



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

12 May 1994

Thursday, 12 May 1994

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

SUPPLY BILL 1994-95

MS FOLLETT (Chief Minister and Treasurer) (10.30): I present the Supply Bill 1994-95.

Title read by Clerk.

MS FOLLETT: Madam Speaker, I move:

That this Bill be agreed to in principle.

This Bill is to authorise expenditure from the Consolidated Revenue Fund after 1 July 1994. It is an interim Bill which will lapse upon the enactment of the Appropriation Bill 1994-95 which will be introduced into this Assembly with the 1994-95 budget for the ACT. The Bill authorises an amount of \$515,595,800 to be issued by the Treasurer from the Consolidated Fund. This amount will be issued for the programs specified in the Schedule to cover payments necessary for the continuing operation of government services.

The amounts for each program provide for expenditure for the interim period between the commencement of the financial year and the passing of the Appropriation Bill. The amount provided is less than that of previous years due to the earlier budget presentation. The appropriations represent amounts expected to be paid out during the supply period. However, as this is the first time we will introduce a budget in June, some three months earlier than in the past, we have included additional funds in the Bill as a contingency. It is unlikely that the full amount provided in the Supply Bill will be required if the current budget timetable is met and, therefore, the full benefit of an earlier budget cycle achieved.

Additional allowances have been made for full year Comcare premiums payable during supply; half of the full year estimate for the Treasurer's Advance to meet circumstances unforeseen at the time of preparing the Supply Bill; capital works expenditure which is skewed towards the first half of the financial year; and non-government grants which are paid in instalments. No provision has been made for policy changes, as is the usual practice. Policy and other changes in budgetary arrangements will be addressed in the formulation of the budget for 1994-95 and will be presented to the Assembly in that context.

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The Supply Bill details the programs within the structure of the administrative arrangements orders. However, there are some changes in program order from that presented in the 1993-94 program structure as a result of the creation of the new Department of Public Administration and Bureau of Sport, Recreation and Racing. In addition, the higher education and training program has been renamed to training to reflect the transfer of the higher education component to government schooling. The estimates also reflect a transfer of responsibility for accommodation services from the former government corporate services program to the corporate development for the Department of Urban Services program.

The Supply Bill provides for two new trust accounts, being the Sport and Recreation Programs Facilities Trust Account and the ACT Health Special Purpose Funds Trust Account, which are expected to become operational during the supply period. I now present the explanatory memorandum for the Bill.

Debate (on motion by Mr Kaine) adjourned.

PUBLIC SECTOR MANAGEMENT (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 1994

MS FOLLETT (Chief Minister and Treasurer) (10.34): I present the Public Sector Management (Consequential and Transitional Provisions) Bill 1994.

Title read by Clerk.

MS FOLLETT: Mr Deputy Speaker, I move:

That this Bill be agreed to in principle.

Mr Deputy Speaker, this Bill complements the Public Sector Management Bill 1994 and completes the package of primary legislation necessary for the establishment of a separate ACT public service. The Bill makes certain transitional arrangements in consequence of the enactment of the Public Sector Management Bill and amends various Territory laws consequent upon the establishment of the new service. In particular, the Bill amends previous Territory employment legislation to require that staff of various statutory authorities and the staff assisting various statutory office holders be members of the new Australian Capital Territory Government Service. Examples of authorities affected by these changes are ACT Electricity and Water and the Canberra Theatre Trust.

There are two authorities I should mention at this point because of their particular circumstances. The first is the ACT Totalizator Administration Board, or ACTTAB, as it is known. The Bill includes clauses to bring ACTTAB staff into the new service in the same way as the staff of other authorities. However, because of Professor Pearce's current inquiry into matters connected with ACTTAB, the Government proposes that provisions relating to that organisation will commence on 1 January 1995. This will allow the Government to study any recommendations Professor Pearce might make affecting the administration of ACTTAB.

The second authority is the Australian International Hotel School which was established under the Canberra Institute of Technology (Amendment) Act 1994 passed by the Assembly last month. While many of the staff at the hotel school will be members of the new ACT Government Service, the law as it currently stands allows the hotel school to employ people outside the public service as well. The Government believes, in principle, that these staff should become members of the new service under equivalent provisions, but wishes to assess in more detail the implications of that move, particularly for the school's partnership with Cornell University in the United States of America. For these reasons, amendments relating to the hotel school have not been brought forward at this time.

The Bill puts in place transitional arrangements that provide a mechanism for the transfer of existing Australian Public Service and Territory staff to the new Government Service. A number of these clauses give effect to the Government's commitment that the terms and conditions of existing staff will not be reduced. In line with this commitment, government officers will be appointed to offices in the new service corresponding with their former offices, and existing employment contracts will be carried over into the new service.

The establishment of the Territory as the single employing authority will result in almost all Territory employees being employed under the same terms and conditions framework. Administratively this will lead to a more efficient and accountable government service and future reform will be much easier to achieve. In fact, Mr Deputy Speaker, it has been reported to me that we are the envy of other public services for achieving this single employer framework.

I would like now to outline some of the major provisions associated with the Public Sector Management (Consequential and Transitional Provisions) Bill. The early provisions of the Bill focus on the transfer of various officers and employees into the new service. This not only includes those previously employed by the Australian Public Service but other Territory employees as well. Members of the Teaching Service and staff of the Australian Capital Territory Electricity and Water Authority are examples. Part II of the Bill also includes specific provisions to transfer existing administrative heads, who are currently employed under fixed term contract, to the new service. These provisions will ensure that the people in these offices at the start of the new service can continue their service under the provisions of the Public Sector Management Bill. Part III of the Bill deals with the 89 pieces of legislation that require amendment as a consequence of the establishment of the new service. A number of Acts require amendments to the provisions under which staff were previously employed, while some minor amendments relate to titles and terminology.

While not a matter specifically dealt with by this Bill, I believe that this is the right time to say something about the protection of the privacy of information held by agencies. The Commonwealth's Privacy Act 1988 has provided a range of protections in relation to the collection, storage, use and disclosure of information since self-government.

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The creation of the ACT Government Service would effectively end that protection except in relation to the courts. The Commonwealth has been approached to extend the application of its Act beyond the date on which the service is established and to cover all agencies, with limited exceptions, on the basis that the continued application of the Commonwealth's privacy scheme will be only so long as the Assembly wishes. This will enable the Territory to give consideration to its needs in this area in the future.

Debate on this Bill is expected to occur after the presentation of the report of the select committee on the establishment of the separate ACT public service. The Bill is being introduced at this time in order to allow cognate debate with the Public Sector Management Bill, which the Government introduced in the last sittings, to occur. Mr Deputy Speaker, this Bill represents the final step towards the establishment of a unified, merit based and equitable public service, and I commend it to the Assembly. I present the explanatory memorandum.

Debate (on motion by Mr Kaine) adjourned.

POISONS AND DRUGS (AMENDMENT) BILL 1994

MR CONNOLLY (Attorney-General and Minister for Health) (10.41): Mr Deputy Speaker, I present the Poisons and Drugs (Amendment) Bill 1994.

Title read by Clerk.

MR CONNOLLY: I move:

That this Bill be agreed to in principle.

Mr Deputy Speaker, there are a number of prescription drugs on the market for which the National Health and Medical Research Council recommends additional controls. These controls are published in the standard for the uniform scheduling of drugs and poisons. Five of these drugs were listed as restricted substances in the Poisons and Drugs Act 1978 in November 1986 and the categories of specialist doctors eligible to be authorised by the Medical Officer of Health to prescribe these drugs were specified.

The purpose of the Bill is to enable the transfer from the Poisons and Drugs Act to the Poisons and Drugs Regulations of both the list of restricted substances and the list of specialist doctors eligible to be authorised by the Medical Officer of Health to prescribe or supply them. This will facilitate the keeping of lists up to date and in line with the recommendations of the National Health and Medical Research Council. This is because it is far easier administratively for changes to be made to the lists if they can be altered by regulation rather than through legislative amendment, and, of course, any regulation is disallowable and subject to the full control of this place. This is important because the National Health and Medical Research Council has, since 1986, recommended that

another five drugs require additional controls. The passage of this amendment to the Poisons and Drugs Act 1978 will facilitate the adoption of these recommendations of the council with regard to restricted substances, and will facilitate timely future amendments to the list of restricted substances as the National Health and Medical Research Council from time to time makes additional recommendations or changes. Mr Deputy Speaker, I present an explanatory memorandum to that Bill.

Debate (on motion by Mrs Carnell) adjourned.

**PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Audit (Amendment) Bill 1993**

[COGNATE PAPER:

PUBLIC ACCOUNTS - STANDING COMMITTEE - REPORT ON AUDIT (AMENDMENT)
BILL 1993 - GOVERNMENT RESPONSE]

Debate resumed from 15 June 1993, on motion by Mr Kaine:

That the report be noted.

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

MR KAINE (10.43), in reply: Mr Deputy Speaker, I would remind - - -

MR DEPUTY SPEAKER: Excuse me, Mr Kaine. You will be concluding the debate. I remind other members of that situation.

Ms Follett: Mr Deputy Speaker, I may seek leave to speak after Mr Kaine. I need to hear what he says first.

MR DEPUTY SPEAKER: Very well.

MR KAINE: I have no objection to that, Mr Deputy Speaker. I would like to review the background to this Audit (Amendment) Bill because it is a quite old one. This matter has been sitting on the notice paper for quite some time. In fact, the Bill was tabled on 25 March last year. The Bill is, in fact, a very short one and merely amends a section of the principal Act, the Audit Act 1989. At first glance it is a fairly simple amendment, but closer examination revealed that if passed by the Assembly it would allow the Treasury to involve itself, among other things, in transactions called derivatives.

The Liberal Party examined the ramifications of this Bill in some detail and, given the present management arrangements for investment of surplus moneys held from time to time in Consolidated Revenue and in other places, we became concerned about this development. We were concerned that it should be permitted to occur without proper management arrangements for our investments being put in place. We objected to the Bill and it was referred to a committee for examination. The Public Accounts Committee spent a considerable amount of time and took a great deal of evidence on the question of derivatives and on the broader question of the management of the investment of surplus ACT public funds. That varies from day to day, depending on what is held in the Consolidated Fund and elsewhere.

Having conducted that inquiry, the Public Accounts Committee made four recommendations to this Assembly, and those recommendations were not made lightly. They were made after very careful consideration and expert evidence on what derivatives were, and on the general question of the handling of moneys that, from time to time, are surplus to the requirement of the Government. We believe those recommendations to be soundly based and, as is the case with most recommendations made to the Government by committees of this Assembly and endorsed by the Assembly, I think the members of the Public Accounts Committee expected a reasonable response. In fact, there was a total rejection of the recommendations of the committee. I remind the Assembly that those recommendations were endorsed by the Assembly.

We have an interesting situation. The Government clearly values its own uninformed opinion, or the support of the advice of its Treasury officials who, one could argue, have a vested interest in having a free rein on how they deal with matters of this kind, over and above the advice that was given to it by the Public Accounts Committee of the Assembly. That advice was not given without very substantial expert evidence being taken on the matter, yet the Government has rejected, outright, every recommendation that the committee made. I think that establishes a precedent and raises a question about whether the Government is prepared to listen to expert and substantive advice or whether it is not. That is a matter of some concern to me. It is a matter of concern to me as a member of the Assembly, and it is a matter of concern to me as chairman of the Public Accounts Committee.

I think the Government should re-evaluate its position on these matters. They have not given any substantive reason for rejecting the management arrangements that we suggested should be put in place, such as the setting up of a management board separate from the Treasury officials and at arm's length from the Government to oversee the investment of very large sums of money. It is public money, not money that should be played with by Treasury officials in some sort of gambling game. It is a very serious matter. We also made a recommendation that investment in derivatives should be set at no more than 5 per cent of the amount of money invested. That recommendation was based on very sound professional advice given to us by people who know the market very well and who know the inherent dangers and risks associated with investment in derivatives. It was not a recommendation that was made lightly, but the Government has merely set that aside as being irrelevant. I think this raises some very serious questions about where the Government is taking its advice from and the basis on which it totally rejects the advice from the committee.

I warn the Chief Minister and the Government that the Liberal Party, even before the committee was invited to look at the Bill, had determined that it would not support it. It still will not. With the potential support of the Independents, the Government may lose the Bill anyway if they are not prepared to listen to reasonable and sensible advice. I will be interested to hear the Chief Minister's rebuttal of my arguments. I am happy to allow her the courtesy of a reply, even though the standing orders do not require it. On what basis has the Government rejected what I believe to be very substantial expert advice on this matter?

MS FOLLETT (Chief Minister and Treasurer) (10.50), by leave: I would like to respond fairly briefly to the issues that Mr Kaine has raised. At the outset I want to put to rest the inference that Mr Kaine has made that the Government in some way undervalues the work of the Public Accounts Committee. That most certainly is not the case. I have welcomed report after report from the Public Accounts Committee, and I have responded in full to the recommendations of those reports. In this case I note that the response that I made was fairly lengthy and fairly detailed. I responded to each of the Public Accounts Committee's recommendations. I greatly value the work of that committee. As a former presiding member, I recognise the worth of the scrutiny that occurs in that committee. I do take their work very seriously. I always have, and I always will.

On this particular matter, however, it is clear to me that there is an irreconcilable difference of opinion between the Public Accounts Committee and the Government. Mr Kaine has accused me of ignoring the Public Accounts Committee's views. I have not. It must be obvious to all members that I have not proceeded with the Bill. What greater response could you have to the recommendations of the Public Accounts Committee? I do not intend to proceed with the Bill. Given that state of affairs, I think that Mr Kaine should be well satisfied.

I would like to say that when I introduced this Bill it was, as Mr Kaine says, in order to enable the Territory's investments to be protected through the use of derivatives. I regard derivative transactions, in the way that they lock in a future sale price to protect against possible price falls, as a form of insurance for the Territory's investments. It is a form of insurance in the financial market against the possibility of very significant and uncertain changes in prices. I resent enormously Mr Kaine's assertion that I and my Treasury officers are involved, to quote him, in some sort of gambling game. We are not. That is, I think, an unworthy assertion for Mr Kaine to make. In common with all members of this Assembly, the Government will not allow and will not condone speculation, and neither will Treasury officers. I am sure that we can all agree that to speculate with public funds in the way that Mr Kaine has implied would be extremely poor management, irresponsible management. It does not happen, and it will not happen. Members may be aware that the Audit Act already requires that the use of derivatives must relate to pre-existing borrowing or investments.

Turning to another matter on which the PAC made a recommendation, Madam Speaker, I would like to mention that the proposed contracts for individual external funds managers were to add a further layer of control; not, as Mr Kaine says, to indulge in some gambling game, but to add further control. The Public Accounts Committee, I believe, was fully briefed on the structure and the content of these contracts.

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Accordingly, Madam Speaker, as members know, the Government did reject the unilateral 5 per cent limitation on the use of derivatives. I have rejected also, as members know, the PAC's proposal to agree to a management board which would report to the Assembly rather than to the responsible Minister. As that responsible Minister, Madam Speaker, I regard it as my duty to take full responsibility for these matters. I do not want, and nor can I condone, the imposition of a management board reporting to the Assembly, which would obviate the possibility of the Minister taking full responsibility. I do not believe that that is appropriate.

Madam Speaker, as I have said, we have here a case of irreconcilable differences. I consider that the advice which I have had from Treasury has been well founded and expert. Clearly, I have not agreed with the Public Accounts Committee's recommendations. The Public Accounts Committee does not agree with my approach, based on that expert advice. As I say, in the final analysis, the Government has decided not to proceed with the matter. I hope that Mr Kaine will be satisfied with that outcome, as he ought to be.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Audit (Amendment) Bill 1993 - Government Response

Debate resumed from 24 November 1993, on motion by Ms Follett:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

DRUGS - SELECT COMMITTEE
Final Report - *Alcohol and Youth - A Rite of Passage?*

Debate resumed from 15 June 1993, on motion by Mr Moore:

That the report be noted.

MS SZUTY (10.56): Madam Speaker, I agree with the tenor of the Government's response to the final report of the Select Committee on Drugs entitled *Alcohol and Youth - A Rite of Passage?*. The Government has, in fact, been through the same exercise as I have, Madam Speaker, in grouping a number of similar recommendations made by the committee together and examining them in that way. I was very pleased to see included in the Government's response an introduction which I think explains the tenor of the Government response later in the report. Including appropriate material as a preamble to the Government's response to committee reports is a welcome initiative.

I would now like to address the issues that the Government response has addressed. The first one relates to education strategies, which certainly received a great deal of attention in the select committee's report. I guess the one concern that I have is that the committee emphasised the need, I believe the very urgent need, to significantly upgrade the amount of work that is being done in the education area at the present time. In fact, I note in the Government's tabling statement in regard to this report that implementation needs are to be considered in the context of the availability of funds and resources.

I certainly hope that the Government will take on board the sense of urgency which comes across in the committee's report. We need to address education strategies to help young people learn about alcohol and drug consumption at the appropriate stage, whether that be in primary schools, high schools or colleges. I was pleased with the extent of the Government's response on education strategies and, of course, very pleased to see the development of the youth action alcohol plan, which I think has happened since the committee reported. I also believe that education strategies are vital in overcoming the very significant problems that are occurring with binge drinking in our community at the present time. I believe that we need to do much more work in this area. I note from the committee's report that students regard binge drinking as a phase. It was actually suggested that binge drinking was more of a problem for high school students than for college students. With high school students we are looking at young people within the range of 13 to 16 years. We really have a significant problem on our hands in our community.

Statistics provided by the select committee's report indicate that binge drinking still occurs in our community in the adult population between the ages of 35 and 44 years. The report states that 5 per cent of women and 15 per cent of men in that age range binge drink. Madam Speaker, I find these figures quite alarming. It certainly seems to me that we need to do much more to address the issue of binge drinking in young people at perhaps a much younger age before we actually have to turn to the health system and the hospital system further down the track to cope with the alcohol problems as they have developed.

The next issue that I would like to address briefly is the issue of the pubcard, or proof of age card. I note that Mr Moore also has on the notice paper a motion which we will be debating at some stage during the proceedings.

Mr Moore: We might not need to.

MS SZUTY: Mr Moore says that we may not need to, but I would like to address very briefly the issues that are raised by the select committee about the proof of age card and the Government's response. I note, Madam Speaker, that the Government has now indicated that it would support the introduction of a proof of age card in the ACT. I think that that is a very welcome initiative. I certainly support the introduction of a proof of age card, or pubcard, as another means of enabling eligible young people to drink at licensed premises. I noted the very extensive support from many college students of the ACT for the introduction of a proof of age card.

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It is very interesting to note, Madam Speaker, that those young people most opposed to the introduction of such a card were Year 11 students and other students under 18 years of age. I think that is a very significant fact. The committee also noted a number of other groups and organisations who supported the proof of age card. They included the Attorney-General's Department. The select committee came down in favour of the introduction of a proof of age card as it works in other jurisdictions in Australia at the moment. I welcome the Government's response to the committee's thoughts on the need for the establishment of proclaimed places for young people. I think it is much better that we deal with people who are inebriated in public places in a sympathetic way rather than through the police and justice system.

I would like to address briefly the possible restriction of trading hours for licensed premises. I note that this issue has been the subject of much attention in recent times. The committee actually recommended that liquor licensing hours be restricted. I note in the Government's response that the Government does not agree with that view of the select committee. I think in this case the Government has got its response right. I certainly do not agree with a restriction on trading hours either. I believe that the way to effectively address the problem is to look at more appropriate strategies rather than to restrict 24-hour licences to 20-hour licences. The difficulties appear to be behavioural rather than anything else. I also have some concerns about the effect of any possible restriction of trading hours on the tourism industry and on the needs of shift workers and those sorts of people in our community. I certainly would not want to see any sector of the community disadvantaged by restricted licensing hours. I believe that other strategies can be looked at and adopted, and I welcome the work that the Community Safety Committee is doing at the moment in looking at problems in Civic.

I note the call of the Australian Hotels Association for the establishment of a liquor advisory committee to advise the Government. I think that is also a good idea to address further issues that are being recognised in our community at the moment regarding alcohol consumption. I also note Mrs Grassby's comments in the committee's report about the role that modelling plays in changing behaviour. Her point was that people under age selling alcohol creates perhaps an inappropriate model for young people in our community.

The final issue that I would like to address is the committee's call for the relaxing of liquor licensing laws in restaurants where young people are perhaps accompanied by a parent or guardian. I note from the Government's response that the Government does not support the committee's recommendation in this regard. Again, I think the Government has got it right on this particular matter. I also do not support the relaxing of liquor licensing laws in restaurants at the present time.

I note that the committee's recommendation was not supported by the Australian Hotels Association. There would be many difficulties to be overcome, as has been pointed out in the Government's response. I believe that the issue perhaps needs more attention and much more work with restaurateurs and the Australian Hotels Association before we can take that step. I agree with the Government that the modelling of drinking behaviour begins at home, and that is the best place for parents to have an influence on young people's drinking behaviour.

With those thoughts, Madam Speaker, I will conclude my remarks on the select committee's report, *Alcohol and Youth - A Rite of Passage?*, and also my thoughts on the Government's response. But, as I said earlier, I believe that on this occasion the Government has got it right; and I certainly welcome their extensive response to the committee's work.

MR CONNOLLY (Attorney-General and Minister for Health) (11.06): I thank Ms Szuty for her contribution. This report raises some very substantial issues. There may have been some implied criticism of the Government for taking a while to respond to this committee; but one of the key recommendations that the committee made related to the proof of age card, and members will be aware that the Government has for some time been saying that an abundance of caution was the way to proceed on a proof of age card. We have been criticised for that. I have noticed press releases saying that we have now done a backflip.

The reality is that the proof of age card will work effectively only if it comes into being with the endorsement and blessing of the youth sector of Canberra. If a government or an Assembly tried to force a proof of age card down the throats of Canberra's young people, it would be counterproductive. During the period from the committee's report to the date of the Government's decision, there was obviously some discussion with the youth sector. We were in the happy position that we were able to say that the youth sector agreed with the proof of age card, subject to some civil liberties protections which I hope members see as sensible.

