



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

18 May 1994

Wednesday, 18 May 1994

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

NOISE CONTROL MANUAL AMENDMENT BILL 1994

MR WESTENDE (10.30), by leave: I present the Noise Control Manual Amendment Bill 1994.

Title read by Clerk.

MR WESTENDE: I move:

That this Bill be agreed to in principle.

I thank members for granting me leave and I shall not take up too much time. Madam Speaker, the Liberal Party strongly believes that, by introducing the Noise Control Manual Amendment Bill 1994, motor sport in the ACT will be preserved. It has become clear over the past year or so that, under the present Government, motor sport is facing a slow and painful death.

This Bill reintroduces section 12 of the Noise Control Manual which was previously deleted by the Minister. The Noise Control Manual Amendment Bill 1994 amends the Noise Control Manual prepared pursuant to the Noise Control Act 1988. The addition to the manual is designed to put in place a procedure by which the noise made by participants in motor sport may be measured in accordance with the Australian standards on motor sport. This will bring the ACT into line with most States of Australia, including New South Wales, which already applies the Australian standards with regard to motor sport. The Liberal Party seeks an undertaking from the Government that there will be a continuance of the exemptions made under section 16 of the Act to ensure the continuance of motor sport in the ACT. If the Government is not willing to give a clear indication that future exemptions will be granted, the Liberal Party will have no option other than to pursue this matter further in the Assembly. I, therefore, seek an undertaking from the Government that future exemptions with regard to motor sport will be granted.

MADAM SPEAKER: Could we have the explanatory memorandum? You will need leave to table that.

Leave granted.

MR WESTENDE: I table the explanatory memorandum.

Debate (on motion by Mr Lamont) adjourned.

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STATUTORY APPOINTMENTS BILL 1994

Detail Stage

Clause 1

Debate resumed from 13 April 1994.

MR CONNOLLY (Attorney-General and Minister for Health) (10.34): Madam Speaker, this legislation has been agreed to in principle by this Assembly. The Government accepts that, while we had objections to it in principle, it has been passed. It is now clearly the will of the Assembly that the Assembly have a role in various appointments by the Government. We are not in a position at the moment to comment constructively or to offer better amendments than the amendments that have been proposed by Mr Moore. For that reason the Government will open the debate and will be suggesting that we think hard about this and try to come up with a workable model. I am not stalling for time. We made it very clear in the first debate that, as it is clearly the will of the Assembly that the Assembly have a role in appointments, in the interim period, between agreement in principle and final passage of the Bill, any Minister who makes an appointment that might be criticised by any of you as appointing a mate would be a very bold Minister indeed. Obviously, the Assembly would have something to say about that. We are not stalling for time. What we are saying is that we need to get this right.

The history of the legislation, as members will recall, is that when it was first proposed by Mr Moore he was talking about committees and boards. Indeed, he named a number of committees and boards. There was a public policy that the Assembly should have a role in vetting appointments to committees and boards. There was some politicking about jobs for the boys and all of that, and you attacked us and we attacked you. The general understanding was that we were talking about boards and committees. The Bill, as introduced, is far broader than that. The Bill, as introduced, covers everything. It covers the appointment of judges, and there seems to be general agreement that that is undesirable.

Mr Moore: No, that is not right. It was the amendment that I flagged.

MR CONNOLLY: The Bill, as introduced, covered, in my view, on my understanding, everything, including judges. There seems to be general agreement that that is undesirable and I saw in the paper this morning that the Chief Justice of Australia is saying that. I am trying to be constructive, Mr Moore; I am not trying to play politics. We had some discussions with Mr Moore about that, and Mr Moore is proposing some amendments which have the effect - - -

Mr Kaine: I raise a point of order, Madam Speaker. Is the Minister speaking to clause 1 of this Bill or is he retraversing the in-principle debate on it?

MADAM SPEAKER: I think he is speaking on clause 1, Mr Kaine.

Mr Kaine: He has not even mentioned clause 1 yet, and he has talked about a whole range of possible amendments.

MADAM SPEAKER: Thank you, Mr Kaine.

MR CONNOLLY: Madam Speaker, I am trying to take a sensible approach to this and not play petty, silly politics. I would hope that members opposite would exercise a little bit of grey matter on this. As I was saying, we had a problem in that the Bill proposed to deal with the publicly stated problem of appointments to boards and committees. The Bill, on my advice, covered potentially everyone from a judge to the secretary of a department.

I wrote to every member of this Assembly in about the middle of April. I do not have my dated copy of the letter, but I think members would recall the letter that they would have received in late April. I indicated to members that this Bill had been agreed to in principle but the Government still had some concerns about it and we wanted to make it workable. I suggested to every member of this Assembly who received my letter that they might like to come back to the Government and have some discussion about who should be in and who should be out. Should the Bill apply to everybody? Should the Bill apply to everybody apart from judges and possibly magistrates? What is the position of the Master of the Supreme Court? Is the Master of the Supreme Court a judicial officer or an administrative officer? You could have an extensive debate on that. It is a very complicated issue. Mr Moore's proposal in the Bill as now drafted looks at appointments by Ministers and not appointments by the Executive, and that probably fixes judges.

After discussion with Mr Moore and Mr Humphries last week I said that we would try to look at what that means across the board, across the hundreds of pieces of legislation of this Assembly. Is a distinction between ministerial and Executive appointments a sensible matrix for sorting out the policy question? The advice that I am getting from the department is that they have not been able to finish that task yet, but there does seem to be an element of randomness as to who is in and who is out.

As I say, we have acted in good faith. I wrote to all members saying, "It is clear that the wish of the Assembly is that the parliament have a role in vetting appointments. Can we work out what should be covered? Should we cover everybody? Should we cover the appointment of secretaries of departments?". I raised the problem of that myriad of appointments which are at comparatively low levels in the public service but which are statutory appointments, such as when Mr Wood signs an instrument to appoint somebody at a comparatively low public service level as the dog catcher. As another example, a position in my portfolio was recently advertised and filled - the position of Director of Consumer Affairs, a senior officer grade A job. A merit selection public service process is followed. Members, one would assume, would not want to be getting into that, but because that position has a statutory function the Minister has to sign a piece of paper. I signed the piece of paper appointing the successful applicant to that position following the merit selection process. Should that type of appointment be subject to review by the Assembly when we are basically ratifying a straight merit selection process?

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There is a very strong argument that, should this Assembly pass the Public Sector Management Bill in its current form, a lot of these dual appointments, where you have a merit selection process for a public service position and then the Minister signs a piece of paper, may well be resolved. What I am saying to members is that you have agreed in principle that you should have a role in vetting appointments, and the Government respects that, and the Government will act extraordinarily cautiously in the period until we resolve what appointments should be covered. We have acted in good faith. We have written to members seeking views on who should be in and who should be out. I have received a round number of replies to that letter; I have received not a single response, although I have had some - - -

Mr Kaine: Because it is not your Bill. Have you forgotten? It is Mr Moore's Bill.

MR CONNOLLY: Mr Kaine, we are trying to be constructive. You have this oppositionist mentality over there. You cannot adopt a collegiate approach. Mrs Carnell made fancy statements about collegiatism. Having been defeated at the in-principle stage, it would be hard for a government to act more collegiately than to write to every member and say, "Can we work out something that is meaningful as to who is in and who is out? Can we clarify the policy position?". There is a problem with the Bill as it is currently before the Assembly. The amendment that Mr Moore circulated clarifies that the Auditor-General should be in. Most people would probably think that the Auditor-General should be in, given that the Auditor-General reports to the parliament.

I am sorry; I have had one response to my letter. I had a response from Mrs Carnell saying that Mr Humphries is handling the matter, which did not actually help me as to what the policy should be. I have had some discussions with Mr Humphries and Mr Moore, urging on them that we need to come out with something sensible. To date we do not have it. We do not know how far we go in terms of - - -

Mr Humphries: In your view. In your view that is the case.

MR CONNOLLY: Madam Speaker, the amendment which has been circulated and the Bill before the Assembly mean that ministerial appointments are in, and Executive appointments but for the Auditor-General are out; but nobody knows what is a ministerial appointment and what is an Executive appointment.

Mr Kaine: Where are your amendments?

MR CONNOLLY: Mr Kaine says, blusteringly, "Where are your amendments?".

Mr Kaine: I did not say it blusteringly. You are being very bombastic. Where are your amendments?

MR CONNOLLY: Mr Kaine, I wanted to discuss this with all members of the Assembly so that we could agree on the policy question. The general way to make good laws, Mr Kaine, is to clarify in one's mind what the policy should be and then to draft the amendment around the policy. What I am saying to members is this: "You have agreed in principle that the Assembly has a role in appointments. Fine, that is a given. What appointments?".

Mr Moore has circulated an amendment to the Assembly, but I do not understand what the policy behind the amendment is. The Law Office has been working on this for some time. I have asked them to run through every Act of the Assembly. I am not yet in a position to say which are Executive appointments and which are ministerial appointments. Which is in and which is out, and is there any rationale or commonsense behind which is a ministerial appointment and which is an Executive appointment? It turns out that the Executive does fix the problem of the judges and magistrates, but beyond that there seems to be no rhyme or reason as to which is in and which is out.

The Government is not stalling for time. We have again said, and we say it publicly, that, if we act rashly in the period before we sort out the details of this Bill, clearly our heads are on the chopping block, because the majority of members of this Assembly might say, "Look, Minister, we think that you have acted improperly there and have tried to thwart the will of the Assembly that wants a role on appointments". I have said that before, and I say it again, to put it on the public record.

This is an important issue. This is pretty landmark legislation. I do not want to recanvass the in-principle debate; but Mr Moore, I am sure, would proudly say that what he has done here is a first for an Australian parliament - indeed, a first for a Commonwealth country parliament. It is a significant piece of reform; the parliament is asserting its ability to get in and to vet appointments. We accept that, and we accept that it is the will of the parliament that it do that. What we urge members to do is to clarify what we want to cover. We have tried to play this game fairly. We have written to all members saying, "Can we get some discussion going on what the policy should be?".

I have to say to members that the Bill as currently drafted, with the amendment that Mr Moore has circulated, does not clarify who is in or who is out. It adopts a fairly arbitrary process of Executive appointment versus ministerial appointment. It probably opens the field for some very interesting and constructive legal arguments around the self-government Act. Members who have acted as Ministers in the past and have looked at the self-government Act know that there are some peculiarities about when a Minister is acting and when the Executive is acting. Most appointments, while they are made by Ministers, are endorsed by the Executive. The practice that we have - no doubt it was the practice you had when you were in office - is that major ministerial appointments, not the dog catcher, go to the Cabinet. So what is a ministerial appointment and what is an Executive appointment? There may be room for argument. We are not acting in bad faith here. We have shown our good faith by writing to all members and saying, "Can we clarify what the policy is?". I am happy to talk to members about the policy. The Government cannot support the detail stage of the Bill today because, quite frankly, we do not know what it means.

MR KAINÉ (10.45): Madam Speaker, I think that Mr Connolly's response to this Bill at this point of the debate is one of the most astonishing I have heard in five years of self-government. Mr Connolly believes that he has solved the problem by writing members of the Assembly a letter about a Bill that is Mr Moore's. Quite frankly, Madam Speaker, if I want to make some comment about the content of this Bill, I will talk to Mr Moore about it. I do not see that I have any obligation to talk to Mr Connolly. His responsibility was to come here, knowing that this debate was to

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take place today, and, if he had problems with the Bill or if he had anything he wanted to change, to put the Government's amendments on the table so that they could be debated. He says that he wants to have a debate. This is the time and the place for the debate and you are not ready for it.

Mr Connolly: I want to know what the policy is. Whom do you want to have in and whom do you want to have out?

MR KAINE: Mr Connolly now wants to continue the debate. He has already had his time; now he wants to continue the debate across the floor. Madam Speaker, this exhibits an arrogance on the part of the Government that is not uncommon. The Government has been known to put comprehensive Bills on the table and to expect us to come back in three days' time and debate them fully; and, if we do not like what is in there, to put our amendments on the table. Mr Connolly has had over a month. This Bill was debated in principle on 13 April. If he did not like what is in it, if he thought there were some principles that should be debated, he has had plenty of time to debate them. He believes, obviously, that he has fulfilled his obligation by writing me a letter and telling me that if I have a problem I should come and talk to him about it. That is not the way that I do my business with a private members Bill that belongs to Mr Moore.

Mr Connolly has completely abdicated his responsibility as a member of the Assembly, as a member of the Government, and as the Attorney-General in dealing with this Bill. Now he is saying to us, "There are principles to be resolved and we do not want to debate the Bill today". That is an astonishing response. If Mr Connolly has problems with this Bill - he indicated in his letter, which was dated 19 April, that he had some questions - why did he not resolve the questions and put some amendments on the table in order to amend the Bill, if we agree with him? He has not done that. Mr Connolly deserves to have the Assembly pass this Bill in its present form as put forward by Mr Moore, whether Mr Connolly thinks it is a good thing or not. If he cannot do better than he has done this morning, he does not deserve our support, Madam Speaker.

MS FOLLETT (Chief Minister and Treasurer) (10.48): Madam Speaker, I would like to respond briefly to the point that Mr Kaine has made. I am afraid that he has largely missed the point in his eagerness to berate Mr Connolly. The point is, Madam Speaker, that the Bill which Mr Moore has put up, and which the Assembly has already passed in principle, is largely to be implemented by the Government. It is the Government which makes these appointments, whether it is the Executive or the Minister, that the Bill seeks to scrutinise. It seems to me that Mr Connolly has behaved absolutely correctly in seeking to clarify what it is that this Bill requires the Government to do. In other words, what is the scope of this Bill. This is the point which Mr Connolly made. I believe that most members would understand that point. I think it is a shame that Mr Kaine has not.

Madam Speaker, as Mr Connolly said, he has written to the Opposition and to the Independents to seek clarification of the scope of this Bill. I accept that this is not a straightforward matter. There are some hundreds of appointments which are regularly made and which may or may not be covered by this Bill. They cover an enormous scope, as Mr Connolly has indicated. Prior to the amendment which Mr Moore has circulated, the appointments ranged from judges down to some relatively junior appointments which

are made by Ministers and/or by the Executive. There are also a number of statutory offices which are filled by public servants. These are called dual office-holders. There is currently a review of those positions being conducted. It seems to me that that is another matter which would need to be clarified.

I accept the intention of this Bill. I understand what it is. The Government has nothing to hide. I have no fear of this Bill. It does change the normal power structure in that appointments which have been the sole prerogative of the Executive and/or a Minister now become in many ways the prerogative of this Assembly. I understand that, and I understand the intention. However, Madam Speaker, as a government we have taken the position that even the most senior agency head positions are advertised and filled on a merit selection process. As I say, we have nothing to hide. I believe that the processes we have used in filling those kinds of positions are entirely defensible. There is work going on. A great deal of the work that needs to be done on this matter is being done in much the same area that has had carriage of the public service Bill, which I recently presented to the Assembly, and the consequential provisions Bill. That has been an enormous amount of work. If there has been some delay in this process of review of statutory positions, I think that that is an entirely reasonable excuse.

I do stress to members that this is not a straightforward, black-and-white matter. Members have my undertaking that I am prepared to consult with them on the coverage of this Bill. I do not share Mr Kaine's view that it is for Mr Moore alone to say what that coverage is. There are matters on which the Government and, indeed, all members, including Mr Moore, would need to take advice because, as I say, there are some hundreds of these positions. Madam Speaker, in seeking a little more time to consider these matters, I support the approach that Mr Connolly has taken. I believe that we need a considered response to the question of the scope of this Bill, and I am, as I say, perfectly prepared to involve other members in coming to some agreed position on that scope.

MR MOORE (10.52): Madam Speaker, in speaking to this clause I would like to begin by clarifying how the Bill works and why the Bill, as tabled, did not cover judges. Quite clearly, Madam Speaker, it deals with the power of a Minister to appoint a person. That is clear from clause 4. My attention was drawn by the Auditor-General to the fact that this did not include the Auditor-General. Therefore I had an amendment drawn up to take in the appointment of the Auditor-General. I circulated that amendment in the spirit that Mr Connolly is talking about, a consultative spirit. I said, "Here we are; this will now take into account the Auditor-General". Mr Connolly came back to me and said, "Ah, yes; it also includes judges". The first amendment I circulated, although it has not been tabled, would include judges and others. Having realised that that was the case, I then had a second amendment drawn up - it was on members' desks when they came in this morning - to specifically include the Auditor-General but nobody else appointed by the Executive. The intention was to replace that amendment with the other amendment. So, Madam Speaker, it is quite clear that we would not be taking into account appointments such as judges, magistrates and so forth.

Mr Connolly also made the point that this is landmark legislation; that it probably has not been done anywhere else, even in the Commonwealth, and therefore we need to proceed particularly carefully. I balance that against the frustration I feel. This legislation was tabled in February, as I recall, and we indicated to the Government that we wished to

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proceed with it. When the Government tables legislation like that they wish to proceed in the same way. There are many pieces of legislation. We work long and late hours to ensure that we have our amendments ready and that we have negotiated with the Government. In this case it seemed to me that the Government's response was slow. Meetings were difficult to arrange. Mr Humphries was always ready to have a meeting but it was difficult to get hold of Mr Connolly. I accept that Mr Connolly has just taken on a new ministerial role and that has made it more difficult.

