

- (1) Is the Minister able to inform the Assembly how many families of 16 year old secondary students in ACT schools are in receipt of Federal family payments.
- (2) Is it a fact that financial support is being withdrawn from some such students and, -if so, (a) how many students are affected and (b) how much financial support is being withdrawn.

MR WOOD.- the answer to Mr Cornwells question is:

- (1) The ACT Government does not have access to records of Federal family payments.
- (2) Not applicable.

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**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1069**

Weston Creek Sewage Works Site

Mr Cornwell - asked the Minister for Urban Services

- (1) What is the future of the former Weston Creek sewage works site..
- (2) Is it intended to move or infill the existing septic arid sullage tank on site and if so, when.
- (3) What action is proposed to prevent people using the area as an unofficial garbage tip.

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

- (1) There are no plans to use. the site at the present time.
- (2) . The existing night soil depot will be closed when the receival facility at ACTEWs Lower Molonglo Treatment Works is completed. Programming for the construction of this facility is currently underway.
- (3) The site has been secured and regular patrols are undertaken to ensure that illegal dumping does not occur.

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1072

Recycling - Plastic Bags

Mr Cornwell asked the Minister for Urban Services:

Has consideration been given to installing plastic bag collection points at ACT Recycling Centres and, if so, what was the decision; if not, why not.

Mr Connolly - the answer to the members question is as follows:

The recycling of plastic is complex given that each type of plastic must be collected separately. There are seven major plastic grades each with its own unique chemical composition and are identified by the number 1-7 inside the recycling triangle.

All grades of plastic are light and often bulky, making collection difficult. This is compounded by the usually low prices and lack of markets for recycled plastic products.

Despite these limitations the ACT Government Recycling Unit has been actively pursuing further plastic recycling opportunities within the ACT, currently collecting PET (Grade 1) and HDPE (Grade 2).

The recycling of plastic shopping bags is inhibited by collection and segregation costs and the lack of markets. It takes 750 000 plastic shopping bags to make a tonne which, after sorting as plastic bags are usually made from a mixture of grades 2 and 4, would have a value of approximately \$100.

The kerbside recycling trial currently operating in Kaleen, Melba and Dickson has shown that plastic shopping bags are easily contaminated by food scraps, docketts and fruit ends. Once contaminated the plastic shopping bags are unsuitable for recycling.

Instead of recycling plastic shopping bags, the Recycling Unit is promoting and encouraging the community of Canberra to "re-use" their old shopping bags or use string bags when ever they do their shopping.

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**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 1073

Former Preschool Premises

Mr Cornwell - asked the Minister for Urban Services: What is the disposition of the premises of - the following closed pre-schools (a) Campbell, (b) Griffith (Throsby), (c) Mawson, (d) OConnor and (e) Red Hill.

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

- (a) Campbell - Leased as a Work Based Child Care Centre;
- (b) Griffith - Buildings demolished in September 1992;
- (c) Mawson - Sold in 1992;
- (d) OConnor - Used as an Adolescent Day Unit (Territory owned);
- (e) Red Hill - Listed for Disposal in the first half of 1994.

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

QUESTION ON NOTICE NO. 1084

Non-Government Schools - Review

MR CORNWELL - asked the Minister for Education and Training on notice on 23 November 1993:

- (1) Is a review of the non-government section of the Department of Education and Training being carried out, and if so, why.
- (2) When is it anticipated the review will be completed and will findings be made available to interested parties, including myself.

MR WOOD - the answer to Mr Cornwells question is:

- (1) No review of the non-government section of the Department of Education and Training is being carried out.
- (2) Not applicable.

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**SPEAKER OF THE LEGISLATIVE ASSEMBLY
LEGISLATIVE ASSEMBLY QUESTION
QUESTION ON NOTICE NO 1086**

Speaker - Interstate Visit

MR HUMPHRIES: To ask the Speaker -

- (1) Did you travel to Perth to attend the Labor Womens Conference on the weekend of 13-14 November 1993.
- (2) If so, (a) was part, or the whole, of the trip paid for by the taxpayer and (b) how much did the taxpayer spend in total, eg on air fares, accommodation, meals, taxis and car transportation and other goods/services.
- (3) Were any other engagements undertaken by you while in Perth around that time; if so, what were they.

MADAM SPEAKER - The answer to Members question is as follows:

- (1) I attended the Labor Women Parliamentarians Conference on the weekend of 13-14 November 1993.
- (2) - (3) Airfares and other costs associated with this conference were met by myself.

On Thursday 11 November and Friday 12 November 1993 I held a series of meetings with the Presiding Officers, Clerks and other officials of the Western Australian Parliament concerning the administration of the Parliament. I tabled a report of the visit to the Western Australian Parliament in the Assembly on 23 November 1993.

I received travelling allowance in accordance with the Remuneration Tribunal determination for the nights 11-12 November

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 1090**

ACTION - Timetabling and Scheduling Changes

Mr De Domenico - asked the Minister for Urban Services:

In relation to the recent Estimates Committee hearing in which the Minister said a rescheduling of the ACTION timetable 18 months ago resulted in a more efficient timetabling and scheduling and a reduction in some cases in the take home pay for drivers, is he able to quantify the savings made on drivers wages as a direct result of these changes.

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

Yes. In the financial year 1992/93 the savings made on drivers wages over 1991/92 as a direct result of timetabling and scheduling changes introduced on 5 July 1992, was \$1.1 m.

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MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
Question No. 1091

ACTION - Bus Drivers Rates of Pay

Mr De Domenico - asked the Minister for Urban Services:

- (1) What hourly rate of pay did ACTION bus drivers receive during (a) 1990-91; (b) 1991-92 and (c) 1992-93.
- (2) What is the current hourly rate of pay for a GSO 6 and a GSO 5 bus driver
- (3) Will any further pay increases to ACTION bus drivers form part of the creation of composite wages and/or the amalgamation of allowances into global allowances under enterprise bargaining.

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

- (1) The hourly rate of pay for ACTION bus drivers is determined by the GSO level of the driver, the incremental stage of the driver and the pay scale in force at the time. The hourly rates of pay in the times specified were:
 - (a) From a minimum of \$10.32 for a GSO 5 level driver in 1990 to a maximum of \$12.69 for a GSO 6 level driver in 1991.
 - (b) From a minimum of \$11.13 for a GSO 5 level driver in 1991 to a maximum of \$12.69 for a GSO 6 level driver in 1992.
 - (c) From a minimum of \$11.41 for a GSO 5 level driver in 1992 to a maximum of \$13.12 for a GSO level 6 driver in 1993.
- (2) Current hourly rates of pay for GSO 6 drivers range from a minimum of \$12.49 to a maximum of \$13.12 per hour; for GSO 5 drivers from a minimum of \$11.80 to a maximum of \$12.49 per hour.
- (3) It is too early to tell the detail of pay increases that might come from the current discussions on enterprise bargaining

APPENDIX 1:

(Incorporated in Hansard on 25 November 1993 at page 4125)
1993

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

HEALTH COMPLAINTS BILL 1993

PRESENTATION SPEECH

Circulated by Authority of the Minister for Health

Wayne Berry MLA

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25 November 1993

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HEALTH COMPLAINTS BILL 1993

MADAM SPEAKER, THE PURPOSE OF THIS BILL IS TO PROVIDE FOR THE OVERSIGHT, REVIEW AND IMPROVEMENT OF PUBLIC AND PRIVATE HEALTH SERVICES BY ESTABLISHING AN ACCESSIBLE INDEPENDENT FACILITY.

THIS PROPOSED LEGISLATION IS AT THE FOREFRONT OF HEALTH CONSUMER PROTECTION. IT IS WATCHDOG LEGISLATION FOR CONSUMERS, AND I HAVE NO DOUBT WILL HELP LEAD THE WAY TO THE ENHANCEMENT OF HEALTH CONSUMER RIGHTS.

MADAM SPEAKER, THE DRAFT HEALTH COMPLAINTS BILL WAS RELEASED AS AN EXPOSURE PACKAGE FROM THE 26TH OF AUGUST UNTIL THE 30TH OF SEPTEMBER 1993. OVER THREE HUNDRED COPIES OF THE PACKAGE WERE DISTRIBUTED TO ONE HUNDRED DIFFERENT COMMUNITY GROUPS, PROFESSIONAL ASSOCIATIONS, HEALTH REGISTRATION BOARDS, INTERESTED INDIVIDUALS AND COMMITTEES, MEDICAL DEFENCE FUNDS AND INTERSTATE AGENCIES.

THE ONGOING COMMUNITY CONSULTATION PROCESS HAS CONSIDERED COMMUNITY NEEDS, AND ENCOURAGED COMMUNITY PARTICIPATION IN THE DEVELOPMENT OF THIS DRAFT LEGISLATION. THIS HAS OCCURRED EQUALLY WITH COMMUNITY BASED HEALTH USER GROUPS, HEALTH PROFESSIONAL ASSOCIATIONS, HEALTH REGISTRATION BOARDS, AND INTERESTED INDIVIDUALS.

A TOTAL OF FIFTEEN WRITTEN SUBMISSIONS WERE RECEIVED. THE MAJORITY OF COMMENTS CONCERNED ADMINISTRATIVE RATHER THAN POLICY ISSUES. RELEVANT AMENDMENTS HAVE BEEN MADE TO THE BILL IN LIGHT OF SOME OF THE COMMENTS CONCERNING POLICY. THIS INCLUDES THE PROVISION OF A FOURTEEN DAY "COOLING OFF" PERIOD FOR PARTIES INVOLVED IN CONCILIATION ;TON WHO REACH A SOLUTION AND THEN DECIDE TO CONFIRM THEIR VERBAL AGREEMENT IN WRITING. THE COOLING OFF PERIOD APPLIES PRIOR TO THE WRITTEN AGREEMENT BEING SIGNED AND IS INTENDED TO OFFER A PERIOD DURING WHICH EITHER PARTY CAN DECIDE WHETHER OR NOT TO FINALISE THE CONCILIATION.

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CONCILIATION PROCEEDINGS WILL NOW ATTRACT FULL LEGAL PRIVILEGE AND CONFIDENTIALITY AND THIS WILL ASSURE THE INTEGRITY OF THE CONCILIATION PROCESS. PROVIDERS AND USERS WILL BE ABLE TO PLACE THEIR CONFIDENCE IN THE HEALTH COMPLAINTS UNIT AND MORE SPECIFICALLY, THE CONCILIATION PROCESS TO BE ESTABLISHED UNDER THE DRAFT LEGISLATION. IT WILL ALSO FACILITATE OPEN, FRANK AND HONEST DISCUSSIONS BETWEEN USERS AND PROVIDERS IN ORDER FOR THEM TO REACH SOLUTIONS AND AGREEMENTS ABOUT HEALTH SERVICE COMPLAINTS.

MADAM SPEAKER, AS I HAVE STATED PREVIOUSLY IN THE ASSEMBLY, THE GENERAL ROLE AND FUNCTION OF THE LEGISLATION WILL BE TO -

- (A) PRESERVE AND PROMOTE OF THE HEALTH RIGHTS OF USERS OF PUBLIC AND PRIVATE HEALTH SERVICES;
- (B) . RECEIVE AND RESOLVE OF HEALTH SERVICE COMPLAINTS;
- (C) FACILITATE OF USERS AND PROVIDERS CONTRIBUTION TO THE REVIEW AND IMPROVEMENT OF HEALTH SERVICES; AND
- (D) PROVIDE OF EDUCATION AND ADVICE IN RELATION TO HEALTH RIGHTS AND RESPONSIBILITIES AND ENCOURAGE THE .RESOLUTION OF COMPLAINTS ABOUT HEALTH SERVICES.