We were able to respond to the full package of recommendations in a way that had the agreement of the youth sector. While that meant some delay in providing our response, it meant avoiding a controversy with the youth sector over civil liberties issues. Members opposite may think that it was really not a civil liberties issue. One can have some sympathy with that point of view, but members opposite will recall the remarkable political success that their party had some years ago over the Australia Card. It raised the same sorts of issues. There was potential for a divisive - - -

Mr Cornwell: Go and talk to the youth out there. There is a lot of support for this card.

MR CONNOLLY: There is now through their organised sector, but there was a lot of concern beforehand. Now we are in the happy position where everyone agrees with it. We had almost been referring to this as an issue for the 18- to 25-year-olds. I note that there have been some calls for the card to be extended beyond 25-year-olds. We see no difficulty with that. In practice, it will be demand led by the 18- to 25-year-olds, but if older people want it there is no problem with that.

There will be some negotiation with members as we bring into the chamber the sort of civil liberties protections that the youth sector wants. That is essentially to say to them that this is not a general purpose identity card; that it is specifically for the purpose of proving age on licensed premises. The Government has in mind some quite stringent protections. The card can be required to be produced on licensed premises only by police or licensing inspectors or by licensees or their staff. We said to the youth sector that we would guarantee them that this would not be a general purpose identity card, which might

limit its attractiveness for people who may be confused as being under 18, people unlike us. While there will be no statutory bar, the card may be of limited value because of a package of important civil liberties protections, but that is an issue that perhaps can be looked at a little more closely when the Government brings down its package of legislation to facilitate the pubcard.

On the issue of liquor licensing hours, the Government sought to strike a compromise. I am pleased that Ms Szuty seems to think that we got that about right. The call for the 4.00 am curfew causes considerable concern, essentially from a public order perspective, although I acknowledge that there is strong support for that proposition from wide sectors of the community and, indeed, quite strong support for it from the police. But the Government, taking a range of advice, felt that on balance, especially from a public safety point of view, it would be counterproductive. There would be a tendency for people to swill drink in the hour or so before the curfew came into force. I noted that when Mr Humphries was on the radio this morning a chap who had been in England for a couple of years rang to say that, while there is a very strict curfew on trading at pubs and clubs in the UK, his experience as an Australian in England was that there was enormous binge drinking in the hour before the curfew came in. People would engage in heavy drinking for a period, and when the curfew came in everybody would hit the streets at the same time. That means that at 4.00 am, or whatever time it would be, thousands of young people, probably in a fairly intoxicated state, would all be on the streets at the same time, all trying to get out of Civic. There would be enormous pressures on taxis. My colleague Mr Lamont and I are working with the Community Safety Committee to find some innovative solutions to public transport after hours. But it would be a major problem to have everyone hit the streets at the same time.

Another factor is that there is a clear distinction between off-licence and on-licence premises. The responsibility of off-licensees really stops when people leave their door. They have a responsibility not to sell alcohol to young people - and we seek to enforce that - but once people leave the premises with a bottle of grog the licensees' responsibility ends. The on-licensees have an ongoing responsibility to ensure that under-age persons are not on the premises but also a legal responsibility not to serve alcohol to intoxicated persons. Months ago the Government brought two prosecutions against licensees for selling alcohol to intoxicated persons - the first such actions in memory. It is many years since such actions have been brought in the ACT. That action resulted in cancellation of licences, and that sent a very strong message to the industry - one that the AHA has responded to responsibly, saying, "Yes, we accept that action may be taken for serving alcohol to intoxicated persons". The licensee of the on-licence has a clear incentive to engage in responsible practices in the sale of alcohol. We think that we can address the problems the committee was referring to - heavily drunk people spilling over the streets of Civic and engaging in anti-social behaviour - through a responsible code of alcohol selling. That is an issue that the Community Safety Committee has been doing a lot of work on. I hope to be able to table in this place the interim report of the Community Safety Committee on the issues of drink and a safer Civic, which goes down that path.

Ms Szuty noted the AHA's suggestion of a liquor advisory committee. This is something that in fact I have discussed in the last week or so with the AHA with a view to establishing that as a body to advise me as Attorney-General on liquor issues. To some extent, we have that de facto at the moment, in that the AHA have been a very enthusiastic participant in the safer civic subcommittee. The former president of the AHA is a member of that committee. The concept of a formal liquor advisory committee involving the AHA and the licensed clubs is one that I think is sensible, and we are moving down the path of putting that in place.

The issue that we differed with the committee on was the recommendation that young people be allowed to drink on licensed premises, restaurants, with their parents present. We disagreed with that not because we disagreed with the premise underlying it. The premise underlying it is that we have a problem in Australia, a problem which can be addressed only in the long term, about the way we view alcohol and about the way young Australians more than young people in other countries seem to want to binge drink, to get heavily into alcohol. The observation that led Mr Moore to his conclusion was that in some European countries where wine is very much a part of the family culture young people, as they approach 18, do not seem to have this obsession to go out and get into the grog as much as young Australians do. I think that is an accurate observation, but the way to address it is within a family context. The practice that many families adopt of allowing younger adolescents to have a glass of wine at the family dining room table or the Sunday afternoon meal is a sensible family practice. I have observed persons from families of a European background in which that practice has occurred. I have seen those young people grow into adolescence and become young adults who do not seem to have the obsession that many from an Anglo-Celtic background seem to have as they approach 18 to go out and get into binge drinking. I think it is a very sensible practice, but best done within the family. The problems of doing it in licensed premises, we felt, were insurmountable. But, as a strategy for getting long-term change in Australian drinking practices, if it is done within the family context it is a valuable suggestion.

Madam Speaker, in conclusion, the Government felt that this was an important committee report. For some time, as controversy has been raging about issues such as youth and alcohol, the Government has been saying that it was waiting for this report because it valued the work that was done in the many hours of public meetings that were put in. The response the Government has tabled, by and large, picks up the recommendations of the committee, and I am pleased that where we have varied there seems to be general consensus that our erring on the side of caution was not inappropriate.

MR CORNWELL (11.16): Madam Speaker, I want to make some brief comments in relation to Mr Connolly's statements on pubcard - which, I think I should place on record, indicate a remarkable about-face by this Government, in spite of what Mr Connolly may be saying. The fact of the matter is that if he had bothered to go out into the community and talk to young people - I do not mean the group that the Chief Minister set up as an advisory body; I am talking about ordinary young people out there in the community - he would have realised just how important this card is for identification, particularly for 18-year-olds.

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I have certainly had representations, as I am sure other members of this house have, from people who, at the age of 18 - and I have no doubt that more than normal are in this situation, thanks to the Labor Government's recession - did not have a motor vehicle because they could not afford one or, in some cases, because they did not see the need for one, which meant of course that they had no identification of the type that is needed as proof of age. In other words, they did not have a photographic drivers licence.

The evidence presented to me indicates that these young people were finding that even the birth certificates that they were carrying around were simply not acceptable. This is hardly surprising because it seems to me that, despite the efforts of governments to make birth certificates extremely difficult to obtain, this applies only to honest people. Those who are dishonest do not seem to have any trouble in obtaining false identification - getting passports, et cetera - with false birth certificates. Assuming that an 18-year-old did have a passport - and I would suggest to you that there would not be too many in the ACT or, for that matter, Australia who would have a passport - who wants to carry a passport around every day of the week or every time you want to go into licensed premises to have a drink or to mix with your friends?

I welcome the Government's about-face on this matter. I am sure that it will be welcomed by all young people in this Territory. I think it is a pity that you wasted so much time and were misled - that is the kindest word I can use - by civil liberties considerations which I do not believe, from my experience in talking with young people, had any relevance whatsoever in this matter.

MR MOORE (11.19), in reply: Madam Speaker, I would like to begin my closing speech by referring to the education issues, which I think are some of the most important issues involved in dealing with young people and alcohol. In paragraph 3.6 on page 17 of our report we talk about a draft health and education curriculum framework. We say:

The framework is designed to provide students, from Kindergarten to Year 12, with appropriate levels of knowledge and skills and the opportunities to develop values and attitudes needed to make informed decisions and act appropriately in a variety of situations. The framework is considered essential in the health and education environment as it empowers students to have more control over their own lives.

It was really that concept that formed the basis of the committee's thinking. Mr Connolly was quite correct in saying that the issue of young people in restaurants was the basis of the thinking that led to that recommendation. I will come to that recommendation in a short while.

Education strategies, Madam Speaker, as you would be well aware, certainly cannot be based on a simplistic approach that says, "This is what alcohol does. This is what will happen to you if it is used incorrectly or inappropriately". That may be a small part of the strategy, but it is not enough on its own. In the final report of the Drugs Committee,

I think this was an appropriate way to deal with not just education about alcohol but drug education generally. If we are going to have successful education, then we must ensure that young people are informed and empowered to make their own decisions with a full understanding of the ramifications of those decisions.

Having said that, Madam Speaker, I move to the issue of a proof of age card. We brought this report down in June 1993. On 16 June, the Council on the Ageing put out a very brief press release to the effect, "Why can we not be included in the proof of age card as well?". In my discussions with Mr Connolly in the last couple of days and in his remarks to the house a short while ago he has accepted that the proof of age card will be just that. I have some difficulty with the idea that a proof of age card really infringes civil liberties significantly, because it is a voluntary card. The whole point of the exercise is that somebody who wants it as an identifier can have it as an identifier.

Mr Connolly has raised here and with me the notion that a civil liberties protection would be a provision that a proof of age card cannot be demanded other than at specific times. Even then, it is not really being demanded of you. If you want to access a facility, then you have to show proof of age. That is a very different thing from a police officer, for example, in the middle of the street stopping somebody and saying, "I want to see your proof of age". I have no difficulty with a protection from that. As I understand it, a similar protection already exists for ordinary residents in the ACT. Other than where traffic offences are involved, a police officer cannot stop you and say, "Can I see your drivers licence?". I think that what we are really doing is just setting the same parameters for the proof of age card as would be set for a drivers licence. That was certainly the perception the committee had.

The Government has responded. Whether they did a backflip or not really does not matter to me. I am delighted that we have a positive response, and I look forward to the issue being debated as part of a piece of legislation that Mr Connolly will introduce to provide civil liberties protections. The motion that I have on the notice paper, which was on the daily program yesterday but which we did not get to, raises those issues. One of the reasons I was keen to see it come up again yesterday was that, to the best of my knowledge, we had not resolved the problem; that the pubcard was just a card for 18- to 25-year-olds, as indeed the press release Mr Connolly put out in April indicated. Certainly my interpretation of it was that it will be restricted in that way. So I do not believe that it will be necessary to bring that motion into the Assembly for debate. I think the debate we have had here today covers that, and I feel quite relaxed about it.

One of the things in the Government response that I found a little annoying was the very perfunctory response to our recommendation 18. The recommendation really did not have a great deal to do with our inquiry, but we had stumbled upon a piece of information and we suggested a method of dealing with it. The recommendation was:

That the Chief Minister consider referring to the Chief Minister's Youth Advisory Council for advice the issue of young people under the age of 18 years being required to pay 'adult' prices for goods and services.

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The young people we spoke to drew attention to the fact that they were always caught in the middle. Sometimes they were forced to pay adult prices for things, but they were not allowed to be adults in other ways because they were restricted from access to other areas. They believed that if restrictions still applied to them at 18 it would be more consistent if they did not have to pay adult prices. The Government response is:

This recommendation is not agreed, on the basis that it is outside the scope of the report.

Response: This recommendation does not pertain to the issue of youth and alcohol and cannot be agreed to in the context of this report.

We knew that. All we did was ask the Government to refer the issue to the Chief Minister's Youth Advisory Council. A more sensible response, rather than that perfunctory statement, would have been appropriate. It was a minor issue, but I believe that we presented a quite sensible way of dealing with an issue that had been raised by a series of young people in interview after interview.

Madam Speaker, I would like to deal with two other issues in the Government response that were raised by both Mr Connolly and Ms Szuty. The first one is the restriction of liquor licensing hours, and the second is the relaxation of licensing laws for young people in restaurants. After our report came down, a series of people came to me with further evidence on the first issue, and I must say that I have changed my position. Contrary to what Mr Connolly said before, I do not actually disagree with Ms Szuty on this one, although I do on the second one. The arguments that Mr Connolly put to us about binge drinking and the problems on the road are quite correct. In fact, having looked at the further evidence, I welcome the Government's response. I believe that you did get it right and that our report is not the correct way to go.

I noticed a report of police comments in the *Canberra Times* the other day that suggested that most people who are picked up for driving under the influence of alcohol are picked up at about 4 o'clock in the morning. I have to say that I think that is much better than having them picked up between one and 2 o'clock in the morning, when there will be a lot of other people on the road. It has two advantages. Firstly, there will be a limited number of targets around the place for their inappropriate driving; and, secondly, the chances of the police picking up somebody who is drink-driving would probably be much higher, so it would probably allow good use of police resources.

MADAM SPEAKER: Order! It being 45 minutes after the commencement of Assembly business, the debate is interrupted in accordance with standing order 77 as amended by temporary order.

MR BERRY (11.28): Madam Speaker, pursuant to standing order 77(e), I move:

That the time allotted to Assembly business be extended by 30 minutes.

Question resolved in the affirmative.

MR MOORE: Thank you, Mr Berry, for moving that. (*Extension of time granted*). Madam Speaker, I believe that the Government response to the restriction of hours is appropriate. As I said, having looked at the evidence, I have moved my position on that issue.

The main argument the Government has presented against the notion of children accompanied by adults being served alcohol in restaurants is that it is difficult to administer. Administrative difficulties are dictating policy. To me, the role of administration is to implement policy, not to restrict it.

Mr Berry: Impossible.

MR MOORE: I hear an interjection from Mr Berry to the effect that it is impossible. As I said at the start of my speech, Mr Connolly is quite right in drawing attention to the use of role models to teach young people good manners in their use of alcohol. That is why most people I know allow their children to have a small glass of champagne at Christmas time or on somebody's birthday.

Ms Follett: A slippery slope.

MR MOORE: There are certainly those who would argue that it is a slippery slope. What we really ought to be doing is introducing our children to a decision making process so that they understand that a small amount of alcohol very occasionally is not going to cause them any problem. However, large amounts of alcohol, particularly for growing bodies, can do significant damage. That is the message that we should be getting across. More importantly, there is a time and a place - we ought to write a song about this - for everything. The time and place for enjoying a glass of alcohol is primarily with a meal. Invariably it is when families go out for a meal on a special occasion. That was the general thinking behind the committee's recommendation.

This practice has a further advantage. It is a public demonstration that as a society we believe that there is an appropriate time and place for alcohol use and that there are inappropriate ways of using alcohol. That very public demonstration would be achieved by providing the opportunity for young people, when they are accompanied by their parents, to drink alcohol in a restaurant, as the committee recommended. Interestingly enough, this goes on regularly. The young people we met when we went around to the colleges said almost universally that they had had a drink with their parents when they were out. It goes on now and probably will continue to go on. Unfortunately, there is just a small element of hypocrisy about it. We are not prepared to say, "Yes, let us allow it legally". One of the reasons we allow it, I presume, is that we do not find it offensive, nor should we. I also accept what Mr Connolly said about young people drinking with their family at home being the first step in determining a role model. Unfortunately, for some young people at home, the role model is anything but good; and of course we see the ramifications of that in generation after generation.

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Madam Speaker, as an overall reply to the Government's response, I must say that I am rather delighted that the Government has taken this report so seriously, has generally responded in a very positive way and has accepted the tone, the tenor and the direction of the report. That gives me some hope for trying to assist young people to go through that rite of passage from which this report takes its title.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 6 of 1992

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

That the report be noted.

Mr Kaine: On a point of order, Madam Speaker: I would just like to clarify something. You will note that with the earlier Public Accounts Committee report we cognately debated the Government's response to it. The Government has also responded to this report. I do not know the date of the response, but I have a copy of both the Chief Minister's tabling statement and the Government's response. I wonder whether we should debate the Government's response to this Public Accounts Committee report cognately with the report.

MADAM SPEAKER: We can do that only if the Government's response is actually on the notice paper. It is not, because it was simply tabled.

Mr Kaine: It seems to me that the Government's response is relevant.

Mr Moore: That is what we did with the report of the Drugs Select Committee. We responded to the Government's response. We did the two together. You can do it.

MADAM SPEAKER: The Government's response is not on the notice paper. Of course, it can be referred to, but there is no motion on the notice paper.

MR KAINE (11.36): This is an interesting case study. Members will note that this report covers the period to June 1992, so it gives us an opportunity to review the effectiveness of Auditor-General's reports and what happens to them. The Government has tabled a response to this report. I note that there is no date on either the Government's response or the Chief Minister's tabling statement; so, without going back through *Hansard*, I cannot determine when this response was made.

As an interesting case study, I would just like to follow through two matters in the Auditor-General's report. The report was a very comprehensive one that ranged across a large number of financial audits done during the year ended 30 June 1992. In fact, they were so extensive that 18 members of the audit staff were involved in these audits and five major contracting firms performed audits under contract. It was a very substantial

and very comprehensive report. It is interesting, I think, to note in retrospect what the administration's comments were in connection with those audits, what the Government's responses were and what the situation is now. I would like to pick two matters and follow them through.

The first one is the question of the performance audit on fraud control. The Auditor-General's comments are on pages 10 and 11 of his report No. 6 of 1992. His comments, in fact, were quite adverse in that there seemed to have been very little progress made on the question of putting fraud control measures into place. He was quite critical. The committee had a look at those matters, and in our report dated June 1993 we noted in connection with fraud control:

The Committee was advised that most agencies have undertaken preliminary planning on risk assessment -

this is a year later, I might add -

and prepared outlines of fraud control plans, although only one or two plans would be in place. During the hearing the Committee was also advised that it was expected that all plans would be in place in the first half of 1993-94.

That was before December last year. The Chief Minister, when she responded to the report, said with reference to that section of the report:

The Government notes the Committee's concern at the development of fraud control plans ...

She referred then to an Auditor-General's report for the year ended June 1993, a report one year later than the one we are currently debating. She said that that report one year later noted:

... all agencies should have fraud control plans in place by the end of the 1993/94 year.

We have already seen a slip. The committee was told that the plans would all be in place in the first half of 1993-94. One year later, the Chief Minister said that they will all be in place by the end of 1993-94. We are at the end of 1993-94, for all practical purposes, and I would be interested to know whether in fact those fraud control plans are in place a year-and-a-half later. There is nothing to indicate that they are. It is an interesting case study to follow it through and see what the Auditor-General says, see what the committee's comments were, and see what the Government's comments were one year later. Here we are almost another year later and we still do not know whether the action that was promised by the administration has in fact taken place. It is a slow process.

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The other matter that I wanted to look at also indicates a slowness of action. It has to do with comments about the Building and Construction Industry Long Service Leave Board. The Auditor-General noted in his report of June 1992 that there was a surplus of money in the board's account. In other words, it was collecting more money than was needed. Again I note that our report was one year later, June 1993. It noted:

The Committee was advised that the current timeframe is to have legislation drafted that could be introduced in early 1994.

The Committee notes that the matter is one for Government to consider and also notes that the issue is being addressed.

That was in June 1993. The committee was told that this legislation could be introduced in early 1994. The Chief Minister's comment in response to all of that was that she simply noted the committee's comment. I do not know when that response was tabled. I think it was quite recently. However, early 1994 has been and gone. Where is the legislation that it was indicated to the committee would be tabled in early 1994? We are almost into the second half of 1994. There has been no legislation to put into effect things that we were told would be done. They were issues raised by the Auditor-General during the year ended June 1992. The Public Accounts Committee was given an assurance, as noted in its June 1993 report, that something would be done. We are nearly into June 1994, two years later, and there appears to be no action.

One wonders just how effective these processes are, and one wonders just how serious witnesses before the Public Accounts Committee and other committees are when they give undertakings that things will be done. It is very easy to come before a committee and say, "We are fixing that and we will do it by a certain date". Unless you look back over your shoulder later, you could very easily discover that most of the things that the committees are told will be done are in fact probably not done. That says something about the response of the administration, and perhaps even of the Government, to commitments that they make in evidence to committees and in debates in this Assembly. We are told that things will be done, and it turns out that they are not done.

Madam Speaker, although this report is history - it is two years old now - it is very interesting to follow through some of the things that were raised in the report and reviewed two years later and see what happened about them. Generally speaking, the answer seems to be nothing. Members of this Assembly and members of the Public Accounts Committee and other committees of the Assembly ought to be very concerned about that. Perhaps all committee members ought to be reviewing things that we were told in evidence as long as two years ago to see whether or not undertakings are being honoured.

Question resolved in the affirmative.

LEGAL AFFAIRS - STANDING COMMITTEE
Report on Access to Justice

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

That the report be noted.

Question resolved in the affirmative.

EXECUTIVE BUSINESS

MR BERRY (11.44): Madam Speaker, pursuant to standing order 77(d), I move:

That executive business be called on.

Question resolved in the affirmative.

AIR POLLUTION (AMENDMENT) BILL 1994

Debate resumed from 21 April 1994, on motion by Mr Wood:

That this Bill be agreed to in principle.

MR WESTENDE (11.44): Madam Speaker, I shall be very brief, but I am nevertheless pleased to speak in support of the amendment contained in the Air Pollution (Amendment) Bill 1993. The need to establish a national clearing house has been on the agenda for about 18 months now, so I was not surprised at all, when I contacted various industry sources, to find that the legislation is welcomed by the industry and, indeed, endorsed by the industry. The clearing house, which is situated in the South Australian Department of Mines, will issue a certificate of tests. This will verify that all tests have been carried out and that the appliances meet the emission standards. This move to establish the national clearing house is not only welcomed by the industry but also seen to be in the interests of the community. I therefore believe that this is a good piece of legislation and is worthy of the Assembly's support. My party certainly will support it.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (11.45), in reply: Madam Speaker, I thank the Assembly for its support. This Bill is a small but important change, and it is part of a big change towards improving the quality of air in the ACT. As we move into winter, I think this has a great deal of significance.

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Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 11.47 am to 2.30 pm

QUESTIONS WITHOUT NOTICE

Hospital Services - Interstate Patients

MRS CARNELL: Madam Speaker, my question without notice is directed to the Minister for Health.

Mr Berry: Straight off the press release.

Mr Connolly: That looks like a press release.