Madam Speaker, what we are after - this has been a mark of this chamber - is the best possible legislation that we can get. Whilst I agree with the points raised by Mr Kaine, I think the best approach for us at the moment is to accept that this legislation can be delayed yet again, but, come June and the June sittings, there will be no further room for delay. We accept the good intention. We accept the Government's clear intention in two ways. Firstly, they understand that the Bill has been passed in principle and they will take appropriate care with appointments made between this time and when the legislation is through, with appropriate consultation where appointments must be made, following the spirit of the Bill. That happened, I must say, with the appointment that Mr Lamont made in the area of racing. The appropriate consultation process was followed. Secondly, the understanding is that this Bill will come before the Assembly in June and be dealt with to completion. I will be available, and I hope that Mr Humphries will be available, over the next two or three weeks - he indicates that he will be - to debate this legislation. Quite clearly, the administration that is trying to get together the material that the Chief Minister speaks of needs to understand that in June this will be going through in its present form or with the modifications that we may agree to through a collegiate process - a process to which Mr Stevenson and Ms Szuty are invited, as well as the Government and the Opposition.

MR HUMPHRIES (10.57): Mr Connolly has given us an extraordinary lesson in how not to win friends or influence people. He has a quite unique debating style in parliament. He attacks people he hopes to persuade to his point of view. It is very tempting to thumb our noses at the point of view he is putting purely because of the approach he has adopted. Mr Connolly sent a letter to all members of the Opposition. In the final paragraph of that letter he said:

I would appreciate any thoughts or suggestions you may have on what the parameters of this Bill should be.

I took that suggestion very seriously on behalf of my colleagues and I had discussions with Mr Connolly about this Bill. I indicated my intention to do so some time beforehand. That opportunity arose last sitting week and I sat down with Mr Moore and Mr Connolly to talk about this Bill. Mr Connolly indicated at the end of that conversation that he would be getting back to Mr Moore and me with certain comments about the scope of the Bill as it presently stands. I heard nothing more from Mr Connolly until he rose in the Assembly today to get stuck into the Liberal Party and the Independents. That is fine.

Mr Connolly: Gary, never again a meeting without an independent witness present, I think.

MR HUMPHRIES: If you want me, on behalf of the Opposition, to reply to letters only through other correspondence, that is fine. You should indicate that when you write the letter. If that is the case, that will be the best way of proceeding because we will not have to worry about having our comments or what we might say in a face-to-face conversation misinterpreted. I must say, however, that I think that this place operates only because members can sit down together and talk to each other about what things might or might not transpire here. If members do not have the integrity to be able to sit down and make those comments on a without prejudice basis, we clearly cannot operate on the same basis on which we have operated to date.

Despite Mr Connolly's best efforts, the Opposition is prepared to entertain the idea of putting this matter over until June. Mr Connolly argues that there is some ambiguity in the scheme or the intention that catches the appointments governed by the Bill. As I understand it, he is not suggesting that it is unclear as to which appointments are actually subject to the Bill. It is perfectly clear to me from legislation that I see every day that an appointment is made either by a Minister or by the Executive. It is one or the other. There is no ambiguity or doubt about that. Mr Connolly's objection is that he cannot understand the scheme behind the appointment and why certain appointments should be treated one way and others the other way.

Mr Connolly: And the issue of dual appointments, which is a very complex one.

MR HUMPHRIES: Yes. I do not think you mentioned that in our face to face discussions, Minister. I am sure that you overlooked that. Perhaps you can cover that with the next letter you happen to write to the Opposition. However, Madam Speaker, that matter, it seems to me, is fairly straightforward. Whether Mr Connolly objects to the scheme of the thing or not is another matter. He did not mention that to me; but, fine, he feels that there is some problem with that.

I think he is right when he says that this is landmark legislation and therefore it needs to be considered carefully. If he feels that there is a better arrangement to catch the more important appointments in one way and lesser appointments in another way, I am happy to entertain that thought and to listen to those ideas. Presumably he will draft some amendments to deal with that matter. However, Madam Speaker, I do expect the courtesy of having the Government's views put in a way which we can consider properly. If the Minister wants to discuss this matter, that is fine, but let us do so sensibly and not grandstand about it here in the Assembly.

Debate (on motion by Ms Szuty) adjourned.

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HOSPITAL BEDS - JOHN JAMES HOSPITAL

MRS CARNELL (Leader of the Opposition) (11.02): Madam Speaker, I move:

That this Assembly welcomes the back-flip by the Government in approving the opening of new private hospital beds at John James Hospital and welcomes the signal that the Government will now pay more attention to the private health sector.

Madam Speaker, I would like to start by congratulating the new Minister for Health, Terry Connolly, on producing the backflip that this Government seems to have taken in opening some new private hospital beds at John James Hospital. We as an Opposition very warmly congratulate the Minister on this approach.

I think it is very appropriate that finally in this house we may be able to have a sensible debate on the contribution that the private sector makes to the health system in Australia and the importance of the part that the private sector can play in the ACT - a growing importance as time goes on, particularly under this new Minister. It is interesting that the image of many people, even in 1994 - we have certainly seen it from Mr Berry - is that the private hospital industry in Australia treats the cheap and profitable cases, is fairly inefficient and is very overpriced. That is the sort of thing we have heard from Mr Berry on many occasions. The fact is that the private hospital industry in 1994 is no longer a cottage industry providing services for the wealthy well. Private hospitals provide a comprehensive range of services comparable - and it was interesting to me to find just how comparable - with those in the public sector. Of course, it is very good to be able to have a debate about just how vital the contribution of the private sector is to the Australian health system.

The private hospital sector in Australia has some 320 private hospitals with 20,745 beds. In 1991-92, they treated 1.267 million patients and had an occupancy rate of just over 64 per cent. In 1991-92 this activity represented over 30 per cent of all admissions to both public and private hospitals in the whole of Australia. The interesting thing is that even with Mr Connolly's extra 50 private hospital beds the ACT still has by far the fewest private hospital beds per head of population in Australia, with the possible exception of the Northern Territory, although it would appear from recent statistics that the Northern Territory has more than we do. This is interesting, taking into account that the ACT also has the highest level of private health insurance in Australia. There seems to be a certain inequity here, something that I am sure we can address.

Comments that are continually made by the other side of the house suggest that private hospitals are really fairly grubby; that they are owned by nasty people who only want to make a quid and who really could not care much about the patients and so on. It is interesting to look at the actual figures. Ownership of private hospitals is divided into two main groups - the profit group and the not-for-profit group. The for-profit sector represents some 55 per cent of private hospitals and some 48 per cent of beds. Religious and charitable hospitals represent 25 per cent of hospitals and 40 per cent of beds, with other non-profit hospitals representing the remaining 20 per cent of hospitals and 12 per cent of beds.

A common opinion is that the for-profit hospitals are owned by doctors - something that Mr Berry has said on many occasions - health funds or, possibly, foreign companies. The fact is that the vast majority of - - -

Mr De Domenico: He is not bright, is he?

MRS CARNELL: No, he is not, as usual. The fact is that the vast majority of the for-profit private hospitals and beds are owned by Australian companies, only one group having any foreign ownership. Health funds own less than 10 per cent of hospitals; and doctors, interestingly, virtually none. That rather undermines the view that there is some hopeless conspiracy of doctors owning these hospitals that - - -

Mr Berry: Who owns John James?

MRS CARNELL: John James is not a for-profit hospital, Mr Berry, in case you did not realise it.

Mr Berry: Who owns it?

MRS CARNELL: We are talking about the for-profit sector here.

Mr Berry: Who owns it?

MRS CARNELL: What you are talking about I do not know. It is very interesting to look at just what we are talking about when we look at the private hospital sector in Australia. The other thing that is really interesting to look at is the treatment that is provided by private hospitals in Australia. Again, the view that is often put in this house, certainly by Mr Berry, is that really they do not do much; that they are only really small operations that you can get people into and out of quickly and make a lot of money from.

The fact is that the range of conditions being treated by private hospitals has been increasing in complexity and now is actually comparable with that of the public sector. Private hospitals can no longer be said to treat the least complicated minor ailments. In fact, analysis of the results of the national cost weights study - not exactly an insignificant study - conducted as part of the casemix development program, indicates that the overall complexity of patients treated in both public and private hospitals is exactly the same.

It is interesting to look at the most commonly performed procedures in private hospitals. They are removal and investigation of cancers, hip and knee replacements, cataract lens replacement, coronary artery bypasses - and I would like to talk about that a little bit later - gynaecological procedures, and births. Apart from births, the first five are actually the conditions that are most commonly seen on waiting lists. Of the 4,400 people waiting for surgery in the ACT, the vast majority are waiting for things such as hip and knee replacements, cataract surgery - of course, we send our coronary artery bypass cases to Sydney - and gynaecological procedures. The private hospital sector in Australia is performing these services. In fact, these are the most commonly performed procedures in private hospitals, and they are the things that people in the ACT are waiting for.

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Private hospitals have really lifted their game in the area of day surgery as well, and now over 40 per cent of all their operations are performed on a same-day basis. Another indication of the complexity of conditions being treated by private hospitals is the fact that in 1989 there were only 30 approved intensive care units in private hospitals and that now there are 51 units. This represents 16 per cent of all private hospitals and compares with the public sector, where only 14 per cent of hospitals have intensive care units. Of course, we would all be aware that John James has an ICU. It is interesting to note that 64 private hospitals also have high dependency care units. Accident and emergency treatment was something that certainly was not the province of private hospitals in the early 1980s, but now 45 private hospitals actually have accident and emergency services.

Other specialist services which have for some time been perceived to be the sole domain of the public sector are now provided by the private sector through eight cardiac surgery units, eight renal dialysis units, eight oncology units, 13 alcohol and drug units and, interestingly, nine hospice and palliative care units. The new Health Minister might look at the possibility of contracting out the running of the proposed hospice in the ACT to ensure that we do not end up with another bottomless pit in the ACT health budget.

It is interesting, too, to look at the cost of private health care. This is something that has often been debated in this place, definitely without proper facts. It is perceived generally that the cost of private hospital care is somehow very high. Possibly that is because the cost of treating public patients in public hospitals is hidden from the user. Some of that cost is paid for by the Medicare levy, but the vast majority comes from general taxation. The average cost per occupied bed day in private hospitals in Australia in 1992 was \$400. In New South Wales public hospitals during that same year the cost was \$447. So in New South Wales the cost per bed day in a private hospital was actually lower than the cost in a public hospital. In the ACT the situation is even worse. As we know, the average cost per bed day at Woden Valley Hospital is in excess of \$600.

Mr De Domenico: How much?

MRS CARNELL: It is \$600 per occupied bed day. These statistics do not come from the private sector. These statistics actually come from the national health strategy issues paper No. 2 called "Health Services in Australia: Access and Financing", which provided an analysis of cost comparison data between public and private hospitals.

Mr Kaine: I bet Mr Berry does not believe those figures.

MRS CARNELL: I am sure he does not. The analysis made adjustments to compensate for the different accounting methods in both sectors, and also for services provided in only one sector, in order to establish a basis for comparison. The results show that private hospital costs are lower than those incurred in public hospitals. The analysis also indicated that the relative cost efficiency in private hospitals was greater than that in public hospitals. This is despite the adverse effect, of course, that lower occupancy rates and shorter lengths of stay cause in private hospitals. We could go into the reasons for that, but I do not think that is terribly appropriate here.

The other interesting thing about private hospitals is their standards and their quality of care - something that we all care about. As we know, accreditation is very important in the health sector. Two hundred private hospitals, representing 63 per cent of private hospitals, are currently fully accredited. This compares most favourably with the public sector, where only 30 per cent of facilities are accredited.

Mr Berry: It is 100 per cent in the ACT.

MRS CARNELL: And, of course, 100 per cent of the private facilities too. This is not for a moment to suggest that there is something wrong with the public sector. The point I am trying to make here and the issue that we must come to grips with is that the private sector is a very important part of the health sector generally.

Mr Connolly has made many statements about my suggesting another hospital in the ACT. I would like to speak at length about that now, which means that I will probably need an extension. The sort of hospital that I was suggesting, as Mr Connolly was very well aware, was a Port Macquarie model hospital. We have a problem in the ACT with waiting lists. People are waiting for longer than six months for surgery and are very unhappy about access to our current public hospital system. In Port Macquarie the private sector is in the process of building a hospital at absolutely no cost to the New South Wales State Government. They have agreed to contract a certain number of hospital beds back to the public sector. Those beds will be contracted back at a cost and at a quality set under that contractual arrangement.

Mr Stevenson: Not agreed with by the locals.

MRS CARNELL: I think you will find that they have changed now. If the ACT is to have a facility for coronary bypass surgery - something that this Labor Government continually overlooks in its budgetary process - then why not look at the Port Macquarie approach and have a public coronary bypass surgery unit in a private hospital setting on contract back to the public system? It could be a way, Mr Connolly, of ensuring that services are provided to the people of the ACT without people having to go to New South Wales.

I think it is really important to come back to the costs involved. The average cost of a private hospital in Australia per occupied bed day is something in the vicinity of \$400. Even assuming that we lift that to \$500 to take into account the complexity of cardiac surgery, we still have a figure that is substantially lower than the cost of providing a bed at Woden Valley Hospital, so it would actually be a cost saving exercise as well. If a private company, a private operation, wants to set up in the ACT at no cost to the ACT Government, why in heaven's name should we stop them? They would be providing to people in Canberra and the region services that currently are not available. As we know, per head of population, we have fewer private hospital beds than anywhere else in Australia.

Mr Connolly: Not any more, Mrs Carnell.

MRS CARNELL: Yes, now. Even with the extra 50, we are still lower than anywhere else in Australia. I have the up-to-date figure as of - - -

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Mr Connolly: That is not my advice from Health.

MRS CARNELL: The fact is that even with the extra 50 we are still lower than anywhere else, with the possible exception, as I said, of the Northern Territory - and I do not think we really want to compare our health system in that direction. Currently the next lowest is Tasmania, with 550 beds, Mr Connolly.

We have a capacity in the ACT to encourage the private sector to provide more services to the region and to the ACT, at no cost to people in Canberra, which would possibly encourage greater use of private health insurance in the ACT - something that we desperately need, looking at the fall-off in revenue at Woden Valley Hospital because of the falling off in private health insurance. It is a no-lose situation, as Mr Connolly rightly said when he announced the provision of an extra 50 private hospital beds all up. (*Extension of time granted*) He suggested that they would take the pressure off the waiting lists at Woden Valley Hospital; that they would take the pressure off the public hospital system generally. He even put a very interesting case for how it would actually save the public hospital system money, a case that I totally concur with. Therefore, if that argument is right in that circumstance, surely it is right in terms of a new private hospital for the ACT, possibly with a coronary bypass unit available to public patients as part of that operation.

My motion goes on to talk about the importance of the private health sector generally. One issue that certainly continues to bubble along concerns the problems of various health centres in the ACT having a fairly obvious imbalance in the number of doctors employed. We are all very well aware that there is only one full-time doctor at Tuggeranong. That is a situation that has obtained for a very long time. Looking through questions on notice back to 1992, I saw that Tuggeranong had only one full-time equivalent doctor at that stage as well. Now that situation has marginally improved by having somebody on a six-month contract.

The situation, though, is obvious. We have a very large building at Tuggeranong. We have a very definite need. If there is not a need, why in heaven's name do we keep the building operating as it is? There is obviously a need, as we can see from the very large private clinic that has opened within a couple of blocks of the health centre. If we support community health centres in the ACT - those on this side of the house do anyway - why in heaven's name are we not encouraging private doctors to set up in these centres, as at the Kippax centre? They pay rent; they pay a percentage of outgoings; and, of course, they bulkbill as part of their contractual arrangements. From the point of view of a patient, the difference is very difficult to see.

In answer to a question I asked last year, Mr Berry suggested that the doctors at the health centres were breaking even. In fact, he suggested that the doctors were producing an 18c surplus on every service. Unfortunately, he did not count in rent, receptionists, nurses, oncologists, cars or any of the other things that go with employing doctors in the health centres. It was a fairly short-sighted view. That is probably the nicest thing I could say about it.

Currently, in all other States in Australia, whether they be Labor - there are not many of those - or Liberal, lots of work is being done in contracting out some public sector services to the private sector. Services are being provided by private operators - by dentists, physiotherapists and so on - on contract to the public system. The cost saving is quite dramatic, as we all know. The oncost proportion of wages in the health sector is in the vicinity of 40 per cent, so before you do anything else you have a 40 per cent saving - again, at no cost to the actual patient at the end of the system. The patient gets the same service but the system saves 40 per cent. I certainly look forward to Mr Connolly taking on board all of these very sensible but not overly unique ideas. They have been tried; they are being done in other places. It will be wonderful to see a Minister who is capable of looking at these things sensibly.

MR CONNOLLY (Attorney-General and Minister for Health) (11.22): My colleague Mr Lamont has circulated an amendment which would take a bit of the clearly cheap partisan political sting out of this motion and produce a motion that may well reflect the almost unanimous view of the Assembly. It is unfortunate that when the Liberals start talking about private medicine they move to this obsession that everything would be for the better if only we had more private medicine. They criticise us for failing to strike a balance, and then they charge off on a tangent extolling the virtues of privatise-for-profit medicine. The virtues of the Port Macquarie hospital certainly do not seem to be immediately apparent to the people of Port Macquarie, who from all the news reports would have far preferred having the New South Wales Government commit - - -

Mr De Domenico: What did Dr O'Donnell think of it?