I HAVE NO DOUBT THE BILL, AND THE ACCOMPANYING OMBUDSMAN (AMENDMENT) BILL 1993 WILL HELP LEAD THE WAY TO THE ENHANCEMENT OF HEALTH CONSUMER RIGHTS.

THE POSITION OF COMMISSIONER FOR HEALTH COMPLAINTS AS ESTABLISHED BY THE BILL, CARRIES WITH IT THE RESPONSIBILITY FOR PROMOTING AND PROTECTING THE RIGHTS OF BOTH PROVIDERS AND HEALTH, CARE CONSUMERS.

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THE COMMISSIONER WILL ASSIST IN THE RESOLUTION OF A BROAD RANGE OF COMPLAINTS ABOUT PUBLIC AND PRIVATE HEALTH SERVICES. THE ULTIMATE AIM WILL TO BE IMPROVE COMPLAINT RESOLUTION PROCESSES, AND AS A CONSEQUENCE, THE STANDARD OF HEALTH SERVICES.

THE BILL IS INTEGRAL IN THE REFORM OF HEALTH SERVICES TAKEN BY THIS GOVERNMENT TO ENSURE HEALTH SERVICE PROVIDERS ARE MORE ACCOUNTABLE, EFFECTIVE AND RESPONSIVE.

I AM SURE THE MAJORITY OF HEALTH CONSUMERS APPRECIATE THE HEALTH SERVICES THAT THEY RECEIVE ONLY A SMALL NUMBER VOICE CONCERN ABOUT THEIR EXPERIENCE IN THE HEALTH CARE SYSTEM. UNFORTUNATELY, FOR A VARIETY OF REASONS, HEALTH CARE PROFESSIONALS MAY NOT ALWAYS PROVIDE HEALTH CARE OF THE HIGHEST QUALITY.

HEALTH SERVICES PROVIDED OUTSIDE THE MAINSTREAM SYSTEM, WHERE THE LEVEL OF TRAINING, SUPERVISION AND "GOLD STANDARDS" OF CARE ARE NOT AS EFFECTIVE WILL ALSO COME WITHIN THE JURISDICTION OF THE COMMISSIONER FOR HEALTH COMPLAINTS.

THE COMMISSIONER FOR HEALTH COMPLAINTS WILL BE STATUTORILY OBLIGED TO ACT IMPARTIALLY, IN THE PUBLIC INTEREST AND TO OBSERVE THE PRINCIPLES OF NATURAL JUSTICE. THE COMMISSIONER WILL BE TOTALLY INDEPENDENT OF A.C.T. HEALTH AND THE RESPONSIBILITIES OF THE POSITION ARE CLEARLY DELINEATED IN THE BILL.

THE DRAFT LEGISLATION PROVIDES FOR THE DEVELOPMENT OF A CODE OF HEALTH RIGHTS AND RESPONSIBILITIES FOR USERS AND PROVIDERS OF PUBLIC AND PRIVATE HEALTH SERVICES THIS GOES WELL BEYOND THE REQUIREMENTS OF THE 1993 MEDICARE AGREEMENT AS THE CODE WILL COVER ALL USERS AND ALL PROVIDERS OF HEALTH SERVICES IRRESPECTIVE OF THEIR PUBLIC OR PRIVATE STATUS.

THE CREDIBILITY AND PROTOCOLS DEVELOPED BY THE COMMISSIONER FOR HEALTH COMPLAINTS WILL BE CRITICAL TO THE EVENTUAL ACCEPTANCE OF BOTH THE HEALTH COMPLAINTS UNIT AND THE ROLE OF THE COMMISSIONER AMONG PROVIDERS, USERS AND THE WIDER COMMUNITY.

THE BILL PROVIDES FOR THE ESTABLISHMENT OF A HEALTH RIGHTS ADVISORY COUNCIL WHICH WILL BE RESPONSIBLE FOR PROVIDING ADVICE TO THE MINISTER AND THE COMMISSIONER ON THE REDRESS OF HEALTH DISPUTES. THE COUNCIL WILL ALSO ADVISE THE MINISTER ON THE GENERAL OPERATION OF THE DRAFT LEGISLATION ONCE IT IS ENACTED.

IN RESPECT OF DEALING WITH HEALTH SERVICES COMPLAINTS, THE EMPHASIS IN THE BILL IS ON ASSISTING USERS AND PROVIDERS TO RESOLVE MATTERS LOCALLY OR, WHERE APPROPRIATE, BY WAY OF CONCILIATION.

A PERSON APPOINTED AS A CONCILIATOR WILL BE SKILLED IN DISPUTE RESOLUTION AND WILL BE THE ONLY STAFF MEMBER OF THE UNIT WHO WILL BE LEGALLY ABLE TO PERFORM CONCILIATION FUNCTION(S). THE CONCILIATION PROCESS WILL BE SEPARATE FROM THE OTHER ACTIVITIES OF THE UNIT AND A CONCILIATOR WILL NOT BE INVOLVED IN THE ASSESSMENT AND/OR INVESTIGATION OF COMPLAINTS. THE INTEGRITY OF CONCILIATION IS THEREFORE PRESERVED IN THIS BILL.

ANYTHING SAID OR ADMITTED DURING CONCILIATION IS PRIVILEGED AND CONFIDENTIAL INFORMATION, AS ARE ANY DOCUMENTS CREATED FOR THE PURPOSES OF THIS PROCESS. EVIDENCE OF ANYTHING SAID, OR DOCUMENTS CREATED, DURING A PROCESS OF CONCILIATION WILL NOT BE ADMISSIBLE IN PROCEEDINGS BEFORE A COURT, TRIBUNAL OR HEALTH REGISTRATION BOARD. THERE IS A PENALTY FOR UNLAWFUL DISCLOSURE OF INFORMATION ARISING OUT OF THE CONCILIATION PROCESS.

THE RIGHTS OF ALL PERSONS INVOLVED WITH THE HEALTH COMPLAINTS PROCESS HAVE BEEN RECOGNISED AND COMPREHENSIVELY PROTECTED IN THE BILL.

THE BILL ESTABLISHES A SPECIAL RELATIONSHIP BETWEEN REGISTRATION BOARDS AND THE COMMISSIONER FOR HEALTH COMPLAINTS. THE COMMISSIONER WILL BE RESPONSIBLE FOR LIAISING AND CONSULTING REGULARLY WITH BOARDS ABOUT COMPLAINTS RECEIVED AND FOR THE ASSESSMENT OF THOSE COMPLAINTS.

HOWEVER, IT IS IMPORTANT TO NOTE THAT REGISTRATION BOARDS WILL RETAIN ALL THEIR PRESENT FUNCTIONS AND POWERS IN RELATION TO DISCIPLINARY MATTERS. THIS EMPHASISES THE FACT THAT THE COMMISSIONER FOR HEALTH COMPLAINTS WILL NOT HAVE A PROSECUTORY FUNCTION IN RESPECT OF REGISTERED PROVIDERS AS A RESULT OF ANY INVESTIGATION OR INQUIRY.

THE ROLE OF THE COMMISSIONER WILL BE TO DECIDE WHEN A COMPLAINT IS JUSTIFIED, RECOMMEND IN A WRITTEN REPORT WHAT ACTIONS SHOULD BE TAKEN TO REMEDY THE COMPLAINT AND TO OBTAIN A RESPONSE FROM THE PROVIDER ON ANY ACTIONS IMPLEMENTED. THE COMMISSIONER MAY ALSO MAKE A REPORT TO AN AUTHORITY THAT HAS THE ABILITY TO TAKE ACTION ON MATTERS RAISED IN THE REPORT.

AS I HAVE INDICATED, THE COMMISSIONER FOR HEALTH COMPLAINTS WILL HAVE THE VERY IMPORTANT FUNCTION OF FACILITATING THE RESOLUTION OF COMPLAINTS BETWEEN USERS AND PROVIDERS OF HEALTH SERVICES.

THE BILL IS ALSO DESIGNED TO PROVIDE THE COMMISSIONER WITH THE OPPORTUNITY TO IDENTIFY HEALTH "SYSTEMS" PROBLEMS. WHICH MAY OTHERWISE POTENTIALLY ADVERSELY AFFECT MANY USERS. ONCE IDENTIFIED, THE COMMISSIONER CAN RECOMMEND APPROPRIATE ACTION.

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THEREFORE, HE OR SHE WILL ALSO HAVE A KEY FUNCTION IN IDENTIFYING AREAS OF HEALTH POLICY, ADMINISTRATION OR SERVICE DELIVERY, ARISING OUT OF HEALTH SERVICE COMPLAINTS, THAT CAN BE CHANGED OR IMPROVED FOR THE BENEFIT OF THE COMMUNITY.

IN SUMMARY, THE BILL ENABLES THE DEVELOPMENT OF A HEALTH SERVICE SYSTEM OF THE HIGHEST QUALITY BY -

- THE DEVELOPMENT OF A CODE OF HEALTH RIGHTS AND RESPONSIBILITIES FOR BOTH USERS AND PROVIDERS OF PUBLIC AND PRIVATE HEALTH SERVICES;
- ESTABLISHING A SPECIAL RELATIONSHIP BETWEEN REGISTRATION BOARDS AND THE COMMISSIONER FOR HEALTH COMPLAINTS;
- FOCUSING ON THE "PUBLIC INTEREST" AND THE IMPROVEMENT OF HEALTH SERVICES; AND
- THE REQUIREMENT FOR CONSULTATION AND A CLOSE WORKING RELATIONSHIP WITH CONSUMERS AND PROVIDERS.

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APPENDIX 2:

(Incorporated in Hansard on 25 November 1993 at page 4125)

1993

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

OMBUDSMAN (AMENDMENT) BILL 1993

PRESENTATION SPEECH

Circulated by the authority of the Minister for Health

Wayne Berry MLA

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THE OMBUDSMAN (AMENDMENT) BILL 1993 COMPLEMENTS THE LEGISLATIVE FRAMEWORK FOR HEALTH COMPLAINTS ESTABLISHED BY THE HEALTH COMPLAINTS BILL 1993.

IT PROVIDES FOR AMENDMENTS TO THE OMBUDSMAN ACT 1989 TO PROVIDE THAT THE OMBUDSMAN DOES NOT HAVE JURISDICTION OVER THE COMMISSIONER FOR HEALTH COMPLAINTS OR STAFF OF THE HEALTH COMPLAINTS UNIT. FOLLOWING ON FROM THAT, THE OMBUDSMAN WILL NO LONGER HAVE JURISDICTION TO INVESTIGATE THE ACTIONS OF AGENCIES IN RESPECT TO HEALTH SERVICES MATTERS.

IT SHOULD BE NOTED THAT THE PROCESS OF CONCILIATION DOES NOT INVOLVE THE CONCILIATOR OR THE COMMISSIONER FOR HEALTH COMPLAINTS TAKING ANY ADMINISTRATIVE ACTION AND/OR DECISION. THEREFORE IT IS NOT APPROPRIATE FOR THE OMBUDSMAN TO HAVE ANY. RIGHT OF REVIEW OF THE ACTIONS OR ROLE OF A CONCILIATOR.

THE BILL ALSO DISTINGUISHES THE FUNCTIONS OF THE OMBUDSMAN AND THE COMMISSIONER FOR HEALTH COMPLAINTS AND THE TYPES OF COMPLAINTS WHICH MAY BE DEALT WITH AND REFERRED BETWEEN THE TWO AGENCIES. A PROVISION IS ALSO INCLUDED TO EXPEDITE THE REFERRAL OF COMPLAINTS BETWEEN THE OMBUDSMAN AND THE COMMISSIONER. FOR HEALTH COMPLAINTS.