MRS CARNELL: No, that is the question. The Minister said yesterday in question time that the Medicare agreement was a good one for Canberra because we were paid at national metropolitan hospital levels, rather than the national average, for interstate patients we treated at Woden Valley Hospital. Mr Connolly said yesterday:

This was an issue that Mr Berry ... pursued with some vigour to ensure that we got the best deal for the ACT.

The Minister also claimed that cross-border payments gave the ACT a net benefit of about \$25m. Due to the fact that Woden Valley Hospital has the highest cost per patient in Australia, is it not true that the ACT loses on average \$600 for every out of State patient who is admitted to Woden Valley Hospital? Because 25 per cent or about 12,000 admissions come from outside the ACT each year, is it not a fact, Minister, that your great deal actually is costing Canberrans about \$7m a year?

MR CONNOLLY: Madam Speaker, really, these people! Taking Mrs Carnell's logic one step further, it probably does cost us about \$600 for everybody admitted to Woden Valley Hospital, so let us shut the hospital. Let us not treat anybody. We will save lots of money. What a good idea, Mrs Carnell! I wish I had thought of that myself.

What I said yesterday was that we had secured, as a result of my predecessor's efforts, a better deal with New South Wales than we have secured with other States, or that other States have secured vis-a-vis one another. Unusually, unlike every other State in its dealings with another one, New South Wales has accepted that we are essentially a metropolitan hospital because of the intensive nature of the treatment provided.

The regional person who has a mild condition will remain in Yass or Goulburn or Queanbeyan hospital. They come here when it is a more significant matter. Because of that we had a better deal negotiated than the national average, which is to treat the Canberra in-patient admissions according to the metropolitan cost weighting rather than the fairly complicated average cost weighting that Peat Marwicks have worked out. We are \$1m better off as a result of that side agreement, as it were, with New South Wales than we would have been had Mr Berry not secured that concession with New South Wales and the Commonwealth.

Mrs Carnell: We are still \$7m worse off.

MR CONNOLLY: Mrs Carnell, showing the forensic genius for which the Motor Trades Association commended her on the front page of the *Canberra Times* - not the *Canberra Times*, the *Motor Trades Advocate*; I am sorry for that slip of the tongue, and there is no similarity between the two journals - has worked out that because Woden has a high cost base we are behind. Yes, that is true; and if we can get the cost base at Woden coming down we will be better off. Forensic brilliance! Gee, I wish I had thought of that.

Madam Speaker, the whole exercise that we have been talking about for the last few weeks, the tabling of the report by Arthur Andersens, the putting in place of the interim financial board of management, which we have called by another name, but basically - - -

Mrs Carnell: The Board of Health?

MR CONNOLLY: No, not the Board of Health, Mrs Carnell; far from it. You were on the Board of Health for quite a period and failed to achieve very much, Mrs Carnell. You were part of the problem, not part of the solution. That is the way you will be recorded in history. Madam Speaker, we are moving to address these cost issues at Woden Valley Hospital and, as we address them, our cost differentials will reduce. My basic proposition, that we secured a better deal with New South Wales than other States have secured with one another, and that we have a higher level of payment, is a significant achievement. We are \$1m better off as a result of that than we would have been.

MRS CARNELL: I have a supplementary question, Madam Speaker. Will the Minister agree, just for a moment, that because his own Arthur Andersen consulting report shows that Woden Valley Hospital's cost per patient is \$3,200 - - -

Mr Berry: No; that is not a supplementary question.

MRS CARNELL: It is exactly the same question.

Mr Berry: Exactly the same question. Madam Speaker, I take a point of order. It is fully answered, Madam Speaker. Mrs Carnell admits herself that it is the same question.

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MADAM SPEAKER: Order! Mrs Carnell, I am sure that you are well aware of the standing order on supplementary questions.

MRS CARNELL: Yes.

MADAM SPEAKER: Would you wind up and ask the question.

MRS CARNELL: It is exactly the same question.

MADAM SPEAKER: Ask the question. Just get to the point.

MRS CARNELL: Yes; okay. Minister, your own Arthur Andersen report shows that the cost per patient is \$3,200 at Woden Valley Hospital. The national metropolitan hospital costing is \$2,600. Even on ACT Health's abacus that means that there is a difference of \$600 per patient. That means that every out of State patient admitted costs us an extra \$600. Do you now accept and admit that the real cost or the real loss to the ACT when treating out of State patients is \$7m a year, due to the Medicare agreement?

MR CONNOLLY: It is true that we have a higher than average cost level at Woden Valley Hospital. This Government is addressing that. If we can get that costing down it will cost us less for New South Wales patients or ACT patients. There is a net cost for ACT patients as well. As I said in my first answer, going down your logical train of thought, to grace it with that title, the best solution is to shut the hospital down; or, perhaps, when I go up and talk with Ron Phillips in a couple of weeks I will say, "Mr Phillips, I am terribly sorry, but I have taken the advice of the ACT Liberal Party and we are going to put a fence up at the border. We will not accept any New South Wales patients because they cost us money".

Madam Speaker, this is the Liberal Party carping and whingeing about health again. There is nothing constructive; there are no suggestions for reform, no suggestions for sensible improvement; there is just whingeing - unless we take the off-the-cuff approach yesterday when they were asked by a journalist, "Well, what should you do?". The reply was, "Oh, well, we might build another hospital, a public/private hospital". Madam Speaker, we are spending \$170m upgrading Woden Valley Hospital. It will be one of the most modern hospitals in Australia. We will have a better infrastructure and a more modern hospital, a lower age hospital, than anywhere else in Australia. We are spending \$170m of public money, and what is Mrs Carnell's solution? Build another one.

Sport - Budget Implications

MR BERRY: My question is to the Deputy Chief Minister in his capacity as Minister for Sport. I refer to the magnificent Labor Federal budget that has just been brought down. Could the Minister advise us what that Federal budget means for sport in the ACT?

MR LAMONT: I thank you for the question, Mr Berry. I again acknowledge your abiding interest in sport in the ACT. Your question demonstrates that you have a far greater interest than the Opposition spokesperson who, to date, I think, has not asked a question about sport in this house this year; but I stand corrected if that is wrong. He may have asked one. Madam Speaker, the Federal Government has agreed to continue a range of initiatives that were commenced a number of years ago. In addition to continuing to fund those initiatives, including funding for additional facilities for the Olympics in the year 2000, the junior and volunteer involvement in sports programs that are being developed - - -

Mr Cornwell: I raise a point of order, Madam Speaker. Is it proper that the member who asks the question then gets up and walks away when the answer is being given?

Mr Berry: I can still hear.

MADAM SPEAKER: I call Mr Lamont.

MR LAMONT: The difference between you and Mr Berry on that occasion is that, wherever Mr Berry is, he will understand the answer. I cannot grace you with the same comment.

Madam Speaker, what we will derive from the Federal Government's budget is a substantial boost to athletes and facilities for the 2000 Olympics, and substantial boosts for junior and volunteer involvement in sports programs that have been funded by the Commonwealth over a number of years. They were taken up and assisted by the former Minister for Sport. I will be extremely pleased to provide a full briefing to the Opposition spokesperson, detailing the total amounts dedicated to each of those areas, at a time convenient to him.

Madam Speaker, I would like to indicate during my answer that today I had the pleasure of providing to the ACT and Southern New South Wales Commonwealth Games Fund Raising Committee a cheque for \$10,000 on behalf of the ACT Government. This is to assist athletes from this region who will be attending the 1994 Commonwealth Games. I am extremely pleased that the Government has demonstrated its commitment to sport in the ACT and the surrounding region in this way. This program will help develop athletes to compete not only in the 1996 Olympic Games but also in the 2000 Olympic Games.

Parking Regulations

MR MOORE: Madam Speaker, my question is also directed to Mr Lamont, but as the Minister for Urban Services. Would the Minister advise the Assembly why parking inspectors would issue parking infringement notices in the downtown bus-stops at 10.30 pm when the downtown buses cease to run at 5.00 pm daily? What will the Minister be doing to resolve this sort of anomaly in the way parking regulations are implemented in the ACT?

MR LAMONT: I thank the member for his question. This matter has been raised with my office, Madam Speaker. It has been raised in relation to that service, Mr Moore. It also has been raised in relation to parking outside an establishment very close to this building. It is a place that, I am sure, warms the heart of the Opposition, the Republic Restaurant.

Mr Cornwell: What are you doing about it, though?

MR LAMONT: For you to find out, Mr Cornwell, I would have to send you pictures so as to have you understand. Mr Moore, I have been asked to give consideration to altering the signs and the regulations that apply in that area, and I am currently receiving advice as to the most appropriate way to have that occur. In addition, I have been asked to waive the fines that were imposed, and I am at the moment giving active consideration to that. I hope that during that consideration I will be able to give favourable consideration to the proposal that has been forwarded to my office.

CSIRO Staff

MR DE DOMENICO: Madam Speaker, my question without notice is to the Chief Minister. It also is about the Federal budget. Today the Federal Minister for Industry, Science and Technology, Senator Peter Cook, described the reduction by 352 in the staff of the CSIRO, which was announced in Tuesday's budget, as a "shifting of scientific priorities" and an accounting figure. Chief Minister, given that a large number of these jobs will be eliminated in Canberra, do you concur with Senator Cook that 352 people losing their jobs from the CSIRO is a simple "shifting of scientific priorities", or do you concede that it is a shifting of employment priorities?

MS FOLLETT: Madam Speaker, I am not able to answer for what was in the Federal Minister's mind, I am afraid. Indeed, I have not seen or heard the reports that Mr De Domenico has alluded to. If Mr De Domenico wants an answer in that depth it might be best if he were to address it to the person who made the comments. I have said in relation to this and similar matters, Madam Speaker, that I consider that it is perfectly legitimate for the Commonwealth and for any other government, including my own, to seek to operate as efficiently as it is humanly possible to do. We must ensure that the community gets value for its money. Operating to the maximum efficiency often necessitates reallocating priorities, or allocating the most resources to your highest priorities. If that is the general drift of what the Federal Minister was saying, I agree with him and so would any competent manager.

Madam Speaker, I have discussed before the issue of staffing shifts. I have said on many occasions that if there were to be a proposal for wholesale shifting of staff out of Canberra or removal of staff resources from Canberra I would object, and I have. I objected to the proposal to move the CSIRO headquarters from Canberra to Melbourne. I am on the public record as objecting to that. I believe that the Australian Capital Territory, as the seat of Federal Government, is the proper home for the vast bulk of the administration which supports the Federal Government. I make no secret of that. As I said yesterday, though, on the figures that I have seen in the Federal budget papers, overall the Federal Government is maintaining its staffing figures. There is no wholesale sacking of people. There is no removal of departments from Canberra to some other area, as was proposed by Dr Hewson, and I welcome that. However, I do expect that the Federal Government must ensure its own efficiency. At times that means reallocating positions and reallocating priorities, and I do not find anything remarkable in that kind of a comment.

Human Rights Office

MS SZUTY: Madam Speaker, my question without notice is to the Attorney-General, Mr Connolly. During the Bill of Rights seminar organised by your department on Saturday, 7 May, Dr Marian Sawyer, from the University of Canberra, spoke on resourcing human rights legislation. During her presentation Dr Sawyer noted that the ACT Human Rights Commissioner is a part-time position and that the commission has only four staff. She went on to say that this has meant that the commission can handle only complaints, usually with time delays of several months, and action in areas such as community education and policy development cannot be considered. The four objects of the Discrimination Act equally emphasise the elimination of discrimination and the promotion of equality. Also, the functions of the commissioner in the Act include promotion, research, the development of educational programs to promote the objects of the Act, and review of the laws of the Territory for consistency with the Act. My question to the Attorney-General is this: Can he inform the Assembly whether he is considering providing the ACT Human Rights Office with sufficient resources to comply with the intent of the Act?

MR CONNOLLY: Obviously issues about resources pre-empt budgets at this time of the year; so it is inappropriate to say what is happening, other than that I am aware of the issue. When the office was created we did seek to fill it on a part-time basis. It was important to fill it with a person of some status and prestige. We appointed Professor Philip Alston, the brother of a Liberal frontbencher, which shows that we are not looking at politics in these issues. We are, as always, a government that is prepared to look at merit wherever we find it. Professor Alston has filled that position and has shown some real leadership; but there is a problem. He is such a high profile international human rights lawyer that he does spend a quite considerable time out of the country. Last year he was out of the country for 12 months and we appointed an acting commissioner, Dr Rosalie Balkin, a senior officer of the Commonwealth Attorney-General's Department. As she is based in Canberra, although she is out of the country from time to time, she was able to come in a lot more rapidly.

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Professor Alston now again holds the title, although he finds himself in Geneva from time to time. I can indicate that the Government is considering exercising a discretion we have under the Act to appoint a hearing commissioner - a person who will be able to exercise the function of commissioner and conduct hearings, which has been something of a problem. While one may say that we would like to have that position filled permanently in due course, members should realise that, in order for that position to carry clout, if it is to be filled on a full-time basis it would need to be at a quite senior level. Until the workload gets to a point, we are better served having a part-time commissioner who brings some prestige to the office rather than filling it at, say, a senior officer level in the sense of a non-SES job. It would be rather difficult for a person at that level to call in a departmental secretary and read the riot act over human rights issues. There is some issue of balance there. We are certainly aware of the problem.

Casino Premium

MR KAINE: My question, through you, Madam Speaker, is to the Chief Minister. It is not about the Commonwealth budget; it is about our own. Chief Minister, on 22 February I asked you a question about the expenditure of the \$19m that came from the casino premium, given that there had been a fair lapse of time since the committee's recommendations went to the Government on that issue. In connection with the two major projects, the Playhouse Theatre upgrading and the cultural and heritage centre, which together consume \$12m of that money, your answers were the same. You said that options for the development of the Playhouse and this centre were currently being examined, and it was expected that the majority of expenditure on these projects would be in 1994-95. You would have to concede that that is a fairly uninformative response. At about the same time you did say, on public radio, that you had to get some new costings. That was eight weeks ago. Can you now tell us whether the new costings and the options have been considered yet? If so, can you tell us which option in respect of each project has been adopted by the Government? Can you give us a fairly concrete timetable now for the provision of those facilities physically and for the expenditure of the \$12m?

MS FOLLETT: I thank Mr Kaine for the question, Madam Speaker. Yes, further costings and matters in relation to those two major projects from the casino premium have been received and considered by the Government, Mr Kaine. They have been considered in the context of the budget. They will be included in the capital works part of the budget and will be going to the relevant Assembly committee, which I think is the Planning, Development and Infrastructure Committee.

MR KAINE: I ask a supplementary question, Madam Speaker. Why does the Government consider it necessary to subsume this in its capital works budget when the money quite clearly was separate from the budget? It had nothing to do with the normal provision. It was additional money specifically identified for these projects. Is this a way of slowing down the whole thing so that you can announce these projects just before election day?

MS FOLLETT: No, Madam Speaker, there is no intention to slow down the projects. They both had to receive very careful consideration. In particular, in relation to the cultural centre, there was the question not just of the costs of the cultural centre itself but the cost to the Government of other accommodation issues which arose. They have all been considered and they will be before the Planning, Development and Infrastructure Committee before very long. They form part of the capital works which will be undertaken in the Territory, and I think they ought to be considered alongside the Government's other proposals in relation to capital works.

Consumer Affairs

MS ELLIS: Madam Speaker, my question is to the Attorney-General in his capacity as the Minister responsible for consumer affairs. Can the Minister inform the Assembly whether the Australian Consumers Association has named this year's Consumer Affairs Minister of the Year? If so, who is that Minister?

MR CONNOLLY: The member's question is in two parts, and the answer in two parts is yes, the Australian Consumers Association has, and it was I.

MS ELLIS: I ask a supplementary question, Madam Speaker. I thank the Minister for his concise and informative answer and I offer him my congratulations on this award. Minister, can you tell the Assembly why the award was given to you?

MR CONNOLLY: Madam Speaker, modesty prevented me from being more expansive in that first answer; but Ms Ellis has sought some supplementary information, so I am quite happy to give it. I will quote the Australian Consumers Association.

Members interjected.

MR CONNOLLY: Members opposite laugh and guffaw and chuckle about this, but the Australian Consumers Association is a very - - -

Ms Ellis: I would like to hear the answer.

MADAM SPEAKER: Order! I do not want to dampen all your mirth, but it is difficult to hear.

MR CONNOLLY: Thank you, Madam Speaker. Members opposite laugh, but the Australian Consumers Association is a very reputable organisation. Mr De Domenico guffaws when I say that the Australian Consumers Association is a reputable organisation. It is quite non-partisan politically and is best known probably for publishing *Choice* magazine for many years. Every year it reviews the performance of Consumer Affairs Ministers around the country and this year, for the second time in a row - I would point out that this is the first time that it has ever occurred twice in a row - the ACT has won that award.

Mr Humphries: The ACT has won it. It was not you.

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MR CONNOLLY: I have been given that title as ACT Minister, Mr Humphries, but it is the support of my Cabinet colleagues that allows me to take the lead on these issues. It is the support of this Labor Government for progressive consumer affairs issues that has allowed me to take this prize. While it is an individual prize, I regard it as part of a team prize. The best government in Australia, I think, was the title that we were given last week. The Chief Minister has the team trophy and I have an individual player award in this respect.

What is most significant and what should cause members opposite real concern is this quote from the Australian Consumers Association:

Connolly's biggest achievement in the past year was to break through Canberra's "petrol ceiling" - the informal barrier to petrol price discounting. "Petrol prices have since fallen substantially and have remained down".

I would like to table for members a chart which shows the difference between retail and wholesale prices for leaded petrol from June of last year through to May. It indicates quite dramatically the way that those prices have contracted. If we had the level of profiteering that was occurring as of last year, before this Government acted in a way which gave it significant marks from the Australian Consumers Association, consumers here would still be paying in the order of 75c to 76c a litre for petrol. I note that the Opposition, on that issue of petrol pricing, as we have gone in and taken on a very major issue for Canberra consumers, have remained totally silent. I note that in the *Motor Trades Advocate* they are full of praise for Mrs Carnell - Mrs Carnell is wonderful; the Liberals are wonderful. Are they on a promise, Madam Speaker? What would this party do about petrol pricing if they were in office? If they had been in office prices would still be high. If they were to get into office, what would happen to petrol prices in this jurisdiction?

National Museum of Australia

MR HUMPHRIES: I am looking forward to the publication of the survey by the Tuckey Foundation next week, which I am sure will give a very interesting view about the ACT Government. My question, however, is directed to the Chief Minister. I refer her to Tuesday night's Federal budget in which Friends of the National Museum of Australia were again disappointed to see no funding to commence the building of the national museum and, rather ominously, a cut to the staffing establishment of the museum. That is hardly a good start towards a big expansion. I also refer the Minister to that august publication, the *Ros Kelly Advocate*, the March 1993 edition - also not the *Canberra Times*. In it the author, Ros Kelly, says:

The Federal Government has committed itself to the National Museum. It will contribute \$26 million over the next four years.

She is running out of time. Ros said:

I am delighted that we have finally started the Museum ... The museum will create 300 jobs during its construction and many additional jobs after completion.

Minister, when are you and your Labor colleagues going to stop parading yourselves as the mates and supporters of the national museum and concede that, under this Federal Labor Government, the national museum and all that it represents is absolutely dead in the water?

MS FOLLETT: First, I point out that I am not Ros Kelly. Mr Humphries is a bit slow on the uptake, but I put that on the record. I do not currently have a copy of the *Ros Kelly Advocate*, but I certainly have some comment on the national museum.

Mr Humphries: You were enthusiastic - - -

MS FOLLETT: I was disappointed. It was the only aspect of the Federal budget in which I was disappointed. Contrary to Mr Humphries's interjection, that is stated quite clearly in my press release on the matter. I have long supported the construction of the museum in Canberra on the site at Yarramundi Reach. I was aware of the Federal Government's commitment to the national museum before the last Federal election. As part of that Federal commitment and to support that commitment, I made a commitment on behalf of the ACT Government to fund the infrastructure for the national museum project. That was a not inconsiderable commitment. I still stand ready and prepared to carry out that infrastructure work as the Territory's contribution towards the establishment of this very important national institution.

Madam Speaker, I do not consider that the national museum, as Mr Humphries says, is dead in the water. In my view it is not. I intend to continue campaigning for the construction of the museum. I will be doing that in the way in which I have been doing it recently, which is to discuss the matter with my Federal colleagues and with the Federal Minister, and to continue to impress upon them the national value of this project and, of course, from the Territory point of view, the value of it to the Territory. That is why we made such a commitment to the project. I believe that the national museum is essential to complete the suite of national cultural institutions in the Territory. It would be a very proud achievement to mark the centenary of Federation. It is my view that that is the correct timing. I am also aware that, if the museum project is to be realised by that time, we need to get cracking in the not too distant future.

Madam Speaker, I pin my hopes for the present on the cultural statement that I expect the Federal Government to bring down later this year. I guess that that will be the next sign that we might have as to whether the Commonwealth does intend to deliver on its election commitment. In my view, if a government makes a commitment like that they are obliged to come good with it. I do understand that the commitment made by the Commonwealth was somewhat qualified by their expectation that there was some private sector funding for the national museum. I do not believe that difficulties in getting that private sector funding warrant the abandonment of the project, and I will continue to work to see that the national museum becomes a reality.

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Kippax Centre

MR BERRY: My question is to another member of the leading Labor team.

Mr Humphries: I raise a point of order, Madam Speaker. Mr Berry has asked a question already in this question time. Mr Stevenson has risen and has not had a question yet. Other members on this side of the chamber have not had a question either.

MADAM SPEAKER: Let me read out to you the order in which members have had a question, and how many Liberal members, Labor members and Independent members have had a question. Mrs Carnell, Liberal, No. 1; Mr Berry, Labor, No. 2; Mr De Domenico, Liberal, second question; Ms Szuty, third question, with a fourth question along the way. Then Mr Kaine, Ms Ellis and Mr Humphries. If you add that up, the distribution is quite fair. Both Mr Moore and Ms Szuty have had a question. I distribute questions evenly across the chamber.

Mr Kaine: And Mr Berry is getting a second one.

MADAM SPEAKER: If Mr Berry chooses to stand instead of Mrs Grassby, it is Mr Berry's choice. We will have order. Mr Berry will continue asking his question.