MR CONNOLLY: I can respect Dr O'Donnell's professional decision to go there, and I wish him well. It is a unique experiment. It is the first major hospital run by a very large corporation. No doubt, if it is successful, it will expand. Good luck to Dr O'Donnell for making a career choice. I do not resile, however, from the fact that the community at Port Macquarie continue to be rather concerned about this and would have preferred the New South Wales Government to have made a decision to upgrade the public health facilities.

We have made just such a decision. In fact, Mr Kaine was claiming credit for that decision only last night on one of the radio programs, saying that it was his decision to shut down Royal Canberra Hospital and to go ahead with the hospital redevelopment. The decision clearly has spanned a number of governments. All up, we have committed some \$170m to upgrading the infrastructure of our hospitals. We will have, at the end of that process, a hospital infrastructure that is as modern as any in Australia. In fact, we will be better off by far, because we do not have 80- to 100-year-old wards, which is a problem in the New South Wales, Victorian and Queensland health systems and just about every other health system.

We are unique in Australia in that we have, as Mr Berry interjected, 100 per cent accreditation of our hospital system, both public and private. The recent decision to accredit Woden Valley Hospital was a very significant one, because Woden Valley has been subject to constant vitriolic partisan attack for over 12 months, for probably two years. It has been an extraordinarily difficult process for the workers at Woden Valley Hospital. The hospital has been a construction site. I know from our

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experience when we were having our first child at Woden Valley Hospital. That was at the high point of construction, when to get from the maternity ward to anywhere else you had to go down temporary corridors that were erected to stop large blocks of concrete from falling on your head. The whole place had the feel of a construction site. It was an extraordinarily difficult environment. I commend the professionalism of the staff at Woden Valley Hospital - the nursing staff, the medical staff, and the support staff who make it all fit together. To go through the process of accreditation not in a calm, ideal environment but in an environment where they were still going flat out on construction work is a significant achievement, and they are to be commended for that.

I must say that I was pleased that Mr De Domenico was prepared to get up in this place last night and say that accident and emergency provided an excellent service. It is very easy to criticise A and E. Many people in the community still have the impression of A and E when it was down in the tunnel underneath the old main entrance. It had the feel of a 1960s facility. Many Canberra residents continue to be very pleasantly surprised when they have need to go to A and E - it is not the place that people would choose to visit, generally - and see what an absolute state-of-the-art facility it is and see the way discretion is exercised and genuine emergency cases get quick attention.

We will always get complaints about waiting times at A and E. Professor Gatenby made the point that at his hospital, at Prince Alfred in Sydney, people with minor ailments wait far longer than people here do. There is still a tendency in Canberra to assume that you go to A and E for quite minor ailments. People tend to think that treatment is given on a first come, first served basis; that it is a queue; that it is a waiting list. Perhaps we should have a better term than "waiting list". Waiting lists for surgery or for casualty are not waiting lists in the sense that you work your way through the queue in an orderly fashion. A discretion is exercised when a person presents. The emergency is seen first, and the person who has been waiting for four hours might have to wait for eight hours if people who have more urgent needs come in. I think we need to get an understanding of that in the community.

Mrs Carnell's extolling the virtues of the private system can lead to a skewing of the delivery of health care. This Government's concern, as is made clear in Mr Lamont's circulated amendment, is to provide a socially just outcome, a balance between an excellent and strong public system and - as we have at the moment in Canberra - an excellent and strong not-for-profit private system. I think that is an important distinction. The two private facilities in Canberra - Calvary and John James - both operate on a not-for-profit basis. Despite some of the rhetoric by the Liberals to the effect that there has been some conversion on the road to Damascus to the virtues of the private system, the Government views the private for-profit model very differently from the community based not-for-profit model that operates at John James and Calvary hospitals.

Mrs Carnell continues to say that she thinks we should have another hospital here; that we should have a Port Macquarie-style hospital. The Port Macquarie hospital happened, despite some real concerns of the residents of Port Macquarie, because the New South Wales Government made a decision not to do what we have done and invest massive capital in providing a first-rate public facility. So it was that or nothing. The Health Care Corporation of Australia thus saw an opportunity and have moved in. That situation does not prevail in the ACT. We have a public system that is being massively invested in and

that will provide first-rate public health care. It is already providing absolutely first-rate public health care. It has moved the quantum, as a result of decisions of this Government, to become a full-scale teaching hospital, with the clinical school with the University of Sydney. We also have operating complementary to that the not-for-profit system at John James and Calvary.

Mrs Carnell said that the private system globally has a lower bed cost than the public system and that, therefore, public hospitals must be better, must be more efficient. Of course, they have a lower bed cost because, despite the fact that some private hospitals do quite intensive work and that there are private cardiac facilities in Sydney serving a community of about six million, by and large the private system - the not-for-profit and for-profit private system - does the simpler end of surgery. That is not a criticism of what they do. What they do they do very well. But in this town, as in others, by and large they do the less complex procedures. That was made abundantly clear with the decision and the announcement concerning the obstetrics facility at John James. There will be very close working relationships between that facility and Woden with the appointment of a professor of obstetrics at Woden. It is clearly understood that when something goes as it should not, when things do not operate as they should, the ambulance with the intensive care crib facility will front at John James and in five minutes it will be across to Woden Valley - the major public trauma hospital, the major public teaching hospital - for the intensive work.

This happens now at Goulburn Base Hospital, Yass and Queanbeyan or the private facilities in regional New South Wales. When things get too complex, patients come to Canberra. Woden Valley Hospital takes the more complex cases when things do not go as they should. That is as it should work. That is a very sensible way for the system to operate. It avoids duplication; it centres intensive work at the major trauma hospital. Just as Woden Valley receives from the private system in the ACT, so it receives from the public system around regional New South Wales. The cases that come to Canberra are, by and large, the more complex cases. So we are developing a balance there.

Mr Deputy Speaker, I want to move beyond the hospital system and take some heed of what Mrs Carnell was saying about the community medical centres. I must say that I was surprised at some of the hysteria in the press release yesterday from Mr Kaine and Mr De Domenico, who were saying, "Shock, horror! Residents of Tuggeranong are missing out on medical treatment because there are only three doctors - taking into account the part-timers - at Tuggeranong and there are 16 in Belconnen". There is a certain Tuggeranongcentricity. They tend to take the view that everything that is not in Tuggeranong is in Belconnen. There is the rest of Canberra, as opposed to Tuggeranong. They were saying, "Shock, horror! Tuggeranong people are being denied medical services because there are only three doctors". I thought to myself, "My goodness! What has happened to the Liberal Party? Have they decided that unless it is socialised medicine you do not have access to medical facilities?. Have they suddenly undergone an even more peculiar conversion on the road to Damascus and said that unless you can get into the government clinic and see a government doctor you cannot see a doctor?".

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Of course, in Tuggeranong in recent years there has been a quite dramatic expansion of private practitioners in general practice operating in bulkbilling clinics. There are some 32 doctors in the Tuggeranong Valley who bulkbill. There are more doctors, but there are 32 who will bulkbill everybody. Of those 32 doctors, it turns out that some 10 are women, so the balance of male to female doctors is about the average across Canberra. Not only are there 32 doctors in Tuggeranong who bulkbill, but many of them are operating out of what has been a very interesting innovation in recent years as a clear result of the Federal Labor Government's policy on Medicare and bulkbilling - the 24-hour or extended hours clinic.

Mr De Domenico: Privately run clinics.

MR CONNOLLY: Privately run by private practitioners but operating on a bulkbill basis. That is a terrific innovation. There has always been one problem with the government medical centres across Canberra. If we had the goldmine or the oilwell in the Brindabellas that Mrs Carnell seems to know about to fund all the promises of the Liberal Party, we would probably open for extended hours. But no government has been able to open government medical centres beyond 9 to 5. Unfortunately, as Mrs Carnell and Mr De Domenico well know, kids tend not to get sick between 9 and 5. They have an unfortunate tendency to get sick at 7 o'clock or 11 o'clock at night or 3 o'clock in the morning.

We have seen the emergence of the 24-hour clinics. We have them now on both the north side and the south side. Apart from 24-hour clinics, we have quite a number of clinics that may not be open at 3 o'clock in the morning but they certainly are open right through until 11 o'clock at night. These clinics, operated by the private sector, are providing an extraordinary level of service and working cooperatively with Medicare - the Labor Government's significant reform of medicine in this country - in a bulkbilling practice.

It struck me as odd that these two Liberals were raising a hue and cry that residents of Tuggeranong were being deprived of access to medical service because there are only three government doctors. I thought, "My goodness! I thought the Liberals were always extolling the virtues of the private system and saw a balance between private medicine and public medicine and would have understood that residents in Tuggeranong in fact have extensive access to GPs at no cost to themselves" - that is the important thing about Medicare - "through the extended hours clinics".

If we were to suddenly decide, as an enhancement proposal in this year's budget, to spend hundreds of thousands of dollars employing more government doctors at the Tuggeranong Health Centre and extending the opening hours of the Tuggeranong Health Centre to 11 o'clock at night, the Liberal Party, and no doubt the AMA and the College of General Practitioners, would say, "Hang on a minute. You are using taxpayers' funds to undermine a private business". I can see the press release now. How we would be expected to respond to that press release I really do not know. If we acted on their call to provide more public doctors, we would be undermining the private sector. It seemed to me odd that the Liberal Party, the great defenders of private medicine and the people who extol the virtues of private medicine, seem to ignore the fact that the private sector has provided a very good service in the Tuggeranong Valley.

Mr De Domenico: And in Belconnen as well.

MR CONNOLLY: And in Belconnen. The other thing it ignores is that the government health centres are not there just because they provide access to a GP. If all the government health centres did was provide access to a salaried GP who bulkbilled, there would be no reason to continue that service. It would be purely a duplication of what is available in the private sector and the Government would see no justification for keeping it.

But, of course, government health centres do a lot more than that. They provide a range of ancillary professional health care services not provided in the private sector, working under the Labor Government's Medicare principles, working under that system that you people went to the people of Australia last year trying to get rid of. You learnt the lesson of your lives, and never again will the Liberal Party, I suspect, try to have a go at Medicare, because the people of Australia like Medicare and want it to continue. What Medicare does not provide through the private sector is those ancillary professional health care services - the nursing sisters, the immunisation clinics, the podiatrists - provided through our government health centres. So, regardless of whether there are three or five government salaried GPs in a government health clinic, there are other facilities.

The other issue that Mrs Carnell raises is, "Shock, horror! Why do you not allow private general practitioners to rent space in the government health clinics?". We do, at Kippax. At Narrabundah, which is my local health centre - it would be Mrs Carnell's local health centre too - for some time now there has been a GP renting space, and I am unaware of any additional proposals. When I met with the College of General Practitioners, I said, "That has been the practice for some time. If you have any interest and if there are any proposals, we would be interested to see them". But, given that the private sector has established these quite extensive extended hours clinics in Tuggeranong, I am not sure that there would be a demand for government services. But, if there is such a demand, people should approach government. I discussed that with the College of General Practitioners weeks before Mr De Domenico and Mr Kaine put out their press release. It is not a big issue.
(Extension of time granted)

The other issue that Mrs Carnell kept going back to was that all our problems could be solved if we had the Port Macquarie model of a public-private hospital. It is clearly not so simple. I am unaware of any demand for such a facility in the ACT, given that we have invested public funds to upgrade the infrastructure at Woden Valley and Calvary, as opposed to - - -

Mrs Carnell: You are not aware of a demand for a cardiac surgery unit?

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MR CONNOLLY: Run by private practice? Absolutely not. Indeed, in discussions I have had with the existing private hospitals, the view was that a private cardiac unit works in Sydney but would not work here. There is certainly interest in the Government perhaps doing it, but it would be a multimillion dollar proposal. But you were saying that the private sector could do it. I am unaware of any proposal from the private sector to do it. I am also aware of some very substantial public policy issues that would have to be addressed. If one of these major for-profit corporations did want to establish a hospital in Canberra, what that will - - -

Mrs Carnell: What about John of God, which wanted to do it last time?

MR CONNOLLY: Mrs Carnell, in my discussion with the John James chair and chief executive on the issue of the obstetric beds and the additional general surgical beds, I discussed with them the issue of a cardio-thoracic unit. Their clear view was that they would not be interested in providing such a facility. They have gone and looked at Sydney. They have looked at Sydney Adventist and St Vincent's Private - massive multimillion dollar facilities which do operate profitably, serving a community of six million people. Their view was that to do that on a private sector model in Canberra was not on.

I am unaware of any other proponents of such a proposal. I am aware of the very substantial public policy issues that would have to be addressed. If one of these major corporate private hospitals, for-profit driven private hospitals, wanted to come to Canberra and made a formal application for approval, I would have to consider very seriously what that would mean for Calvary Private, which for many years has provided a very good service to the community on a not-for-profit basis. The operating profit that comes out of that private health facility gets reinvested. I would have to consider what it would mean for John James, which operates on a similar basis to a not-for-profit model. Extolling the virtues of private for-profit medicine does raise - - -

Mrs Carnell: I did not say that.

MR CONNOLLY: You are saying that we should look at the Port Macquarie model. The Port Macquarie model is a facility run by the Health Care Corporation of Australia. A window of opportunity has been opened for them by the New South Wales Government's decision not to provide a high standard of public hospital at Port Macquarie, not to invest massively in the run-down capital infrastructure there. The only option, therefore, for public medicine there was to do that deal with the Health Care Corporation of Australia. It is an interesting model which people will be looking at for many years to come.

But in Canberra, where we have invested \$170m in upgrading the public facilities, I do not see that opportunity. If the Health Care Corporation of Australia or another for-profit hospital corporation wanted to open in Canberra, it would be a very fundamental question as to what that would mean for the continued viability of both Calvary and John James, which have served this community well for many years and have a track record of regular, modest expansion as the operating profits of the previous years go into upgrading their facilities.

Mrs Carnell, the Government views very sympathetically what those two not-for-profit facilities have been doing in this town over the years, but has great qualms about what it would mean to say, "Let us bring in the for-profit driven people to provide this service". Potentially, that would undermine those two community based hospitals. It is a very fundamental issue of public policy. But I am unaware of any proposal from the private sector to do that, and the suggestion of a cardiac unit being opened by the private sector in Canberra is, on the best advice available to me, totally fanciful. It simply would not work.

MR DE DOMENICO (11.42): Mr Deputy Speaker, I rise briefly to comment on some of the remarks made by Mr Connolly. The motion states:

That this Assembly welcomes the back-flip by the Government in approving the opening of new private hospital beds at John James Hospital and welcomes the signal that the Government will now pay more attention to the private health sector.

There is very little in what Mr Connolly and Mrs Carnell said that one can disagree with. It seemed to me that both were talking about the word "balance". That is what this motion is all about. We are saying that under the new Health Minister, Mr Connolly, the Government is finally taking into account the balance of benefits between the public sector and the private sector.

I think that all members of this Assembly would welcome the fact that finally - and I am not suggesting a conversion on the road to Damascus, because I think Mr Connolly still has not been to Damascus - the Government, under Mr Connolly's stewardship in the health portfolio, is looking at a balanced viewpoint in health delivery in the ACT. Yes, it is true that in certain areas - and one I experienced yesterday - the ACT has facilities second to none in the public sector.

Mr Berry: And which you did not have to hand over any money for. But if you had gone up the road you would have had to.

MR DE DOMENICO: I will take on that interjection, Mr Berry. Yes, as ratepayers, taxpayers and Medicare levy payers, as you and I both are, we did pay money across. If you are going to interject, get it right. No furrphies; get it right.

Let us get back to the motion at hand. No-one can disagree with balance between private facilities and public facilities. Mr Connolly also tried to talk about the press release that Mr Kaine and I issued yesterday about Tuggeranong. What did the press release say? It told us what the facts are. The facts are that there are only three - and we are being very liberal by saying that there are three - publicly paid doctors operating out of the Tuggeranong Health Centre. It is a fact. How many publicly paid doctors are there operating out of public facilities in Belconnen? Sixteen. That is another fact. That is what the press release said. It went on to say that - - -

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Mr Berry: What do you want to happen? Do you want them to get the sack or something?

MR DE DOMENICO: No. Mr Berry does not understand, as usual. I did not say that at all. It went on to say - listen - that perhaps the way to address this imbalance is to allow private doctors to rent space in the Tuggeranong facility, that \$3m facility. There is nothing wrong with that. This publicly paid for \$3m facility - and I agree with Mr Connolly that it provides more than GPs; that it provides all sorts of social care services - is underutilised. Why is it underutilised?

Why did the private sector decide to build another facility two blocks down the road? They did so because at the time of Mr Berry's stewardship they were not allowed to rent facilities in the Tuggeranong building because of some ideological bent that the former Minister had. That is fine. The former Minister is entitled to have that ideological bent. We might not necessarily agree with it, but if that is the way he wanted to run the health system it was up to him. We are now saying that Mr Connolly takes another view of the way things should be run. Who can ever forget the public disagreement - let us be generous - between Mr Berry and Mr Connolly on our television sets. There was a disagreement. That is fine. That is for Mr Connolly and Mr Berry to resolve in caucus or wherever they resolve things.

What we are saying through this motion, though, is that we welcome the Government's apparently new stance on the way it treats health in the ACT. The way it is doing that, quite correctly, through Mr Connolly is by achieving balance. There is a role, and a very important role, in terms of social justice and all sorts of other things, for the public health system. All the people involved in the delivery of public health services - the nurses, the doctors and the people behind them - are doing a wonderful job. No-one from this side of the house has ever denied that. But there are obvious deficiencies in the way the public health system in the ACT is administered. Mrs Carnell spoke at length about the figures. Just to put you right, Mr Connolly - he is not here, unfortunately - that is what the press release yesterday said.