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APPENDIX 3:

(Incorporated in Hansard on 25 November 1993 at page 4126)

1993

THE AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

TOBACCO (AMENDMENT) BILL 1993

PRESENTATION SPEECH

Circulated by Authority of
Minister for Health
Wayne

Berry MLA

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SPEECH BY THE MINISTER FOR HEALTH, MR WAYNE BERRY MLA

MADAM SPEAKER

ONE OF THE KEY PRESENTATIONS AT THIS YEARS ANNUAL MEETING OF THE AUSTRALIAN PUBLIC HEALTH ASSOCIATION IS CALLED: RE-DEFINING THE UNACCEPTABLE.

I WAS TAKEN WITH THIS TITLE, AS IT SEEMED TO DENOTE SO WELL WHAT HAS HAPPENED IN MANY AREAS OF PUBLIC HEALTH IN THE LAST FEW YEARS.

BECAUSE OF ADVANCES IN PUBLIC AWARENESS AND IN DISEASE CONTROL AND PREVENTION, WHAT USED TO BE PUBLICLY ACCEPTABLE IS NO LONGER SO.

PERHAPS NOWHERE IS THIS SO TRUE AS IT IS FOR TOBACCO.

AS WE HAVE FOUND OUT MORE ABOUT THE HARMFUL EFFECTS OF TOBACCO SMOKING, MEASURES TO PROTECT AND ENHANCE PUBLIC HEALTH AND WELLBEING HAVE GAINED STRENGTH.

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JUST AS WE CAN NO LONGER SIT BY AND ACCEPT THE HARMFUL PRESENCE OF TOBACCO SMOKE IN INDOOR ENVIRONMENTS, WE CAN NO LONGER ACCEPT THAT OUR YOUNG PEOPLE SHOULD BE EXPOSED TO THE ADVERTISING OF TOBACCO PRODUCTS AS A NORMAL OR INEVITABLE ELEMENT OF OUR SOCIETY.

ACTION HAS ALREADY BEEN TAKEN AT TERRITORY AND COMMONWEALTH LEVEL TO BREAK THE ASSOCIATION BETWEEN TOBACCO SMOKING AND SPORTING AND SOCIAL GLAMOUR AND SUCCESS.

MADAM SPEAKER, THE BILL I PROPOSE TODAY WILL STRENGTHEN THOSE MEASURES BY REMOVING LOOPHOLES WHICH HAVE ALLOWED TOBACCO ADVERTISING AND PROMOTION TO OCCUR, CONTRARY TO THE SPIRIT OF THE LAW.

SINCE THE TOBACCO ACT WAS AMENDED IN 1990, SEVERAL SPECIFIC ISSUES HAVE ARISEN WITH REGARD TO THE DISPLAY OF ADVERTISING:

SECTION 11 OF THE PRESENT ACT ALLOWS FOR A THIRTY-DAY PERIOD TO REMOVE ILLEGAL TOBACCO ADVERTISING.

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DURING THIS TIME, ACTION CANNOT BE TAKEN AGAINST THE PERSON RESPONSIBLE, AND IF THE ADVERTISEMENT IS REMOVED WITHIN THE THIRTY DAYS, NO ACTION CAN BE TAKEN AGAINST THE PERSON.

WHILE THIS WAS A REASONABLE REQUIREMENT DURING THE INTRODUCTION OF THE ADVERTISING BAN, IT CAN PROVIDE -- AND HAS PROVIDED -- A LOOPHOLE FOR SHORT-TERM ADVERTISING WHICH HAS NOT BEEN EXEMPTED UNDER THE ACT.

AS A RESULT, ADVERTISERS AND PROMOTERS HAVE BEEN ABLE TO DISPLAY TOBACCO BRAND NAMES OR TRADEMARKS IN WAYS OTHERWISE PROHIBITED BY THE ACT.

I WOULD WISH TO POINT OUT THAT A PERSON ADVERTISING ILLEGALLY IN A SHOP OR PUBLIC PLACE IS NORMALLY WARNED AND GIVEN THE OPPORTUNITY TO REMOVE THE ADVERTISEMENT BEFORE A WRITTEN NOTICE IS ISSUED WITH THE THIRTY-DAY COMPLIANCE PERIOD.

THE PRESENT BILL SEEKS TO AMEND THE ACT TO REDUCE THE THIRTY-DAY PERIOD TO A SPECIFIED PERIOD NOT EXCEEDING TWO DAYS.

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OFFICERS OF A.C.T. HEALTH WILL CONTINUE TO WARN THE PERSON RESPONSIBLE AND PROVIDE AN OPPORTUNITY FOR THE ADVERTISEMENT TO BE REMOVED BEFORE ACTION IS INITIATED.

THE SECOND CHANGE CONCERNS THE POWER, ALREADY PROVIDED IN THE ACT, TO EXEMPT ADVERTISEMENTS AND SPONSORSHIPS FROM THE PROHIBITION PROVISIONS.

DURING THE COURSE OF ADMINISTERING THE ACT, IT HAS BEEN FOUND THAT OCCASIONS ARISE WHEN CERTAIN ADVERTISING OR SPONSORSHIP MAY BE CONSIDERED PERMISSIBLE PROVIDED THAT IT IS SUBJECT TO A RANGE OF SPECIFIC CONDITIONS.

THE BILL PROPOSES A POWER TO IMPOSE THESE CONDITIONS.

THE PURPOSE OF THE CONDITIONS WOULD BE TO LIMIT THE EXPOSURE OF THE ADVERTISING, PARTICULARLY WITH REGARD TO YOUNG PEOPLE.

THE CONDITIONS WOULD BE PUBLISHED IN THE GAZETTE AS PART OF THE EXEMPTION A-III, AND WOULD BE A DISALLOWABLE INSTRUMENT.

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A FINAL CHANGE CONCERNS PERSONS AUTHORISED TO ISSUE NOTICES AND INITIATE ACTION FOR VIOLATIONS OF THE TOBACCO ADVERTISING PROVISIONS.

SECTION 11 OF THE TOBACCO ACT IN RELATION TO ADVERTISING LIMITS SUCH AS AUTHORISED PERSONS TO INSPECTORS AND PERSONS AUTHORISED FOR PURPOSES OF THE PUBLIC HEALTH ACT.

HOWEVER, INSPECTORS DO NOT NORMALLY VISIT PREMISES OTHER THAN THOSE WHERE FOOD IS PREPARED OR SOLD.

THIS IGNORES A LARGE NUMBER OF PLACES WHERE TOBACCO ADVERTISING MAY OCCUR.

TO ENSURE THAT THE REQUIREMENTS OF THE TOBACCO ACT CONCERNING THE PROHIBITION AND REMOVAL OF TOBACCO ADVERTISING CAN BE IMPLEMENTED, AMENDMENTS HAVE BEEN PREPARED WHICH ALLOW THE MINISTER TO AUTHORISE OFFICERS WITH REGARD TO CONTRAVENTION OF SECTION 10 OF THE TOBACCO ACT.

OVERALL, THESE CHANGES WILL PERMIT THE MORE EFFECTIVE CONTROL OF ILLEGAL TOBACCO ADVERTISING IN THE A.C.T.

THE INFORMATION AND EDUCATION PROCESS IS ALSO CONTINUING.

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RETAILERS HAVE RECENTLY BEEN REMINDED OF THE ADVERTISING PROHIBITIONS, AND UPDATED INFORMATION ABOUT THE PROHIBITION ON TOBACCO PROMOTION AND SPONSORSHIP HAS ALSO BEEN DISTRIBUTED TO A WIDE RANGE OF ORGANISATIONS.

MADAM SPEAKER, IT IS IMPERATIVE IN THIS CASE THAT THE LETTER OF THE LAW IS IN KEEPING WITH THE SPIRIT OF THE LAW.

IT IS NECESSARY TO ENSURE THAT LEGAL LOOPHOLES DO NOT ALLOW TOBACCO ADVERTISING TO ESCAPE LEGAL CONTROLS.

MADAM SPEAKER, I TABLE THE EXPLANATORY MEMORANDUM FOR THIS BILL.

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APPENDIX 4:

(Incorporated in Hansard on 25 November 1993 at page 4126)

1993

**AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY**

**AIR POLLUTION (AMENDMENT) BILL 1993
PRESENTATION SPEECH**

Circulated by authority of the

Minister for the Environment, Land and Planning

Mr Bill Wood MLA

25 November 1993

AIR POLLUTION (AMENDMENT) BILL 1993 - PRESENTATION SPEECH

MADAM SPEAKER

CANBERRA GENERALLY HAS VERY GOOD AIR QUALITY. HOWEVER, OVER THE PAST FEW YEARS THERE HAS BEEN INCREASING CONCERN ABOUT SMOKE POLLUTION CAUSED BY SOLID FUEL APPLIANCES DURING OUR COLDER MONTHS. ON MANY OCCASIONS THIS SMOKE-HAS GIVEN RISE TO A BROWN HAZE EFFECT IN CERTAIN AREAS. THE GOVERNMENT CONSIDERS THE UNATTRACTIVE APPEARANCE OF WOOD SMOKE, PHYSICAL DISCOMFORT FOR SOME RESIDENTS AND, IN SOME CASES, THE EXACERBATION OF HEALTH PROBLEMS SERIOUS MATTER WHICH NEEDS TO BE ADDRESSED.

AIR POLLUTION FROM SOLID FUEL APPLIANCES ARISES FROM INCORRECT OPERATING PRACTICES WHICH LEAD TO THE INCOMPLETE COMBUSTION OF THE SOLID FUEL, RESULTING IN SMOKE POLLUTION.

IN ORDER TO PROMOTE AWARENESS IN THE COMMUNITY ABOUT THE CORRECT USE OF THESE APPLIANCES, INSPECTORS FROM THE OFFICE OF THE ENVIRONMENT OF MY DEPARTMENT HAVE BEEN, FOR SOME TIME, DISTRIBUTING PAMPHLETS AND PROVIDING ADVICE TO CONSUMERS AND RETAIL OUTLETS.. THE SOLID FUEL INDUSTRY. HAS ALSO PARTICIPATED IN CONSUMER EDUCATION BY DISTRIBUTING LEAFLETS PRODUCED BY THE SOLID FUEL AND WOOD BURNING ASSOCIATION. BUT I ACKNOWLEDGE THAT THIS APPROACH HAS NOT BEEN FULLY EFFECTIVE IN REDUCING SMOKE POLLUTION. AS MEMBERS ARE AWARE, THE GOVERNMENT COMMITTED ITSELF TO INTRODUCING EFFECTIVE CONTROLS OVER EMISSIONS FROM SOLID FUEL APPLIANCES IN ITS RESPONSE TO RELEVANT RECOMMENDATIONS OF THE REPORT OF THE A.C.T. LEGISLATIVE ASSEMBLY STANDING COMMITTEE ON CONSERVATION, HERITAGE AND ENVIRONMENT ENTITLED "FUELWOOD HEATING IN THE A.C.T."

THESE-RECOMMENDATIONS RELATE TO:

THE NEED FOR LEGISLATIVE CONTROLS OVER POLLUTION FROM

SOLID FUEL APPLIANCES; AND

THE NEED FOR EMISSION STANDARDS FOR NEW SOLID FUEL

APPLIANCES..

THE GOVERNMENT AGREED TO THESE RECOMMENDATIONS AND IS NOW . GIVING EFFECT TO THEM THROUGH THE AIR POLLUTION (AMENDMENT) BILL WHICH AMENDS THE AIR POLLUTION ACT.

THE AIR POLLUTION ACT REGULATES AIR POLLUTION FROM STATIONARY SOURCES BUT SPECIFICALLY .EXCLUDES FROM ITS OPERATION APPLIANCES USED FOR HEATING OR COOKING IN RESIDENTIAL PREMISES. THE ACT ALSO SPECIFIES THE MAXIMUM LEAD CONTENT IN LEADED PETROL.

THE AIR POLLUTION (AMENDMENT) BILL 1993 PROVIDES FOR THREE DISTINCT AMENDMENTS TO THE ACT.