MR BERRY: Again, I direct my question to another member of the leading Labor team, the Minister for the Environment, Land and Planning, Mr Wood. Is the Minister aware of some concerns that have been raised by Belconnen residents, and in particular by the Belconnen Community Council, regarding the Kippax Centre? Can he inform us of any action he might be taking?

MR WOOD: Madam Speaker, to the extent that there are concerns, they have been well expressed to me by Mr Berry and Mrs Grassby, who have been active in communicating with people in that area. There has been some comment about community facilities around the Kippax Centre. That comment was prompted because there was a proposal for residential development coming to fruition. I must say that I had not had that comment before that residential development was announced and made clear. I do not know how real some of that concern has been. In some measure it is due to anxiety about residential development rather than concern for community facilities. Nevertheless, Mr Berry and Mrs Grassby have been raising these issues with me and have expressed the view that, with development now at West Belconnen, it is appropriate to look at the extent of community facilities generally in that distant area of Belconnen. The new suburbs will certainly have an impact - I think a productive impact - on the Kippax Centre. They will provide more trade to that area - something that the shopkeepers there have long been seeking.

I have indicated to the members and to the community broadly, through them, that I will look further at retail facilities in that broad area. There is at present a retail study being undertaken across Canberra to assess the current pressures and needs in the retail area generally. When that is done I will have a look at what is required and what changes might be fruitful for the Belconnen area. Secondly, I have indicated to the members and to the Belconnen Community Council that I will look again at the need for community facilities in the West Belconnen area generally as a result of a growing and, perhaps, changing population. A way to proceed would be to have a workshop to explore, with people in the community, what the needs are and, on the basis of some information we may have as a result of the studies I have indicated, what might be the way to go in the future. We have carried out workshops in other areas. We have done that in relation to the facilities to be provided in the Gungahlin town centre. I am doing a similar workshop at the weekend at Oaks Estate, in association with the community there. We will run a workshop, or perhaps a series of them, with the local people to see what further good planning might bring there in the future.

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

CSIRO Staff

MS FOLLETT: I would like to add to the answer that I gave to a question without notice from Mr De Domenico concerning staffing at CSIRO as a result of the Federal budget. I have been advised, Madam Speaker, that the staffing figure arises because the 1993-94 and 1994-95 salary figures for CSIRO were divided to get the average salary level. However, Madam Speaker, CSIRO does not actually operate on the ASL concept. Because 1993-94 had 27 pays and 1994-95 has only the more usual 26 pays, the figure appears to reduce much more than it does. That accounting change from 27 pays to 26 pays would account for some 250 of the notional ASL. Madam Speaker, I would also like to comment that there is a 2 per cent increase in the cooperative research centres, and I feel sure that CSIRO will get some of that 2 per cent as well. The figures in the budget relate only to on-budget funding. If there is more money from cooperative research centres, or, say, from the white paper's research and development initiatives, CSIRO could enjoy increased employment from either of those sources.

ACTTAB - Link with VicTAB

MS FOLLETT: Madam Speaker, there is one other matter. Yesterday, in questions without notice, both Ms Szuty and Mr Moore asked me a question relating to a document concerning the VITAB inquiry being conducted by Professor Pearce. I have discussed that matter with Ms Szuty and Mr Moore. I have shown them the document. It does, in fact, form part of the Government's submission to the Pearce inquiry. I understand that, at least for the moment, that satisfied their inquiry.

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Trade Union Membership

MR LAMONT: On 10 May 1994 Mr Kaine asked me a question in relation to the Discrimination Act and membership of organisations in relation to employment. In particular, he asked whether there was a requirement of compulsory union membership prior to employment. I undertook to get back to Mr Kaine on that question.

My answer, Mr Kaine, is as follows: In the ACT private and public sector employment is governed by the Industrial Relations Act 1988, a Commonwealth Act. Under that Act the Industrial Relations Commission can insert a preference clause into an award, or ratify an agreement contained in such a clause. The commission, however, cannot enforce compulsory unionism. The ACT Discrimination Act 1991 prohibits discrimination on a number of grounds, including union membership. To some extent the Act may affect relationships between employers and employees, including compulsory union membership. Under the Australian Capital Territory (Self-Government) Act, awards and ratified agreements of the Australian Industrial Relations Commission prevail over ACT legislation. To the extent that awards and agreements conflict with the Discrimination Act 1991, the ACT legislation does not apply, and the Industrial Relations Commission is free to apply preference clauses to ACT employees.

The Government has a policy of encouraging union membership in public sector employment. This is not a policy of compulsory unionism. In public sector employment there are no awards or policies of the Government which require compulsory unionism in any form, including for the purpose of engagement in employment. In applying conditions of employment, this Government makes no distinction between members and non-members of unions.

AUDITOR-GENERAL - REPORT NO. 2 OF 1994 ACT Health - Health Grants and Management of Information Technology

MADAM SPEAKER: Members, I present, for your information, Auditor-General's report No. 2 of 1994, "ACT Health - Health Grants and Management of Information Technology".

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

That the Assembly authorises the publication of Auditor-General's report No. 2 of 1994.

INDUSTRIAL RELATIONS PRACTICES
Discussion of Matter of Public Importance

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

The need to condemn any industrial relations practices which discriminate against any sector of the work force.

MR DE DOMENICO (3.11): May I say how timely was Mr Lamont's indication to this Assembly that the Government obviously would be very concerned if there was any discrimination against members of the work force over membership or non-membership of unions or industry associations, in line with Mr Moore's amendment to the Discrimination Act last year. It is well known that 50 per cent of the Australian work force are not union members, and the percentage is rising, and that 71 per cent of employees in the private sector are not union members. We are also aware that the previous Minister for Industrial Relations was obsessed with unions and that he ignored about 50 per cent or more of the work force in the ACT who are not members of unions.

One needs to remember that industrial relations commands the business of employment. It also commands the tragedy of unemployment. You cannot govern industrial relations without affecting the employment and unemployment situation. The first instance that I need to talk about concerns a courier who was sent to Woden Valley Hospital, the redevelopment site, on Friday, 26 November 1993, and was refused access. In fact it went a bit further because there was a demand by union organisers to see the contractor's union card. The contractor was told that the Woden Valley Hospital site was a ticket only site and, if he could not produce a ticket, to leave immediately. The courier was unable to proceed and to do his job. I am advised that two union officials declared that the site was a union site and that if the courier was not a union member he was unable to proceed. It would be interesting to see what action the current Minister would be prepared to take, should that sort of situation occur again. I wrote to the then Industrial Relations Minister, Mr Berry.

Mr Lamont: So you have had all this aired before. You just want to rehash it now?

MR DE DOMENICO: I wrote to Mr Berry. I think members should listen.

Mr Humphries: I know that it is painful, but you have to listen to this.

MR DE DOMENICO: It is very painful. I wrote to Mr Berry on 30 November, a couple of days after this happened. He wrote back to me some two weeks later. That shows how concerned he was about the whole thing. In that letter he said:

Thank you for your recent letter concerning an alleged breach of the Discrimination (Amendment) Act 1993.

As this matter falls under the portfolio responsibilities of my colleague, Mr Terry Connolly, the Attorney-General, I have referred the matter to him.

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There are more handpasses around this place than at the MCG. Off it went to Mr Connolly. Mr Connolly, unlike his colleague, did respond more quickly. Mr Connolly suggested this:

I think in this case the appropriate action would be for the person affected by the alleged discrimination to contact the Human Rights Office as soon as possible ...

Mr Connolly did suggest that perhaps there may have been some breach of the Discrimination Act. That is the first thing that the Minister might take on board. He might inform the Assembly of how he would handle a similar situation. One question we might ask is why the former Minister for Industrial Relations did handpass to Mr Connolly. I would have thought that Mr Berry would have been very concerned to make sure that even the union movement in this town did take heed of the law.

The second matter I would like to raise, Madam Speaker, relates to a building site in Weston recently. Mr Cornwell and I were out there that day. This involves a building company and a building union. I am saying that it is not just the union movement that ought to be taken to task here. The employers should be also. A building company and a building union - - -

Mr Lamont: I am sorry; say that again.

MR DE DOMENICO: A building company and a building union, in this case the CFMEU - - -

Mr Lamont: The employer should be taken to task here too?

MR DE DOMENICO: Yes, if the employer goes against the Discrimination Act.

Mr Lamont: The employer should be taken to task too?

MR DE DOMENICO: That is right; if they have breached the Discrimination Act, Mr Lamont. Everybody who breaches the Discrimination Act should be taken to task, surely. In this instance, Madam Speaker, a building company and a building union, namely, the CFMEU, would not allow on that site any subcontractors who were not involved in CERT, the union's redundancy and superannuation scheme. In fact the subcontractor involved was in the MBA scheme. He poured the concrete and subsequently it was physically ripped up because of this. This is nothing but blatant discrimination. Once again, there was no statutory obligation to join one scheme or the other. There was some obligation to join a scheme, but this contractor was not allowed on the building site unless he was a member of a particular scheme.

Let us have a look at something closer to home, a dispute between the Australian Workers Union and the CFMEU. The CFMEU seems to come up time and time again. It is hoped that the Minister for Industrial Relations, or the Minister for the Environment, Land and Planning, or perhaps even the Attorney-General, can give the Assembly the details of the dispute which started over union membership in January between the AWU and the CFMEU.

Mr Lamont: What has this to do with the Discrimination Act?

MR DE DOMENICO: It is common knowledge that this dispute started when approximately 27 CFMEU members, including one former organiser for the union, joined the AWU due to dissatisfaction, lack of proper representation and the poor treatment they were receiving from the CFMEU.

Mr Lamont: It did not have award coverage.

Mr Kaine: I raise a point of order, Madam Speaker. The Minister has done nothing but snipe across the floor ever since Mr De Domenico got to his feet. He is going to have an opportunity to say something useful when Mr De Domenico sits down. Would you please ask him to be quiet while Mr De Domenico speaks.

MADAM SPEAKER: I remind the Minister of the provisions of the standing orders. Proceed, Mr De Domenico.

MR DE DOMENICO: Thank you, Madam Speaker. I am grateful for your protection, Madam Speaker. These people were not permitted the basic human right of being allowed to join the union of their choice, the union that they felt would take more interest in representing them, without undue pressure being placed on them to return to the CFMEU membership. Madam Speaker, the CFMEU still refuses to allow employees to operate plant while they are not members of the CFMEU, although the AWU-FIME has considerable membership in various classifications among employees of DELP. Of these men who changed over to the AWU from the CFMEU, only two members did not rejoin the CFMEU.

Would the Minister try to explain to the Assembly exactly why he thinks the two held out? More importantly, will he explain why he allows this situation to continue? Is it not true that it was not until after one request from Commissioner Bacon for a reciprocal return to the status quo by both unions members and one order from the court that the CFMEU members allowed both the remaining people, AWU members, to return to work? Is it true that the AWU acted responsibly and quickly acquiesced with Commissioner Bacon's request to allow people who had changed from AWU membership to CFMEU membership - a number of gardeners, I believe - to return to work? Is it true that the CFMEU did not follow the good example set by the AWU? Is it true that DELP bent to the CFMEU's demands and redeployed the two employees?

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Perhaps the Minister, who is chuckling over there, also might like to take this on board. Is it also true that, in accordance with the recommendation of Commissioner Bacon, the two AWU members reported for duty as plant operators? Is it not also true, Minister, that industrial activity, in the form of a picket by CFMEU members using ACT Government equipment, prevented these two men from performing their normal duties? All that might be funny to the Minister; but several pickets, including the one I just referred to, have been conducted against these two men. DELP machinery has been used in pickets at Fyshwick and on land within the DELP depot. Is it correct, Minister, that, although Commissioner Bacon issued a decision on 25 March 1994 rejecting the CFMEU's jurisdictional point - that is, demands by the CFMEU that all plant operators have to be CFMEU members - it was not until Monday, 18 April, that the two remaining workers were allowed partially to return to work? All those are questions that I think the Opposition and this Assembly need to have answered. Is it also correct, Minister, that Commissioner Bacon decided that the AWU is eligible, according to its rules, to enrol plant operators employed by DELP?

Mr Berry: I raise a point of order. I draw members' attention to the problems that they may create by interfering in an industrial dispute which is before the Industrial Relations Commission at this time.

Mr Humphries: There is no point of order.

Mr Berry: If you do not want to exercise caution, if you just want to exacerbate the situation, that is the path you might seek to go down. The Industrial Relations Commission is trying to settle this industrial dispute. It does not make a whole lot of sense to me to see somebody from the Liberal Party who is antagonistic to unions trying to stir it up some more.

Mr Humphries: What point of order are you raising? What standing order are you referring to?

Mr Berry: I just urge members to use a little bit of caution.

MR DE DOMENICO: Under what standing order? Sit down. You are a has-been. Just sit down and let us get on with it.

MR DEPUTY SPEAKER: Order! There is no point of order.

MR DE DOMENICO: As difficult as it is for Mr Berry to accept what is being said here, Mr Deputy Speaker, the question that needs to be asked is this: Is the management of City Parks happy with the present status of the situation?

Let us talk about something else - something that I brought up in this place at another time, the 10 February 1993 submission by Pacific Waste Management to ACT City Services for the provision of domestic garbage collection in Canberra. We brought this up in a question the other day. Correspondence was subsequently received from the ACT Department of Urban Services by Pacific Waste Management requiring Pacific Waste Management to supply a letter from the Transport Workers Union sanctioning an enterprise agreement with its owner-drivers. If that is not getting very close to being discrimination, it is at least a bit of a worry.

Mrs Carnell: It is over the line.

MR DE DOMENICO: I think it is over the line, as Mrs Carnell said. These are the sorts of issues that the Opposition is concerned about. A lot of people in this community are concerned about them too; but, no, the people opposite just sit there and laugh. We all know why they do it, Mr Deputy Speaker. They want to ensure the maximum possible position on ALP how-to-vote cards for the prospective election. Let us make no bones about it.

Mrs Carnell: And they want the money.

MR DE DOMENICO: They want the money that these unions bring to campaigns. It is as simple as that. We have to get into the political reality. That is what it is all about. Let us talk about something else. The things I have talked about might not have been too close to home, but let us talk about something else. Who will ever forget, Mr Deputy Speaker - here it is - this media invitation on the letterhead of the Australian Labor Party, Australian Capital Territory Branch? Mr Moore should listen to this because it goes right to his Bill. It says:

Please note: The Administrative Committee of the Party has reaffirmed the longstanding federal and state policy that all journalists and crews will only be admitted to the Conference if they are members of the relevant union.

That is on an ALP letterhead. If you are not a member of the union, you cannot get into the conference. You are out. This is Mr Berry standing up - - -

Mr Lamont: But we let you in for so many years.

MR DEPUTY SPEAKER: Please continue, Mr De Domenico.

Mr Lamont: Tony used to attend the ALP conferences. Didn't you know?

MR DE DOMENICO: If Mr Lamont had been listening to the debate he would have known that I was talking about the local ALP conference, which I have never attended in my life, and probably would not be able to attend because I am not a member of the union.

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This is a letter from their own comrade. This is a letter signed by a Mr Desmond Heaney, the ACT secretary of the Automotive, Food, Metals and Engineering Union. I am talking about the power of the unions and their influence over this Government. I quote from Mr Heaney's letter to Ms Follett, dated 2 February 1994:

Regional Council places a notice that besides notifying a dispute in the AIRC and holding ACT Government R/F members meeting. We will not support at preselection those candidates we believe are not competent for the positions they seek.

Here we have the secretary of a well-respected union saying to the Government, "Unless you do what we tell you, you will not be preselected". There it is.

Let me turn to the last thing I would like to talk about on this MPI, Mr Deputy Speaker. Perhaps it affects members of this Assembly as well. I have been advised of an attempt by an artisan to deliver some work that he was commissioned to do in this Assembly. He was refused entry to this building, to this parliament, unless he could show that he had a union ticket. This person was forced to join a union before being allowed into this place.

Mr Humphries: Is this true?

MR DE DOMENICO: I would like that question to be asked. Is it true? If it is true that this person was refused entry to this parliament, to this house, because he was not a member of the union, what is the Government going to do about it? That is what we would like to know. This person was from interstate, Mr Deputy Speaker. It will be very interesting to know what this Government is going to do about this sort of thing.

Mr Deputy Speaker, they can sit over there and laugh and scoff and do whatever they like; but this Government, these members over on the other side, are in the grasp of the trade union movement in the ACT. They are the laughing-stock of the rest of the country, of even their own party, and we know why. This is all about preselection. This is all about making sure that they get the funding necessary to try to win elections. Put succinctly, I would like answers to the questions. Instead of Mr Lamont jumping up and down, I would like him, in the spirit of this place, to answer the questions that I have asked. Are all the things that I have asked true? Let us hear your contribution.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (3.26): It is my turn, is it?

MR DEPUTY SPEAKER: If you wish to take the opportunity, Mr Lamont, yes.

MR LAMONT: I suppose, for a bit of comic relief, we may as well continue the nonsense that has been going on for the last 15 minutes. Mr Deputy Speaker, it is propitious that we have Mr De Domenico, the wet Liberal from that side of the chamber, in the vanguard for true social reform, raising these sorts of matters in the way that he has. I find it absolutely laughable that Mr De Domenico would attempt to create an issue. In fact, he had a Bronwyn Bishop press conference at 2 o'clock. He turned up and the media turned up somewhere else.

Mr Connolly: They were walking through a shopping centre with me, promoting consumer affairs.

MR LAMONT: Yes, to try to - - -

Mr De Domenico: Your minder turned up trying to do a deal. If you are going to get angry, mate, let us get into it. Just tell the whole truth.

MR DEPUTY SPEAKER: Order!

MR LAMONT: "Let us get angry", he says. I asked one of my staff to go along to the press conference just to make sure that it was as ridiculous as we thought it would be. He came back and confirmed that that was the case.

Mr De Domenico: He asked, "How deep do you want me to dig?". He said, "How deep do you want me to dig so that I can protect little Davy baby?". That is what he said.

MR LAMONT: That is what good staff are for, unlike your own, Mr De Domenico. The core of the proposition that has been put by Mr De Domenico needs to be addressed in the widest possible form. Mr Kaine, you can relax because you would not have asked such a silly question, or put up a silly proposition like the one that Mr De Domenico has gone on with.

Mr Wood: I like that stance. I am going to use that.

MR LAMONT: Do you like that? It is okay.

Mr Connolly: It is a bit of a problem for me, though.

Mr De Domenico: A cigarette, too, would be nice.

MR DEPUTY SPEAKER: Order!

Mr Connolly: Gary, we are disadvantaged.

MR LAMONT: When you are the world's best Consumer Affairs Minister you do not need to lean back.

MR DEPUTY SPEAKER: Order, please!

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MR LAMONT: It is somewhat unparliamentary, I would suspect, for you to repose like that, Mr Humphries.

MR DEPUTY SPEAKER: Mr Lamont, if you move back and lean against the desk, *Hansard* cannot pick up your comments.

MR LAMONT: Do you mean that I am not speaking loudly enough?

MR DEPUTY SPEAKER: They are signalling that they are having difficulty. Order, please!

MR LAMONT: We will seek to have the desk moved a bit closer for the next session. It is somewhat of a travesty that what would otherwise be treated as a quite serious issue is dragged into the gutter by Mr De Domenico this afternoon. It is pretty obvious that, after he woke up this morning and came into his office and sat at Mr Stefaniak's old table, he pulled out Mr Stefaniak's old MP's. This one must have been at the top of them. Indeed, it is something akin to those that Mr Stefaniak used to run during the life of the previous Assembly.

In answer to a question earlier this week from Mr Kaine, to which I provided an expanded answer today, I think I outlined the position in relation to compulsory unionism and those types of questions, and the relationship between the Industrial Relations Act of 1988 and the Discrimination Act of 1991. I think I quite clearly pointed out the state of the law. I do not intend, in the brief time available to me this afternoon, to try to answer the dorothy dixers that Mr De Domenico has seen fit to try to beat the press up on over the last couple of days; but I will do this. I am prepared to take 15 minutes of the Assembly's time to give Mr De Domenico an industrial relations lesson, because it appears as though that is what he is sorely in need of. I am also prepared this afternoon to offer an opportunity for officers of my department to brief Mr De Domenico about the concepts of industrial relations and the relationships between employers and employees, not only here in the ACT but throughout Australia. I am also prepared to go one step further and get that briefing in monosyllabic words that he can understand, and to use graphs if that is necessary.

Mr De Domenico has been around this city for long enough to know when his leg is being pulled on a number of questions. The first of those is in relation to a garbage contract. As I have repeatedly said in this house, I am not about to interfere in an assessment process which has stood the test of time. I have said this to Mr De Domenico on repeated occasions. What has he tried to do again this afternoon? Mr De Domenico deliberately set out to try to influence, I suggest, the outcome of a quite proper process being conducted to consider this tender, in favour, obviously, of one particular applicant. I can draw no other conclusion. I wonder what the other seven applicants, who have done all the work involved in submitting their tenders, think of Mr De Domenico's actions in this regard. They probably feel as outraged as I do, Mr Deputy Speaker, at the type of action which he has entered into.

I am prepared, as I have said, to give Mr De Domenico the industrial relations lesson again, so I will do that. I will begin by setting out the essential elements in the framework which, in effect, operate to prevent discrimination against any sector in the work force. The ACT Discrimination Act contains a provision that makes unlawful discrimination on the ground of membership or non-membership of an association of employees or employers. However, this provision does not operate in circumstances where it cannot operate concurrently with a preference arrangement included in a Federal law.

Under section 28 of the Australian Capital Territory (Self-Government) Act 1989, awards of the Australian Industrial Relations Commission are included in laws, and a provision of an enactment - that is, an ACT enactment - shall have no effect to the extent that it is inconsistent with a law. Have you got that? Under section 4 of the Commonwealth Industrial Relations Act 1988, awards are also defined to include certified agreements. Do you know the difference between an award and a certified agreement? Obviously not.

Mr Westende: I certainly do.