Mr Connolly also talked about Port Macquarie a lot. It was on his lips a lot. I am suggesting to Mr Connolly that 300 cardiac patients are sent from the ACT to New South Wales each year. That may be a perceived need, Mr Connolly. I am also glad to say that Mr Connolly intimated that, if a community based not-for-profit organisation should wish to build another private not-for-profit facility, it would be welcomed with open arms. That is a refreshing point of view, as far as we are concerned. They would not have been welcomed with such open arms under Mr Berry's stewardship. Once again, we welcome Mr Connolly's change of attitude and the way he is administering the Health Department and the provision of health services in the ACT.

In closing, Mr Deputy Speaker, I think it is a very sensible motion that Mrs Carnell has moved. It is a very factual motion. Purely and simply, it says that we welcome the fact that the Government finally, with health under the stewardship of Mr Connolly, realises that there is a very important role to be played in health delivery to all Australians by both the public sector and the private sector. That is nothing new. It has happened for years and years. It is a refreshing approach that the Government is adopting. We welcome that refreshing approach and will continue to support Mr Connolly as long as he continues to adopt that refreshing approach.

MR MOORE (11.48): I would like to raise as part of this debate the issue of why it is that we need extra hospital beds in Canberra. I am not referring to just the 50 or so beds at John James that have been approved by the Government. There has also been an indication that it may well be that other beds are needed and that the Government would consider those in a favourable light. I think that is a reasonable interpretation of what Mr Connolly said - - -

Mr Connolly: On their merits, certainly.

MR MOORE: On merit. It occurs to me that currently there is extra room at Calvary that may well come into that category. When we talk about needing 50 or 100 more beds, we cannot help wondering what it is that has caused this need for beds. We think back to a very short while ago, when we closed down an excellent hospital. We have an asset worth \$100m-plus sitting on the Acton Peninsula and going to pieces.

Had we been using accounting systems similar to the ones that we looked at in New Zealand, had that asset been included as part of the whole accounting practice and given its genuine value, and had that value been incorporated into the thinking, that asset would never have been closed down. Mr Humphries would never have considered the move in the first place; and Mr Berry, on becoming Minister, would have taken that into account and would have reversed the decision that had been made by the Alliance Government. That is now history. The Royal Canberra Hospital is closed. It is clearly not going to be reopened; but, Mr Deputy Speaker, I think there are lessons for us in that. Perhaps this backflip started with the failure of the second Follett Government to reopen that hospital when it had the opportunity to do so and thereby make an appropriate contribution to public health.

Mr Connolly, as always, argued very eloquently about the position he has taken. That is probably because he has thought about it. I still believe that we must take a great deal of care to ensure that our public hospital system is not just denuded of the profitable areas. One thing that happens in a system such as the one in Port Macquarie is that the hospital clearly operates in the public health areas that are most profitable. It is easy for a private hospital to decide that it will not deal in certain areas that the public hospital system deals in. The danger of that - and I think this point was well argued by Mr Berry on innumerable occasions - is that we say that we have greater expenses in the public hospital system and we have to reach deeper and deeper into our pocket because the public hospital system is not dealing with some of the more profitable areas of medicine which really wind up compensating for those very difficult medical areas that are particularly expensive.

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That is an important issue in making a decision about further beds. It is something that Mr Berry clearly took into account when he was Minister, and I think it needs to be taken into account by the current Health Minister. It cannot be just a free-for-all where we say "Away you go" if somebody wants to run a private hospital and they can come up with the good ideas. Private hospitals, effectively, can rip off the system so that the public hospital system can no longer deliver the service that we have come to expect in Canberra and that the people of Canberra expect. That is the difficult part of the decision. That is what must be taken into account with particular care in dealing with this issue. The motion does congratulate the Minister on his backflip in this area. Inasmuch as it does that, Madam Speaker, I am prepared to support the motion.

MR LAMONT: (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (11:53): I move the following amendment:

Omit all words after "Assembly", substitute "welcomes the decision by the Government in approving the opening of new private hospital beds at John James Hospital and welcomes the signal that the Government will continue to provide a socially just outcome for users of health services in the ACT".

Madam Speaker, in the spirit of the comments that have been passed here this morning, I believed that it was appropriate that we address the two essential elements of Mrs Carnell's proposal. The first one is that it is acknowledged that, for the reasons that have been outlined in the debate, the private health beds have been made available. The second is that in talking about the provision of health services we need to talk not just about the dollar cost but also about a socially just outcome for health users.

Mrs Carnell: But your amendment says "continue".

MR LAMONT: That could be, as you would suggest, through greater attention in the private health system or, as Mr Moore has suggested, through proper attention to the public health system or, as Mr Connolly has acknowledged, through a combination of those where necessary. I think that the most appropriate way for this Assembly to indicate that it is adopting a new approach would be to support the terms of my amendment. I do not think the terminology of my amendment shows the political bias of words such as "backflip". If I may draw on the words of Mr Moore just now, I think that all members of this Assembly are interested in seeing a health system that provides socially just outcomes for the users. I commend my amendment to the Assembly.

MR HUMPHRIES (11.54): Madam Speaker, I oppose the amendment put forward by Mr Lamont. Mr Lamont seems to be saying that there is agreement and balance in the Government's approach; that there has been a consistent approach by the Government; that there is no question of any backflip; that this is simply a welcome development whose time is due, or something of that nature. I have to say that I think that he has put a very brave face on what has been clearly a major infraction within the Government which has caused the Government considerable difficulties.

I do not want to dwell on it, because I have to say that I think that the Government deserves credit for having made this change of decision. It is extremely timely. It is extremely important. As a person who hopes to be re-elected next year, I welcome a development which will potentially remove some of the problems the health system is facing and give people a little more confidence that local politicians have some capacity to face up to, and deal with, the serious problems that our health system has been experiencing over the last five years. In that respect, I sincerely welcome a development which means that finally we are able to deal with those problems on a rational basis rather than on an ideological basis.

To pretend, as Mr Lamont has pretended, that there is in fact no change of direction at all on the part of the Government, simply a slight adjustment of the dials on the vehicle, is really quite extraordinary. I quote as my authority for that fact the things that Mr Berry himself has said about this matter of additional private hospital beds. Mr Berry is quoted in the *Canberra Times* of 10 May - - -

Mr Connolly: You do not want to labour the point, but - - -

MR HUMPHRIES: I would not have had to raise this if there had not been an amendment; but there is an amendment before the Assembly and I want to speak against the amendment by indicating that, frankly, it is appropriate to make reference to the fact that this is a backflip. This is a change of Government policy and it is based on sensible premises, but we on this side of the house ought to take a little bit of credit for having said for the last five years exactly what Mr Connolly has now said in the last two weeks.

The arguments that I heard Mr Connolly use on the radio about two weeks ago are identical to the arguments that have been put by this side of the chamber for the last five years. These are the arguments: We need to take pressure off the public hospital system; clearly there is a high level of private health insurance in the ACT - how many times have we said that? - there is a low level of private bed use in the ACT; there is an anomaly between those two factors; clearly the answer is to give more options for people who have private health insurance and want to take advantage of those arrangements. They are exactly the arguments that we have been putting and they are exactly the arguments that have now been accepted by the Government. That is a backflip.

Mr Berry confirms that it is a backflip. He said on 10 May to the *Canberra Times* that he had spent too much time fighting the Liberals' wish to have more private beds to give up on the issue because he is now a backbencher. The *Canberra Times* states:

"The issue of a strong public hospital system is something I hold pretty close to my heart, and I am not going to go quiet on it," Mr Berry said.

Mr Connolly reacted:

I refrained from commenting on his stewardship of the health portfolio when he was minister, and I would have appreciated the same courtesy.

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Ms Follett intervened to say:

I expect my ministers to get on with the job and to do it in the best interests of the territory, and that is what I believe is occurring.

She then talked about unity. Mr Berry said on the 9th, the day before:

I don't know what Mr Connolly is up to.

We can use Orwellian language to describe this as simply a slight change in the direction of the ship, but it is not. It is a very dramatic change of direction. I say simply that it is one we welcome, but I think we are entitled to say to this place and record in this place that the change of direction is one which we have been advocating for some time and that it is sufficiently dramatic to warrant the description "backflip". To water the language down to say that this is just a matter of minor consequence, and nothing to get excited about, is to downplay the significance of this issue. We have before us a major change of Government policy. We welcome that change, and we think the motion as it stands at the moment, as put on the notice paper by Mrs Carnell, deserves to be passed in the form in which it has been moved.

Question put:

That the amendment (Mr Lamont's) be agreed to.

The Assembly voted -

AYES, 9 NOES, 7

Mr Berry	Mrs Carnell
Mr Connolly	Mr Cornwell
Ms Ellis	Mr De Domenico
Ms Follett	Mr Humphries
Mrs Grassby	Mr Kaine
Mr Lamont	Mr Moore
Ms McRae	Mr Westende
M Szuty	
Mr Wood	

Question so resolved in the affirmative.

Motion, as amended, agreed to.

PERSONAL IDENTIFICATION CARDS

MR MOORE (12.05): Madam Speaker, I move:

That this Assembly instructs the Minister for Urban Services to facilitate the distribution of personal identification cards by Motor Registry in the same format as a driver's licence for those people who choose to have identification showing their address and date of birth.

This morning is the morning for identifying backflips. The Government has been particularly resistant on the issue of a proof of age card. It has put argument after argument as to why it is that we cannot possibly have a proof of age card. So why the recent backflip? Madam Speaker, just too many committee reports have come down and said to the Government that this is an issue that it is going to have to deal with. I would like to congratulate the Minister for having indicated that he will carry out the intent of this motion.

This is a good opportunity to draw attention to the report *Civic by Night*, prepared by the ACT Community Safety Committee, which the Minister tabled in the Assembly earlier this week, I believe. The report is dated March 1994. That was a short while before the Minister did his backflip on this issue as well as the other issue. On the issue that we dealt with before, Madam Speaker - far be it for me to reflect on a vote of the Assembly; I certainly would not do that - - -

Ms Ellis: You would never dream of it.

MR MOORE: Never let it be said. On that issue, Madam Speaker, there was some discussion over the Government's role and the change of Minister. On the issue of a proof of age card, this Minister has been responsible all the way through and we are delighted that he has seen the light, Madam Speaker. He has changed his mind; he has been persuaded by the evidence. It has taken a great deal of effort to get that evidence before him and to have him see the light, but that is what he has done. The ACT Community Safety Committee stated at page 17 of its status report:

8.3 The Committee is aware of the debate and status surrounding the introduction of a proof of age card in the ACT. It notes that the card has been recommended by several Committees including the Select Committee on Drugs Report on Alcohol and Youth. However, the Committee understands the Chief Minister's Youth Advisory Council rejected the introduction of such a card.

8.4 Based on information and views presented to the Committee, there is still strong support for the card by police, licensees, a number of young people, and the aged.

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I think it is very important, Madam Speaker, that we include the aged. In my discussions with Mr Connolly he agreed that his original public statement about it being limited to 25-year-olds would not be carried through, but if somebody wishes to have a voluntary proof of age card they will be able to apply for one in the normal way. Madam Speaker, the report then goes on to say:

8.5 Committee members were divided on the matter of a proof of age card for young people. A majority of the Committee supported the concept of a proof of age card for young people for such reasons as:

- . the card was voluntary;
- . the card made it easier for licensees to demand 'no proof no purchase' if the card was an acceptable form of photographic ID, thereby curbing underage drinking; and
- . the card would be difficult to forge because of its issuing by Government.

8.6 A minority of the Committee opposed the introduction of a proof of age card for young people on the basis that:

- . there is no formal evaluation of the card's effectiveness;
- . there is no uniformity in the card's administration and issuing in other jurisdictions;
- . the card would be another source for possible forgery among the already existing forged IDs;
- . the card does not address the underlying causes of underage drinking -

that is the most powerful argument -

- . the card may be demanded or used as proof of identity - it would be against criminal law policy to demand the card as proof of identity; and
- . there were issues of concern of the proof of age card as proposed by the Attorney-General's Department such as the need for parental/guardian approval to support person's proof of age despite the target population being over 18 years of age.

Madam Speaker, some of those issues have been addressed by the Attorney-General. I would like to discuss what I mentioned was the strongest argument, and that is that the card does not address the underlying causes of under-age drinking. Madam Speaker, the select committee report *Alcohol and Youth* was subtitled *A Rite of Passage?*. It seems to

me that it is very easy for us to get involved in a debate over something that is a transitional phase for some young people. For some young people, Madam Speaker, that is not the case and those issues need to be addressed.

The role of a proof of age card in terms of young people and alcohol is quite important, but I think we must not lose sight of the importance of a proof of age card for the elderly. The Council on the Ageing drew my attention to this issue, Madam Speaker, when they put out a brief press release following the report of the select committee. They pointed out that there are many elderly people who no longer have a drivers licence but who, for various reasons, wish to have a proof of age card. I think that applies to other members of the community who, perhaps because of poor eyesight, do not drive, or do not see the necessity to drive. There are members of the community who fit into that category and who are asked for some form of identification. It is quite common for us to wish to give an identification card to other people. We ought not deny people the right to be able to do that, should they wish. Mr Connolly, I am sure, will deal with the issue of how the card can be used in terms of a civil liberties perspective, and the issues that he has discussed with me in terms of the protection of those civil liberties. I must say that I am delighted with them. I think it is a sensible and rational approach.

Madam Speaker, having put this motion on the notice paper quite some time ago, before there was a public statement on it, I decided that I would still pursue it to ensure that the debate was clear and that the matter was out in the open. We have the opportunity to draw attention to the Minister's backflip. It seems to be the day for that.

Mr Lamont: So that you can point score, Michael. You are point scoring, Michael.

MR MOORE: When I hear an interjection about point scoring, Madam Speaker, I wonder which pot it is that is calling the kettle black, or vice versa. In some ways that is the nature of politics. We have a consensus in this house to ensure that a proof of age card is available to people who wish to have one. But it is not to be used in a demand system; it is there for voluntary use. If people wish, for example, to access a nightclub, they can provide voluntarily their proof of age card so that the publican can be aware of their age. Madam Speaker, I think this will make a small contribution to the under-age drinking problem. More importantly, people who wish to have that means of identification will be able to have it no matter what their age.

MR KAINÉ (12.14): This question of carrying personal identification is interesting, and I think it is one that does need to be debated. It seems essentially to be based on the fact that young people need some form of identification to allow them access to places where alcohol is being sold, and things of that kind. There are many other reasons for it and there are many other people who find it useful to have such a card. Many people do not have a drivers licence. More and more often, if you want to transact business, particularly financial business, the first thing that you are asked is, "Do you have identification?". Most of us can provide a drivers licence or some other acceptable form of identification. Many people expect a drivers licence or a passport. Who carries a passport around with them, even if they have one? The answer is that you do not.

Mr Stevenson: ASIO officers.

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MR KAINE: There are some people who do. A lot of us do have a drivers licence and in the ACT it now has on it a photograph that can be used as proof of identity; but there are many people who do not have that. I suggest that at the other end of the age spectrum when people reach the later stages in life they very often do not have a drivers licence because they have no need for one, even if they have had one at other stages in their life. They do not have passports because they do not travel much, if at all. In any case, even if they did, like the rest of us they would not carry their passport around. We do not habitually carry our birth certificates around with us. There are many occasions when it is useful and necessary that you have some form of identification, and it has to be a form of identification that carries some authority with it. An identification card issued by a senior citizens group might be useful but it does not carry any authority. It does not say to the person who wants to have a look at it that the person has established their identity in order to get this document, whichever it is.

I happen to be one of the probably very few non-American citizens who have an American social security number. I have my card and I carry it with me to this day. The reason I have it is quite unusual because social security cards are not issued in the United States, except to American citizens or to people who have permanent resident status in the United States, and I have never enjoyed either of those statuses. I went to enrol in a postgraduate course at the University of Virginia on one occasion and they could not process my application because their whole student record was based on the social security number, and I did not have one. There was the unusual situation that the university went to the State Department and obtained a social security card on my behalf, and I had to give a written undertaking that I would never use it for anything else except to enrol in the University of Virginia. I still carry it. That is an interesting little anecdote. The fact is that in the United States almost the basic form of identification today is the American social security card. If you do not have one you have to produce some other form of identification. Even a drivers licence with a photograph on it is accepted as sort of secondary proof of evidence of who you are.

There is a big danger, of course, and I am sure that other people in this Assembly will talk about this at greater length than I want to. Mr Moore says, and I agree with him, that this card scheme should be voluntary. If you feel that you have a need you can go along to the Motor Registry and they will give you a card like a drivers licence. It has your photograph on it and it carries the imprimatur of the ACT Government that says, "This person has established their identity to our satisfaction and we vouch for the fact that this person is who he or she says he or she is". The problem with that is that it is only one further easy step for a government to say, "Now that we are doing this and 40 per cent of the population have these things, we will make it compulsory that everybody have one". We have been through that argument at the Federal level with the health card, with the identification card based on the tax file number and all of those things, and they were rejected on the grounds of privacy. Once you set up a national scheme with an individual identification it is very easy for government to start accumulating information from their files about that individual, whoever it is, and that is not considered to be acceptable.