FIRSTLY, IT BRINGS ALL SOLID FUEL HEATING AND COOKING APPLIANCES IN RESIDENTIAL PREMISES WITHIN THE SCOPE OF THE ACT BY- REMOVING THE CURRENT EXEMPTION RELATING TO SUCH APPLIANCES.

THIS WILL ENABLE SERVING OF A POLLUTION ABATEMENT NOTICE ON RESIDENTIAL PREMISES, IF NECESSARY, WHERE THERE ARE OBVIOUS EXTERNAL-SIGNS OF INEFFICIENT OPERATION, SUCH AS A CHIMNEY THAT SMOKES CONTINUOUSLY FOR LONGER THAN 15 MINUTES.

HOWEVER, MEMBERS CAN BE ASSURED THAT ONGOING COMMUNITY EDUCATION PROGRAMS AND ADVICE WILL CONTINUE TO BE THE PRIMARY MEANS OF POLLUTION CONTROL ,IN THIS AREA, WITH THE-ISSUING OF A POLLUTION ABATEMENT NOTICE AS A ."LAST RESORT" OPTION WHERE. OTHER METHODS OF CONTROLLING SMOKE POLLUTION HAVE FAILED.

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SECONDLY, THE BILL INTRODUCES A PARTICULATE EMISSION STANDARD AND ASSOCIATED CONTROLS FOR NEW DOMESTIC SOLID FUEL APPLIANCES. THIS STANDARD WAS DEVELOPED IN CLOSE CO-OPERATION WITH INDUSTRY ASSOCIATIONS AND SOLID FUEL APPLIANCE MANUFACTURERS AND IS FULLY SUPPORTED BY THESE.

THE INTRODUCTION OF THIS NATIONAL STANDARD IS ENDORSED BY THE AUSTRALIAN AND NEW ZEALAND ENVIRONMENT AND CONSERVATION COUNCIL AND WILL HELP US ACHIEVE CONTINUING OVERALL REDUCTIONS IN POLLUTING EMISSIONS, AS NEW APPLIANCES REPLACE OLD. APPLIANCES IN CANBERRA.

THE BILL PROHIBITS INTERFERENCE WITH THE MANUFACTURERS SETTING IN NEW SOLID FUEL APPLIANCES. THIS IS TO PREVENT TAMPERING PRIOR TO OR DURING INSTALLATION TO MODIFY THE OPERATION OF THE APPLIANCE. APPLIANCES ARE DESIGNED SO THAT TAMPERING IS NOT POSSIBLE ONCE THE APPLIANCE HAS BEEN INSTALLED. PROVISIONS TO PREVENT TAMPERING HAVE BEEN INCLUDED IN THE BILL TO ENSURE THAT THE NEW APPLIANCE WILL CONTINUE TO OPERATE AT THE SPECIFIED NATIONAL EMISSION STANDARD.

I BELIEVE THAT, TOGETHER, THE EMISSION CONTROL MEASURES PROVIDED IN THIS BILL ARE A, SIGNIFICANT STEP IN CONTROLLING AIR POLLUTION IN CANBERRA/. THEY WILL ACTIVELY REDUCE EMISSIONS FROM BOTH NEW AND EXISTING SOLID FUEL APPLIANCES AND WILL FURTHER ENHANCE CANBERRAS AIR. QUALITY.

THE THIRD ASPECT OF THIS BILL CONCERNS LEAD LEVELS IN LEADED . PETROL.

THE ROUNDTABLE CONFERENCE ON LEAD HELD IN CANBERRA IN JULY CONFIRMED THAT THERE ARE. COMPELLING HEALTH REASONS TO REDUCE LEAD LEVELS IN LEADED PETROL THROUGHOUT AUSTRALIA. THIS CONFERENCE WAS ATTENDED BY ENVIRONMENT MINISTERS OR THEIR REPRESENTATIVES TOGETHER WITH A RANGE OF INDUSTRY AND

COMMUNITY REPRESENTATIVES.

THE A.C.T. IS FORTUNATE IN NOT HAVING THE PROBLEMS ASSOCIATED WITH LEAD WHICH ARE EXPERIENCED ELSEWHERE. HOWEVER, IT IS VERY IMPORTANT TO ENSURE THAT APPROPRIATE STEPS ARE TAKEN TO MINIMISE THE RISK OF EXPOSURE TO LEAD IN CANBERRA.

I UNDERSTAND THAT THE NEW SOUTH WALES GOVERNMENT IS PROPOSING TO REDUCE THE LEAD CONTENT IN LEADED PETROL FROM 0.4 GRAMS PER LITRE TO 0.3 GRAMS PER LITRE ON 1 JANUARY 1994. NEW SOUTH WALES IS EXPECTING TO FURTHER REDUCE THE LEAD LEVEL TO 0.2 GRAMS PER. LITRE BEFORE THE END OF 1994.

THE-AMENDMENTS IN THE BILL WILL ENSURE THAT AS SOON AS LOWER LEAD IN PETROL LIMITS COME INTO EFFECT IN NEW SOUTH WALES, THEY APPLY AUTOMATICALLY IN THE A.C.T. THIS WOULD PREVENT PETROL SUPPLIES WITH A HIGHER LEAD CONTENT BEING SOLD IN CANBERRA AND ALSO ELIMINATE THE NEED FOR FUTURE AMENDMENTS TO THE ACT WITH EVERY SUBSEQUENT LOWERING OF THE LIMIT IN NEW SOUTH WALES.

WE HAVE TAKEN THIS-PRO-ACTIVE STEP TO ENSURE. THE A.C.T. KEEPS ABREAST OF NATIONAL MOVES TOWARDS REDUCING EXPOSURE TO LEAD.

MADAM SPEAKER, THE MEASURES PROVIDED IN THIS BILL SHOW THE IMPORTANCE PLACED. BY, THE. GOVERNMENT ON ENHANCING CANBERRAS AIR QUALITY AND PROTECTING THE HEALTH. AND WELLBEING OF MEMBERS OF THE COMMUNITY.

I COMMEND THE-BILL TO THE
ASSEMBLY.

25 November 1993

APPENDIX 5:

(Incorporated in Hansard on 25 November 1993 at page 4127)

1993

**LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY**

LEGAL PRACTITIONERS (AMENDMENT) BILL 1993

PRESENTATION SPEECH

by the Attorney General

Terry Connolly MLA

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MADAM SPEAKER, THE PURPOSE OF THIS BILL IS TO EXPAND THE LAW SOCIETY'S POWERS TO SUPERVISE THE PROFESSIONAL CONDUCT OF SOLICITORS AND PERSONS EMPLOYED BY SOLICITORS. IN ADDITION, SINCE THIS IS THE FIRST SUBSTANTIAL AMENDMENT TO THE LEGAL PRACTITIONERS ACT SINCE RESPONSIBILITY FOR THE LEGAL PROFESSION TRANSFERRED TO THE TERRITORY, THE BILL MAKES A NUMBER OF "HOUSEKEEPING" TYPE AMENDMENTS TO BRING THE ACT UP TO A MODERN DRAFTING STANDARD AND TO REMOVE GENDER-SPECIFIC LANGUAGE.

MY REMARKS ABOUT THIS BILL ARE ARRANGED UNDER 3 THEMES. I WILL FIRST OUTLINE THE BACKGROUND TO AND REASONS FOR THE AMENDMENTS, THEN DESCRIBE THE MAIN ELEMENTS OF THE PRESENT REFORMS, AND CONCLUDE WITH SOME OBSERVATIONS ABOUT THE LIKELY DIRECTION OF FUTURE REFORMS TO THE LEGAL PROFESSION IN THE ACT.

THIS EXERCISE BEGAN IN 1984, WHEN THE LAW SOCIETY CONDUCTED A REVIEW OF ITS COMPLAINTS AND DISCIPLINARY PROCEDURES. THE SOCIETY ADOPTED SEVERAL GENERAL PRINCIPLES AS THE BASIS FOR THE REVIEW. THEY INCLUDED THE FOLLOWING.

FIRSTLY, THE NEED FOR THE COMPLAINT-INVESTIGATION PROCESS TO BE RESPONSIVE, EFFICIENT, OPEN TO PUBLIC SCRUTINY AND BETTER PUBLICISED.

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SECONDLY, THE DISCIPLINARY SYSTEM SHOULD BE EXTENDED TO COVER "UNSATISFACTORY PROFESSIONAL WORK" - INCLUDING NEGLIGENCE, INCOMPETENCE OR DELAY ON THE PART OF A SOLICITOR - WHICH MAY FALL SHORT OF "PROFESSIONAL MISCONDUCT" AS DEFINED BY THE COURTS.

AND THIRDLY, THE NEED FOR THE DISCIPLINARY PROCESS TO INCLUDE THE CAPACITY TO MAKE REMEDIAL ORDERS TO RESOLVE THE COMPLAINANTS IMMEDIATE DIFFICULTY, TO RECTIFY THE HARM SUFFERED AND TO IMPROVE THE PERFORMANCE OF SOLICITORS.

THOSE ARE WORTHY PRINCIPLES, AND I COMMEND THE LAW SOCIETY FOR ADOPTING THEM. THE BILL IS MAINLY DIRECTED TO THE SECOND AND THIRD PRINCIPLES. WHETHER THE AMENDMENTS ACHIEVE THE AIMS OF THE FIRST PRINCIPLE - THAT IS, THAT THE DISCIPLINARY PROCESS IS RESPONSIVE, EFFICIENT, OPEN TO PUBLIC SCRUTINY AND WELL PUBLICISED - WILL BE A MATTER FOR FUTURE ASSESSMENT.

THE 1984 REVIEW PRODUCED A NUMBER OF SPECIFIC RECOMMENDATIONS FOR REFORM. THE LAW SOCIETY TOOK THOSE RECOMMENDATIONS TO THE COMMONWEALTH ATTORNEY-GENERALS DEPARTMENT, WITH A VIEW TO HAVING THEM TRANSLATED INTO AMENDMENTS TO THE LEGAL PRACTITIONERS

ACT.

OVER THE FOLLOWING 6 YEARS SOME WORK WAS DONE TOWARDS IMPLEMENTING THE REFORMS. IN 1986, THE LEGAL PRACTITIONERS ACT WAS AMENDED TO INCLUDE A REQUIREMENT THAT NON-LAWYERS BE REPRESENTED ON THE DISCIPLINARY COMMITTEE OF THE LAW SOCIETY. THAT WAS ONE OF THE RECOMMENDATIONS ARISING FROM THE 1984 REVIEW. HOWEVER, WHEN RESPONSIBILITY FOR THE LEGAL PROFESSION IN THE ACT TRANSFERRED FROM THE COMMONWEALTH TO THE TERRITORY ON 1 JULY 1990, NONE OF THE OTHER RECOMMENDATIONS HAD BEEN IMPLEMENTED.

WHEN WORK ON THE PROJECT WAS RECOMMENCED AT THE TERRITORY LEVEL IN 1991 IT WAS OBVIOUS THAT THE WORLD HAD MOVED ON SINCE 1984. DURING THAT TIME, SEVERAL STATES HAD REFORMED THEIR LEGAL PROFESSION DISCIPLINARY SYSTEMS. NEW SOUTH WALES INTRODUCED REFORMS IN 1987 WHICH AMOUNTED TO A COMPLETELY NEW LEGISLATIVE SCHEME FOR REGULATING THE LEGAL PROFESSION IN THAT STATE. THEY RESULTED FROM A WIDERANGING REVIEW BY THE NEW SOUTH WALES LAW REFORM COMMISSION BETWEEN 1976 AND 1984.