MR LAMONT: Mr Westende may be able to enlighten you on that. Maybe Mr Westende should be your spokesperson on industrial relations. Section 122 of the Industrial Relations Act 1988 permits the Australian Industrial Relations Commission to provide for preference in awards. The High Court has interpreted the legislation as denying the commission power to award stronger forms of preference. Do you want me to repeat that? It is not within the power of the commission to include compulsory unionism in an award. Further, the Commonwealth Industrial Relations Reform Act 1993 introduced changes to the Industrial Relations Act 1988 and provides, among other things, a framework for enterprise agreements and their certification by the commission. Once certified, an agreement will prevail over the terms of an award or order of the commission and exclude the operation of the relevant award.

Mr De Domenico: Is it true that the CFMEU used Parks and Gardens equipment to picket a workplace that you control?

MR LAMONT: Listen, and you may get to understand what the circumstances are.

Mr De Domenico: No; you listen.

MR DEPUTY SPEAKER: Order!

MR LAMONT: However, the Industrial Relations Act also provides that the commission may refuse to certify an agreement if "in the case of any agreement the Commission thinks that any of its terms is one that the Commission would not have power to include in an award".

In summary, the commission does not have the power to award full preference - in other words, compulsory unionism - and it is not possible to incorporate a requirement for compulsory unionism in an award or an enterprise agreement. It would, however, be possible to incorporate existing preference arrangements in certified agreements, and the legality under the ACT Discrimination Act of such preference arrangements will be no different from the situation applying to preference granted in awards.

Mr Humphries: You are reading that so well, David.

MR LAMONT: Yes. I wanted to make sure that I had the lesson well prepared for Mr De Domenico, in small words that he could understand. In effect there is no difference, Mr Deputy Speaker, from the previous situation whereby preference arrangements and awards could exclude the operation of the Discrimination Act in respect of union membership. Preference arrangements in enterprise agreements will have similar operation and cannot be regarded as unlawful under the Discrimination Act. Have you got that?

Mr De Domenico: What does that part mean?

MR LAMONT: Where preference arrangements are provided for union members in awards or certified agreements, there is no basis for complaint under the Discrimination Act, and the arrangements could not be considered unlawful. Have you got that?

Mr De Domenico: Oh! Is it right for people to be refused entry for not having a ticket?

MR LAMONT: Preference for union members under some circumstances has always been an important part of the Australian industrial relations system. I will repeat that for the sake of Mr De Domenico, Mr Deputy Speaker; I know that you are taking notice of this. Preference for union members under some circumstances has always been an important part of the Australian industrial relations system. Unions historically have played an important part in developing and maintaining the working conditions of their members, and governments of all political perspectives have recognised this important role. In the private sector particularly, many employers have recognised a significant role for unions and have entered into membership agreements covering all their employees. Even in the recent enterprise agreement negotiated by a Canberra employer, the relevant trade union played a recognised positive role. In the complex and sometimes confrontationist world of industrial relations, unions have often played a stabilising role in channelling the sometimes confused and conflicting aims of workers, and wise employers have recognised this to their advantage. This is the legal framework within which industrial relations in the Territory are regulated, and it applies equally in the private and public sectors.

In relation to its own work force, as I said earlier today in responding to Mr Kaine, this Government has a policy of encouraging unionism and union membership in public sector employment. This is not a policy of compulsory unionism. In public sector employment there are no awards or policies of the Government which require compulsory unionism in any form, including for the purposes of engagement in employment.

Mr De Domenico: What about the firefighters award?

MR LAMONT: This is the historical situation with Commonwealth employment and ACT Government employment, where longstanding policies and practices have recognised and encouraged the proper role of unions and the advantages of union membership. Again there is a squeak, an interjection, "What about the fire brigade?".

I am sorry; it is obvious that you have missed the lesson. I will start again. There is a difference between a preference clause in an award and a compulsory membership clause in an award. Do you understand the difference?

Mr De Domenico: Yes, I do.

MR LAMONT: It is obvious you do not; otherwise you would not have asked the very silly question, "What about the firefighters?". You would have understood that.

Mr Connolly: You can take a Liberal to facts but you cannot make him think.

MR LAMONT: That is right. My colleague, the world's best Consumer Affairs Minister, has just said - - -

MR DEPUTY SPEAKER: Relevance, Mr Lamont.

MR LAMONT: Yes, that is the same question I have been asking about some of the comments in the opening address on the MPI by Mr De Domenico. The world's best Consumer Affairs Minister just said, "You can take Liberals to facts but you cannot make them understand them". I agree that that is the case in this regard. Mr De Domenico, put very simply, you are confusing the difference between what is a compulsory union membership provision in awards and agreements and what is a preference clause. That, quite simply, is where you have your head in the wrong cloud, if I could use that analogy.

Let us talk about one dispute that you raised, a dispute between the Australian Workers Union and the CFMEU in relation to union coverage. The question was how that should be resolved. Mr De Domenico, I presume that you support the AIRC, the Australian Industrial Relations Commission.

Mr De Domenico: Yes. Does the CFMEU support the AIRC?

MR LAMONT: Ask the CFMEU.

Mr De Domenico: I am asking you. You are the Minister for Industrial Relations.

MR LAMONT: I speak on behalf of the industrial relations policy of this Government. If you want someone to speak on behalf of the CFMEU, pick up the phone and call Mr Wason. I am sure that he will talk to you.

Mr Berry: I do not know about that. I do not know that you would get a call back.

Mr Connolly: He probably would not.

MR LAMONT: Well, no. Mr Berry interjects that he probably would not. You are probably right.

Mr De Domenico: How high do you go when he says jump?

MR LAMONT: No higher and no lower than you do, Mr De Domenico, when a particular Treasurer of the Liberal Party says jump. What I will say to you, Mr De Domenico, is that that dispute is about the extension of award coverage. Do you understand the difference between an eligibility rule within the rules of a union and award coverage?

Mr De Domenico: Your arrogance is not fooling anybody.

MR LAMONT: Do you understand it? I am asking the question. Obviously you do not understand, so I will explain it to you. Unions are registered under the Industrial Relations Act, Mr Deputy Speaker, and they have a rule which says, amongst other things, that you are able to engage members in certain pursuits, and it outlines those pursuits. You then go along to the Australian Industrial Relations Commission and ask them to create awards on behalf of those classes of employees. At times the AIRC will say yes, and at times they will say no. On this occasion the dispute is about whether or not a union, which technically may have coverage as far as eligibility is concerned, is seeking to have award coverage applied when there is already in existence a union with the same eligibility as far as their membership is concerned but with an award that does apply. That is the essential issue in dispute between the AWU and the CFMEU.

MR KAINE (3.41): Mr Deputy Speaker, quite frankly, this is the kind of debate that we should not need to have in this place. What Mr De Domenico said in discussing his matter of public importance is that there is a need to condemn industrial relations practices which discriminate. We just heard a great deal of sophistry from Mr Lamont justifying an industrial relations system that embeds discrimination. Mr Lamont, in his sophistry, said that it is not discrimination; it is merely preference. He spent a good deal of time justifying this concept of preference which, any way you cut it or look at it, is discrimination under a euphemism called preference.

Mr Deputy Speaker, I happen to believe that discrimination is unacceptable, and I think that today's society agrees with me. That is why, last year, this Assembly passed a Discrimination Act. We made discrimination on a wide range of grounds illegal in this Territory. One ground that was not included in the early stages was discrimination on the basis of age, because there were certain difficulties in defining it; but we have even incorporated age, and we have incorporated a provision that discrimination on the basis of membership or, if you like, non-membership of an organisation or body is illegal. That is the simple fact of the matter. That is the state of the law in this Territory. When you come to the point where discrimination prevents people getting employment in a world where there is 10 per cent unemployment, it is not only unacceptable; it is, frankly, obscene. I am confounded when I hear members of the Labor Government opposite justifying a position that denies people employment on the basis that they do not belong to a trade union - this euphemistic preference. I think they are too.

Mr De Domenico outlined a number of case studies - events that have occurred in this Territory in very recent times. In every case the effect of the imposition of this preference, this discrimination, is to deny people employment - "You cannot come onto this site unless you have a union ticket. You cannot attend the Labor Party convention unless you have a union ticket. You cannot come into this place and work on the fixtures and fittings, even though you are a private contractor, unless you have a union ticket, or the union says that it is okay. You cannot move garbage in the ACT, even though you own your own truck and you are working for yourself, unless the TWU says that it is okay". The Labor Party says that this is all right; that this is not discrimination, it is simply preference. I am absolutely confounded by it.

I do not understand how Mr Lamont can come into this place and defend that situation. He defends it on the basis that there is overriding Commonwealth law. That is absolute rubbish. Mr Lamont said that there is Federal law, and underneath Federal law there are Federal awards, and underneath Federal awards there are enterprise agreements, certified agreements. They are twice removed from the Federal law. Yet Mr Lamont says that something as far removed from Federal law as that overrides ACT law. If that is the case it is about time we moved to change it. A trade union can enter into an agreement with an employer, and that agreement overrides ACT law. It denies people employment; and Mr Berry, Mr Connolly and Mr Lamont say that that is okay. In a world which no longer supports discrimination, they say that that is okay. I just do not understand what kind of conscience they have.

Mr Lamont said that it has long been embedded practice in industrial relations law that we have this preference, that we have this discrimination. That is his defence; that it has long been embedded in industrial relations law. It is not so very long ago that, if you were not the right colour or the right race, or you had a couple of kids, you could not rent a house. That was long embedded in Australian philosophy too. People were entitled to say, "If you fit into this category that I do not like, you cannot rent my house. You cannot belong to my club; you cannot get a job in my business because your colour is not right; your religion is not right, your race is not right", or, "I do not like the colour of your eyes". But society has moved to prevent that happening any more. It has made it illegal. How then can the Labor Party say that this other form of discrimination, simply because it has long been embedded in the law, is still okay?

I have to say, with due respect to the Chair, that there is a certain amount of hypocrisy in this. All other forms of discrimination are unlawful, and the law should be inflicted with full force; but, if a trade union discriminates, that is okay. I can tell you, Mr Deputy Speaker, that it is not okay with me. When I know that somebody has been denied the right to work because he does not belong to a trade union, and that is denied because the trade union says that he cannot work, I find it unacceptable. I find it obscene. I believe it is unacceptable for any member of this Assembly to come in here and defend that and say that it is okay. If they really believe that hypothesis they should test it. They should put it on their platform, put it to the community next February, and see what sort of support they get for it. They will not do it because they would not dare. If they do not believe in their concept to that degree, they should move to change the law; and they should move to get the Commonwealth to remove this iniquitous protection that is given to trade unions and that allows them to discriminate when nobody else in this community can. Frankly, it is appalling.

MR CONNOLLY (Attorney-General and Minister for Health) (3.48): Mr Deputy Speaker, there has been one constant in Australian politics for over 100 years, and that is that the conservatives hate the union movement, and for good reason. It is because the union movement, and out of the union movement the Labor Party, has been at the forefront of achieving change not just in this country but overseas. These are the people who, in the last few years, have been extolling the fact that the walls came down in Berlin and that democracy and freedom are now spreading throughout Eastern Europe. Why did that happen, Mr Deputy Speaker? It happened principally because of the emergence of the trade union movement in Poland about 15 years ago. Once again the emergence of a strong trade union movement has led to the spreading of democratic ideas. Conservatives, whether they happen to be conservative Australian Tories or conservative Russian Marxists, do not like the emergence of a strong trade union movement. In recent years the conservatives have hit on the concept, "Let us say that we are protecting discrimination by our attacks on the trade union movement". A hundred years ago the cry was freedom of choice. The conservatives were protecting freedom of choice when they were objecting to the spread of unionism on the wharves and in the shearing sheds.

Nothing, Mr Deputy Speaker, has changed. These people object to trade unionism because of the role that trade unionism has played in this country for over 100 years. Mr Kaine says, "Is it not shocking that Mr Lamont says that a Federal award, or an enterprise bargain which is certified and therefore can have the same powers as a Federal award, overrides an ACT law?"; and, "Is it not shocking that Mr Lamont says that that is so?". It is not Mr Lamont who says that that is so; it is the High Court that has said that that is so since about 1930, and successive governments, Labor or Liberal, have not done anything to alter the law and to alter that position. A Federal award will override a law not just of this Territory but of any State in Australia. That is not because of anything that any government of any particular persuasion says; it is because it is in the Constitution. A Federal law, including an award, will override a State law.

Mr Deputy Speaker, I do not want to go on at any greater length, because the Liberals have said nothing new. You could have dusted off these speeches out of any *Hansard* of any parliament in Australia back into the 1890s. The conservatives do not like trade unionism, they do not like the spread of trade unionism, and they hit on whatever is the fashionable idea of the time. Back in the 1890s it was freedom of choice; now it is the emergence of discrimination legislation that they use to dress up their objection to trade unionism. We know that it is merely huff and puff. We know what they are really on about, and we reject it.

MR HUMPHRIES (3.51): The amendment to the Discrimination Act which was passed last year, the amendment moved by Mr Moore in the Assembly, was opposed quite vigorously by the ALP Government at the time, and in a sense that was fair enough. They have their client groups to which they must cater; they have their point of principle. I think "principle" is an extremely loose description of what they believe in this matter, but let us call it that for the sake of argument. They happen to believe that the principle that one should preserve the supremacy of unions, the power that unions have developed in the workplace, is an important principle and it should be protected, and they therefore went about opposing this legislation when it appeared in the Assembly. Okay.

It is one thing, however, to oppose the legislation because they do not believe in it. It is quite another to ensure that the legislation is a dead letter in the ACT because, as the government of the day and holding the reins of power, they happen to have the capacity to say, "We will not enforce this law. We will make sure that this law, in which we do not believe, is ineffective in doing the job that it was designed to do". That is what this Government has done, Mr Deputy Speaker.

Mr Connolly: No, no.

MR HUMPHRIES: I know that Mr Lamont and Mr Connolly are going to bleat, "We are not doing anything about these matters. The Federal awards are the culprits here. The Federal awards are the ones that allow discrimination to continue to occur". Mr Connolly is a great champion of attacking discrimination. He has introduced amendments to the Discrimination Act. He was the great propounder of an end to discrimination in this Territory. What has happened to the principle of not having discrimination?

Mr Connolly: You are just dressing up your anti-unionism in the clothes of the discrimination law.

MR HUMPHRIES: No. The principle is important. Either it is important or it is not important. If it is important it should be acted upon. It is no excuse to say, "My supporters, my friends, the parties and party that make me powerful, want me to keep this particular form of discrimination in place and therefore I will not act upon it". That is an intellectually corrupt and unacceptable argument, but it is the one that is advanced by the Australian Labor Party today.

Mr De Domenico genuinely has raised in this place several matters that have occurred in this Territory. We have not plucked these cases out of the air. They have occurred. He said, "We think that they constitute discrimination as outlawed by the Discrimination Act of the Territory". Indeed, Mr Connolly acknowledged in a response to a letter Mr De Domenico wrote to him that it may well be that there was discrimination contrary to the terms of the Discrimination Act practised on the site of the Woden Valley Hospital redevelopment. He acknowledged that, but he said, "Let somebody else look after it. I am not interested in this matter. Let the Human Rights Office take care of this matter".

Mr Berry: No, that is not what he said.

MR HUMPHRIES: That is what he said. I can table it if you like, Mr Berry. It might not be what you would have said. He probably made sure that it did not get into your hands, Mr Berry, but the fact is that he took a Pontius Pilate approach and washed his hands of the matter. You people are the Government, for better or worse. If you have a law directed at discrimination in this Territory, you should be enforcing it.

These are the facts. A courier went to Woden Valley Hospital. He went there on 26 November 1993. He went to deliver something or to pick something up, and he was refused access. He was told by a union organiser that he had to produce his union card. He did not have a union card. He was not a member of the union, apparently.

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He was told that he had to leave the site and not do his job, the job he was paid to do, because it was a ticket-only site, and if you cannot produce your ticket you have to leave immediately. Is that what we had in mind when we passed Mr Moore's Bill to outlaw discrimination on the basis of membership or non-membership? Is this not a classic case of what we as a community should not be tolerating any more in this day and age, when the Berlin wall has fallen down, when people are now getting rights in South Africa, and people's rights generally across the world are a matter of international concern? Of course it is.

This is not a matter of abstract interest to the Government because it occurred on an ACT Government site; it occurred on the major ACT Government building project. The ACT Government has an intimate knowledge of and an intimate concern in the smooth running of those affairs; yet it chose to wash its hands of that matter. That is a disgrace, an utter disgrace. If this Government does not have the integrity to enforce the laws of this Territory because it happens to disagree with those laws, perhaps the people of this Territory will have something to say about that at next year's election. That was not the only matter that Mr De Domenico raised. He raised the question of allowing subcontractors onto a site where the CERT scheme operated. Concrete was ripped up because it was poured by a non-union member. I would be concerned about that if I were the Minister for Industrial Relations, but this Minister is not.

Closer to home, Madam Speaker, there is a matter concerning our own chamber. A contractor who was given the job of creating some rather attractive woodwork for this chamber came here to deliver the work he had been paid to do. He arrived in this place and was told, "You are not a member of our union, are you? You have to go away. We are not going to accept your work. We are not going to let you deliver your goods and collect your money because you are not a member of our trade union". That did not happen a thousand miles away. It did not happen in a private sector workplace. It happened here on this site.

Every one of these cases was put to Mr Lamont in the course of this debate, and he chose to ignore every one. He addressed Mr De Domenico in his most patronising tones. He went into ridicule overdrive. He found it very convenient to pour scorn on Mr De Domenico's comments, but he did not address a single one of the points he raised. Did these matters occur or did they not? Are we not entitled to ask that question and get answers? Of course we are.

This Government should be ashamed of the fact that it is prepared to turn a blind eye to blatant breaches of discrimination in this Territory because it has been practised by its allies and its friends. That approach is the kind of approach that I think we have seen in the past to condone many sorts of abuses of different sorts of human rights. In the South Africa which disappeared only a few days ago it was common practice for there to be courts and other tribunals with responsibility for overseeing what security forces did, but occasionally they turned blind eyes to what went on. Mr Berry can look very ashamed about that because he knows what sorts of things went on in South Africa. He had a lot to say about it in the past. Turning a blind eye to what goes on is almost as bad as perpetrating what goes on.

Mr Berry: You people supported what was going on in South Africa. Do not give me that. The Liberal Party would not support actions to prevent what was going on in South Africa.

MR HUMPHRIES: Mr Berry can point his finger. If it breaks the law it ought to be a matter of concern.

Mr Berry: Did you ever support the sanctions? No, you did not support the sanctions.

Mr De Domenico: Rubbish! Have you ever been there?

Mr Berry: Did you support the sanctions? No, you did not.

MADAM SPEAKER: Order, members! I do not think Mr Humphries needs assistance from either side. Order!

MR HUMPHRIES: Thank you, Madam Speaker. I think it is a matter of disgrace to the Government. I think it ought to be prepared to back any law of this Territory, whether it agrees with it or it does not, if it addresses a matter as important as this.

Mr Connolly's argument was that, historically, we have benefited from the existence of trade unions; that trade unions were a great thing a hundred years ago. Frankly, I agree with him. Of course they were. They redressed some very serious wrongs in our community of 100 years ago. I would also say that we have some cause to be grateful to Henry V for having won the battle of Agincourt. That does not mean that we have to be loyal to the British Crown, using the arguments put by those people's tongues across there, merely because of something that happened 500 years ago.

The question is: What is the role today of trade unionism, and what is the role of trade unions? Should their position be protected by entrenched privilege? Should their power be preserved by some arrangement which gives them the right to say to certain people, "You will not work and you will work."? That is an unacceptable discriminatory practice. It is a practice that must end. The Territory Assembly has passed a law which it thought was designed to ensure that it did end in this Territory, but clearly it is not ending. It will end only when the Government of this Territory does something about enforcing that law. You have a responsibility to do that; nobody else. It is your responsibility, and you have to shoulder that responsibility today.

MR BERRY (4.01): As my colleague Mr Connolly said, this is just a continuation of the old howl against the union movement in this country. Not much has changed in the Liberal Party. During the course of Mr Humphries's speech the issue of the changes in South Africa emerged. I distinctly recall the absence of support by the Liberal Party for the sanctions which had been imposed against South Africa to ensure - - -

Mr Humphries: I think Malcolm Fraser brought them in.

Mr De Domenico: Yes, I think he did. Who brought them in?

Mr Humphries: Malcolm Fraser. What party did he belong to?

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MR BERRY: Well, the sporting sanctions. Mrs Thatcher, of Great Britain, was one of the great supporters of apartheid.

Mr De Domenico: Did Mrs Thatcher live in Australia?

MADAM SPEAKER: Mr De Domenico, I remind you of a point of order that Mr Kaine took in regard to Mr Lamont. Order!

MR BERRY: Where were you, Mr De Domenico, when collectivism was at work to ensure that change would happen in South Africa? You were not up there at the South African Embassy. No, no. You were howling about it. The Liberals will always oppose collectivism because it gives individuals some strength out of the unity of purpose of groups of people pursuing a particular calling. These same old howls occurred in the 1850s when the eight-hour day came along in Victoria. Newspapers editorialised that the country was about to collapse into a great heap because of the achievements of the trade union movement. They howled about unlawful behaviour. They said that there was outrageous behaviour on building sites which earned these new and important advances for working people. Of course the conservatives howled then.

They howled again in the lead-up to the formation of the Australian Labor Party towards the end of the century, in 1891. They howled about collectivism. Of course, they howled again when Justice Higgins came down with that very important Harvester judgment which ensured that working people and their families would receive enough income to keep them well and secure, and keep them under a roof. I do not expect that they will ever stop howling, but it would be nice if there was not so much hypocrisy.

Why is it that they howl about the broader trade union movement? We heard no howls when the AMA were taking action against the community in the ACT with the same collective approach. There were no howls when the wealthy doctors were taking it out on the community and sending the sick and injured interstate. There were no howls, because that union represents the well off and they would not want to upset that particular group. Out there in the medical profession there are a lot of people who do not belong to the AMA, and would not belong to it. There are a lot of people who do not agree with what the AMA gets up to. At the same time there was not one sound from the Liberals opposite when they could have condemned those actions.

Mrs Carnell: We did.

MR BERRY: Ask Mrs Carnell from the Pharmacy Guild about the ring-around.

Mrs Carnell: What about it? Come on. Put it on the record.

MR BERRY: What about it? Tell us about how you judge prospective employees in the various pharmacies and report to each other on that score.

Mrs Carnell: I know nothing about that.