However, we are not talking about national capability. We are talking about a small political entity that will always remain small. I doubt whether any member of any government would take the step of saying that this form of identification will now become compulsory. There are others who probably do not share my naivety on this matter. I do not see any danger in it, although there has been the broader debate about this form of identification. I can see that it would be valuable to many people, not only the young people on whom Mr Moore is basing his proposition, but also older people who need to establish their identity for many reasons and perhaps do not have the forms of identification that other people possess. I am sure that in the intervening age groups there are many people who might have suffered some physical disability and who do not have a drivers licence because of that and do not have any recognised form of identification. A form such as Mr Moore is proposing here would be useful for them. Although I recognise that there can be a down side to this, which other people will put, I am sure, quite forcefully, I accept the good intent of Mr Moore's motion. I think that there are good reasons that would justify our adopting this motion.

MR STEVENSON (12.21): Many people trust politicians to not take such a step further. I met one once. Other people would have a concern that once a system is introduced it makes it all that much easier for politicians to give various justifications as to why we now should make sure that everybody has one of these because they are so useful here and here. One could think of many justifications as to why identification would be useful. But, as Mr Kaine mentioned, that argument was thumped on the head heavily during the debates on what was laughingly called the Australia Card, one of the most unAustralian things - a national ID card.

Ms Follett: Hear, hear!

MR STEVENSON: That was a good thing too, as the Chief Minister acknowledges. However, politicians being politicians, they did what they could with the tax file number to introduce it surreptitiously. Of course, you cannot trust politicians. You can trust them to do certain things, but many of those things will not be democratic. So that is the major concern, although something might sound like a good idea at the time. Look at income tax. It was introduced at a rate of one per cent for a short period. What happened? How many millions of lives have been ruined? How many people have been put out of unemployment and cannot afford to buy a home?

Mr Kaine: You mean employment.

MR STEVENSON: Put out of employment. You are quite right.

Mr Humphries: You have been drinking, Dennis, haven't you?

MR STEVENSON: Ha, ha! Mr Berry and I were talking about vegetarian wine at a function last night. He said, "There are no animal products in there". It smelt like a fair drop, although I did not partake of any. I prefer the non-alcoholic variety, not just the vegetarian variety.

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I do have concerns, as many people do, about the potential for such a system being used as a very thick part of the wedge in forming an ID system. Once it has been happening and nobody has complained about it, and, as I said, it is useful for this and this, we find that the government has already accumulated information on all the citizens. It can then access it readily and cross-reference everything. It can know more about us than we remember ourselves. Mr Kaine mentioned that there are many people who would find it useful. Many people do not have a licence. Since a law was passed in this Assembly to cancel people's licences, there are hundreds and hundreds who do not have a licence now. Their licences have been cancelled and not renewed, although many of them still drive.

MR CONNOLLY (Attorney-General and Minister for Health) (12.24): Madam Speaker, there was much kerfuffle from Mr Moore about backflips and I think I need to set the record straight. Our position on a proof of age card, the pubcard, has been consistent throughout. We have said, and the published platform of the Labor Party says, that so long as there is opposition from the youth sector we will not force through the proof of age card. There was quite organised opposition to this. We had set up a principal youth advisory body. You berate us for not being consultative. One of our hallmarks, we say, is being a consultative government. We have set up a whole series of mechanisms to consult with relevant sectors. You berate us from time to time for not listening, and then, when we listen, you berate us for listening.

We did not see a pubcard as a panacea, as have some of the more enthusiastic Liberals from time to time. If a pubcard solved the problem of under-age drinking there would be no under-age drinking in Sydney, and, patently, that is not the case. We always had reservations that it was not a panacea and it could be useful, but only if it were embraced warmly by the youth sector. We had a consultative mechanism and there was consistent opposition. The Liberals should not be surprised at the opposition because it was exactly the sort of opposition that, several years ago, they were whipping up around Australia over the issue of an Australia Card.

Mr Stevenson's remarks were very valid. There is a real nervousness in the community that once you introduce these forms of identification it will go further and further and will become compulsory. Mr Kaine may have been overgenerous to his colleagues in saying that nobody would ever want to make this compulsory because, without anticipating further business, Mr Humphries has indicated in a matter on the notice paper that he would like the police to have power to demand photographic identity from any citizen in a whole range of circumstances falling well short of arrest.

Mr Humphries: When a crime has been committed.

MR CONNOLLY: Or where witnesses could assist them in connection with a crime. It is a slippery slope. It is very easy on these issues of civil liberties to go down the path. Pragmatic reasons will often dictate that we snip away at these issues.

Mr Stevenson's comments about needing to be very careful about these traditional freedoms are very valid ones. It is something that, in common law countries, we have always been very careful of. In Europe it is quite acceptable and nobody bats an eye at the prospect of being asked, "Where are your papers?". You have to produce your papers wherever you go. Citizens have to produce their identity papers when they wander down the street. Nobody worries about that. There is no cultural problem. The Australian tradition goes back to all that nice flowery rhetoric about the yeomen of Britain and so forth. The Australian tradition has been that you can walk down the street and nobody has the ability - - -

Mr Stevenson: It is more than rhetoric.

MR CONNOLLY: It is more than rhetoric, Mr Stevenson. Nobody has the right to say to me when I am walking down the street, "Who are you? Where are your papers?". I have a right to go about my business, providing I am not interfering with your business, without being hassled. That is an important and hard-won freedom that people should jealously guard. Mr Stevenson's comments about being very cautious are very valid. For that reason we had always said that we would embrace this card only when the youth sector agreed. We did get agreement from the youth sector and as soon as that happened we said, "Yes, now we can go ahead". Mr Moore berates us for backflips, but, instead, we have been going through a consultative process. We did say to the youth sector - I have advised the Assembly of this previously - that we will be bringing in some civil liberties safeguards to assure the youth sector, and hopefully to assure Dennis Stevenson, that this is not a process that is going to become de facto a compulsory identity card. We have real concerns about that.

We said in our response to the report *Civic by Night* from the ACT Community Safety Committee that it may well be that this card is useful. We are not going to put on a statutory basis an upper age at which the card can be accessed, but it may well be that when we introduce a package of civil liberties protections the usefulness of this card as a form of general purpose identification may be somewhat limited. We think it is most important that we do not create de facto compulsory formal identification. That is an issue that we can debate if members wish, and I think we will debate it when dealing with some legislation that is before the Assembly; but we do say that there is a very fundamental civil liberties point here. We do not object to Mr Moore's motion. The proof of age card, when it is introduced, when we bring in the legislative changes to protect civil liberties - which Mr Moore endorses, and which I would hope Mr Stevenson will endorse - will be open to anyone. But it is important that we avoid the slippery slope - that, for this pragmatic reason and for that pragmatic reason, we gradually end up in a situation where my right to wander down the street without being stopped by anybody and without having to prove who I am or that I am going about a lawful purpose is interfered with. Those rights are hard won. They should not be interfered with lightly.

MADAM SPEAKER: Order! The debate is interrupted in accordance with standing order 77, as amended by temporary order.

Sitting suspended from 12.30 to 2.30 pm

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QUESTIONS WITHOUT NOTICE

Health System - Casemix Funding

MRS CARNELL: Madam Speaker, my question without notice is directed to the Minister for Health. The introduction of casemix funding into Victoria's health system has resulted in a reduction of 10 per cent in the overall waiting lists in just nine months. Casemix is also saving Victoria's health budget some 20 per cent in real terms, without service reduction, while the number of patients treated has increased by some 7 per cent. This compares with the traditional multimillion dollar budget blow-out in ACT Health, a 20 per cent increase in waiting lists and a reduction in the number of patients seen. Minister, when will we see casemix funding introduced into the ACT, and what is the hold-up?

MR CONNOLLY: Madam Speaker, in one of my early interviews when the portfolios changed in the Government and I was given Health I made the point that there is no magic wand for issues of public health; that this Government confronts problems that governments across Australia are confronted with. Unfortunately, oppositions tend to want to seize on magic wands, and sometimes governments do too. I think casemix funding is being seized on by the Victorian Minister and people like Mrs Carnell as a magic wand.

I have read with a great deal of interest the statements Mrs Tehan has been making on casemix and some of the papers that have come out of Victoria, which do tend to indicate a quite rosy picture. I have also read editorials in the *Medical Journal of Australia* and articles from the AMA which cast a very different perspective on casemix.

Mrs Carnell: For obvious reasons.

MR CONNOLLY: Again, there are some very mixed views about casemix. There has been some fairly obvious change in accounting practices in Victoria as well. We have a different system of counting our waiting list. We regard a person as on the waiting list until they are operated on, which seems a fairly logical thing to do. Victoria regards a person as on the waiting list until they are booked in for surgery. So, if they are booked in 12 months ahead, they are not on the waiting list; whereas one would assume that they are waiting.

I read with great interest an *Age* editorial on Thursday of last week, I think, canvassing one of Mrs Tehan's statements on casemix. There does seem to be some reclassification, and there is clear evidence that some of the hospitals in Victoria have reclassified patients to ensure a dramatic reduction in waiting lists for the highest category by simply reclassifying people to different categories. That being said - that there is not a magic wand - there clearly are some advantages in casemix. It is an attempt to ensure that you are properly measuring outputs. One of the criticisms that have been levelled at this health system, but also at others, is that there can be a tendency if you are focusing on

outputs to focus on lower level surgery; it looks better if you do 50 minor procedures rather than one major procedure because you have dealt with 50 people and taken 50 people off the waiting list as opposed to taking one person off the waiting list. Casemix is an attempt to fund the hospital to ensure that it equitably deals with the various levels of complexity of cases.

We are doing work on casemix in the ACT, as most other States are. We are cooperating with the Commonwealth Government and we are looking very carefully at what is going on in Victoria; but you would have to say that the story of casemix is not all one way. Some of the claims of the Victorian Government of a miracle cure as a result of casemix techniques are being viewed with great scepticism by impartial public health commentators and with even greater scepticism by the AMA, who Mrs Carnell may quite rightly say are not necessarily impartial on this but, again, are a body whose views I take with a basic level of respect on these issues. They may not always be right, but we always consider them. So casemix is a useful technique that we are looking at using. My understanding is that we are not doing it live at the moment, but that there have been some sorts of paper trials, if you like, on comparing the way we fund procedures under casemix and traditional methods.

Again, the main process that will drive change in the ACT health system, as recommended by Arthur Andersen, will be our financial management committee which, as we said the other day, we have already established and which should be holding its first meeting very shortly. Obviously, our financial advisers there - and we have people from Treasury as well as Arthur Andersen - will be interested in further developing the work we are doing on casemix. I think it is a useful tool, Mrs Carnell, but I do not think it is a magic wand.

MRS CARNELL: I ask a supplementary question, Madam Speaker. In the nine months from 1 July 1993 to 1 April 1994 the number of Victorians waiting for urgent hospital treatment such as heart surgery, Mr Connolly, not minor operations, has decreased from 1,356 to 303. That somewhat negates what you have just said. Also, the Commonwealth has spent \$25m over the last five years promoting and developing casemix funding - not a little drop in the ocean and not something that still has to be looked at. If Victoria can go ahead and start reaping the benefits of this \$25m worth of Commonwealth money, why cannot the ACT?

MR CONNOLLY: Again, Madam Speaker, Mrs Tehan is very keen to publicise some of these magic wand-like results, but there are very serious questions about where people have been reclassified to get these results. There is no doubt that casemix is a useful tool. We are continuing to work on that, but it is not the magic wand. I have taken, since I have been Health Minister, to reading the *Age* and the *Sydney Morning Herald*. It gives me cheer when I read stories of gloom and doom in the health systems in Victoria and New South Wales and realise that in my plight as Health Minister dealing with a carping Opposition I am not alone. There really are very serious arguments being raised about casemix and how it has been applied by the Victorian Government. I am not criticising what they are doing. I am not saying that it is wrong. But to suggest that it is the magic wand is a gross oversimplification and very strongly gilding the lily.

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We are developing a strategy to improve the financing of ACT Health - something that you conspicuously failed to do when you were in office, Mr Humphries, and when you were on the Board of Health, Mrs Carnell. This Government will go ahead with the task of improving ACT Health. Casemix will be a factor and a tool we will use, but it is not the magic wand.

Mental Health Services

MR MOORE: Madam Speaker, my question is directed to Mr Connolly as both Minister for Health and Attorney-General. The Minister will be aware that a person requiring mental health treatment is appearing in court yet again today on a number of charges, in spite of the Minister's assurance in March 1993 that facilities for treatment would be made available in a few months. That is just by way of background. What action is the Minister taking to ensure that yet another younger person who shows every sign of going down the same path and who desperately needs treatment of a permanent kind does not also end up being dealt with by the legal system?

MR CONNOLLY: Madam Speaker, one of the main thrusts behind the reform package on mental health that Mr Berry and I developed jointly when he was Health Minister and I was Attorney-General was to try to break this cycle where people get kicked around the criminal justice system when it would appear to an impartial observer - it certainly appears to many people in the criminal justice system - that they are in need of a mental health response.

The case Mr Moore is referring to may well be a case that received attention the other week on an ABC program by the name of *Attitude*. I noted that the strongest criticism that was made by the parents of that individual was their frustration at the inability of the medical profession to provide a diagnosis. We cannot as a government say that we think this is the treatment option and provide some form of compulsory mental health treatment because I as Attorney-General think or Mr Lamont as Community Services Minister thinks that would benefit that young person. You can only ensure that the medical profession sees that young person and that the medical profession makes judgments. There is clearly a sense of frustration, which was conveyed by the parents, that for many years they have been unable to get any clear diagnosis and any clear indication from the profession as to what should occur. One of the central points in the package before the Assembly, and one which, by and large, was supported in the recommendations of the committee that have been tabled is that there is that need to ensure that we divert people out, and that is what our legislative mechanism will provide.

Mr Moore asks what our treatment mechanism is. Do we have an adequate treatment mechanism? I can only provide the treatment mechanism, as the Minister for Health, when the medical profession provides a diagnosis and refers the person to that treatment mechanism. I cannot make judgments, and lawyers cannot make judgments, much as they would like to, and much as they publicly, in this case, have often suggested that there should be this treatment option for a person. The gateway for a treatment option, at the moment, is the order of a doctor. Under our legislation, the Mental Health Tribunal may have some say in directing treatment options, but it is certainly not for me as a politician

or for the magistrate or for the legal aid lawyer to say that this is the treatment option that should occur. We rely on the medical profession and, as the parents of that individual very publicly said, there is a sense of frustration at an inability to be given a clear diagnosis.

MR MOORE: I ask a supplementary question, Madam Speaker. The Minister in his answer mentioned the report of the Assembly Social Policy Committee. Considering the urgency of this matter, Minister, I wonder when you are going to respond to the recommendations of that committee regarding mental dysfunction.

MR CONNOLLY: Madam Speaker, it is a very high priority, and I have made that very clear to the Acting Secretary to the Department of Health and the Secretary to the Attorney-General's Department. I have directed them to work very closely together to enable me to bring to Cabinet a package of changes that would allow me to introduce in this Assembly a Bill which, without preempting what decision we make in Cabinet, one would hope would reflect the recommendations that have been made by the committee. I have directed those senior officers that that is a high priority. It is not going to happen this week, but I would certainly be wanting to do it as soon as possible. This is an issue that I have felt strongly about for some time. It is an issue that Mr Berry and I were very strong in working together on when we held the respective portfolios. Now that I hold both portfolios, I have made it very clear to my senior officials that it is a top priority to get that in. We have a unanimous report from the Social Policy Committee which gives us the opportunity to put aside some divisive debate on this and get on with the job, and that is what I have instructed the officials to do.

Belconnen Community Company

MR DE DOMENICO: Madam Speaker, my question without notice is to the Chief Minister. As the Chief Minister is probably aware, the Belconnen Community Company went into liquidation recently due to a lack of government support. Noting the uncharacteristic swiftness with which the Chief Minister acted in order to find an extra \$10,000 for Mr Berry, will she act as swiftly to help organisations that assist the unemployed?

MS FOLLETT: I thank Mr De Domenico for the question because it allows me to put straight what could be some misconceptions around this matter. The Belconnen Community Company has, regrettably, ceased operations and they are under the control of a provisional liquidator at the moment. The organisation receives some 70 per cent of its funding from the Commonwealth Government - that is altogether \$146,500 - and from the ACT Government it receives \$60,000.

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In the past, the Belconnen Community Company has been funded by the ACT Government to provide Jobskills places. They were funded to provide some 70 places, a target they were not able to fulfil at that time. Since then, they have been funded under the employment and training grants program to operate the Canberra Vocational Training Centre. That is what the \$60,000 I mentioned goes towards. The Canberra Vocational Training Centre operates as a drop-in centre and open access centre for unemployed people in the Belconnen area. The services that are provided from there include very short courses - half-day, one-day or two-day courses - mostly in the fields of self-esteem, assertiveness, some keyboard training and so on. Because it is an open access centre, it also allows unemployed people to go in there and prepare a resume and so on, which would assist them to get a job. This is a needed and important service to the unemployed people in the Belconnen area, and that is why the Government has funded it.

It became apparent earlier this year that the company was experiencing financial difficulty. In order to assist them to work their way through the financial difficulties, discussions were held with my department, with the business adviser at the Business Services Centre, and also with Mr Riddell from the Canberra Business Centre. So they have had whatever advice and assistance can be provided. However, some time ago my department did make an inquiry of the company as to whether they could satisfy the terms of their grant funding, and the answer was in the negative. For that reason, my department withheld the current quarter's funding for the company, that is, \$15,000. I should say that the Commonwealth has also withheld funding from this company. I regard that as a matter for some regret.