THE NEW SOUTH WALES REFORMS INCLUDED MANY THAT WERE SIMILAR TO RECOMMENDATIONS PROPOSED BY THE ACT LAW SOCIETY IN 1984, SUCH AS MAKING UNSATISFACTORY PROFESSIONAL CONDUCT A DISCIPLINARY OFFENCE, AS WELL AS THE TRADITIONAL OFFENCE OF PROFESSIONAL MISCONDUCT, AND

ENABLING

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COMPENSATION-TYPE REMEDIES TO BE ORDERED. THIS SIMILARITY IS NOT SURPRISING - THE REPORTS OF THE NEW SOUTH WALES LAW REFORM COMMISSION WERE OBVIOUSLY A STRONG INFLUENCE IN BOTH JURISDICTIONS.

IN 1989 THE VICTORIAN PARLIAMENT PASSED LEGISLATION TO REFORM THE LEGAL PROFESSION DISCIPLINARY SYSTEM IN THAT STATE. THOSE REFORMS WERE SIMILAR TO THE NEW SOUTH WALES SCHEME, AND ALSO INCLUDED A STATUTORY PROCESS FOR CONCILIATION OF DISPUTES INVOLVING SOLICITORS.

WHILST THE ACT PROPOSALS OF 1984 WERE INNOVATIVE AND FORWARD-LOOKING AT THAT TIME, BY 1991 SUCH MEASURES HAD BECOME FAIRLY STANDARD FEATURES OF DISCIPLINARY SCHEMES FOR THE LEGAL PROFESSION.

IN EVALUATING THE 1984 PROJECT, THE ISSUE WAS WHETHER TO PROCEED WITH IT IN THE FORM IN WHICH IT TRANSFERRED FROM THE COMMONWEALTH, OR WHETHER TO EXPAND IT INTO A MORE FAR-REACHING REFORM PROCESS. IT WAS DECIDED TO PROCEED WITH THE PROJECT IN ROUGHLY THE FORM IT COMMENCED IN 1984, BUT TO MAKE THAT THE FIRST PART OF A Z-STAGE PROCESS TO REFORM THE LEGAL PROFESSION COMPLAINTS AND DISCIPLINARY SYSTEM IN THE ACT. THE SECOND OPTION WOULD HAVE CAUSED UNACCEPTABLE DELAYS IN IMPLEMENTING WHAT ARE NOW STANDARD AND VERY WORTHWHILE ELEMENTS OF SUCH SYSTEMS

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TURNING NOW TO THE SUBSTANCE OF THE PRESENT AMENDMENTS, THE FIRST SIGNIFICANT REFORM IS TO PROVIDE A STATUTORY CONCILIATION MECHANISM FOR HANDLING COMPLAINTS ABOUT SOLICITORS. WHEN THE LAW SOCIETY PROPOSED THIS, IT SAID THAT ABOUT A QUARTER OF THE COMPLAINTS IT RECEIVED WERE RESOLVED INFORMALLY. THE SOCIETY BELIEVES THAT RATE COULD BE HIGHER IF APPROPRIATE COMPLAINTS COULD BE REFERRED TO A COMPULSORY, PRIVATE, CONCILIATION CONFERENCE. CLAUSE 14 OF THE BILL PROVIDES SUCH A MECHANISM. IT WILL APPLY TO COMPLAINTS ABOUT SOLICITORS AND ABOUT EMPLOYEES OF SOLICITORS. WHERE A CONCILIATION CONFERENCE IS CONVENED INTO MATTERS INVOLVING AN EMPLOYEE THEN THE EMPLOYING SOLICITOR WILL ALSO BE INVOLVED, SINCE THE EMPLOYER IS RESPONSIBLE TO THE CLIENT, AND POSSIBLY OTHERS, FOR THE WORK OF THE EMPLOYEE.

THE DISCIPLINARY BODY OF THE LAW SOCIETY IS PRESENTLY CALLED THE "DISCIPLINARY COMMITTEE". THE BILL RENAMES IT THE "PROFESSIONAL CONDUCT BOARD". MORE SIGNIFICANTLY, THE BILL PROVIDES A CLEAR STATEMENT OF THE TYPES OF PROFESSIONAL BEHAVIOUR WHICH MAY BE REFERRED TO THE BOARD. THAT OVERCOMES A PROBLEM IN THE PRESENT LEGISLATION, WHICH EFFECTIVELY ALLOWS DISCIPLINARY ACTION TO BE TAKEN ONLY IN CASES WHICH THE COMMON LAW WOULD DEFINE AS "PROFESSIONAL MISCONDUCT". THE BILL

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CONTINUES THE DISCIPLINARY OFFENCE OF "PROFESSIONAL MISCONDUCT" WHICH IT DEFINES IN TERMS SIMILAR TO THE COMMON LAW.

THE BILL ALSO INTRODUCES A NEW DISCIPLINARY OFFENCE OF "UNSATISFACTORY PROFESSIONAL CONDUCT". THAT OFFENCE IS INTENDED TO INCLUDE NEGLIGENCE, INCOMPETENCE AND DELAY. AT PRESENT, SUCH CONDUCT CAN ONLY BE DEALT WITH IF IT IS OF AN EXTREMELY SERIOUS OR RECURRING NATURE, BRINGING IT WITHIN THE COMMON LAW DEFINITION OF "PROFESSIONAL MISCONDUCT".

THE BILL GREATLY EXPANDS THE POWERS AVAILABLE TO THE PROFESSIONAL CONDUCT BOARD COMPARED WITH THOSE OF THE PRESENT DISCIPLINARY COMMITTEE. AT THE MOMENT, THE POWERS OF THE COMMITTEE ARE LIMITED TO REPRIMANDING A SOLICITOR OR IMPOSING A FINE OF UP TO \$ 2, 000.

NEW POWERS CONTAINED IN CLAUSE 21 OF THE BILL WILL ENABLE THE BOARD, IN CASES OF PROVED PROFESSIONAL MISCONDUCT, TO SUSPEND A SOLICITOR'S PRACTISING CERTIFICATE FOR UP TO 12 MONTHS AND/OR IMPOSE A FINE OF UP TO \$10,000.

IN CASES OF BOTH PROFESSIONAL MISCONDUCT AND UNSATISFACTORY PROFESSIONAL CONDUCT THE BOARD WILL BE ABLE TO MAKE A RANGE OF ORDERS

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REQUIRING THE SOLICITOR TO CEASE TO ACCEPT CERTAIN TYPES OF WORK AND TO UNDERTAKE FURTHER LEGAL EDUCATION. THE POWER TO REPRIMAND A SOLICITOR WILL CONTINUE.

THE BOARD WILL HAVE A FURTHER RANGE OF POWERS WHICH ARE INTENDED TO BE REMEDIAL RATHER THAN PUNITIVE, AND WHICH WILL BE PARTICULARLY USEFUL IN CASES OF UNSATISFACTORY PROFESSIONAL CONDUCT. THOSE POWERS INCLUDE, FOR INSTANCE, THE CAPACITY TO DIRECT THAT THE SOLICITOR WAIVE OR REFUND FEES. OR PAY COMPENSATION.

WHEN THE BOARD ENQUIRES INTO THE CONDUCT OF A PERSON WHO IS EMPLOYED BY A SOLICITOR, AND FINDS THAT PERSON GUILTY OF UNSATISFACTORY EMPLOYMENT CONDUCT, THE BOARD WILL BE ABLE TO REPRIMAND THE EMPLOYING SOLICITOR AND TO DIRECT THE SOLICITOR TO TAKE THE SAME REMEDIAL-TYPE ACTION AS IF THE SOLICITOR HAD BEEN AT FAULT. IN ADDITION, THE PRESENT CAPACITY TO ORDER THAT NO OTHER SOLICITOR EMPLOY THE PERSON WILL CONTINUE.

UNDER THE ACT AS IT PRESENTLY STANDS, THE DISCIPLINARY COMMITTEE MAY REFER CASES OF SERIOUS MISCONDUCT TO THE SUPREME COURT. THE COURT CAN IMPOSE MORE SEVERE PENALTIES THAN THE COMMITTEE - PENALTIES MORE APPROPRIATE IN CASES OF SERIOUS MISCONDUCT. THAT SYSTEM WILL CONTINUE. HOWEVER

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TH- INCREASED POWERS OF THE PROFESSIONAL CONDUCT BOARD COMPARED WITH THE PRESENT LIMITED POWERS OF THE DISCIPLINARY COMMITTEE SHOULD RESULT IN FEWER CASES BEING REFERRED TO THE COURT. THE COURT WILL HAVE AVAILABLE TO IT ALL THE POWERS OF THE BOARD, AS WELL AS ITS PRESENT POWERS TO REMOVE A PRACTITIONERS NAME FROM THE ROLL OF BARRISTERS AND SOLICITORS, TO SUSPEND THE RIGHT TO PRACTICE, AND TO IMPOSE A FINE OF UP TO 20,000.

A FURTHER SIGNIFICANT AMENDMENT WILL ENABLE THE LAW SOCIETY TO APPOINT A PERSON TO INVESTIGATE A SOLICITORS BUSINESS AFFAIRS. THE SOCIETY HAS SOUGHT THIS POWER TO OVERCOME PRESENT LIMITATIONS ON ITS CAPACITY TO PURSUE COMPLAINTS ABOUT SOLICITORS. THE NEW POWERS, INTRODUCED BY CLAUSE 31 OF THE BILL, ARE THE SAME AS POWERS GIVEN TO THE NEW SOUTH WALES LAW SOCIETY IN THE REFORMS INTRODUCED IN THAT STATE IN 1987.

AN INVESTIGATOR APPOINTED BY THE SOCIETY WILL BE ABLE TO REQUIRE A SOLICITOR, OR OTHER PERSONS, TO GIVE THE INVESTIGATOR ACCESS TO RECORDS WHICH RELATE TO THE AFFAIRS BEING INVESTIGATED, OR TO PROVIDE INFORMATION ABOUT THE RECORDS. THE TERM AFFAIRS IN RELATION TO A SOLICITOR IS GIVEN A WIDE MEANING, AND INCLUDES ACCOUNTS AND RECORDS KEPT BY OR ON BEHALF OF AN ASSOCIATE OF THE SOLICITOR.

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ASSOCIATE INCLUDES CLOSE MEMBERS OF A SOLICITORS FAMILY.

THESE ARE SWEEPING POWERS, AND IT IS ANTICIPATED THEY WILL RARELY BE REQUIRED. HOWEVER, WITHOUT SUCH POWERS, THE LAW SOCIETYS ABILITY TO PURSUE COMPLAINTS ABOUT SOLICITORS IS LIMITED BY SOLICITORS WILLINGNESS TO ANSWER QUESTIONS ABOUT THEIR PROFESSIONAL CONDUCT. ALTHOUGH THE LAW SOCIETYS RULES FOR THE CONDUCT OF ITS MEMBERS REQUIRE SOLICITORS TO MAKE FULL AND FRANK DISCLOSURE TO THE SOCIETY, THERE HAS BEEN AT LEAST ONE INSTANCE WHERE A SOLICITOR HAS REFUSED TO DO THAT. THE AMENDMENT IS EXPECTED TO OVERCOME THAT PROBLEM.

IN ADDITION, THE LAW SOCIETY WILL BE ABLE TO SUSPEND A PRACTISING CERTIFICATE HELD BY A SOLICITOR WHO REFUSES, WITHOUT REASONABLE EXCUSE, TO COMPLY WITH A REQUEST BY THE LAW SOCIETY TO EXPLAIN SPECIFIED PROFESSIONAL CONDUCT.

THE LAST OF THE SIGNIFICANT AMENDMENTS CONTAINED IN THE BILL WILL ENABLE THE LAW SOCIETY TO APPOINT A PERSON TO MANAGE A SOLICITORS PRACTICE. CLAUSE 38 IS THE RELEVANT PROVISION. THE EVENTS THAT CAN TRIGGER THIS ACTION INCLUDE A REASONABLE BELIEF THAT AN OFFENCE INVOLVING FRAUD OR DISHONESTY INVOLVING TRUST MONEYS HAS OCCURRED, A SOLICITORS FAILURE

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COMPLY WITH TRUST ACCOUNT AUDIT REQUIREMENTS, OR THE DEATH OR INCAPACITY OF A SOLICITOR.