MR BERRY: Nobody ever does. The ones who suffer by it know. This is just a continuation of the old howls from the conservatives. They are not something to be concerned about. I do not think that any political organisation in Australia can claim more than the Labor Party can claim on its record on the issue of discrimination. It has made things much better in that area. Nobody can claim the sorts of advances that the Labor Party can claim, and does claim.

Mr Cornwell: Why don't you practise what you preach with the unions?

MR BERRY: You might be very envious about our achievements in that respect.

Mr Cornwell: No; I would be ashamed, not envious.

MR BERRY: Of course, you might be antagonistic toward the achievements. It seems that you are - - -

Mr Cornwell: No; I would be ashamed if I were you.

MADAM SPEAKER: Order!

MR BERRY: I expect that you will be for the rest of this year, next year and evermore, because I heard your goddess, Bronwyn, railing against collectivism just recently and promoting individualism. The conservatives always oppose collectivism because a more powerful group can work in the interests of those who belong to the particular collective.

Mr De Domenico: Is this you or Leninspeak?

MR BERRY: It is Bronwyn Bishopspeak. I have to say it.

Mr De Domenico: No, the collectivism. This is Leninspeak, I think - Cuba, China, Canberra.

MR BERRY: No, it is Bronwyn Bishopspeak. Madam Speaker, I do not hear anything different from the Liberals. I expect that this speech will be dusted off once or twice before the next election. I am not looking forward to it, but they will get the same response from the Labor members in this chamber. We will show, each time, the achievements which have been made by the trade union movement across this country in the face of adversity. We will also raise the screams and cries of the past each time an advance was made. When the 40-hour week came along, the place was going to collapse. When the 38-hour week came along, "Oh, woe is me, woe is me", cried the conservatives. When the eight-hour day came along, "Woe is me", cried the conservatives. Every time an advance was made there was a scream from the conservatives. Well, who cares? The rest of the world is going to leave you behind. We are going to get on with it and enjoy those advantages which have been won by the trade union movement and the Labor Party throughout the years. We will still listen to your howls, but I am sure that most of us ignore them now. We will continue to do so.

MADAM SPEAKER: The discussion is concluded.

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AUDIT ACT - VARIATIONS TO THE APPROPRIATION ACT 1993-94 Papers

MS FOLLETT (Chief Minister and Treasurer) (4.09): For the information of members, I present, pursuant to section 49B of the Audit Act 1989, variations to appropriations made in accordance with subsection 49(1) and section 49A of the Act, together with a summary of all budget supplementation by program and category, and section 7 of the Appropriation Act 1993-94 supplementation. I move:

That the Assembly takes note of the papers.

In accordance with normal budget monitoring, it has become necessary to adjust program appropriations to reflect the level of funding resulting from wage and salary increases, increased Commonwealth payments, and changed priorities within programs. In the Government's response to report No. 3 of the Public Accounts Committee, "Monitoring of Budget Supplementation by the Legislative Assembly", the Government agreed to recommendations relating to the tabling of instruments giving effect to budget variations. The relevant recommendations were:

Recommendation 1

If the Assembly is sitting when an instrument relating to any form of budget supplementation is signed, the instrument should be tabled during that sitting period. If the Assembly is not sitting, the documentation should be forwarded to the Speaker within 3 calendar days for circulation to all members.

Recommendation 2

Consistent presentation and terminology be used in the documentation of budget supplementation.

Recommendation 4

In addition to showing supplementation provided by agency and under various categories, as at present, the net effect of both individual programs and the total amount appropriated by the Assembly should be shown for each category of supplementation and in total.

Although there is no legislative requirement to table documents relating to section 7 supplementation for wage and salary adjustments, the Government agreed to table relevant instruments in the Assembly in accordance with arrangements for tabling other comparable instruments.

As recommended by the committee, attachment A provides a summary of the overall impact of variations made reconciled to original budget estimates. This is an interim summary which takes account of the instruments being tabled today. It does not represent the anticipated outcome of the 1993-94 budget, as potential savings and rollovers are not included. The variations proposed result in a reduction in original budget estimates as the provision made for wage and salary increases has not been fully utilised at the time of preparing the instruments and minimal use has been made of the Treasurer's Advance.

Transfers of funds between programs and within items of a program are allowed for under section 49(1) of the Audit Act. Program transfers of \$2.1m have been made within the context of this section. These transfers reflect changes to funding priorities within program budgets. Any increases are offset by corresponding decreases, leaving a zero net effect on total appropriations. The instrument at attachment B to this statement itemises the variations and provides explanations. Increases to appropriations for increased Commonwealth payments are permitted under section 49A of the Audit Act. This section allows for increases to program appropriations to match funding increases for specific purposes received from the Commonwealth. These increases are budget neutral. Program appropriations are increased only by the amount of additional revenue being received from the Commonwealth. Increases to program appropriations totalling \$1.3m have been made, specifically for funding of non-government schools, \$1.1m, and for the Commonwealth entry level training program, \$0.1m. These variations are outlined in the instrument at attachment C to this statement.

Supplementation for wage and salary increases is permitted under section 7 of the Appropriation Act 1993-94. Funds totalling \$5.7m have been allocated to programs for wage and salary increases in 1993-94 compared to the original budget provision of \$7m. This amount includes funding for general wage and salary increases resulting from increases under the structural efficiency principle and for variations made by the Industrial Relations Commission for enrolled nurses, including back pay. The major component of the allocations, however, is for performance pay. Attachment D to this statement itemises the allocations and provides explanations.

The Government presents these instruments in support of greater accountability to the Assembly through the provision of information on budget issues in a more timely, meaningful and relevant form. The information being presented today is in accordance with the Government response to the Public Accounts Committee report on "Monitoring of Budget Supplementation". The instruments are being tabled for the information of members, with supporting documentation that provides summaries of changes to appropriations by program as well as by category. The supporting documentation also provides reasons for each of the variations. This has been cross-referenced with the amounts in each instrument to enable a complete understanding of the purposes of the supplementation.

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The Audit Act provides for the lodging before the Assembly as soon as practicable after 30 June each year of information relating to the supplementation of agencies from the Treasurer's Advance. As advised in the response to the Public Accounts Committee's report, usage of the Treasurer's Advance is not a final charge until after the completion of the financial year. Relevant instruments will be provided in accordance with the Audit Act and the Government response to the Public Accounts Committee report once final results for the financial year are available.

Question resolved in the affirmative.

HEALTH (AMENDMENT) BILL 1994

Debate resumed from 21 April 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

MRS CARNELL (Leader of the Opposition) (4.15): Madam Speaker, this Bill amends the principal Act in three ways. First, it provides for the addition of explanatory notes to the Medicare principles and commitments; secondly, it allows for the release of confidential information for the prevention or detection of fraud; and, thirdly, it allows the Executive to make regulations, consistent with the Act, to give effect to provisions within the Act.

First, I would like to speak about the explanatory footnotes. The inclusion of these explanatory footnotes as set out in the Commonwealth Medicare Agreements Act 1992 is fairly non-controversial and, I think, is an improvement to the principal Act. The footnotes state the obligation of the ACT to provide a high standard of hospital services and commit the Territory to improving the efficiency, the effectiveness and the quality of hospital service delivery. I wonder whether the Minister is confident that these obligations can be met. You would have to doubt that. You really would wonder what benchmarks will be used to test whether the ACT's public hospitals are measuring up to the standards required under this Act. These amendments to the Health Act also require the Territory to provide information on the services people can expect to receive from our public hospital system. I expect the Minister to publicise that information so that existing patients, and all those on the waiting list - that is, the 4,416 people on the waiting list - know what sort of services they can expect to receive when they finally get around to receiving them.

As the inclusions reflect the explanatory notes in the Commonwealth Medicare Agreements Act 1992, the ACT Health Act will now meet the requirements of the Medicare agreement. That is well and good; but why were these guidelines, which govern the standard of delivery of public hospital services, omitted from the Health Act in 1993? Was it that the Minister at the time was not confident that the standards could be met, or, as is more likely, was it due to the speed with which the Health Bill was raced through the Assembly last year? Do you remember the Health Bill? That was the Bill that was introduced one week and then brought in for debate the following week, which, of course, resulted in quite substantial debate in the Assembly. It just shows what happens when you race Bills through. You have to bring them back because you do not get them right.

The second thing that this Bill does is cover the release of confidential information. According to the Minister, the need for the release of confidential information on the provision of health services by a health service provider at a health facility arises from recommendations of the Auditor-General in report No. 5 of August 1993. The Minister said that it was necessary to release confidential information to assist in the prevention and detection of fraud. I think he might be jumping the gun just a little, particularly in those statements. What he did not say, and should have said, was that strictly limited information was being sought by the Health Insurance Commission covering only a specific time period, to seek to establish whether or not any fraud may have occurred.

In his presentation speech the Minister referred to a working party of the Health Minister's Advisory Council which was looking at the question of combating fraud in payments for medical and health services. The working party, which has not yet reported, was formed to look at the problem raised by the Victorian Auditor-General. That problem was that the Victorian Auditor-General could not state categorically that there was no double dipping because he could not match data and therefore could not verify any or all transactions. So the Health Ministers formed the working party to investigate whether any double dipping might have occurred throughout Australia over a certain specified period. To do this job they needed to have some data.

In some cases, that is in New South Wales and South Australia, the data has been made available. In other cases, such as Victoria, Queensland and, presumably, the ACT, releasing the relevant data requires an amendment to legislation. The purpose of this Bill from the point of view of the working party is only to make available data for a limited period of time in order to conduct research to establish whether double dipping has occurred. It is not, as the Minister represented it, to make data available on a general and continuing basis to combat fraud. It might come to that, but it is not the purpose at this stage. The working party has not reported yet. It is still doing its research and that is why it wants the information. It is not even established whether any fraud has occurred. The evidence has not come out yet. There is no question that the public, the AMA and professional health deliverers all support properly conducted research into fraud. Equally, we support measures which will assist in the prevention of fraud and protection against fraud; but let us see the evidence first. For this reason we support the release of confidential information to those conducting research into fraud, and in this case it is the Health Insurance Commission.

From bitter experience, health care deliverers might be very concerned and suspicious that confidential information may be used for purposes other than the prevention and detection of fraud. What guarantee is there that confidential information will not be used for political purposes? We had the example only a few months ago when the previous Minister used information against VMOs which could have been sourced only from confidential records. The Bill, as drafted, would not prevent this from happening again. Of course, I am very confident that Mr Connolly would never do anything like that; but there is nothing in the Act which restricts to whom information may be sent and, of course, where it would finish up. The Privacy Act does not help.

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Let me remind you and the Assembly of the time when Dr Blewett, who was Commonwealth Health Minister, used confidential medical records for political purposes in a dispute with doctors. The Privacy Act gave no protection because the information was released by one of Dr Blewett's staff. The Act referred to only authorised officers, but as the staff member was not an authorised officer he was deemed not to be covered by the Act. It was probably fairly clever on the part of the Government at the time, but the Act was of no use whatsoever in protecting the rights of patients or doctors. The Bill makes no mention of to whom the information may be released, although the Minister said in his presentation speech that it could go to agencies such as the Health Insurance Commission. But, again, we have to ask where else it could go. There is also nothing in this Bill which would prevent information which was believed to be confidential from being used for political purposes - for example, information about salaries being given to the *Canberra Times*. Because of its inadequacy we are proposing that the Bill be amended so that information cannot be released to just any person or any body. Those words should be omitted and replaced with the stipulation that confidential information should be released only to the Health Insurance Commission or to the Auditor-General. I have circulated that amendment and we will come to it in due course.

The third thing that this Bill does is that it allows the Executive to make regulations. Allowing the Executive to make regulations consistent with the Act seems satisfactory, provided that they are made for reasons of efficiency and the public good. There is, however, an understandable suspicion of the motives of government generally. I am sure that the Minister will elaborate on how this will be done. One of the unfortunate lessons of history is that the executive does not always make decisions for the good of the people. Instead, the executive - this one is no exception - tends to advance its own interests, often at the expense of other people. In general, we support this Bill, but we will move the amendment that I have spoken about. I think everybody supports a situation where fraud can be addressed and where the Medicare agreement works properly.

MR CONNOLLY (Attorney-General and Minister for Health) (4.25), in reply: I think I thank the Opposition for, I think, their support for the Bill generally. We heard a bit of a tirade about waiting lists; but again they whinge, complain and make no constructive suggestions. I must take issue with Mrs Carnell on a couple of points, though. She went on at some length about the purpose of this amendment being to participate in a survey. There is a survey and this amendment will allow us to participate in it, but it is not correct to say that that is the only purpose of this legislation. The other purpose, which is clear from not only my presentation speech but also Mrs Carnell's amendment, is to allow the Auditor-General to have access to this, which has nothing to do with any survey; so her comment about the purpose of this being just a survey is clearly wrong, even in relation to her own amendment. It is true that we are going to take part with all the other States in this survey; but there are other reasons why we may want to have this information, as the Auditor-General said, in order to combat fraud. It may well be that the New South Wales authorities may come to us and say, "We think there might have been some double dipping", and we may want to pursue that, regardless of any general survey going on at the time. So there is more than one purpose to this.

Mrs Carnell then raised the criticism that we have cast the net too wide and that there is a flaw. We thought we needed to open it up. Mrs Carnell says that we have opened it up too wide and suggests all sorts of sinister motives behind why we have done so. In fact, we have opened it up, using the model of the Health Services Act 1990 brought in by Mr Humphries. The provision that we have sought to insert here is the provision that appeared in the legislation that Mr Humphries brought into this house and had passed when he was Health Minister. Mea culpa, we have done the wrong thing; we have used a Liberal model for a confidentiality clause. I make that political point in response to your political point.

When we get rid of the political nonsense, the reality of the matter is that we do have a need to expand access to information. The Government is prepared to accept Mrs Carnell's amendment. The key bodies to pass this information to are the Health Insurance Commission or the Auditor-General. When Mrs Carnell raised this matter this morning I had some concern that we may, in fact, be narrowing it a little too much because when we go beyond a mere survey into potential matters of fraud it may well end up having to go to the Federal Police. There was some discussion, which is apparent from the crossed out points on the circulated amendment, that perhaps we should include the AFP. My understanding is that that is unnecessary - and Mrs Carnell and I had a discussion about that - in that the Health Insurance Commission is the key body. We may need to liaise with New South Wales on this. My understanding is that if the New South Wales Government approached us about fraud, or if we approached the New South Wales Government about concerns about fraud, the best way to operate would be through the Health Insurance Commission as they have both our records and New South Wales records.

It appears to us that this is a narrowing that allows us to get on with the job and would not prejudice any prosecutions. In a discussion with Mrs Carnell this morning I did indicate that if it turned out to be a problem, that if we had cast the net too narrowly, we may need to come back into the chamber and seek to expand it. At the moment it seems to be appropriate. We do have some consensus here when we remove the politicking from it. To the extent that Mrs Carnell says, "Shock, horror! You have drafted a terrible, oppressive, full of sinister motives Labor Party type clause", I have to respond by saying that we simply copied a clause that was used by Mr Humphries when he was Minister. Beyond the froth and bubble, this is an important Bill in that it allows us to ensure that everything is run totally above board.

To the extent that the giving of information to a person or body could be abused by generally making information available to anyone, we accept that we can narrow it right down. Again I would say, though, that the issue of how much we pay out in consultancies and contracts to doctors is no more a matter of health confidentiality than how much we pay out to contractors for electrical work in Urban Services or for briefing fees in the Attorney-General's Department. That sort of information was always available to this Assembly through Estimates Committee processes. Saying that we pay Dr Brown \$3,000 to treat Mrs Smith's such and such disease clearly would be a breach of confidentiality, but not simply saying that globally we paid out these sums of money.

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Perhaps even breaking it down and saying that Dr Smith's total payments of \$150,000 amounted to this, this and this may be a breach of confidentiality; but saying globally, "We paid Dr Smith that amount of money" is no more a breach of confidentiality than any other accounting which members opposite urge the Government to make.

Members opposite bombard Ministers' offices on a weekly basis with demands, through questions on notice, to know what we paid out by way of contractors. There really is no difference in terms of what the contractor does. Traditionally, global figures earned by lawyers have been published. The Attorney-General's Department annual report publishes them. The Federal Attorney-General's Department, for years, has published a list of what various counsel and various firms of solicitors receive by way of brief fees. The Department of Urban Services for some years has published in one of its appendix volumes to its annual report a huge list of various contractors in this town and what they received for various contracts. So there is no confidentiality there. Key data relating to individual doctors for specific procedures on specific dates certainly is confidential and does raise some health privacy concerns. We accept that. We accept that, as the need is to get information to the Health Insurance Commission or the Auditor-General, Mrs Carnell's amendment is appropriate, and it will be supported by the Government.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MRS CARNELL (Leader of the Opposition) (4.31): I move:

Clause 5, page 2, line 28, proposed new subsection 21(1), omit "to a person or body", substitute "only to the Health Insurance Commission established by the *Health Insurance Commission Act 1973* of the Commonwealth or the Auditor-General".

I have spoken about the reasons for this amendment, and I do not think I need to add anything at this stage. I think it does tighten up the availability of information. I think that will make many of the health providers substantially more supportive of this legislation. I think that is a good way to go.

MR CONNOLLY (Attorney-General and Minister for Health) (4.32): The Government is happy. This is an improvement on the original 1990 Liberal version of the confidentiality clause.

Amendment agreed to.

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

Bill, as amended, agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

ENVIRONMENTAL INITIATIVES - GOVERNMENT'S PROGRESS ON IMPLEMENTATION Ministerial Statement

[COGNATE PAPERS:

ENVIRONMENT STRATEGY - DRAFT FOR PUBLIC COMMENT - PAPER
ENVIRONMENT PROTECTION LEGISLATION - PAPERS]

Debate resumed from 12 October 1993, on motion by Mr Wood:

That the Assembly takes note of the paper.

MADAM SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No. 4, Environment Strategy - Draft for Public Comment - Paper, and order of the day No. 5, Environment Protection Legislation - Papers? There being no objection, that course will be followed. I remind members that, in debating order of the day No. 3, they may also address orders of the day Nos 4 and 5.

MS SZUTY (4.33): Madam Speaker, I would like to talk primarily to the environmental initiatives matter, the Government's progress on implementation, and the ministerial statement that the Minister for the Environment, Land and Planning delivered in this chamber some time ago. Madam Speaker, the quality of Canberra's environment is a significant issue for Canberrans. The city has been planned since its inception, a factor that has delivered us a clean and verdant national capital; but it is important that we now use the knowledge of the late twentieth century rather than the landscape values of the early twentieth century to protect and rehabilitate our environment. It is in this spirit that I welcome the Government's statement on environmental initiatives with reference to the 2020 vision. However, I would hope that the timeframe for implementing the changes envisaged will be somewhat shorter than 27 years.

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One of the features of the Minister's speech which struck me was the quantity of guidelines, strategies and draft legislation which have been or are being developed. We have, among others, the ACT environment strategy, the bicycle strategy, the urban consolidation study, the nature conservation strategy, an ACT future water supply strategy, a waste management strategy, state of the environment reports, Lower Molonglo water treatment improvement plans, and a discussion paper on the Government's intention to prepare integrated environment pollution control legislation. We also have National Capital Planning Authority initiatives to consider, such as the draft management plan for Lake Burley Griffin. In addition, guidelines are being developed which supplement the Territory Plan, we have a greenhouse strategy, and we are looking at developing endangered species legislation.

Madam Speaker, I look forward to seeing the results of this work, and I expect that the community will also take a keen interest in it. I also welcome the intention of the ACT Commissioner for the Environment to produce an ACT state of the environment report at the end of this financial year, and I expect this report to show us where we have got to so far and what is yet to be done. What I expect to see in the course of the examination of so many issues is an adaptable and flexible method for dealing with community input. I know that the processes of community consultation can be difficult to work through. Those people who are interested may come forward and participate, but often they do not understand the extent to which they can influence the final decision. In many cases people may go away from the process feeling disappointed and cynical, having formed the view that their point of view has not been listened to because the consultation process was inappropriate to their needs.

It is not possible to dictate an approach that must be taken in each and every community consultation, as each different type of document, guideline or strategy will address different issues, will involve different concerned groups, and will need to be designed to best involve all stakeholders. It is indeed an issue, Madam Speaker, which the Chief Minister is still currently examining. Our community is highly educated, highly motivated and, above all, interested in what is happening in the ACT; so I would urge the Government to continue to make a sustained effort to involve the community in the development of the strategies and guidelines which will shape and serve our city into the future. I am also sure that the Government is pursuing the use of the large number of experts and academics in the ACT who specialise in environmental issues. I would welcome more information as to how the ACT Government draws on this pool of resources to help inform its policy making.

Turning to the Minister's speech, Madam Speaker, Mr Wood, as he should, made much of the environment budget of 1993-94. It is a document which indicates that the Government is keen to preserve what is one of the Territory's major assets, the environment. The Minister rightly asserts that the vision outlined in the 2020 document depends on ecological sustainability, and that the members of the Canberra community have a responsibility to manage the environment to achieve this goal. I am very pleased that the Minister has adopted a cautious and considered approach in addressing environmental issues, as it is very true that by destroying parts of the environment we risk losing not only that area or piece of land but also its potential for harbouring wildlife, plant species, insects and all the other elements that contribute to the effective ecosystem. To quote the Minister:

The precautionary principle advocates the implementation of preventive measures where there are threats of serious or irreversible environmental damage, even if there is a lack of scientific certainty as to the causes and effects of this degradation.

Perhaps, in the light of this precautionary principle, we may wish to reassess the impacts of the Government's policy of urban infill and urban consolidation. Given that we are yet to officially see the urban consolidation study, which I understand makes it clear that urban consolidation may force the economically disadvantaged, young families and, particularly, those people who rent to Canberra's urban fringe, we should hasten slowly with this program until its environmental and social justice implications are better accepted and understood. We have the opportunity to do this, Madam Speaker, as the West Belconnen and North Watson developments proceed.

Another area in which I feel I should take issue with the Minister's speech is in regard to the Territory Plan. The plan does more than require consideration and amelioration of environmental impacts. The Land (Planning and Environment) Act requires environmental impact statements, which I have discussed before extensively with reference to the West Belconnen development in particular. If all we do is look to ameliorate the effects of our actions on the environment, we are not abiding by the cautionary principle outlined by the Minister. It is important that, as a community, we view environmental impact statements not as enabling documents but as objective assessments of the value in environmental, ecological, wildlife corridor and habitat terms, and allow them to rule out developments, if that is what is indicated.