I want to make it clear to members that there are some important considerations here. The first is that the services the unemployed people in Belconnen obviously need and for which this company has been funded ought to be continued. Both the Commonwealth department and my department are working very hard and with some urgency to see that those clients are placed in alternative courses, so that their assistance is not jeopardised. Both my own Government and the Commonwealth Government have a responsibility for public funds. In other words, we have to be sure that when we hand over grant money the purposes for which that money is being handed over will be met. When we cannot be sure of that, then I believe that it would be irresponsible to continue funding.

I very much regret that the Belconnen Community Company has run into difficulty. I do not consider that the withholding of \$15,000 by my department brought about their difficulties. It would not have made them any easier, but it certainly would not have been the sole cause of their financial difficulties. As I have said, those difficulties have been known about for some time, and it was the management committee who took the final decision to call in the provisional liquidator. My priority at the moment is to make sure that those unemployed people are not disadvantaged by this sad turn of events and continue to receive the assistance they need.

Mental Health Services

MS ELLIS: Madam Speaker, my question is directed to the Minister for Health. I ask: Has there been a reduction in the waiting list for services for mental health patients in the ACT and, if this is the case, how has that been achieved?

MR CONNOLLY: I thank Ms Ellis for her question. I am very pleased to be able to praise the efforts of the Health Department's community mental health service in the child and adolescent services area, which have achieved a quite dramatic reversal in the trend of growing waiting lists. In less than 12 months the service has reduced client waiting times from three months to a maximum of two weeks. This service provides care for families with problems as diverse as preschoolers with disturbed behaviour, children with sleep disorders, grief and loss and behavioural management, through to severe emotional and behavioural disturbance.

Waiting times fell after the introduction of an open day consultation service, a service which was based on a model from the Dalmar Child and Family Service in Sydney, which operates a similar program in New South Wales. This was piloted under Mr Berry's stewardship in 1993, initially with half-day services offering eight sessions a week. It has now been expanded to every Tuesday, with up to 12 families being seen by the team. It has had a remarkable effect on reducing waiting times to see the service. An evaluation of the program has shown that some 87 out of every 100 families who have been through the program found it to be very helpful.

It is a good example of community mental health services. I point out that we have amongst the highest per capita expenditure on mental health services in the country. Mr Berry and I were at joint health and welfare Ministers meetings in Perth when that report was published and were quite amused to see the *West Australian* headline, "WA behind ACT on Community Mental Health Services". The ACT's community mental health effort was praised in the Western Australian newspaper as a good model. We were both rather disappointed that most people in Canberra do not subscribe to the *West Australian*.

Mr Lamont: Was that in the *Canberra Times*?

MR CONNOLLY: No, the *Canberra Times* took a slightly different approach to that particular Commonwealth report. Madam Speaker, here we have a good example of some more good news in health.

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Assembly Members - Staff Entitlements

MR HUMPHRIES: My question is to the chair of the Assembly's Social Policy Committee, Ms Ellis.

Mr Wood: We could not ask you one; you do not meet.

MR HUMPHRIES: We have had plenty of meetings, Mr Wood. I have had more exposure to committees than you have lately. Ms Ellis, I note that your colleague Mr Berry, the Government Whip and Manager of Government Business, has been given a staffing allocation considerably above yours. Do you feel that the staffing allocation you have is sufficient to enable you to carry on your onerous duties as an elected member of the Assembly, a representative of the people of Tuggeranong, chair of the Social Policy Committee, and a member of numerous other committees in this place, or do you agree that Mr Berry is being paid off by the Chief Minister?

MADAM SPEAKER: Mr Humphries, that question is out of order. You are permitted to ask Ms Ellis, as chair of the Social Policy Committee, about social policy matters, not about the management of the Assembly and its entitlements.

Mr Moore: On a point of order, Madam Speaker: I believe that on previous occasions when questions have been out of order you have allowed Ministers to answer the question. I saw Ms Ellis jump to her feet then. I wonder whether you would take into account that precedent and allow her to reply, should she wish to.

MADAM SPEAKER: Are you inferring that Ms Ellis is a Minister, Mr Moore?

Mr Moore: That could happen very quickly, Madam Speaker. We know that these things happen very quickly. The precedent has been set in that when questions have been asked you have allowed Ministers to proceed with an answer. I ask you to reconsider that position.

MADAM SPEAKER: Mr Moore, I did not see a Minister rushing in to answer the question.

Mr Moore: No, Ms Ellis.

Mr Humphries: Ms Ellis did. She wants to answer the question.

MADAM SPEAKER: Ms Ellis is not a Minister and it is not a matter that she is entitled to answer. If a Minister chooses to answer he or she may. We either run our question time according to the rules or we do not.

Jerrabomberra-Symonston Development

MS SZUTY: My question without notice is to the Minister for the Environment, Land and Planning, Mr Wood. As a member of the Standing Committee on Planning, Development and Infrastructure, I was involved in that committee's extensive deliberations on the Territory Plan. It was my understanding from that process that any development in Jerrabomberra-Symonston would be similar in scale to that of Weston Creek. A discussion on page vii, of the introduction to the Territory Plan supports this view. In the light of recent reports on the Jerrabomberra study, can the Minister inform the Assembly whether the projected population and scale of development of Jerrabomberra-Symonston will be more like that of Gungahlin than that of Weston Creek?

MR WOOD: Madam Speaker, I am not in a position to answer that question because we are not examining that issue. I put out a media statement some months ago emphasising very strongly that the NCPA and the ACT Planning Authority together were running a concept idea, if you like. There is an international conference on planning in Melbourne later in the year, and the National Capital Planning Authority in particular thought it would be useful for some Australian example of planning to be there. For that reason we looked at Jerrabomberra, a place which one day, no doubt, will be developed but which at the moment is not on our books for development.

If you read very carefully the statement I put out, you will see the word "concept" about six times. I am not sure that every element of the media read that carefully enough, and there was for a little time a view that we were about to develop Jerrabomberra. That is not the case. The ideas competition, which is what this is about, is still running. I understand that a quite large number of people and groups around Australia have taken the documents out of interest, and they will prepare a concept for what Jerrabomberra might be like in the future. That is the level of discussions. I am certainly not looking into any detail. The ACT Planning Authority is running some workshops with people who will be impacted in the longer term, should development go ahead there. There have been two, three or four workshops at this stage, and that process will continue. It is a very useful exercise as that longer-term development occurs.

I should indicate further that the greatest factor on the development of Jerrabomberra is the presence of the naval station nearby. While I do not think the masts and their support structure extend into this area, I understand that there has been an expectation that we would not build there while that naval station stays in position because there could be interference with its signals. That is somewhere in the back of my mind as the inhibiting factor on any development there. Certainly, we do not expect that naval station to be out of its location until late this decade at the earliest. They are the factors behind some of the publicity of recent times.

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Education - Specific Purpose Payments

MR CORNWELL: My question is to Mr Wood as Minister for Education. Can he explain why, in the 1994-95 Federal budget, the ACT's specific purpose payment for current purposes has fallen in the government school sector from \$16.7m to \$15.5m between 1993-94 and 1994-95 and what effect this reduction of \$1.2m will have on government schooling in the ACT?

MR WOOD: Madam Speaker, I do not expect that it will have any particular impact at all.

Mr Cornwell: We did not need it - \$1.2m?

MR WOOD: Just wait a minute. The Commonwealth Government, along with the States, has for quite a number of years now been discussing the purpose of those specific purpose payments as against general grants and the balance of those and how they should be distributed. Your colleagues in the conservative States are very much against some of these sorts of grants and very much against tying funds. There is quite a deal of debate, and there has been some change in the way the Commonwealth has distributed its funds. I have not seen the detail of that, but I would expect that if the specific purpose payments go down the general grants will go up a little to compensate.

I have examined the budget, and I am not aware that in the education sector we need to make a compensation for that amount. Certainly we need to understand that the transition funding for education - something like \$24m at the moment - is coming down over the next few years as part of the general decline in Commonwealth revenue. We have to take that into account. I am not aware, although I will check it for you, that there is any impact on the question you raised.

Arts Council Funding

MRS GRASSBY: My question is to the Minister for the Arts, Mr Wood. Has the Arts Council of the ACT lost its funding support from the ACT Government? If so, why has this happened?

MR WOOD: Madam Speaker, the Arts Council of the ACT has had a quite long history and, I think, a distinguished one. Nevertheless, as times change, functions of particular groups change. The Arts Council in recent times has adapted to that; but, unfortunately, I am not sure how well that adaptation has gone in the last year or so. To give you some detail, it has been in receipt of annual funding for quite some time. It received just under \$100,000 in 1993, and the Cultural Council had proposed to me a grant of \$104,000 for 1994, subject to approval of a revised program and budget.

Following receipt of the Arts Council's revised program and budget, the Cultural Council advised me that there were serious concerns about the focus and financial management of the Arts Council. Formal discussions began when it became clear that the organisation was most unlikely to have the capacity to deliver a substantial program for this year. Based on that advice, I decided to withhold payment of the second and further instalments of the council's 1994 annual grant. I wrote to the Arts Council advising them of this about a month ago. In that letter, however, I offered the organisation a modest grant appropriate to its current circumstances. This grant is subject to the Arts Council being able to acquit satisfactorily its 1993 annual grant. The Arts Council, as I said, has had a distinguished record in the ACT; it may be that it will do so in the future. But it certainly has a period of difficulty to work through if that is to occur.

Bicycle Paths

MR STEVENSON: My question is to Mr Lamont. It concerns the enjoyable and safe use of bicycle paths throughout Canberra. Concerns have been raised with me to do with people other than cyclists using the bicycle paths - people walk along, people jog along, and I am sure that we do not mind that. Cyclists often ride past at speed without any warning. Many cycles are not fitted with bells as standard; it is particularly dangerous at dusk as there are also many cycles that are not fitted with lamps. In Europe, bikes have bells as standard and they are used all over the place. This is probably a transitional thing as more and more bikes are used. The problem is increasing, and I ask the Minister responsible for the bike paths what educational steps could be taken to ensure that it does not become a major problem.

MR LAMONT: Madam Speaker, the proposal from Mr Stevenson, as I understand it, is that we require that pushbikes be put through some sort of registration inspection to ensure that they - - -

Mr Stevenson: I thought I mentioned educational, to preclude such an idea.

MR LAMONT: Only on the educational part? That is fine. In relation to that part of your question then, it is my understanding that there are educational programs available through the existing school curricula that point out the appropriate use of bicycles in a proper and safe manner.

Mr Wood: The police come in and tell the children that they have to have bells on their bikes, among other things.

MR LAMONT: Part of that campaign, as my ministerial colleague points out, is that the police, in conducting the general road safety courses throughout the ACT school system, provide advice as to how those vehicles should be properly controlled - that they should have lights for night riding, that they should have attached to them a bell for the purposes you have outlined. Obviously it is extremely difficult to police a situation where a cyclist does not indicate to a pedestrian that he is approaching. I think you will appreciate the extreme difficulties in that. I will undertake to provide Mr Stevenson with the documentation that is available about the use of the cycleways and proper practice for the use of pushbikes in the ACT.

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Assembly Sitting Costs

MR WESTENDE: Madam Speaker, my question is directed to you. With the budget less than a month away, has the Speaker given any consideration to dispensing with Tuesday night sittings, which incur substantial cost to the public purse in overtime and payment of security staff, committee secretaries, members, and executive staff, secretariat staff, et cetera, not to mention the cost of electricity, heating, et cetera? Will the Speaker indicate or, if she cannot, will she ascertain the extra costs described above for last night's sitting, that is, Tuesday, 17 May?

MADAM SPEAKER: I thank Mr Westende for the question. The question about the cost of last night's sitting I will have to take on notice. The matter of changing Tuesday night sittings has nothing to do with the budget or with me. It is in the hands of the Assembly. It is in the standing orders. If people wish to change the standing orders, it is a matter of doing it by motion. That is what I advise the member to do.

Secondary College Courses

MR KAINE: Madam Speaker, I ask the Minister for Education a question which is quite pertinent in view of the matter of public importance on the notice paper for today. I was reading the *Canberra Times* recently and came across an advertisement for Phillip College. It advertised two courses, one being astrology for beginners and the other palmistry and fortune-telling for beginners. Does the Minister agree that it is appropriate for courses of this kind to be run at our secondary colleges? If he does, can he tell me when I can expect to see advertised courses on an introduction to the practice of voodoo and advanced analysis of chicken entrails?

MR WOOD: Madam Speaker, not only that, but I will find out the information for Mr Kaine and get him an enrolment form. It might give him some clues as to the next nine months or so of his career. I would be delighted to give him that information. It is highly likely that, if Mr Kaine had the advertisement, he would see that it is one of the courses run by the school additional to its basic studies. It is not core curriculum; it is not part of its basic process. I have not seen the advertisement. I expect that it is one of the pay-as-you-go courses, Mr Kaine, and I hope that that does not discourage you from enrolling. Nevertheless, to ensure accuracy in this Assembly, I will ascertain the background of the advertisement and advise you so that you may take the action you seek. I point out further to that that Phillip College has a very distinguished record for its students, its programs and the work that goes on there.

MR KAINE: I ask a supplementary question, Madam Speaker. When the Minister is inquiring into this, could he also inquire as to whether teaching time on these subjects is counted towards the workload that is used to determine the number of teachers there should be in these institutions?

MR WOOD: If, as I suspect, it is one of the evening classes they put on - you probably have the advertisement right there; you could tell me straightaway - the answer to your question is no. Again, I will make sure of the details, Mr Kaine.

Big Bins

MR MOORE: Madam Speaker, my question is to Mr Lamont as Minister for Urban Services. I wonder when he will make the report on the Kaleen big bin trial available to the public.

MR LAMONT: I thank the member for his question. As you are aware, Mr Moore, my administration is currently assessing tenders for the expansion into the whole of the ACT of both a comprehensive recycling system and a kerbside MGB collection system. I am happy to provide you with that information at my earliest convenience.

MR MOORE: I ask a supplementary question, Madam Speaker. Can the Minister indicate whether the tenders that have already gone out for this system are based on the strength of this report, even though it has not had any public exposure?

MR LAMONT: As you will recall, Mr Connolly on a number of occasions when he was Minister outlined the progress of the trials as they were taking place. We determined that the tenders should be called on the basis of a similar system to that operating in Kaleen. It is as a result of the overwhelming success of that trial in Kaleen that the tenders were structured.

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

RESIDENTIAL REDEVELOPMENT GUIDELINES

Papers

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.07): Madam Speaker, for the information of members, I present the guidelines for residential redevelopment in area B1, North Canberra, and those for area B2, Kingston-Griffith, and I move:

That the Assembly takes note of the papers.

Madam Speaker, I am presenting, for the information of members, the guidelines for residential redevelopment in the B1 residential area in North Canberra and the B2 residential area covering Kingston and part of Griffith. These guidelines are the first two of three sets of guidelines that were issued by the ACT Planning Authority towards the end of last year for public consultation.

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The guidelines are not variations to the Territory Plan, but the authority followed a process of consultation and adoption very similar to that for Territory Plan variations. The process involved seeking and accepting public comment from 11 September 1993 to 30 December 1993; modifying the guidelines to take account of the issues raised during the public notification period; referring the revised guidelines to the Planning, Development and Infrastructure Committee, which in turn held public hearings on the guidelines; and revising the guidelines further to take account of the committee's recommendations. The guidelines were adopted by the Planning Authority on 16 May 1994 and the results of that process are before the Assembly today.

By way of background, the Territory Plan permits a variety of residential forms in all residential areas, subject to a number of codified controls that include a two-storey height limit. The Territory Plan also defined an area with three-storey development in part of Canberra's inner north known as area B1. The B1 area is roughly 1,000 metres wide, spanning both sides of Northbourne Avenue from Mouat and Morphett streets in the north to Civic and Reid in the south. The guidelines deal with five main issues: Urban design and streetscape; protection of the amenity of existing residents; environmental standards for residents of new developments; energy efficiency; and social mix.

The Assembly's Standing Committee on Planning, Development and Infrastructure has played an extremely active role in examining the draft guidelines, considering in detail the comments made by the public, and proposing amendments and inclusions in the final document to ensure that the highest standards of design excellence are achieved in redevelopment projects in the area. I heartily endorse the work of the committee and I would like to thank them for the excellent work they have done.

The B1 area is a large one and redevelopment will take place over a long timeframe. It is therefore vital that residents who choose to remain are not disadvantaged. Inevitably, redevelopment must have some impact on established residents, but I am confident that the application of the guidelines' provisions in respect of setbacks, height and landscaping will reduce impacts to an acceptable minimum. Planning is not a static process and we must learn by experience. I have, therefore, decided that the guidelines should be reviewed by the Urban Design Advisory Committee and that they should apply until 1 July 1995. Developments resulting from the application of the guidelines will be carefully monitored and the guidelines will be reviewed in a year's time, in consultation with the public, the development industry and professional institutes.

Policies for the Kingston-Griffith redevelopment area were adopted by the National Capital Development Commission in 1973 and much of the area has since been redeveloped. The NCDC policies were extinguished by the Territory Plan, and guidelines were therefore needed to cover the remaining development areas. The draft guideline document for Kingston-Griffith issued for public comment was essentially a reformatting of the NCDC policies. Having gone through the B1 guideline exercise, the PDI Committee felt that many of the finalised B1 guideline provisions should be incorporated into the Kingston-Griffith document. I heartily endorse that view, and members will see that the final Kingston-Griffith guidelines are closely comparable with the B1 guidelines.