UNDER THESE CIRCUMSTANCES THE SUPREME COURT CAN APPOINT A RECEIVER TO THE PRACTICE OF SUCH A SOLICITOR. HOWEVER, THERE MAY BE OCCASIONS WHEN BOTH A SOLICITOR AND HIS OR HER CLIENTS WOULD BENEFIT IF A MANAGER WAS APPOINTED TO CONTINUE RUNNING THE PRACTICE. THAT WOULD ESPECIALLY BE THE CASE WHERE THE SOLICITOR IS A SOLE PRACTITIONER. THE AMENDMENT WILL ENABLE A MANAGER TO BE APPOINTED EITHER IN ADDITION TO A RECEIVER OR OTHERWISE.

THAT CONCLUDES THE SIGNIFICANT AMENDMENTS INTRODUCED BY THIS LEGISLATION. BUT AS I SAID EARLIER IN THESE REMARKS. FURTHER REFORMS ARE NEEDED TO THE WAY THE LEGAL PROFESSION IS REGULATED, TO BRING THE AUSTRALIAN CAPITAL TERRITORY MORE CLOSELY INTO LINE WITH RECENT DEVELOPMENTS ELSEWHERE. SUCH DEVELOPMENTS INCLUDE THE LEGAL PROFESSION REFORM BILL RECENTLY PASSED BY THE NEW SOUTH WALES PARLIAMENT, NEW WESTERN AUSTRALIAN LEGISLATION THAT CAME INTO EFFECT EARLIER THIS YEAR, AND A BILL THAT IS PRESENTLY BEFORE THE TASMANIAN PARLIAMENT.

THE REFORM AGENDA HAS RECENTLY BEEN EXPANDED BY A DRAFT REPORT ISSUED BY THE TRADE PRACTICES COMMISSION. THE REPORT IDENTIFIES SEVERAL POSITIVE

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ASPECTS TO THE REGULATION OF THE LEGAL PROFESSION IN THE ACT COMPARED WITH ELSEWHERE IN AUSTRALIA. THEY INCLUDE THE ABSENCE OF FEE SCALES FOR LEGAL SERVICES THAT DO NOT INVOLVE LITIGATION, THE ABSENCE OF ADVERTISING RESTRICTIONS. AND THE FUSION OF THE BARRISTER AND SOLICITOR STREAMS OF THE PROFESSION AS REGARDS ADMISSION TO PRACTICE. HOWEVER, THESE POSITIVE ASPECTS OF THE LEGAL PROFESSION IN THE ACT DONT NECESSARILY MEAN THAT CONSUMERS OF LEGAL SERVICES IN THE TERRITORY HAVE THE BENEFIT OF VIGOROUS COMPETITION AMONG PRACTITIONERS. THAT REQUIRES NOT ONLY THE ABSENCE OF UNNECESSARY REGULATION, BUT ALSO THE PRESENCE OF AN ETHOS OF COMPETITION AMONGST PRACTITIONERS.

THE DRAFT REPORT RECOMMENDS FURTHER CHANGES, BOTH IN THE ACT AND INTERSTATE, TO MAKE LEGAL SERVICES MORE COMPETITIVE. THEY INCLUDE:

- ENDING LAWYERS MONOPOLY ON CONVEYANCING AND OTHER SERVICES SUCH AS WILLS AND PROBATE, UNCONTESTED DIVORCES AND SIMPLE INCORPORATIONS;
- INTRODUCING A CONDITIONAL SUCCESS FEE; AND
- ALLOWING LAWYERS TO INCORPORATE AND TO OPERATE PRACTICES WITH OTHER PROFESSIONALS SUCH AS

ACCOUNTANTS.

25 November 1993

THE FEDERAL GOVERNMENT HAS RECENTLY SET UP A COMMITTEE, CHAIRED BY MR RON SACKVILLE QC, TO DEVELOP PROPOSALS TO MAKE THE JUSTICE SYSTEM CHEAPER, FAIRER AND MORE ACCESSIBLE. THE COMMITTEES TERMS OF REFERENCE INCLUDE A NUMBER OF POINTS RELATING TO THE LEGAL PROFESSION.

THE WORK THAT IS NEEDED TO IMPLEMENT REFORMS OF THIS KIND CAN BE VERY DEMANDING ON PUBLIC RESOURCES. AND IT WOULD BE WASTEFUL FOR US TO DUPLICATE WORK THAT IS BEING DONE ELSEWHERE. THE WORK OF THE TRADE PRACTICES COMMISSION AND THE SACKVILLE COMMITTEE, AND REFORMS BEING INTRODUCED IN OTHER JURISDICTIONS WILL, OVER THE NEXT YEAR OR SO, BE EVALUATED AS A BASIS FOR LOCAL REFORM. THE REFORM PROCESS WILL INCLUDE FULL CONSULTATION WITH THE LEGAL PROFESSION, THE COURTS AND THE PUBLIC.

MY DEPARTMENT HAS ALREADY RELEASED A DISCUSSION PAPER PROPOSING TO END LAWYERS MONOPOLY ON CONVEYANCING. AT PRESENT, PLANS ARE BEING DEVELOPED FOR A SCHEME TO ENSURE THAT NON-LAWYERS WHO PERFORM CONVEYANCING SERVICES ARE APPROPRIATELY QUALIFIED AND THAT CLIENTS INTERESTS ARE ADEQUATELY PROTECTED.

THE TRADE PRACTICES COMMISSIONS DRAFT REPORT, IN ASSESSING COMPLAINTS HANDLING AND DISCIPLINARY SYSTEMS, SAYS THAT "A NUMBER OF COMMON FEATURES

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NEED TO BE INCORPORATED INTO EACH JURISDICTIONS DISCIPLINARY ARRANGEMENTS TO RESTORE OR MAINTAIN PUBLIC CONFIDENCE IN THE COMPETENCE AND INTEGRITY OF THE PROFESSION AND TO PROVIDE AVENUES FOR SATISFACTORY REDRESS FOR COMPLAINANTS".

THE KEY FEATURES WHICH THE COMMISSION SAYS SHOULD CHARACTERISE A COMPLAINTS AND DISCIPLINE SYSTEM FOR THE LEGAL PROFESSION INCLUDE THE FOLLOWING.

FIRSTLY, LAY PERSONS SHOULD HAVE AT LEAST EQUAL REPRESENTATION WITH LEGAL PRACTITIONERS IN EVERY LEVEL OF THE COMPLAINTS HANDLING AND DISCIPLINE ARRANGEMENTS, AND LAY REPRESENTATIVES SHOULD PREDOMINATE AT THE COMPLAINTS HANDLING LEVEL.

SECONDLY, THERE SHOULD BE A RIGHT OF INDEPENDENT REVIEW AVAILABLE TO CONSUMERS AT EVERY LEVEL OF THE PROCESS.

THIRDLY, AND SUBJECT TO APPROPRIATE PRIVACY SAFEGUARDS, THE PUBLIC SHOULD HAVE ACCESS TO THE COMPLAINTS HANDLING AND DISCIPLINARY PROCESS, AND THERE SHOULD BE PUBLIC REPORTING OF OUTCOMES AND THE REGULAR PUBLICATION OF COMPLAINTS INVESTIGATED, REMEDIAL ACTION AND DISCIPLINE IMPOSED.

AND FOURTHLY, LEGAL PROFESSIONAL BODIES SHOULD HAVE A STATUTORY DUTY TO PROMOTE CONSUMER

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AWARENESS OF THE ETHICAL RESPONSIBILITIES OF LAWYERS AND OF THE COMPLAINTS HANDLING AND DISCIPLINARY ARRANGEMENTS.

ALTHOUGH THE AMENDMENTS INCLUDED IN THE PRESENT BILL WILL GREATLY IMPROVE THE SITUATION HERE, THERE IS STILL SOME WAY TO GO TO CREATE IN THE ACT A SYSTEM WHICH MEETS THE RECOMMENDATIONS OF THE TRADE PRACTICES COMMISSION. THE AMENDMENTS WILL OVERCOME ONE PROBLEM WHICH WAS DISCUSSED IN THE COMMISSIONS REPORT - THAT IS, THAT THE LEGISLATION AS IT PRESENTLY STANDS DOES NOT ENABLE DISCIPLINARY ACTION TO BE TAKEN AGAINST SOLICITORS WHO ARE ACCUSED OF NEGLIGENCE OR DELAY. THE NEW DISCIPLINARY OFFENCE OF UNSATISFACTORY PROFESSIONAL CONDUCT WILL CORRECT THAT PROBLEM.

I INTEND TO EXAMINE THE ISSUE OF FURTHER REFORMS IN THIS AREA TO MEET THE COMMISSIONS STANDARDS -RECOGNISING, OF COURSE, THAT WHAT HAS BEEN PROPOSED IN THE DRAFT REPORT MAY CHANGE IN THE FINAL DOCUMENT. SOME ASPECTS OF THE ACT COMPLAINTS AND DISCIPLINE SYSTEM WHICH STILL SEEM TO NEED REFORM INCLUDE PROVIDING A STATUTORY BASIS FOR THE WAY COMPLAINTS ARE HANDLED PRIOR TO A DECISION BY THE COUNCIL OF THE LAW SOCIETY TO INITIATE PROCEEDINGS BEFORE THE BOARD OR THE SUPREME COURT, AND PROVIDING FOR LAY INVOLVEMENT IN, AND INDEPENDENT REVIEW OF, THAT PROCESS.

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IT MUST NOT BE OVERLOOKED THAT A SIGNIFICANT PART OF THE COMMISSIONS REPORT RELATES TO BARRISTERS. THE REPORT CRITICISES THE ARRANGEMENTS IN THOSE JURISDICTIONS WHERE THE PROFESSION IS FORMALLY DIVIDED INTO TWO SEPARATE STREAMS OF BARRISTERS AND SOLICITORS, AND CRITICISES BAR RULES THAT SUPPORT ANTI-COMPETITIVE PRACTICES.

THE REPORT NOTES THAT IN THE ACT, AS WELL AS IN SOME STATES AND THE NORTHERN TERRITORY, THE LEGAL PROFESSION IS NOT FORMALLY DIVIDED AND BAR RULES ARE NOT AS RESTRICTIVE AS IN SOME OTHER JURISDICTIONS. NEVERTHELESS, THE PROCESS OF FURTHER REFORM OF THE PROFESSION IN THE TERRITORY WILL NEED TO EXAMINE THE RELATIONSHIPS BETWEEN THE TWO STREAMS OF THE PROFESSION AND ASSESS WHETHER CHANGES ARE NEEDED.

ONE SUCH ISSUE THAT WILL BE EXAMINED IS WHETHER TO BRING BARRISTERS WITHIN THE SCOPE OF THE STATUTORY COMPLAINTS AND DISCIPLINARY SYSTEM. THE SYSTEM SET UP BY THE LEGAL PRACTITIONERS ACT APPLIES ONLY TO SOLICITORS. THE ACT BAR ASSOCIATION HAS ITS OWN RULES GOVERNING COMPLAINTS ABOUT, AND DISCIPLINE OF, ITS MEMBERS. IT MAY BE SENSIBLE FOR THE TERRITORY TO HAVE A SINGLE COMPLAINTS AND DISCIPLINE SYSTEM FOR THE ENTIRE LEGAL PROFESSION IN THE ACT. AS IS THE PRACTICE ELSEWHERE, THE COMPOSITION OF THE DISCIPLINARY TRIBUNAL COULD CHANGE SOMEWHAT,

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DEPENDING ON WITHER IT WAS DEALING WITH A BARRISTER OR A SOLICITOR.