Madam Speaker, I feel that the Government is in a difficult position with its role of managing development to take into account the needs of a growing population in the context of shrinking natural and economic resources, but the hard decisions do not include only taking away from the environment to satisfy these needs. It also means passing by some opportunities because of the need to leave something behind for future generations. The Government is to be commended on its stance on Mulligans Flat, which we debated in this chamber on Tuesday of this week.

I am pleased that the Government has adopted more environmentally friendly codes for houses and other buildings. The introduction of energy efficiency ratings is very welcome. In the Canberra of the 1990s we can do better than continue to build housing estates with north-facing garages - another matter which we have discussed in this Assembly before. I am pleased to see the Government introducing these guidelines, and the housing industry adopting the spirit of the energy efficiency ratings, which can only result in better environmental attributes in our new housing stock.

Madam Speaker, I am not convinced that the Minister's next point about avoiding urban fringe development necessarily follows from the last point. The Government has constantly indicated that its research shows financial and infrastructure benefits from urban infill. However, the opponents of infill programs in Canberra have put into the

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public arena material indicating that the benefits are questionable and that in fact there may be drawbacks. Until the Government presents its document on urban renewal we have little to balance the arguments, and we lack a full explanation of the material which is informing the Government's view.

The Government also refers to Kingston as a success story in urban renewal. This is not necessarily a majority view in the Canberra community, and not necessarily in this Assembly either, I believe, particularly given that Kingstonisation has been added to the Canberra planning lexicon as an indication of what not to do when planning an urban renewal project. Certainly, Aubrey Tow Court has won some acclaim, but I feel that judgments are still to be made on the quality of the environment of North Lyneham. Madam Speaker, the Minister in his speech mentioned the greenhouse strategy, which I have welcomed, and the eco office strategy, which I feel is a very worthwhile and important initiative. The move toward an integrated waste and recycling system for households is also a very positive step.

Madam Speaker, the rest of the Minister's speech focused on the different strategies and national projects the ACT is engaged in, and I congratulate the Government on the breadth of its involvement in regional and national environmental issues. If we move towards 2020 with all of these strategies in place we can indeed be optimistic about Canberra's future as a centre of environmental excellence. As the Minister says, there is always room for improvement. I hope that as we build on the environmental initiatives of the current Assembly we will develop even better ways of reducing the impact we have on our environment. I look forward to seeing more of the Government's agenda coming before the Assembly within the framework of the Commissioner for the Environment's report on the state of the environment. I think all Assembly members are looking forward to seeing that report later this year.

MR WESTENDE (4.43): Madam Speaker, we in the Liberal Party have consulted various members of the community and various business people whose interests lie in the area of the environment. The overwhelming response from those people was that the papers are, to say the least, confusing, and long on rhetoric and short on specifics. This was accompanied by this statement in one case:

How can we "ordinary" members of the public consult with our local MLAs about important issues like this when all the departments use fancy words we don't really use in everyday life?

Perhaps those relevant senior public servants who have the responsibility of writing dissertations such as these might consider trying to make them a bit more user friendly. In this regard the Government may then get responses which are user friendly, and the community at large might then be able to become more environmentally friendly through a sense of understanding and appreciation of the environment. Students also would be able to understand and no doubt would contribute through the education process to the protection of our environment. Paragraph 3 of the summary states that this draft environment strategy "is designed to set the framework for environmental management in the ACT for the next 30 years". The paper then goes on to encourage business and the community to implement the strategy.

Both these statements seem to me to be very tall orders, particularly in view of the Government's lack of consultation with the private sector over policies, pricing mechanisms and regulations. Many of those policies, regulations and pricing mechanisms are invented by the public sector without regard to the private sector, and often the end result is the demise of small business through strangulation by bureaucratic red tape. In its move to make changes in the way it does its own business, the Government has listed initiatives by using words such as "review", "amend", "recognise", "consider", "provide", "develop" and "implement". They are wonderful words, but what about consultation with the business sector and the rest of the community?

The paper goes on to address issues such as consumption of water and transport fuel being closely linked with Canberra's spacious design. For years Canberrans have watched as school grounds, government building grounds and median strips, et cetera, have been saturated on a daily basis, even during periods of heavy rain, whilst the Government publicly condemns the waste of water by the community. The Government's attitude is, "Do as I say, but do not do as I do". As for the consumption of fuel, as long as the Government provides a costly and inadequate transport service such as ACTION, Canberrans will continue to use cars; and as long as the Government insists on building more and more car parks, such as those we see surrounding Civic, of course Canberrans will continue to drive to work.

On the matter of the Government's land development policy of 50 per cent urban renewal and 50 per cent greenfields development, Canberra is fast becoming a city as large as Sydney but with only a handful of people. Urban renewal came about as a necessity. Canberra was growing outwards at such a pace that the older areas of inner Canberra were being neglected. Existing infrastructures such as schools, electricity, water reticulation and transport were, and are, being underutilised. Infrastructure costs for transport, roadworks, electricity and water are steadily mounting, whilst Government spending is being cut back somewhat. On the other hand, taxes on the business sector are steadily rising, which in turn contributes to higher unemployment.

With these cutbacks has come a wider choice in housing types. While this might be good in one way, probably it has gone a bit too far. One is beginning to question the Government's wisdom in allowing and promoting these small blocks and small housing types. The Government talks about living and working in a pleasant environment; but, when you look around you, Canberra's newer suburbs leave a lot to be desired. They have narrow, winding streets that are barely wide enough to fit two small cars alongside each other. The houses remind you of the song by Peter, Paul and Mary - "Little boxes, little boxes on a hillside".

On the matter of waste management, those in the business community believe that charging for spoil by weight rather than by volume is a way of hitting them. What of spoil from government works? Is the Government charging itself and its small business entities? There are many more criticisms I could level against the Government on these papers; but, rather than go on, I believe that it would have been in the best interests of everyone concerned had the Minister discussed these concerns with the community at large, and with the business community in particular, on which many of these environmental issues will impact. The message is to be user friendly, not only in writing

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but in your approach. Last, but not least, we look forward to the first report of Dr Joe Baker, the Environment Commissioner. Maybe then we will see where the Government and this city are heading as far as the environment is concerned. That is all I have to contribute to the debate on those two papers, Madam Speaker.

MR MOORE (4.50): Madam Speaker, I think it is important in this cognate debate to reiterate a couple of things that have been said by Ms Szuty and Mr Westende. The most important thing is the notion that so much of what we have before us is just words and plans. I do not think that anybody reading these statements would find difficulties with them. They ask questions and they ask for contributions, and that is an appropriate way for the Government to seek community opinion. I notice that the response date, for example, on the environmental strategy discussion paper was Monday, 28 February. I will be interested to hear the Minister tell us what sort of a response he had to the paper in terms of the number and quality of submissions, if he is aware of those. The paper was prepared, Madam Speaker, in the light of the 2020 vision, and appropriately so, and also in the context of the national ecologically sustainable development principles and the intergovernmental agreement on the environment. With background work like that, quite clearly the Government had the opportunity to lean on a great deal of work that had already been done, and appropriately so.

I had intended to go through the papers in bits and pieces as I had marked them, but I think that has been done fairly well by the two previous speakers. Instead, as a general comment, I will merely say that these papers contain a series of very positive statements; nevertheless, we need more than mere statements.

Madam Speaker, I will take up the point that my colleague Ms Szuty raised in terms of urban consolidation, and the issues raised by her and, of course, Professor Patrick Troy when speaking a couple of weeks ago to the subject, "Is there a con in urban consolidation?". That appears to be the case the longer we look at it. Whilst places like Kingston do have a role, I think that if we were to do that again we ought to do it very differently. That is what people mean when they talk about Kingstonisation, as Ms Szuty put it. We do not want to Kingstonify the rest of Canberra. It has its place and it meets certain needs, but it has not improved the inner city facilities that Mr Westende spoke about. It has failed to develop in such a way that families come back into the area and that facilities such as schools and so forth are used and the shops enhanced. In fact, it had just the opposite effect. The Government was forced to close down a school very close to Kingston.

In terms of the consultation process, Madam Speaker, it is important for us to remember that, even when a document like this goes out for discussion, people in Canberra are very busy living their own lives and spending time with their children. To sit back and do an esoteric assessment of a paper along these lines is very difficult. What we do know is that people become very involved in issues when they affect them personally, when they can see an impact on them. The easy way to deal with that is to say, "That is because people are NIMBYs". Often it starts with a NIMBY approach, but people then look and see what there is about a policy that is distressing them. It may well be just that they do

not want an impact on them; but, whatever policy we adopt, there are going to be winners and losers. There is going to be a cost-benefit to be taken into account. You cannot always demand that the cost be attributed to local people while the supposed community at large gains the benefit, or perhaps an individual or a group who are doing a development. An even spread of costs and benefits has to be taken into account.

Madam Speaker, I would encourage the Government to continue the negotiation process with people when things are going to have an impact on them. There is still room for them to move, still room for them to carry on discussion. This is an excellent way to begin the discussion; but it is the first part of the discussion, not the concluding part of community consultation and negotiation.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (4.55), in reply: Madam Speaker, I thank members for their contributions and general support for the papers, albeit that there were some criticisms. I take it that there is support for the very strong priority that the Government gives to environmental protection and environmental issues, to the nature of Canberra. The community at large says that our environment has to be the best that we can make it.

Members have had a deal to say on a few items, but, notably, community input. Ms Szuty mentioned that, as did Mr Westende and Mr Moore. I think that the documents I have given to the Assembly demonstrate how serious we are about community input. Mr Moore, I think, finished his speech a little differently from the way he started it. He said, at the end, that these documents are a part of the process, a stage. At the beginning he said, "These are just words". I would be severely castigated if I came into this Assembly with everything complete. Yes, there are a lot of words there. There is also a demonstration of a great deal of activity. I think the approach that the three members took was, "Let us have this discussion; let us have the words as part of a long process of discussion".

There is clear evidence, first, that we in this Government care about our environment. Secondly, in establishing the way we are going to care for it, we are talking very extensively, and in considerable detail, to the community. Mr Moore asked how many responses we had to the environmental statement. We had 26, and I think a couple more are to come. They were broad responses, covering all aspects of the strategy statement we put out. Mr Moore also said that many people in the suburbs do not get involved until they are immediately affected. That is certainly the case. There is a great deal of interest. Those 26 submissions would certainly reflect more than 26 people, because most of them came from the conservation groups, for example, that are a very important part of the debate in the ACT and are representative of a great number of people.

Mr Westende suggested that there was a lack of consultation with the private sector. I would contest that point. I do not agree with it. When we send out these documents we send them to every darn organisation that has a listing in the telephone book. They do get these documents and they are invited to make a response - and they do. For example, the Canberra Business Council and the Canberra Chamber of Manufactures, as well as legal groups, are represented on the reference group we have established for the integrated environmental legislation. That demonstrates that they have been in there commenting and are happy to play a continuing role.

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Mr Westende: Yes, after I have sent them copies, Mr Minister.

MR WOOD: I am sure that they got their copies in any event. We were meticulous in sending copies to any sort of organisation that we could find. I think they are happy to participate, and I have no doubt that their contribution is a very sensible one. Mr Westende made, I think, a highly valid point - I am not sure that it is one we can get away from - when he said that the jargon or the language is sometimes a little esoteric. Maybe it is. I tried to think of the language to which he was referring. Perhaps he means "ecologically sustainable development", or "biological diversity", or "greenhouse" or "ozone depletion". These are the major concepts being discussed.

Ms Follett: What is that intergenerational one, Bill?

MR WOOD: Intergenerational something. I am waiting for you to - - -

Ms Follett: "Equity", I think. "Equity"?

MR WOOD: It might be that, Chief Minister. I rely on you to tell me. A term like "biological diversity" is a basic part of the environmental debate. I think it is pretty self-explanatory in any case, but if there is a need for people - - -

Mr Cornwell: Come on, Bill. Fair go.

Mr Connolly: We would not expect you to understand, Mr Cornwell.

Mr Cornwell: No; I was thinking of the average person out there in the community, not a NIMBY like you, Mr Connolly.

Mr Connolly: It has been part of public debate since about 1980.

MR WOOD: I think that there is a need for some small effort to be made on the part of people to accommodate to the terms that are an essential part of the environmental debate. They really are. Mr Westende sometimes talks about business matters and I think that in doing so he has to use a bit of jargon. Enterprise bargaining is something that Mr Westende is familiar with. That is jargon. There is an element of it that has to be used, but I do note the point. It is always desirable that the English be as plain as possible. This is a matter - - -

Mr Westende: I am only passing on the feedback we got.

MR WOOD: Yes. I take note of it, but I think there is an initial step that has to be taken. Ms Szuty, along with Mr Moore, mentioned urban renewal - there are some more words for you, but I think we all know what they mean - and the concern sometimes expressed in the community about developments. Any time someone proposes a dual occupancy somewhere there is the potential for someone to complain. This Assembly, especially those members who are on the PDI Committee and who went along the

tortuous path of establishing the standards and looking at the requirements for medium density, will well understand, I think, how sensible it is, and how carefully the guidelines have been prepared. What is happening in their neighbourhood will be a matter of interest to everybody in the community. That is the time that they can get excited, but I think that measures are in place to keep things well on the right track.

Ms Szuty also referred to environmental impact statements and made the quite sensible remark that they should not be enabling statements. Indeed, they are not. They are not enabling statements; they are objective assessments. There is no small number of examples when environmental impact statements or preliminary assessments have ruled out proposals, or have resulted in very significant change. They are taken most seriously. I can assure Ms Szuty of that.

My attention has been drawn to the fact that in the back of the ACT environment strategy there is a glossary of terms. I can advise the Chief Minister that "intergenerational equity" is the provision of equity within generations. "Indicator species" and "keystone species" are mentioned. The jargon is there. That glossary begins on page 48 and extends, Mr Westende, to page 52. There must be about 40 terms there, by the look of it. I am sure that you will find them very useful. This does demonstrate the fact that care of the environment is a complex issue. There is much to be examined. There are very many issues. All the words that Mr Moore spoke about are necessary if we are to go into detailed debate as to the best way to protect our environment. I thank members who participated in the debate for their support for the documents.

Question resolved in the affirmative.

ENVIRONMENT STRATEGY - DRAFT FOR PUBLIC COMMENT Paper

Debate resumed from 15 December 1993, on motion by Mr Wood:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

ENVIRONMENT PROTECTION LEGISLATION Papers

Debate resumed from 21 October 1993, on motion by Mr Wood:

That the Assembly takes note of the papers.

Question resolved in the affirmative.

ADJOURNMENT

Motion (by Ms Follett) proposed:

That the Assembly do now adjourn.

Family Services Branch

MR CORNWELL (5.07): Madam Speaker, this is the International Year of the Family, a year in which governments all over the world are supporting the family unit as the best possible environment for children. Meantime, in Canberra we have a rapidly expanding section of the bureaucracy called the Family Services Branch about which I have huge concerns. To explain my concerns I ask you to consider the case of a 12-year-old girl who ran away from home in Canberra, where she had been living with her father, now divorced from her mother. After being reported as missing, it took a week to locate her. Finally, the police found the girl and advised the father that she was in a safety house and to contact the Family Services Branch. He did so and Family Services would not give him any information about his daughter.

The little girl's mother then came to Canberra from West Wyalong, where she lives, to try to find her daughter. Family Services would not give her any information about her daughter's whereabouts either, so the mother followed the same lead that her ex-husband had given to the police. She found her 12-year-old daughter dossing down in the Bega Flats with two 16-year-olds and their six-month-old baby, in the company of sundry other slightly older men. She had been told by Family Services that her daughter was in a place of safety under responsible care. They told her that the law says that a child over eight years can do as he or she pleases. They quoted section 102 of the Children's Services Act as their proof, and also as their reason for not being able to advise parents of their children's whereabouts. Like this little girl's mother, I do not consider that a 12-year-old child in the care of two 16-year-olds in the Bega Flats is in a place of safety. Neither does this Government because, only recently, it announced a program of attempting to increase the security and safety of those very flats.

Family Services did not entertain at any time the option of encouraging the girl to move into either of the homes offered by family members - either a home with her mother and stepfather or a home with her older sister and her sister's husband. At no stage was the girl's family trying to force her to return to the situation from which she had run. Luckily, and exactly as her mother had told Family Services, the relationship between mother and child was good. Having found her child, despite Family Services' best efforts to keep them apart, the mother suggested that the little girl should contact her sister and take up her offer of a place to live. Happily, the child has now travelled to a new home out of the ACT, thank heaven, to live with the family. You would think that a family reunion would make Family Services happy. Well, think again, because the girl's mother has since received an abusive phone call from Family Services for having the hide to remove her daughter from the Bega Flats without their permission.

This is not the first time that I have been asked by distraught parents to help them regain their children from the clutches of the Family Services Branch. On the last occasion, as the Minister, Mr Connolly, would know, he would not provide me, correctly, with information in this Assembly, but he promised me a confidential briefing. I was visited by Family Services officers who proceeded to tell me that I would be told nothing because of the Privacy Act. We are dealing with a branch that misuses the law in order to keep itself unaccountable. I believe that, instead of encouraging rapid growth in the Family Services Branch, this Government should undertake an urgent overhaul of this group of public servants who are playing God, and give back to parents the rights and responsibilities for their own children that they used to have before the social engineering nannies took over.

Family Services Branch

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (5.11): Madam Speaker, I regard the diatribe that we have just been unfortunate enough to have foisted upon us by Mr Cornwell as one of the low points of my two-and-a-half years in this Assembly. Mr Cornwell knows very well the provisions in the Acts that govern the provision of information in this Territory. What Mr Cornwell has failed to acknowledge this afternoon is that, through the processes that have been put in place, the person he referred to has been reunited with her family in appropriate circumstances and in a manner consistent with the procedure recommended by the Community Advocate, who has been involved in these circumstances. For you to drag this matter through this Assembly in the way you have, Mr Cornwell, is to act in the most reprehensible manner I have seen. You have, in my view, absolutely no concern or consideration for the individual concerned, or an understanding of the facts. It is very obvious that you would rather expose individuals to ridicule and to persecution through whatever format you wish to choose in order to grab a headline. It is nothing short of the grubbiest act I have ever seen you perform, Mr Cornwell.

Family Services Branch

MR CONNOLLY (Attorney-General and Minister for Health) (5.13): Madam Speaker, I will briefly enter this debate. Mr Lamont has very forcefully put my outrage, so I will not join in restating those positions. I would remind members that only yesterday we debated in this place amendments to the Children's Services Act relevant to the operation of Family Services in these types of cases, and the Community Advocate Act relevant to the operation of the Community Advocate in these circumstances. As Mr Lamont said, this case that you are referring to, Mr Cornwell, involved both the Family Services Branch, acting under the Children's Services Act, and the Community Advocate, acting under her Act.

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In the debate yesterday we heard from all sides of the chamber that we were improving that legislation and that these people were working in very difficult circumstances. I heard no constructive suggestions from you. Indeed, you made very little contribution. Yesterday we had all the officials present, so that if you had anything constructive to add we could have taken the officials' views; we could have had a constructive debate. But no, you maintained silence when we were looking at the details of the legislation under which these people playing God, as you call them, operate. You sat there and allowed that to happen. Now you come in here in the adjournment debate with this vitriolic diatribe of hate directed at these officials who, as I said yesterday, are in one of the most difficult jobs that any public official can conduct - when a decision has to be made that the state has to intervene to protect a child from a family. It is a very difficult area in which to operate. Your performance today, Mr Cornwell, was very disappointing to this Government. I hope that Independent members listened carefully to what you had to say, because this is what would happen if you people were in government. Presumably you would be Community Services Minister, Mr Cornwell, and I hope that Independent members think about that whenever they are tempted to support your party.

International Year of the Family

MS ELLIS (5.15): Madam Speaker, it saddens me a bit to raise the matter that I wish to raise today after the disappointing speech that I heard from Mr Cornwell. My reference to the International Year of the Family is of a much lighter nature, but I am afraid that it tends to be affected somewhat by the sombre attitude of the Assembly at this stage.

I want to invite all those who do not happen to be residents of the Tuggeranong Valley to a really terrific occurrence this coming Saturday. As part of the International Year of the Family the Tuggeranong Community Service and the Tuggeranong Community Centre have gone to a great deal of trouble and effort to put together a family day aimed specifically at the enjoyment of families - I believe, at no charge to them - between the hours of 11.00 am and 4.00 pm on Saturday at the Tuggeranong Community Centre. Should your child be interested in something as happy as Humphrey Bear - obviously, Mr Humphries, that is right down your alley - or should your older children be interested in Questacon, you will find that what this committee has put together for this day's program is fantastic.

I want to commend the people who have taken it upon themselves, mostly in their own time, with the encouragement of the Tuggeranong Community Service, to put this day together. I would urge any members of this Assembly who are interested in seeing a very good day's activities aimed primarily at families to avail yourselves of a visit to the Tuggeranong Community Centre on Saturday between 11.00 am and 4.00 pm. I am sure that you will find the program very impressive. Should you do so, I am sure that your words of commendation to the people who organised it would be very welcome as well.

Question resolved in the affirmative.

Assembly adjourned at 5.17 pm until Tuesday, 17 May 1994, at 2.30 pm

ANSWERS TO QUESTIONS

**HOUSING AND COMMUNITY SERVICES BUREAU
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 1222
Housing and Community Services Bureau - Consultants**

MR CORNWELL - Asked the Minister for Housing and Community Services upon notice on 3 March 1994:

- (1) How many consultancies were undertaken in (a) 1992; (b) 1993 and (c) are planned for 1994.
- (2) For those which have already been completed (what was the cost of each; (b) what was the purpose of each and (c) which companies or persons were awarded those consultancies.
- (3) For those consultancies underway or planned for this year (a) what is the estimated cost; (b) what is the purpose and (c) who has been awarded those consultancies.
- (4) What process is followed to select consultants to undertake the Department's projects.

MR LAMONT - The answers to parts 1, 2 and 3 of the member's question are detailed on the attached table.