I have asked the ACT Planning Authority to ensure that the spirit as well as the letter of the guidelines is taken into account when considering redevelopment proposals in area B1 and Kingston-Griffith area B2. I am confident that this will be done and that the highest expectations of me and the PDI Committee will be realised.

I also advise members that the guidelines for the Forrest-Red Hill-Deakin-Griffith historic areas will be finalised shortly, having been considered recently by the PDI Committee. Consideration of guidelines for that part of the historic areas known as Old Red Hill will be delayed until the Heritage Council of the ACT reports on it in July and its report is considered by the committee. In addition, I recently announced that guidelines for residential redevelopment in all other residential areas would be prepared by the ACT Planning Authority in consultation with the public, community groups, the building industry and relevant professional institutes. Madam Speaker, I have presented these guidelines, and I commend them to the house.

Question resolved in the affirmative.

MINISTERIAL ADVISORY COUNCIL ON PUBLIC EDUCATION Report

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.13): Madam Speaker, for the information of members, I present the report of the Ministerial Advisory Council on Public Education, and I move:

That the Assembly takes note of the paper.

Madam Speaker, consistent with the Follett Labor Government's strong commitment to community consultation, in late 1992 the Government embarked on a major consultative process designed to ensure community involvement in planning public schooling. The Follett Labor Government established the Ministerial Advisory Council on Public Education, or MACPE, in October 1992 to provide publicly available advice to Government on priorities for ACT government schooling.

The council is one of two community representative bodies established by this Government to honour the commitment we made at the last election to provide for broad community consultation in education. The other body is the Ministerial Consultative Committee on Non-Government Schools. The Ministerial Advisory Council on Public Education has an independent chairperson, Ms Di Mildern, and comprises members nominated by education interest groups such as the Canberra Pre-School Society, the ACT Council of Parents and Citizens Associations and the Australian Education Union, as well as a number of independent ministerial nominees.

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At its first meeting on 1 December 1992, I asked the advisory council to provide advice as soon as it was practicable and possible about how we can continue to provide high-quality educational services to meet the genuine educational needs of all students and at the same time respond to the twin pressures of shifting student populations and reductions in resources for education. The council has now provided me with this advice. As well as relying on the input from its broadly representative membership, the advisory council has consulted widely in undertaking this task. This is a substantial piece of work. I thank the council for the considerable effort which has gone into producing the report.

What advice is the advisory council giving us? Members of the Assembly will not be surprised to hear that the advisory council concludes that there is much good in the ACT government school system at present. They report a high degree of enthusiasm among parents, teachers, students, administrators and the wider community. They draw attention to the high degree of satisfaction that students and parents have experienced through the school performance and review process for ACT schooling. Equally, members will not be surprised that the advisory council finds that there are a number of significant adjustments the ACT public education system should make. The report documents a climate of change, of growing demands on the system, and rising expectations about the services a quality school system should provide.

The report expresses concern about three areas of education in particular. It has highlighted the need to address students' skills in literacy and numeracy, particularly in the early years of schooling. It also discusses the need to address the personal and social aspects of educating young adolescents in the middle years of schooling. A third issue is the need to provide a cohesive and integrated approach to vocational education and training for students seeking this in the post-compulsory years.

The report suggests a framework for initiatives to meet new demands and rising expectations and to address the identified areas of need. The framework is based on four key principles: The school and the system exist to provide optimal learning outcomes for students; all students have an equal right of access to the system, and this access is not to be at the expense of other students; a public education system should encourage outcomes which help achieve social and economic equity in the community; and, finally, the ACT public education system is an integrated one where individual schools have considerable autonomy within a systemic framework. The existing mechanisms for consultation, which are vital in managing tensions between schools as individual units and as part of the wider system, should be broadened and strengthened. Against this background, the report has two very clear messages: Our schools should consciously focus on individual student outcomes against specific learning tasks; and increased flexibility in the way we organise the schooling and in the way students progress through their years of schooling is the key to continuing higher-quality education in a cost-effective way.

The council makes 14 specific recommendations. Consistent with the terms of reference, the report focuses on strategies to achieve more and better educational outcomes for our students. Of course, we already have one of the best education systems in the country and our teachers are working at making government schools more effective.

The incorporation of national curriculum frameworks, the widespread trialling of student profiles, and the work on key competencies are but three examples of our commitment to improvement. The recommendations cover a lot of territory. They are about making schooling more student-oriented and more flexible. They emphasise students' specific learning outcomes and their social and personal growth. They touch on relationships with other government agencies. They propose some structural change in the way schools are organised, to promote flexibility and increase the focus on student development. The report discusses the establishment of early childhood centres for young children. It also discusses the concept of middle schools, focusing on the needs of young adolescents. The report examines the issue of vocational education and training in the post-compulsory years.

I am pleased to receive this report and to note its recommendations. I am particularly interested in the council's comments on literacy and numeracy and the importance the council has attached to early childhood services. I note also that there are two minority reports. It is unfortunate that three members were unable to agree to the majority report after so much time and effort had been put into it by all members of the council. Their comments, however, will be considered along with the majority report. Indeed, their comments begin the considerable debate that will now flow from this report. This report canvasses a number of options which will no doubt engender lively public debate. I hope so. Our community has never been backward in debating education issues, and our schooling system is much richer for that debate.

While I have received the report, I must emphasise that it has not yet been considered by Government and is not Government policy. There are also some aspects of the report which impinge on other ministerial portfolios, and I shall refer these to the relevant Minister for consultation and advice. Nevertheless, it is clear that the broad thrust of this report has much to commend it. It provides a broad platform for future planning and warrants serious consideration by the Government and the community. The advice of MACPE, together with its consultative process, represents the culmination of the first stage in the development of our next strategic education plan for government schooling. I have now requested my department to prepare a draft plan, taking into consideration the broad directions of the advisory council report. The draft plan will be circulated for wide community consultation in the latter half of the year, with the final strategic education plan released before the beginning of 1995.

I have had pleasure in tabling the first report of the Ministerial Advisory Council on Public Education. In doing so, I would like to reiterate my thanks to Ms Di Mildern, chairperson of the advisory council, and to all its members, who have given so generously of their time and energy in its compilation.

Debate (on motion by Mr Cornwell) adjourned.

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PUBLIC ASSEMBLIES AND STREET OFFENCES

Community Law Reform Committee Issues Paper

MR CONNOLLY (Attorney-General and Minister for Health) (3.22): Madam Speaker, for the information of members, I present Community Law Reform Committee of the Australian Capital Territory Issues Paper No. 10 entitled "Public Assemblies and Street Offences", and I move:

That the Assembly takes note of the paper.

Madam Speaker, the two issues of public demonstrations and behaviour in Canberra's public places have been of perennial concern in the ACT. Proposals for the reform of the law of public assemblies were frequently examined by the Commonwealth Executive before self-government, often in the context of particular demonstrations. Street offences have been a frequent topic of debate in this forum since self-government. Although these issues have previously been considered separately, it has become clear that they are not distinct but interrelated. This is because the scope of any freedom to assemble in public is determined by the existence of general laws regulating street behaviour. The close practical relationship of the two areas of law was illustrated during the Aidex demonstration, where some demonstrators were charged with summary street offences. I asked the committee to examine the issues concurrently to enable a broadly based, balanced review.

The issues paper points out that Australia, as a signatory to the International Covenant on Civil and Political Rights, is required to recognise the right of peaceful assembly. In the ACT, and in a number of other Australian jurisdictions, the right of peaceful assembly has not been given statutory recognition. As a result, when the right of persons to participate in a public assembly is in conflict with the right of others to use the street without hindrance, for example, the latter will prevail in court by default. The issues paper points out that behaviour at public assemblies is frequently regulated by summary offences laws. Those laws do not allow consideration of the fact that the offence at issue took place within a public assembly.

An important issue for the committee is, therefore, the achieving of an acceptable balance between the rights of participants in public assemblies and the right of others to use the streets of Canberra in safety and without unreasonable hindrance. The inquiry of the committee also extends to the examination of street offences in a broader context, including reforms recently proposed in this Assembly. The issues paper has attached to it a contribution from the Australian Federal Police, whose views represent, as it were, a front-line perspective on the subject.

I wish to take this opportunity to indicate to the Assembly that I am currently developing for the Government's consideration a package of amendments to the Liquor Act that will give effect to some of the police recommendations, including those relating to the confiscation of open containers of liquor and under-age persons on licensed premises. The package will also address the legislative requirements for the recently announced proof of age card scheme and allow for the restriction of the hours in which liquor can be sold for consumption away from the licensed premises - the takeaway liquor issue.

Madam Speaker, we are moving in advance of the committee's final consideration of these issues because advice that is coming to us from the general community and from the ACT Community Safety Committee, whose report I tabled yesterday, is that there is an urgent need to address public behaviour problems in Civic and other town centres caused by the irresponsible use of alcohol. We do this with some reluctance because a comprehensive analysis of the topic and a coordinated set of recommendations from the Law Reform Committee would be a preferable basis for legislative action. With that in mind, we have decided not to adopt at this stage the other recommendations from the police.

Some of these recommendations propose restoration to the Crimes Act of provisions that were removed some years ago. The recommendations raise delicate issues of civil liberties and we take the view that the appropriate way to balance the conflicting values that are involved is through the community based process that the issues paper is predicated upon. For the same reason, the Government believes that the issue of on-the-spot fines for street offences, which would represent a fundamental change in criminal law principles and procedures, should also be considered in the context of the committee's inquiry. The Government has resolved, therefore, at this point, not to further support Mr Moore's Crimes (Amendment) Bill 1993 at this stage, pending the outcome of these broader inquiries. The issues paper is an important document dealing with an important subject, and I am confident that it will stimulate debate and discussion that will help to clarify and refine the issue for final consideration in this chamber.

Question resolved in the affirmative.

ELECTORAL COMMISSION - APPOINTMENTS

Ministerial Statement

MS FOLLETT (Chief Minister and Treasurer) (3.26): I ask for leave of the Assembly to make a ministerial statement on appointments to the ACT Electoral Commission.

Leave granted.

MS FOLLETT: Madam Speaker, it gives me considerable pleasure to announce to the Legislative Assembly that, following the passage of the Electoral (Amendment) Bill 1993 in April this year, the Electoral (Amendment) Act 1994 was notified in the *Gazette* yesterday. I would also like to take this opportunity to announce that two of the three appointments to the ACT Electoral Commission were also made yesterday. Following a process of consultation with Mr Humphries, Mr Moore, Ms Szuty and Mr Stevenson, the Executive has appointed two persons who I am sure will discharge the duties of the commission with distinction.

Madam Speaker, Mr Graham Glenn has been reappointed as chairperson of the Electoral Commission for a period of five years. Mr Glenn was originally appointed as chairperson for a period of 12 months in December 1992. His wealth of experience in public administration proved invaluable during that time, and I am sure that it will be again in the busy time coming up to the February 1995 election. The second appointment

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is that of Dr Christabel Young of the Department of Demography, Research School of Social Sciences, at the Australian National University. Dr Young also is a previous member of the Electoral Commission whose demographic expertise proved of great relevance in the determination of the ACT's electoral boundaries. Dr Young is also being reappointed for a period of five years as the other member of the Electoral Commission.

The position of Electoral Commissioner was advertised in the national press on Saturday, 7 May 1994. In the interim, Mr Phillip Green of the ACT Electoral Office will act as the Electoral Commissioner pending completion of the recruitment process, at which point I will again report to the Assembly. I am sure that members will join with me in wishing the members of the commission well in their important work ahead. I present a copy of this statement, and I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

GOVERNMENT SCHOOLS

Discussion of Matter of Public Importance

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

The failure of the Follett Labor Government to improve and deliver quality learning outcomes for young people in government schools.

MS SZUTY (3.29): Madam Speaker, I have raised as a matter of public importance for debate today "The failure of the Follett Government to improve and deliver quality learning outcomes for young people in government schools". I perceive a growing and continuing concern in our community that the quality of education in government schools is being compromised by progressive budget cutbacks. Shortly I will outline the strengths of those concerns in some detail. Prior to the 1992 Assembly election the Labor Party issued its schools policy, "Protecting Canberra's Schools". This policy was introduced by this very clear statement:

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

The policy statement went on to say:

The debate should focus on the quality of education provided by the school system, not simply on the cost of schools and school buildings themselves.

In its youth policy Labor also committed the Labor Government to:

Provide extra resources to government high schools to tackle the increasing need for improved pastoral care, counselling and careers advisory services to the young.

These are indeed laudable aims, Madam Speaker. In what may well have been a prophetic statement, the Council of P and C Associations said in "The Schools Budget 1992-93", its June 1992 submission to the ACT Government:

P and C Council welcomes the commitment to the government school system made by the ALP as part of its school policy. Yet a commitment to the goals of government schooling must be supported by commitments to adequate funding.

The P and C Council's submission went on to say:

Parents of students in government schools welcomed the declarations earlier this year to give highest priority to the funding of public education, to provide increased resources for the development of high schools as part of a long-term plan for the development of this sector, and to ensure that any savings to be made in the education budget will not come from schools or teaching resources. The task remains to turn those declarations, among others, into reality.

It is the view of the Council that some practical steps towards implementation of these commitments could have been taken at the earliest opportunity. Some involved relatively small commitments of funds, yet would have provided a strong signal of the desire of the government to proceed on matters of real significance to the school community.

It is worth considering what the Government has achieved so far. In the 1992-93 budget the Government introduced two education policy initiatives, these being the provision of additional resources for improved pastoral care and career advisory programs in high schools, with an estimated cost of \$300,000, and the integration of primary students with special needs into mainstream classes, again with an estimated cost of \$300,000.

The 1993-94 budget provided a further real opportunity for the Government to meet its election commitments on education. The education policy initiatives in the 1993-94 budget were as follows: The development of a long-term education budgetary strategy supported by the formation of the Ministerial Advisory Council on Public Education - it is timely that we have a report from that council tabled in this Assembly this afternoon; breaking the nexus that set ACT funding of non-government schools at 50 per cent of the Commonwealth's level; and savings of \$3.48m, in part by the reduction of about 80 school based positions, a proposal which was later rejected by the Assembly. In addition, a number of enhancements were proposed in this budget. These included staffing and curriculum development to assist with teaching community languages in ethnic schools and extension of the special needs integration program.

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The Trades and Labour Council's submission for this year's budget, which was endorsed by the Australian Education Union, said on education:

There should be no reduction in the Education workforce as this will reduce the quality of education. If Australia wants to become the clever country it cannot go on reducing its Education budget. The Education budget has been reduced to the point where the quality of service and educational outcomes are at risk.

The Council of P and C Associations has consistently provided submissions to the Government budget consultative process, a process that I applaud. In its June 1992 submission, from which I quoted earlier, the council identified four main areas of concern and called for: Firstly, the implementation of a program to enhance social justice in schooling, incorporating a new program for high school development, special funding assistance to those schools serving communities with characteristics associated with poor outcomes from schooling, expansion of supplementary resource programs such as the learning advancement, learning assistance and reading recovery programs, and improved student welfare, counselling and behaviour management services in schools. Secondly, the introduction of a new system of ACT Government funding of non-government schools. Thirdly, the introduction of a plan for schools with declining enrolments, which includes measures to help stabilise enrolments, greater use of excess space for educational purposes, and an innovative program based on principles of community participation to facilitate community and commercial use of available space in schools. Fourthly, establishment of a schools advisory council to examine the factors likely to impact on the future provision of government schooling in the ACT and to prepare long-term policy advice.

A year later little had changed. The council's 1993-94 budget submission, entitled "Canberra Schools - A Sunrise or Sunset Industry", identified six areas of concern, and I will run through these. Firstly, the emerging problems of literacy development. Secondly, insufficient resources for schools serving communities with high concentrations of socioeconomic disadvantage. Thirdly, insufficient resourcing for high schools. Fourthly, an increasing drop-out rate in colleges. Fifthly, reduction in funds to purchase supplies for everyday teaching purposes. Sixthly, non-government school funding.

The council suggested that to address these concerns the Government should increase funding for supplementary learning assistance programs in primary and high schools, giving priority to the expansion of the learning advancement program in primary schools and the learning assistance program in high schools; introduce the ACT's own priority school system; signal that it will ensure an equitable distribution of resources to facilitate the well-known reforms and changes necessary to improve the quality of high schooling, recognising that this will have budgetary implications over several budgets; ensure that all students are actively involved in the educational process at the end of Year 12; act to ensure the provision of materials fundamental to effective classrooms in government schools; and overhaul the system for funding non-government schools.

Disillusionment may best sum up the council's position in the lead-up to the 1994-95 budget, a budget which will be delivered by the Chief Minister on 14 June. Despite substantial submissions in earlier years, little has been done. Rather than preparing yet another lengthy submission, the Council of P and C Associations has elected to write to the Government indicating that, as so little has been achieved in 1993-94, its submission for that year stands for 1994-95. That is a sad and unfortunate reflection on Labor Party policy, which states that - I will quote it again - "the education of young people remains the highest priority for Labor". So many initiatives in education called for by the Trades and Labour Council, the Australian Education Union and the P and C Council remain to be addressed. The Government has the opportunity in this year's budget to redress these longstanding issues in education, which will ensure quality learning outcomes for young people in government schools. I trust that these issues will finally be addressed in the Government's budget this year.