I LOOK FORWARD TO DISCUSSING THESE ISSUES WITH ALL THE RELEVANT PARTIES. INCLUDING MEMBERS OF THE PUBLIC WHO ARE CONSUMERS OF LEGAL SERVICES. I AM PERSONALLY COMMITTED TO THE GENERAL THRUST OF TI TRADE PRACTICES COMMISSIONS RECOMMENDATIONS -THAT IS, THAT THERE SHOULD BE A COMPREHENSIVE RANGE OF REFORMS DIRECTED AT ENHANCING COMPETITION AND EFFICIENCY IN THE LEGAL SERVICES MARKET. I LOOK FORWARD TO DEVELOPING AND INTRODUCING LEGISLATION TO IMPLEMENT SUCH REFORMS.

I NOTE THAT TI ASSEMBLY COMMITTEE ON LEGAL AFFAIRS HAS, IN ITS REPORT ON ACCESS TO JUSTICE, INDICATED A WILLINGNESS TO INQUIRE INTO THE LEGAL PROFESSION IN THE ACT. TIRE MAY, AT SOME FUTURE TIME, BE ASPECTS OF TI LEGAL PROFESSION THAT IT WOULD BE USEFUL FOR THE COMMITTEE TO EXAMINE. FOR THE MOMENT HOWEVER, I BELIEVE WE ARE CLOSE TO TI POINT WHEN THE EMPHASIS SHOULD SHIFT FROM WHAT NEEDS TO BE DONE TO HOW TO DO IT. ONCE THE TRADE PRACTICES COMMISSION ISSUES ITS FINAL REPORT AND THE SACKVILLE COMMITTEE MAKES ITS RECOMMENDATIONS, I BELIEVE THAT THE MAIN REFORMS THAT NEED TO BE INTRODUCED WILL BE WELL ESTABLISHED, AND WE SHOULD PROCEED TO IMPLEMENTATION PLANS RATHER THAN FURTHER INQUIRIES.

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IN CONCLUSION, I MUST POINT OUT THAT MY COMMENTS

ABOUT THE NEED FOR FURTHER REFORMS IN THIS AREA DO NOT DIMINISH MY
SATISFACTION WITH THE AMENDMENTS

INCLUDED IN THE PRESENT BILL. IN PARTICULAR, THE NEW EMPHASIS ON
CONCILIATION AND REMEDIATION IN MATTERS INVOLVING SOLICITORS
PROFESSIONAL SHORTCOMINGS IS A SIGNIFICANT ADVANCE. THE
AMENDMENTS HAVE BEEN

DEVELOPED LARGELY AT THE REQUEST OF THE LAW
SOCIETY, AND THE SOCIETY HAS BEEN ACTIVELY INVOLVED

IN EXAMINING AND COMMENTING ON SUCCESSIVE DRAFTS OF THE LEGISLATION. I
THANK THE LAW SOCIETY FOR THAT,

AND I COMMEND THE BILL TO THE ASSEMBLY.

MADAM SPEAKER, I PRESENT THE EXPLANATORY MEMORANDUM FOR THE BILL.

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25 November 1993

APPENDIX 6:

(Incorporated in Hansard on 25 November 1993 at page 4127)

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

COMMUNITY LAW REFORM COMMITTEE BILL 1993

PRESENTATION SPEECH

Circulated by authority of
Terry Connolly MLA Attorney General

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THIS BILL GIVES STATUTORY RECOGNITION TO THE A.C.T. COMMUNITY LAW REFORM COMMITTEE. THIS COMMITTEE HAS OPERATED SINCE 1990 AS A MINISTERIAL COMMITTEE ADVISING ON LAW REFORM ISSUES. IN THIS TIME, IT HAS BEEN OPERATING ACCORDING TO A NON-STATUTORY CONSTITUTION. THIS BILL NOW GIVES THE COMMITTEES REVISED CONSTITUTION LEGISLATIVE FORM, PROVIDING A FIRM BASIS FOR ITS FORM AND FUNCTIONS.

THIS BILL ALSO SERVES TO PROTECT COMMITTEE MEMBERS AND WITNESSES AGAINST THE POSSIBILITY OF LEGAL PROCEEDINGS CONCERNING COMMITTEE ACTIVITIES DONE IN GOOD FAITH.

IT ALSO PROVIDES THAT INFORMATION WHICH IS GIVEN TO THE COMMITTEE IN CONFIDENCE WILL REMAIN SECRET. MEMBERS AND STAFF OF THE COMMITTEE WILL NOT BE ALLOWED TO DISCLOSE CONFIDENTIAL INFORMATION OUTSIDE THE COMMITTEE AND ITS STAFF. A PENALTY OF \$5000 OR 6 MONTHS IMPRISONMENT OR BOTH IS PROVIDED IF THIS PROVISION IS BREACHED.

THIS PROVISION IS AN IMPORTANT ONE TO FOSTER CONFIDENCE IN THOSE WHO WISH TO MAKE SUBMISSIONS TO THE COMMITTEE BUT DO NOT WANT THOSE SUBMISSIONS TO BE MADE PUBLIC. IT SHOULD BE NOTED IN THIS REGARD THAT THE COMMITTEE CONSIDERS MANY CONTROVERSIAL AND SOMETIMES DISTRESSING MATTERS SUCH AS SEXUAL ASSAULT AND DOMESTIC VIOLENCE

25 November 1993

THE BILL ALSO ENTITLES COMMITTEE MEMBERS TO BE PAID FOR ATTENDING COMMITTEE MEETINGS AND TO BE REIMBURSED FOR ANY REASONABLE EXPENSES INCURRED IN THE COURSE OF PERFORMING OTHER COMMITTEE FUNCTIONS. FROM THE TIME THE COMMITTEE WAS FIRST ESTABLISHED UNTIL EARLIER THIS YEAR, COMMITTEE MEMBERS RECEIVED NO PAYMENT FOR THEIR CONTRIBUTIONS TO LAW REFORM. THE WORKLOAD OF THE COMMITTEE IS VERY DEMANDING AND MEMBERS DEVOTE A SUBSTANTIAL AMOUNT OF THEIR OWN TIME TO CONSIDERING COMPLEX LEGAL ISSUES AND THE PREPARATION OF REPORTS AND LEGISLATION. THE GOVERNMENT AGREED EARLIER THIS YEAR THAT THE COMMITTEE MEMBERS SHOULD BE PAID AND BE REIMBURSED FOR EXPENSES. THIS IS NOW FORMALLY PROVIDED FOR IN THE BILL. IT SHOULD BE STRESSED THAT THE COMMITTEE WILL CONTINUE TO OPERATE IN ITS EXISTING FORM. THE A.C.T. LAW REFORM MODEL DIFFERS FROM THOSE IN OTHER AUSTRALIAN JURISDICTIONS BECAUSE OF ITS CLOSE TIES TO GOVERNMENT. IN LARGE MEASURE, THIS CLOSENESS IS MAINTAINED BECAUSE SECRETARIAT SUPPORT FOR THE COMMITTEE IS PROVIDED BY THE ATTORNEY-GENERALS DEPARTMENT, RATHER THAN BY A BODY WHICH IS SEPARATE FROM THE GOVERNMENT. THIS MODEL AVOIDS THE PITFALLS MET BY OTHER LAW REFORM COMMISSIONS IN OTHER STATES WHICH ADOPT THE TRADITIONAL MODEL IN WHICH THE LAW REFORM BODY WORKS AT ARMS LENGTH FROM THE GOVERNMENT, PRODUCING REPORTS WHICH ARE OFTEN IMPRACTICAL TO GOVERNMENT.

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APART FROM THE PRACTICAL ISSUES WHICH FLOW FROM
STATUTORY RECOGNITION, THIS BILL ALSO HAS AN IMPORTANT
SYMBOLIC IMPORTANCE. IT REPRESENTS THE GOVERNMENTS
COMMITMENT TO LAW REFORM AND A "COMING OF AGE" OF THE
TERRITORY IN MANAGING ITS OWN LEGAL AFFAIRS.

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25 November 1993

APPENDIX 7:

(Incorporated in Hansard on 25 November 1993 at page 4128)

1993

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY
NATIONAL CRIME AUTHORITY (TERRITORY PROVISIONS) (AMENDMENT)
BILL 1993**

PRESENTATION SPEECH

Circulated by authority of

Terry Connolly MLA

Attorney General

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MADAM SPEAKER, THIS IS A BILL TO AMEND THE NATIONAL CRIME AUTHORITY (TERRITORY PROVISIONS) ACT 1991.

IN DECEMBER 1991 THE A.C.T. ENACTED THE NATIONAL CRIME AUTHORITY (TERRITORY PROVISIONS) ACT 1991. THAT ACT WAS UNDERPINNING LEGISLATION TO THE COMMONWEALTH NATIONAL CRIME AUTHORITY ACT 1984 AND FORMED PART OF A LEGISLATIVE SCHEME WHICH PROVIDED THE LEGAL BASIS FOR THE NATIONAL CRIME AUTHORITY TO INVESTIGATE BREACHES OF STATE AND TERRITORY LAW.

SINCE THAT TIME THE COMMONWEALTH HAS AMENDED THE NATIONAL CRIME AUTHORITY ACT 1984 AND THESE PROPOSED AMENDMENTS WILL BRING THE A.C.T. LEGISLATION INTO LINE WITH THAT OF THE COMMONWEALTH. ALL STATES HAVE AGREED TO AMEND THEIR UNDERPINNING LEGISLATION TO ACHIEVE THE AIM OF COMPLEMENTARY LEGISLATION ACROSS AUSTRALIA.

THE MAIN CLAUSES PROVIDE THAT, IN AN APPROPRIATE CASE AND SUBJECT TO SOME RESTRICTIONS, A SUMMONS TO A WITNESS ISSUED UNDER SECTION 16 OF THE NATIONAL CRIME AUTHORITY (TERRITORY PROVISIONS) ACT 1991 OR A NOTICE REQUIRING PRODUCTION OF A DOCUMENT OR OTHER ITEM OF EVIDENCE ISSUED UNDER SECTION 17, MAY INCLUDE A NOTATION PROHIBITING DISCLOSURE OF ANY INFORMATION RELATING TO THE SUMMONS OR NOTICE OR TO ANY OFFICIAL MATTER CONNECTED WITH IT.

THESE PROVISIONS ARE DESIGNED TO PREVENT PEOPLE WHOSE ACTIVITIES ARE UNDER INVESTIGATION BY THE MCA FROM BECOMING AWARE OF THE INVESTIGATION. THIS HAS HAPPENED IN THE PAST WHEN, FOR EXAMPLE, FINANCIAL INSTITUTIONS RECEIVED SUMMONSES OR NOTICES RELATING TO THEIR CLIENTS AFFAIRS AND FELT LEGALLY OBLIGED TO INFORM THEIR CLIENT. ON BEING TOLD OF THE RECEIPT OF SUCH PROCESS, SUSPECTS HAVE CONCEALED OR DESTROYED EVIDENCE OR GONE INTO HIDING, THUS FRUSTRATING MCA INVESTIGATIONS. THE AMENDMENT AIMS TO PREVENT THIS HAPPENING IN THE FUTURE AND CLARIFIES THE LEGAL POSITION OF BODIES SUCH AS FINANCIAL INSTITUTIONS.

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THE PROVISIONS HAVE BEEN DESIGNED IN A WAY WHICH IS CONSISTENT WITH THE MCAs DESIRE TO BE MORE OPEN AND ACCOUNTABLE. INSTEAD OF A BLANKET PROHIBITION, THEY WILL ONLY APPLY WHERE A DECISION IS MADE TO RESTRICT DISCLOSURE IN A PARTICULAR CASE.