- (4) The Housing and Community Services Bureau follows the guidelines for the selection and engagement of consultants laid down in "Achieving Value for Money - The effective use of consultants in the ACT Government Service" and the requirements for purchases of services laid down in the ACT Purchasing Manual and ACT Treasury Directions.

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AQ1222 - TABLE

CONSULTANTS ENGAGED IN 1992

NAME OF CONSULTANT PURPOSE OF CONSULTANCY COST/ ESTIMATED COST

Government Computing Service	Information technology strategic plan	\$23,662.00
Purdon and Associates	Study of elderly housing tenants	\$28,739.00
Jo Campbell and Associates	Train the Trainer Program	\$19,000.00
Brykim Pty Ltd	Training of Community Services Grants funded services	\$14,250.00
Computer Sciences of Australia	ISIP System implementation	\$12,600.00
Brian Elton and associates	Review of ACT Disability and Aged Care Advisory Service	\$10,000.00
Hilary Lang	Review of Carers Group	\$10,000.00
Northage and Associates	Joint venture models for aged persons units	\$9,500.00
Random Computing Services Pty Ltd	Rationalisation of Accommodation and Information Technology Integration	\$6,500.00
Phoenix Training and Counselling Consultancy	- internal staff rotation	\$6,000.00
Pasco Hall and Associates	Facilitate development of strategic plan	\$5,480.00
EASACT	Staff Counselling	\$5,300.00
Brian Rope	Housing Assistance Plan	\$5,000.00
Harriss Van Meegan	Client Services Evaluation	\$4,900.00
NSW Department of Housing	Assist with the establishment of Home Purchase Information Nights	\$4,200.00
CBA Treasury Advisory Service	Off-budget funding consultancy	\$3,183.00
Purdon and Associates	Consultancy on Social management report	\$3,000.00
Dr Roy Gilbert	Corporate Plan	\$3,000.00
Jack Powell	Community Service Order Supervision	\$2,400.00
Spectrum Graphics	Defining Housing Trust corporate identity	\$2,280.00
Ernst and Young	ISIP System audit	\$1,872.00
Harriss Van Meegan	Evaluate client services program	\$1,750.00
Catalyst Consultants	Facilitate team building workshop	\$1,600.00
Dr Brennan	Court ordered assessment on bonding	\$1,400.00
Harriss Van Meegan	Facilitator - .Tenant participation program	\$1,350.00
Dianne Van Meegan	Facilitate HACC Planning Day	\$1,200.00

A01222 - TABLE

CONSULTANTS ENGAGED IN 1992

(continued)

NAME OF CONSULTANT	PURPOSE OF CONSULTANCY	COST/ ESTIMATED COST
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R Somerville	Scribe Service for interviews	\$1,131.00
Paul Blinksell	Community Service Order Supervision	\$868.00
Andree Maddox	Staff Development/Conflict Resolution	\$800.00
A Coxan	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$800.00
M Henderson	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$800.00
CASE Consultants	Case Management Training for HACC service providers	\$800.00
Janice Mundy	Preparation of outstanding court reports	\$700.00
M Hood	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$700.00
D Laver	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$700.00
E Moletta	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$700.00
TPODA Services	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$700.00
Geoff Potts	Preparation of Pre-sentence reports	\$150.00
Horticultural Landscape	Assessment of APU ground maintenance	\$250.00
		\$197,265.00

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AQ1222 - TABLE

CONSULTANTS ENGAGED IN 1993

NAME OF CONSULTANT PURPOSE OF CONSULTANCY COST/ ESTIMATED COST

Residex	Program implementation - Private rental leasing	\$50,000.00
Lionel Davis	Devise aboriginal recruitment and career strategies and non-custodial sentencing option	\$47,400.00
Northage and Associates	Jerrabomberra House Consultancy	\$40,000.00
Brian Elton and Associates	Assessment and Development Training for HACC	
Service Providers		\$25,000.00
a WCS Australia Pty Ltd	Supply and customise computer software for a rental bond tracking and financial system	\$56,995.00
Computer Sciences of Australia	I.T. Strategic Plan	\$18,600.00
Hill and Knowlton Aust Pty Ltd	Communications Strategy	\$11,179.30
Ross Associates	Debt Recovery	\$9,725.00
Mark Pattison and Associates	Develop volunteer manual	\$7,475.00
Corporate Scorecard Pty Ltd	Braddon Townhouse Project	\$5,150.00
Corporate Scorecard Pty Ltd	Risk Control	\$4,850.00
Brian Elton and Associates	1993-96 Housing Assistance Plan	\$4,775.00
Barry Rutter	Develop Spreadsheet for Financial Analysis	\$4,726.25
University of Canberra	External Cyclical Painting	\$4,000.00
N Lewis	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$3,650.00
David Bryant	Computer database development	\$3,000.00
JM Still and Associates	Property surveying - Conder	\$2,642.00
C Moss	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$2,528.00
Upton Martin Consulting	Stress and Time Management workshop for HACC service providers	\$2,350.00
Drake Overload	Record Management	\$2,225.20
Edwin Power	Forum - Housing people with disabilities	\$1,980.00
D Laver	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$1,700.00

AQ1222 - TABLE
CONSULTANTS ENGAGED IN 1993

NAME OF CONSULTANT PURPOSE OF CONSULTANCY COST/ ESTIMATED COST

	D McClelland	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$1,650.00
	TPODA Services	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$1,600.00
	Steve Grasser	Design statistical report for computer system	\$1,200.00
	Anne Hall and Associates	Scribe Services	\$1,017.00
..	Upton Martin	Roles and Responsibilities for Committee of Management for Sharing Places	\$1,000.00
	Lynette Lane	Scribe Services	\$875.00
	A Coxan	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$700.00
	A Doran	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$700.00
	Lynette Lane	Scribe Services	\$648.00
	Cedric Bryant	Judge Garden Competition	\$600.00
	Training Strategies	Principles and Practices on Case Management	\$600.00
	Viewed Pty Ltd	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$400.00
	E Moletta	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$300.00
	W St Clair	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$150.00
	M Henderson	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$100.00
			\$321,490.75

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A01222 - TABLE

CONSULTANTS ENGAGED OR PROPOSED IN 1994

NAME OF CONSULTANT PURPOSE OF CONSULTANCY COST/ ESTIMATED COST

To be Determined	Re-assessment of market rents and capital value of housing	
		\$50,000.00
WCS Australia Pty Ltd	Continuation of consultancy from 1993 - Supply and customisation of comptuer software for rental bond tracking and financial system	\$36,995.00
Turnbull Fox Phillip	Marketing strategy for building for buyers demonstration project	\$20,000.00
To be Determined	Consumer Training for HACC and CODA clients to provide support in providing input into review, consultation and strategic planning	\$10,000.00
Porter Greymatter	Housing Assistance Plan	\$5,000.00
To be Determined	External Cyclical Painting Analysis	\$5,000.00
Brent Budarick Pty Ltd	Occupational Health and Safety	\$4,500.00
N Lewis	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$4,154.00
Upton Martin	Roles and Responsibilities for Committees of Management - HACC	\$2,700.00
Keris Delaney	Consumer Guide to Individual Support	\$1,970.00
TPODA Services	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$1,820.00
VIEWED Pty Ltd	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$1,678.00
D McClelland	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$1,650.00
Upton Martin	Roles and Responsibilities for Committees of Management - Disability Services Grants	\$900.00
W St Clair	Assessment of applicants for overseas adoption and the assessment and preparation of post placement reports	\$100.00

\$146,467.00

**MINISTER FOR HEALTH
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1238**

**Health Department Premises - Compliance with
Occupational Health and Safety and
Environmental Standards**

Mrs Carnell - asked the Minister for Health - In relation to premises in which ACT Health operates, or which act on behalf of ACT Health, eg Calvary Hospital.

- (1) What monitoring mechanisms exist to ensure that toxins, noxious discharges and other wastes do not exceed established environmental and occupational health and safety standards.
- (2) On how many occasions in the last three years have there been instances where discharges exceeded the standards.
- (3) What were the circumstances of the excess discharges, to what degree did they exceed the standards, particularly those which posed a health risk to staff, the public or the environment
- (4) What was the risk to members of the public or staff from these incidents.
- (5) What was the extent of injury or disability arising from these incidents and what expenditure has been made (a) to compensate employees and (b) to compensate members of the public.
- (6) What action has been taken to rectify the failure of systems, equipment or human error that gave rise to these incidents.
- (7) What action has been taken to ensure the full compliance with all relevant occupational health and safety and environmental standards.
- (8) What was the cost of remedial and clean-up work.
- (9) What expenditure will be necessary to ensure full compliance with occupational health and safety and environmental standards.

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

Calvary Hospital does not act on behalf of the Department of Health but is an independent organisation which provides a range of health services under an Agreement between the ACT Government and Calvary Hospital ACT Inc. It has a legally constituted Board of Management which directs the governance of the hospital and has done so since 1979.

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(1) The ACT Government Service's Occupational Health and Safety Unit has an outposted office based at Woden Valley Hospital to advise management on the full range of occupational health and safety standards. The Occupational Health and Safety Unit, Hospital Management and the ACT Government Analytical Laboratory have a monitoring role regarding procedures and practices to ensure that discharges do not exceed standards. All contaminated wastes are placed in special clearly marked contaminated waste bags and disposed of by TOTALCARE.

Used "sharps" (needles) are placed in "sharps" containers and disposed with contaminated wastes by TOTALCARE.

Within Community Health there are designated OH&S officers who monitor compliance with OH&S standards on a regular basis. Procedures are in place for handling incidents such as needle stick injuries.

The Department of Health Dental clinics use high speed suction units to remove wastes and extract toxins such as amalgam. The extracted wastes are disposed by a private Sydney based contractor. All hazardous substances used in dental clinics and laboratories are handled in compliance with OH&S Policies and designated laboratory staff are trained in the handling of hazardous chemicals.

At Calvary Hospital a number of monitoring mechanisms exist to protect patients, staff and members of the public. A Hazardous Substances Register is maintained and subject to ongoing review. It identifies all hazardous substances used in the facility, and their location. The Hospital closely follows the requirements of the ACT Clinical Waste Manual and directions are included in a number of manuals throughout the facility. The Hospital has a full-time Occupational Health and Safety Officer on staff, who assists in monitoring the use and disposal of hazardous substances which are included in medical and nursing manuals and the Infection Control Manual. Some on-site monitoring processes are complemented by the use of external companies to provide regular, and independent evaluations. Where dilution and disposal of certain chemicals is necessary through the waste water and sewerage system, appropriate permits are held.

(2) The Department of Health is not aware of any documented occasions where standards have been exceeded in the last three years. However, at Calvary Hospital on one occasion in the last three years, Gluteraldehyde fumes exceeded normal readings for a short period of time - approximately fifteen minutes. In addition, there have been a number of minor incidents affecting staff in matters such as paint fumes, carpet glue and solvent fumes.

With the exception of Gluteraldehyde, no other readings were taken as immediate action was instituted to correct the problem, or the fumes has dispersed when checked.

(3) Because of the brief nature of most of the problems at Calvary Hospital a measurement against standards was not possible.

- (4) Members of the public were not exposed to risk. A paint fume incident affected seven of the eight staff members for a short time.
- (5) In relation to Calvary Hospital no time was lost and no compensation claimed. Half a working day was lost with compensation not claimed in respect of carpet glue fumes. In respect of the solvent fumes incident 2.5 hours were lost with compensation claimed. The employee affected by paint fumes lost 2 287 hours and was compensated and retired on invalidity grounds in August, 1993. (a) Total compensation paid was \$27,096.02.
(b) No compensation was claimed by or paid to members of the public.
- (6) A program of monitoring and implementing software standards in the work place has been in force for several years. Ongoing action taken to rectify the reasons for the failures included the updating of the Hazardous Substances Register, re enforcement of safe work practices, issuing protective clothing or equipment and enforcing its use, undertaking certain tasks when a minimum of staff are on duty, review of occupational health and safety procedures and increased awareness of responsibilities of line managers.
- (7) A continuous process of review and refinement of controls takes place in the Department of Health and Calvary Hospital to minimise the risk associated with the disposal of hazardous waste, in accordance with occupational health and safety standards.
- (8) Initial costs for remedial work relating to the specific incidents mentioned above were in the order of \$1,900.
- (9) Standards are currently being complied with in the Department of Health. At Calvary Hospital current estimates to cover known anticipated costs to ensure fullest compliance will be in the order of \$40,000 for the 1994/95 Financial Year, most of which is earmarked for ergonomic furnishings.

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**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
Question No. 1248**

**Canberra Institute of Technology - Student
Association Fee**

MR CORNWELL - asked the Minister for Education and Training on notice on 12 April 1994:

In relation to the *Canberra* Institute of Technology 1994 Student Handbook

- (1) Why is a Student Association fee of \$18 charged per course (page 5), rather than a flat fee for multiple course enrolments.
- (2) Is the Student Association fee part of the course fee and thus refundable, as set out on page 9.
- (3) If the Student Association fee is part of the course fee, how can the claim be substantiated that the Student Association "is an independentOrganisation"?
(page 23).
- (4) How much money was collected at each campus in Student Association fees in 1993.
- (5) How was this money expended.
- (6) Has an estimate been made of the cost to the Canberra Institute of Technology of collecting this fee on behalf of the Student Association, and if so (a) what is the amount; and (b) is it deducted from the Association's funds.
- (7) If no cost is calculated and no charge against the Association made, why not.

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

- (1) The decision to charge the Student Association fee on a per course rather than flat basis is due to two factors. Firstly, students who enrol in more than one course have access to a greater quantum of Student Association services. Secondly, the Institute does not have a mechanism for adjusting student fee payment advices to recognise multiple course enrolments. This latter factor arises from the decentralised nature of student enrolments at the Institute whereby enrolments occur at any one of the six CITY campuses within a two month bandwidth for each Semester,
- (2) The Student Association fee is a separate refundable fee subject to the conditions of the Institute's student fee refund policy.

(3) For 1994 enrolments the Student Association fee is a separately identified fee on the fee notice provided to each student.

(4) The Institute does not record Student Association fee revenue on a per campus basis. However the funds collected are divided by CITSA according to the Institute's estimate of student enrolment on Bruce Campus, Southside Campuses, and Northside Campuses. In 1993 this resulted in the division of student fees as Bruce Campus 28%, Southside Campuses 34%, and Northside Campuses 38%. The Student Association's audited financial statements for the year ended 31 December 1993 advise a total fee revenue of \$344,180.

(5) The Student Association is an incorporated organisation managing its own affairs. It provides a wide stray of services to students including: welfare, activities, student loans, representation and advocacy, canteens (on all six campuses), and bookshops and stationery outlets.

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(6) An estimate has not been made of the CIT cost of collecting the Student Association fee. The collection of the Association fee does not require any additional procedure from the collection of course fees so the Institute believes the collection cost to be minimal.

The Institute considers that the Association provides valuable student services assisting student well being that would be funded by the ACT tax payer in the absence of student contributions. Since the Institute considers that the Association's role is to be encouraged it has chosen not to charge a collection fee.

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**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 1252**

Community Housing Program - Target Groups

MR CORNWELL - Asked the Minister for Housing and Community Services What type of housing did you intend and what cultures were you referring to for "communities from cultures wanting extended family and networks nearby" as reported in *The Chronicle* of 14 March 1994.

MR LAMONT - the answer to the member's question is as follows:

The comments attributed to my predecessor in *The Chronicle* of 14 March 1994 were taken from a speech made during the launch of the Community Housing display held as part of Community Housing Week on 25 February 1994, an event organised by the Community Housing Advisory Service of the ACT Inc (CHASACT).

The comments you refer to relate to target groups that may be eligible for funding under the Community Housing Program (CHI). CHI is a joint Commonwealth-State government program which provides funding for community housing.

These comments were intended to illustrate particular target groups that may benefit from the advantages of community housing that are not currently available in mainstream public housing. These may include people from non-English speaking backgrounds, Aboriginal and Torres Strait Islanders, and other culturally disadvantaged groups.

**MINISTER FOR EDUCATION AND TRAINING
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 1254**

Government Schools - Photocopiers

MR CORNWELL - asked the Minister for Education and Training on notice on 12 April 1994:

In relation to photocopiers in ACT Schools -

- (1) In the past, have such machines been purchased outright or leased.
- (2) Since 1 July 1993, as machines need replacement, are such replacement machines being leased or bought outright.
- (3) What advice is being given to Principals who now advise the Department that their school's machine needs replacement.
- (4) What is the cost of leasing a photocopy machine per annum.
- (5) *What services* are included in that leasing price.
- (6) What are the benefits of leasing.
- (7) What is the cost of buying a suitable photocopy machine.
- (8) What is the cost per annum of such a machine.
- (9) What is the useful life of a suitable photocopy machine.
- (10) If school photocopy machines are now being purchased, are tenders advertised widely for supply of same or are schools being advised that they must purchase from certain companies.
- (11) If schools photocopy machines are now being purchased, how much of the cost is contributed by the school and how much by the Department.

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

- (1) In the past it has been Departmental policy to purchase photocopiers outright.
- (2) A policy change in January 1994 now permits schools to enter into leasing arrangements for photocopiers where best value for money is achieved. However; I understand that most schools have chosen to purchase copiers.
- (3) Schools now have two options for the replacement of photocopiers. They can now either purchase outright, or lease a suitable machine.
- (4) Costs can vary, and depend on size of a machine, and over what period the lease is taken.
- (5) The lease price normally includes an agreed copy costs maintenance (fully inclusive of all parts), and consumables (excluding paper).
- (6) There is no initial capital outlay. Administrative costs are also kept to a minimum.
- (7) Again, costs can vary depending on the size of the copier and what accessories are included.
- (8) The annual costs vary depending on the size and life of the machine, and taking into account such things as annual maintenance agreements, cost of consumables, etc.
- (9) Based on normal usage rates and taking into account the manufacturer's specifications, most machines last, on average, a maximum of five years.
- (10) In the past schools have been advised of what machines are on Federal and State Government contracts and the schools have inspected and evaluated a range of copiers before making their recommendation for a specific machine.
- (11) For the most part, all schools which have had photocopiers replaced this financial year have contributed \$4,000 towards the cost.

**MINISTER FOR URBAN SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 1259
Disposable Nappies - Disposal**

Mr Westende - asked the Minister for Urban Services:

In relation to disposable nappies

- (1) Are there any incineration facilities within the ACT for the disposal of disposable nappies; if not, why not.
- (2) What is the process by which disposable nappies are disposed when collected by the Department of Urban Services garbage collectors.
- (3) Are there any health/sanitary regulations that cover the disposal of disposable nappies at the ACT tips; if not why not.
- (4) What sanitary precautions are taken with regard to the disposal of disposable nappies at ACT tips.

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

- (1) Incineration facilities are available at Totalcare at Mitchell.
- (2) Should disposable nappies be mixed with garbage, they are mechanically compacted and buried and then covered with soil as is the case with other putrescible wastes.
- (3) Disposable nappies should not be placed in garbage bins as the Garbage Regulations prohibit the occupier of any premises from depositing inter alia sewage or waste (not being garbage) in a garbage bin.
- (4) All wastes are handled and compacted by mechanical plant. Wastes are covered with soil after compaction.

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APPENDIX 1:

(Incorporated in Hansard on 10 May 1994 at page 1343)

CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION WITHOUT NOTICE

MR STEVENSON: Asked the Chief Minister without notice on 19 April 1994:

With regards to safeguards with commercial dealing with those outside the Public Service, what specific policies are followed when dealing with companies or individuals outside the Public Service in relation to protecting public property and money?

MS FOLLETT - The answer to the Member's question is as follows:

There is a legislative hierarchy including the Audit Act 1989, Finance Regulations and Treasury Directions, which, in part, covers-specific ACT Government policies when dealing with companies or individuals external to the ACT Government Service.

The predominant policies under this hierarchy are:

- The ACT Purchasing Manual sets the policy where achieving best value for money is the prime objective, and open and effective competition is the prime operating principle.
 - The ACT Government Service Disposal Policy, endorsed by the Government Service Board in April 1994, with its main principles of best net outcome, and openness and accessibility in conjunction with other related policies (for instance, heritage, recycling etc).
 - Guidelines for 'Achieving value for money: the effective use of consultants in the ACT Government Service.'
 - The Consultancy Management Committee monitors the letting of all consultancy contracts exceeding \$25,000 prior to the calling of tenders/ quotes and selectively audits all ACT Government Service consultancy expenditure to ensure the guidelines are being followed and that value for money is obtained.
 - The requirement for agencies to include in their Annual Reports all consultancies over \$1000, and all contracts over \$5000 (which also require ACT Gazettal).
- (cont.)

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Other policies relevant to dealing with external organisations or individuals include:

- The ACT Government Code of Ethics for Procurement, endorsed by the Government Service Board in December 1993;
- The 'Guidelines on Official Conduct of Commonwealth Public Servants' is still applicable to all ACT Government employees pending the passage of our own guidelines contained in the Public Sector Management Bill.
- Public Service Regulation 8, pursuant to the Public Service Act, also sets out the obligations required from a public servant.

A policy on Quality Assurance in Procurement will be resubmitted to the Government Service Board by June 1994. This policy is another mechanism that will help ensure that value for money is achieved.

In addition to the above framework, the ACT Government Solicitor is available to assist ACT Government Agencies with contractual matters.

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY
QUESTION WITHOUT NOTICE TAKEN ON NOTICE
19 APRIL 1994**

MR KAINE:

My question relates to the Council on the Ageing. The Chief Minister no doubt knows that the Council indicated yesterday that it had insufficient funds to continue operations through to June this year. How much money do they require to complete operations this year and has the Chief Minister indicated she will provide funds to keep the organisation in place?

Supplementary:

The fact is that my information shows they are \$12,000 approximately short... if they do not get supplementation of \$12,000 they will have to close their doors at the end of May. Will the Chief Minister give a commitment that she will not let that occur?

MY ANSWER IS:

I am unaware of any formal request from the Council on the Ageing (ACT) for additional funding in 1993-94 apart from a request for an additional one-off grant of six thousand dollars to cover unforeseen circumstances. As I advised the Assembly on 19 April 1994, the Government responded to that request from the Council on the Ageing.

The Government would, of course, give consideration to an application for additional funding from the Council on the Ageing.