THE AMENDMENT CONTAINS A NUMBER OF SAFEGUARDS. DEPENDING ON THE PARTICULAR CASE, DISCLOSURE IS PERMITTED IN THE CIRCUMSTANCES SPECIFIED IN THE NOTATION RESTRICTING DISCLOSURE. ADDITIONALLY, THE AMENDMENT GUARANTEES THAT DISCLOSURE CAN ALWAYS BE MADE TO OBTAIN LEGAL ADVICE, LEGAL AID, OR INSTRUCTIONS IN RELATION TO WAIVING LEGAL PROFESSIONAL PRIVILEGE OR TO COMPLY WITH ANY LEGAL DUTY OF DISCLOSURE ARISING FROM THE LEGAL PRACTITIONER/ CLIENT RELATIONSHIP.

THE AMENDMENT WILL ALSO ENSURE THAT PEOPLES SAFETY IS NOT THREATENED, OR THEIR REPUTATION OR FAIR TRIAL IS NOT PREJUDICED BY OTHERS REVEALING THE EXISTENCE OF MCA PROCESS, OR ANY INFORMATION ABOUT R OR ANY CONNECTED PROCEEDINGS OR INVESTIGATIONS.

THE PROHIBITIONS ON DISCLOSURE ULTIMATELY TERMINATE AUTOMATICALLY. WHEN THIS HAPPENS THE MCA IS REQUIRED TO NOTIFY THE PARTIES ON WHOM THE ORIGINAL SUMMONS OR NOTICE WAS SERVED.

THE BILL ALSO MAKES AMENDMENTS WHICH WILL ENABLE THE MCA TO APPLY FOR A WARRANT OF APPREHENSION WHERE A PERSON FAILS OR REFUSES TO APPEAR AT AN MCA HEARING. THIS WILL CORRECT A PRESENT ANOMALY UNDER THE ACT WHEREBY A WARRANT OF APPREHENSION CAN BE ISSUED WHERE A PERSON HAS ABSCONDED, IS LIKELY TO ABSCOND, OR IS OTHERWISE LIKELY TO ATTEMPT TO EVADE SERVICE OF A SUMMONS, BUT NOT WHERE A PERSON FAILS OR REFUSES TO ATTEND THE ACTUAL HEARING.

ALSO INCLUDED ARE TECHNICAL AMENDMENTS TO INTRODUCE GENDER NEUTRAL LANGUAGE, AND MINOR AMENDMENTS WHICH ARE INTENDED TO STREAMLINE THE AUTHORITYS DAY-TO-DAY OPERATIONS TO REDUCE THE NEED FOR MEETINGS OF THE AUTHORITY.

MADAM SPEAKER, WITH THE PASSAGE OF THIS BILL THE A.C.T. WILL CONTINUE TO FULFIL ITS RESPONSIBILITIES BY HAVING IN PLACE LEGISLATION WHICH IS COMPLEMENTARY TO THAT IN ALL OTHER JURISDICTIONS IN THE FIGHT AGAINST CRIME.

APPENDIX 8:

(Incorporated in Hansard on 25 November 1993 at page 4171)

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

QUESTION WITHOUT NOTICE TAKEN ON NOTICE : 26 AUGUST 1993

MS FOLLETT- On Thursday August, 1993 Mrs Carnell asked me about the amount of money lost by the ACT Government in the collapse of Australian Capital Auctioneers.

MY ANSWER IS: ACT Government exposure amounts to \$36 373 as a result of the voluntary liquidation of Sale-O Pty Ltd (trading as Australian Capital Auctioneers). This is spread over a number of Agencies. However, as a result of this, where exposure has been identified the Agencies have examined their procedures and controls to ensure the safe guarding of Territory assets and moneys.

ACT Gave. Agencies are responsible for the recording, administration, maintenance and disposal of the assets under their program control. The Territorys :Treasury Directions place a legal obligation on Administrative Units to establish and maintain Asset Registers that enable a properly classified and continuous record of assets under their control.

The Department of Urban Services and ACT Treasury are currently developing policies on Disposals it Assets Management that will address the issues regarding assets valuation, control, reporting; accountability and disposal.

The ACT Government Solicitor is currently examining the legislation in relation to auctioneers.

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25 November 1993

APPENDIX 9:

(Incorporated in Hansard on 25 November 1993 at page 4172)

TABLING STATEMENT

DRAFT ACT ROAD SAFETY STRATEGY

To be delivered by:

Terry Connolly, MLA
Minister for Urban Services

4280

DRAFT ACT ROAD SAFETY STRATEGY

Road safety affects virtually every member of society, whether as pedestrian, driver, passenger, cyclist or motorcyclist. An accident can change our lives in seconds.

Furthermore, the way we live our lives affects our safety on the roads. Are we tired, over-confident or distracted by children? These factors can determine whether we arrive safely at our destinations. No-one intends that an accident will happen, yet most accidents are the result of combinations of particular human behaviours such as speeding, drinking, and misjudgment.

The Government has given road safety a high priority. Recent Government action on road safety includes the introduction of:

points demerit and graduated driver licensing schemes, and child restraint legislation making it compulsory for all children to wear suitable restraints.

The Government will continue to give road safety a high priority. Road safety, however, is not just the responsibility of government. Everyone who uses the roads bears responsibility for the level of safety on our roads.

For this reason, the Government is seeking to involve the community in the development of an ACT Road Safety Strategy - a comprehensive document that will identify actions and strategies for better road safety from now until the year 2001.

The ACT has a good road safety record. Indeed, ACT fatality rates have been consistently lower than the national average for over a decade. The ACT has had the lowest fatality rates per 100 000 population of any Australian state or territory every year for the last 10 years.

In addition, the ACT fatality rate has been steadily declining over the past 20 years. Several highly effective road safety campaigns have led to a decline in road trauma in the ACT, and nationally, since the 1970s. Campaigns such as random breath testing and compulsory seatbelt wearing have successfully combined education programs and the enforcement of new road laws.

Yet any level of fatalities is too high. Our data over the years show that, on average, there has been a death on ACT roads every two weeks.

In addition, one must not forget accident victims with serious injuries - on average, four of these a week. Quite apart from the personal pain and suffering involved, many victims require long term care and rehabilitation, putting enormous pressure on family and friends who must find the strength to support and encourage them over extended periods of time.

The economic costs of road trauma are also high. A study of ACT road accidents commissioned by the NRMA-ACT Road Safety Trust estimated that accidents cost the ACT \$150 million per year. This represents some \$500 for every man, woman and child in Canberra. A reduction in road accidents would free up government and community resources to better serve the community in other areas.

Despite the advances of the past decade, I firmly believe that we should now take action with the intention that even fewer people will be killed or injured on ACT roads, and make our roads amongst the safest in the world.

The Government now extends an invitation to every member of the community to acknowledge his or her responsibility for road safety by helping develop a Road Safety Strategy for the ACT.

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The main goals of the Draft ACT Road Safety Strategy are:

to contain present road trauma levels despite increased population and road travel, and to create greater community ownership of, and participation in, road safety.

The Draft Strategy identifies six key issues. The first of these is co-ordination and community involvement. It is essential that the limited resources available to promote safety are spent in the most cost-effective way for the community. A framework must be established to ensure there is adequate planning, joint decision making, information sharing and correct prioritisation for road safety programs.

The second key issue is education and the encouragement of safe practice. This strategy, while emphasising the need for education in regard to traffic regulations, also stresses the need for all road users to adopt safe practices. These are habits or behaviours which, while not required by law, will improve road safety. Examples are the use of pedestrian refuge islands, and the use vehicle lights when visibility is poor. Safe practices are vital to our Strategy.

The third key issue is transport and land use planning. If the Road Safety Strategy is to have the desired impact on the community, both now and for future generations, we must incorporate safety concerns when planning land use and future transport needs. Progress in the area requires a steady emphasis on safety and accessibility.

Another key issue is related to safety standards and engineering. Measures in this group aim to ensure that road safety engineering standards are maintained. In addition, this strategy supports the introduction of a new development in road engineering practices - formal safety audits. While design standards set minimum safety levels, safety audits focus on road safety and indicate maximum safety levels.

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Enforcement is a further key issue in the Draft ACT Road Safety Strategy. Traffic laws and vehicle safety standards must be seen to be enforced to ensure compliance. This strategy recognises the need for enforcement agencies to maintain a high presence in the community and to target areas and periods of high risk.

The final key issue of the Draft Strategy relates to research, evaluation and reporting. In order to monitor our progress it is essential that a comprehensive data base be established. The collection of data on serious accidents needs to be improved so that we can establish and monitor trends, and provide strategic planning for road safety. Reliable data and data analysis are also necessary for the evaluation and monitoring of specific road safety initiatives.

The Draft Strategy includes some items which highlight areas for future investigation or development, such as initiatives to target high risk and repeat traffic offenders, and other items that reflect current government action, such as the introduction of a safety audit system.

The Draft Strategy clearly identifies specific targets for reductions in:

road deaths, hospitalisation accidents, and third party insurance claims.

Because the sample size of ACT road accidents is relatively small, and therefore open to distortion through particularly good or bad years, sample years are grouped together by means of moving averages. This process provides the level of stability necessary to ensure the ACT Road Safety Targets are reasonable.

The first target is for the ten-year moving average of annual road fatalities never to exceed 30 for the period until 2001 despite any population increase.

Secondly, the three-year moving average of annual hospitalisation accidents is never to exceed 180 over this same period.

Thirdly, the three-year moving average of ACT third party insurance claims is not to exceed 0.6 of one percent of all policies issued.

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To put these targets in perspective, the limits I have just mentioned approximate existing fatality, hospitalisation accident, and third party insurance claim rates. It is anticipated that population will grow at the rate of 1.8% per annum for the next 15 years, and that road travel will grow at a rate similar to that predicted nationally, that is 25% by the year 2001. What we are hoping to achieve is no growth in the numbers of fatalities and serious injuries even though the amount of travel will increase considerably. The target for fatalities, for example, amounts to a 30% decrease in the fatality rate.

An early draft of the ACT Road Safety Strategy was developed in co-operation with the police. During August and September 1993, organisations with an interest in road safety were asked to comment on the earlier version of the Strategy. The Government is concerned that the road safety actions of groups outside the Government are recognised and encouraged so that by working on many fronts we can achieve the targets for road trauma reduction.

The organisations contacted during this first stage of consultation included:

the Child Accident Prevention Foundation of Australia, the NRMA, Aerial Taxis, road user groups such as the Motorcycle Riders Association, Pedal Power, and the Council of ACT Motor Clubs, community groups such as the Council on the Ageing, organisations involved in education, including the Catholic Education Office and Transport Training trade unions, and organisations associated with the road transport, insurance, health, and hospitality industries.

The responses from these organisations indicated support for the main thrust of the Strategy, in particular the key issue concerning community ownership of road safety. Most of these organisations also expressed a willingness to be involved in future planning for road safety, and some expressed particular views on issues such as the future of vehicle inspection stations. Several organisations listed their own road safety actions and many of these actions have been incorporated in the revised Draft Strategy that I am tabling today.

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25 November 1993

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The second stage of consultation involves taking the Draft Strategy to individual Canberrans. We would like as many people in the community as possible to have access to the Strategy and to provide their views for incorporation in the Strategy.

A three month period of consultation is planned, with comments being accepted until 1 March 1994. Documents will be available at ACT Government Shopfronts, Motor Vehicle Registries and Libraries, and contact information will be advertised in newspapers shortly.

The Draft ACT Road Safety Strategy charts a course that-aims to. -

- reduce the rate of trauma on our roads to at least the year 2001, and
- increase in every member of the community as awareness of the need for road safety.

The success of the ACT Road Safety Strategy and the possibility of making further gains in road safety will largely depend on the communitys support for, and involvement in, the Strategy.

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