Mr Temporary Deputy Speaker, it is not just a question of finding more resources for education. The Social Policy Committee of this Assembly has produced a unanimous report on the community and cultural use of schools, recommending substantive and urgent change to address a range of issues on which extensive agreement has been reached. The Government's response to this report, which we will debate more fully in the Assembly at a later date, says that the Department of Education and Training, which has already had four months to consider the issues, wants the rest of 1994 to further consider the issues and recommendations made by the committee. This is not an adequate response to recommendations made by the Assembly's Social Policy Committee. A substantial income from the community and cultural use of schools has the potential to reduce future demand for stand-alone community, sporting and recreational facilities, potentially saving the Government considerable amounts of money in the future.

Mr Wood: How much?

MS SZUTY: Considerable amounts. Another area of cost recovery which the Government has had its attention drawn to by my colleague Mr Moore and me is the continuing cost subsidy which is provided to students travelling to non-government schools and out-of-area government schools by bus. It is time that the Follett Labor Government addressed longstanding needs which have been well identified in government schools. It has the opportunity to do that in this year's budget, and I look forward to it so doing.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (3.39): Ms Szuty has given a long historical exposition, as she is wont to do. She has not spoken to the MPI that stands on the paper in her name. The MPI refers to "the failure of the Follett Labor Government to improve and deliver quality learning outcomes". We heard a historical statement about what various policies had said over a period, but there was not one substantiated remark, claim or argument about any decline in what is happening in our schools. Ms Szuty simply did not speak to her MPI. She did no more than stand up and say, "Look, think about the budget that is coming down, and be nice to education". That is an accurate summary of Ms Szuty's speech. I know what the P and C Council says. I attend to what they say.

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I am often disappointed with what the P and C Council says, as I read their submissions to me, and as I sit at a table and listen to what they say, and I did that a week or so ago. That meeting was a little late. It had no impact on the budget because we had concluded our deliberations by that time.

Let me go back to a remark she made at the outset of her speech, and one that Mr Cornwell or Mr Humphries has made from time to time. I will stand by the comments and the delivery of the promises made in our policy speeches - we give the highest priority to Labor. We do, but let me say
- - -

Mr Moore: To Labor; that is right. You have it absolutely right. It was a slip of the tongue, but it was right. You give the highest priority to Labor.

MR WOOD: Let me say this: We have not been able to increase resources to Labor - a simple little fact that Ms Szuty fails to understand.

Mr Moore: You said it again. You made the same slip.

MR WOOD: Mr Moore seems to be wanting to do his old stunt, of coming in here after showing no interest over a long period and suddenly emerging as a hero for education. You do not have the runs on the board to be able to do that, Mr Moore. You do not have the record to do that.

Mr Moore: You bet I do. It starts with 80 teachers.

MR WOOD: You had better start work again. The record shows that we have maintained the highest priority for education. Had we maintained education at existing levels, as the whole of the ACT budget declined, we would, in fact, have been increasing that priority. That is a clear argument. We have maintained that priority. Education has not, over a four-year period, declined in funding to the extent that the ACT budget has. We are not in a position - I do not think anybody except a couple of members in this chamber asserts that we are - to increase funding for education. Mr Kaine, I think, made some comments reflecting Liberal Party policy last night on radio, saying that education has to suffer a very close examination in terms of funding. Mr Kaine said something of that order.

Mr Berry: He mentioned 17 schools.

MR WOOD: Mr Cornwell wants to close 17 schools, I think.

Mr Cornwell: I will talk about that in due course.

MR WOOD: Go for it. We do maintain that high priority for education. The MPI asserts that we have not improved the quality of learning outcomes in schools, or have not maintained them. That is quite wrong. I invite Ms Szuty, Mr Moore and any other member of this Assembly to go to any of our schools. I changed a rule that Mr Humphries applied, of having to go to him for permission. You may willingly visit any school you wish, at any time. I will facilitate that. If Ms Szuty had accepted that invitation she may not have put down this MPI.

Let me tell you of some of the things that are happening. For example, there is striking evidence in today's paper about the quality of our education. Today's *Canberra Times* carries the uncontested statement that more than 19,000 students in ACT public schools are studying a language other than English. That compares with a national participation rate in languages of only about 13 per cent. Our students, from primary school onwards, are studying Chinese, Japanese, Indonesian, French, German, Italian and Spanish. The Education Department was one of the first schools authorities in the country to introduce the teaching of the Thai language, which it did last year. ACT public schools have been some of the most zealous in Australia in taking up the resources of the Magnet schools project, which the Commonwealth initiated several years ago to improve school students' knowledge of Asian languages and culture. In keeping with Commonwealth Government priorities, our work in this area is ahead of what is happening in the rest of Australia.

As another sure indicator of high, above national average quality, ACT students are far ahead of those in any other State in gaining direct entry into universities. I acknowledge that that is not due simply to the school system, but without the school system that could not happen. A study made by the independent Australian Council for Educational Research finds that 38 per cent of ACT Year 12 students progress to universities directly. That is nine percentage points ahead of those on the next level, in New South Wales, Victoria and Queensland. The ACT also has the highest proportion of students completing Year 12. The number equates to 97 per cent of the students who enrolled in Year 7, compared with the Australian average of 71 per cent. Let me put a disclaimer there; you would need to know exactly what those figures mean, too, and how they are compiled.

I now turn to a more or less chronological survey of the achievements of, and prospects for, ACT public school students. The ACT has the highest participation rate in preschool education of any State or Territory, and we are seeking to strengthen this further with the establishment in the department of an early childhood services unit. The unit would increase high-quality support to preschools and oversee the piloting of an early literacy skilling professional development program or early childhood teaching team. Overseas and Australian research indicates that eventual savings to the public for every dollar invested in high-quality preschool programs are substantial. The ACT has led Australia in the provision of such programs since 1944, and their benefits are reflected in the very high success rates for subsequent schooling that I have already mentioned.

Right across the 13 years of schooling the department now has in place a comprehensive and articulated curriculum strategy which will guide ACT schools into the twenty-first century. Next week I will launch the key document of this strategy, and I understand that all members of this Assembly have been invited for the occasion. I hope that we see Ms Szuty there. In the ACT we have been able to incorporate valuable work from the nationally developed statements and profiles into our own curriculum frameworks in the eight key learning areas, and we have done that ahead of any other State or Territory in Australia. This is some of the most significant work happening in Australian education at the moment, and I do not think I have ever had a question in this Assembly on this or

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a whole range of the real educational debate at the moment. It is beyond the members in this Assembly to follow that debate. Most importantly, these frameworks focus on student learning outcomes - what students can actually do and what they actually know and value.

The ACT is also well ahead in introducing student profiles. The ACT Government has provided ongoing budget enhancement funds for the purchase of student profiles and for teacher professional development. This important work is achieving excellent outcomes - outcomes that will benefit every student in ACT government schools. ACT government schools are now well advanced on a system-wide two-year trial of student profiles which enable teachers to report more effectively on student achievement. The profiles provide strong and close support for the curriculum framework. Again, the ACT is well ahead of the rest of Australia in improving quality learning outcomes for all our students. I wish that members in the Opposition and on the cross benches would attend to this important agenda.

As for the middle years of schooling, the department has been engaged since 1989 in a thorough evaluation of the performance and prospects of ACT high schools. The process has included long periods of deep and positive consultation with the wider community. The whole program of reform is now nearing a tangible and exciting fulfilment. Lanyon High School in South Tuggeranong is scheduled to open at the beginning of the 1996 school year. It promises to be a very different high school. At Lanyon we looked at the benefits of the four-year project that I have been speaking about. Planning is now under the direction of a representative think-tank which comprises education professionals from all levels as well as representatives from the Australian Education Union, the P and C Council, the School Board Forum and other members from the community and from the department.

Essentially the think-tank is now working on a two-year lead time to conceptualise the nature of the school, to work through this with the local community, and to tie the high school firmly into the current cluster of primary schools. The purpose is to achieve a seamless progression from preschool to at least Year 10. Much of the work towards this end is already under way in the existing primary schools of the cluster. The principals of all these primary schools are members of the think-tank. We anticipate that the Lanyon cluster will change the nature of high schooling and preparation for high schooling throughout the ACT by its significant example.

The report I have tabled today will give us its valuable analytical assessment of advice and advocacy supplied by the ACT community through a strong process of consultation. I have indicated our positive response to those recommendations. In the meantime I am somewhat assured by the words in Ms Szuty's speech because, in the end, they bore no relationship to the words in her MPI. Ms Szuty, in her speech, found no reason to criticise the ACT education system. She wants us to spend more money, and that, of course, is the wish of a number of people in the community. Their answer to all the problems that we may discuss, to all the issues that are there, is simply to spend more money. We hear it from Mrs Carnell from time to time. The answer is to spend more money. We are not in a situation where we can spend more money.

We do maintain that high priority for education, but we must look also at the way we administer services in education and see whether we can do things better, more sensibly, both in keeping with the current demands in schooling and in terms of the financial limitations placed on us. I would be much more interested in a speech from Ms Szuty that gave some innovative ideas about how to do this; one that came up with some positive suggestions on how to do things better, on where we might better focus, and not take the easy course of saying, "Spend more money". I conclude by saying that I am reassured by Ms Szuty's speech, in that she found no cause to criticise the education system.

MR MOORE (3.53): Twice early in Mr Wood's speech there was a slip of the tongue and he said that their highest priority is Labor. On the third occasion he got it right and said that the highest priority is education. That slip of the tongue tells more truth than the speech we have just heard from Mr Wood. He talked about how well the education system is going, and, for a large proportion of the students in our system, that is the case. They have very dedicated teachers who work very hard to ensure that that is the case. But, because of the way Labor has treated the system, there are those who are missing out. It is estimated that as many as 1,200 students are leaving primary school needing specialist assistance in high school. In other words, 1,200 students are leaving our primary schools not having had the appropriate assistance that they need. They are the ones who are being left behind.

Apart from a few comments on the Lanyon High School, which is in its planning stages, Mr Wood's speech was bereft of comments on the high schools. That is why I wanted to begin my speech today by saying, "A funny thing happened on the way to the forum". The forum I speak of is the high school forum. In June 1992 the high school development program was released. This document makes 17 recommendations and it was a product of the reference group seeking to improve the current situation of high schools. The reference group was strongly of the opinion that there was a need for major change to be made for the education of 12- to 15-year-olds. It appears that only one of these recommendations has been acted upon by the Government - recommendation 17. That recommendation was this:

The Department of Education and Training should facilitate and provide lead-up and post conference support for a special conference to be called The High School Forum to be organised and conducted in mid 1993.

My understanding is that the forum is scheduled for 29 July. That is over a year after the suggestion, and it was only one of the 17 recommendations. Yet Mr Wood can stand here in front of us and tell us what a good job he has been doing.

High schools have long been seen as the cinderella of the school system, with emphasis being placed on our primary system and our very successful college system. If it is a cinderella system, Mr Wood is certainly not the fairy godmother. High schools, by their very nature, accommodate youth at a very vulnerable and difficult age. These years are extremely important in terms of the development of self-confidence and mental, physical and emotional health, as well as providing the foundation for college, and ultimately entry into either work or tertiary education. We cannot afford to continually ignore the

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screaming problems of this age group and then wonder why we have problems in our community later on. How many studies do we have to see that indicate massive savings to the community if effective education, guidance and support are given in the early years?

It is interesting to note that the first five recommendations deal with student management and welfare. Although we all recognise the need for positive academic outcomes, this age group also has a very special and demanding need for social education and guidance. As adolescents have done all through history, they will be experimenting with alcohol, tobacco and other drugs. They will be exploring their sexuality and their sexual relationships. They will be forming their own identities and images of themselves as either males or females in our society; dealing with massive biological changes and puberty; questioning their status quo and authority; asserting themselves as separate from their parents; and they will be very influenced by their peer groups. This is a most volatile time for our young. Recent statistics show that one in five people in this age group will encounter some behavioural disturbance or mental illness. I refer for that comment to the Early Psychosis Intervention Centre and Dr Kristine Mercuri in Melbourne.

How shameful it is that today we are still asking that these very worthwhile recommendations be put into action, particularly in the light of the speech we just heard from this Minister. How shameful it is that budget papers reflect high school sizes in the order of 1,000 pupils when the recommendations clearly state that high schools should have between 500 and 800 students and that enrolments be monitored to ensure that the size of high schools is within this range. Does the Government understand the importance of keeping to these recommended levels? I realise that these decisions have been economic, but I also believe that they are false economies. What we save on education, we lose on community welfare, legal costs and lost production. What price education? The far better question would be: What price ignorance?

Even though the recommendations included the equivalent of one additional teacher being allocated to each high school to assist in student management, and that class sizes be kept to a maximum of 25 students per class, the Minister for Education attempted to cut 80 positions from the department. Not only were the recommendations to be ignored, but an attempt was made to exacerbate the already critical situation. Fortunately, the Assembly prevented him from going through with that. I cannot stress strongly enough how vitally important it is for us to get our high school education right. There is too much at stake to be gambling with the futures of our youth because the Government refuses to make education of our youth a priority. Instead, it makes its priority Labor.

There has been no shortage of reviews of high schools in the ACT, just a remarkable lack of adequate response from the system to those reviews. The findings of the school council in its report "In the Middle: Schooling for Young Adolescents" reiterate all the findings of ACT reviews over the past 10 years. It concludes:

... the need for curriculum, organisational and professional renewal in relation to the middle years of schooling is long overdue.

Further, it says:

There is mounting evidence to suggest that the traditional patterns of organising, teaching and resourcing in these years is hindering the capacity of schools to equip all students to function effectively in today's as well as tomorrow's world.

I notice from my quick scan of the document tabled by the Minister earlier today, the report of the Ministerial Advisory Council on Public Education, that the structure of schooling is one of the things that they are drawing the Minister's attention to as well.

One of the most commonly referred to problems is the lack of time teachers have to deal with all the demands placed on them. Staff have been expected to take on more and more social responsibilities. The complexities of the demands in these teenage years have increased the burden placed on them. I believe that staff morale is at an all-time low in our schools. Why? Perhaps because they have been kicked from nearly every direction, with little or no recognition of their professional advice and professional confidence.

Teachers know what is needed in their schools to improve education. Every teacher knows that he or she cannot be effective as a teacher if there are too many conflicting demands in the classroom - too many students, too many management problems, too many welfare problems, along with too little support, too little time out for professional development, too little positive encouragement from the community, and a diminishing resource level which implies that the Government has too little regard for them as well. The task of teaching a classroom full of students is demanding enough without constant attacks from the Government on their integrity and professionalism. What stronger way to do it is there than to say, "We do not care. We are going to take away more of your teachers."?

The Minister may well respond that he congratulates teachers at every opportunity, and we have certainly heard him say so; but these congratulations are hollow accolades when his stronger statement is to ignore the teachers at every turn when they categorically state, again and again, the needs of their students, when they focus on the needs of their students. Last year, when they were objecting to possible budget cuts, they went on strike, and I recall the response of the Minister. They were not going on strike for themselves. There was nothing in it for the teachers. Their focus was the needs of their students. Visitors from a European country recently said that they were shocked at the treatment of and conditions for ACT teachers, as teachers in their own country were treated almost with a touch of reverence and enjoyed a very high professional status. I wonder what attitude they have to politicians.

The point is that this Government, in failing to heed the advice of the teachers as well as parents and teacher bodies, has added to the declining morale right across the board in the education system. One can only guess at the deleterious effect that this alone is having on students in our classrooms today. Madam Speaker, I conclude by saying that when Mr Wood became Minister for Education nearly three years ago I remember saying to him, in a private conversation, that the one thing he needed to do was to ensure that he improved teacher morale. I do not think he has done it. I think the challenge is still in front of him.

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MR CORNWELL (4.03): Madam Speaker, this matter of public importance has arisen from concerns of the Australian Education Union, the Canberra Pre-School Society and the ACT Council of Parents and Citizens Associations. Whilst I share their concerns, I also share one matter raised by Mr Wood, the Minister, and that is that the solution is not to spend more money. That is too simplistic a solution and, frankly, it is not realistic in today's financial climate. However, the concern of these three organisations is hardly surprising because the Government has consistently failed to address the fundamental problems of the ACT government education system. All they have done, I would suggest, is attempt to avoid the issue, even if in doing so they have demonstrated great ingenuity.

Probably the best example of this very creative approach, Madam Speaker, lies in the area of surplus spaces in schools. In 1992, when I first took an interest in this matter, the figures were a simple three-column comparison. By 1993, just one year later, this had been improved upon, if those are the right words, to six columns of creative accounting, whereby original built capacity of a school was reduced to site capacity, and then further reduced to operating capacity. By so doing, surplus student spaces were arithmetically reduced from about 10,800 to 7,850. This year, 1994, notional surplus space was reduced to just 2,752 surplus spaces by the introduction of a new factor, and this new factor was known as the buffer. I would suggest to you that the buffer is hardly a buffer in itself; it is more like a no-man's-land. The buffer itself accounts for some 5,670 spaces spread across all levels of school - college, high school and primary.

I thought buffers existed on railway lines. I thought we might have had buffers in schools occasionally. Perhaps we might have had buffers in the approach of the Labor Party to education; but I did think that buffers were on railways. But no, this is what these buffers are. I quote from the summary I received:

NOTE 2 - Spaces needed to serve as a buffer to the timetabling and programming needs of primary, high school and colleges ...

NOTE 3 - Open plan restrictions on adjoining use ... (Buffer of 2 vacant classroom spaces).

NOTE 4 - Internal access to massed designed buildings -

whatever that means -

(Buffer of 2 vacant classroom spaces).

What I am saying, Madam Speaker, is that we are becoming more and more creative in our increasingly desperate attempts to cover the increasingly urgent problem of surplus spaces in our schools. I must admit that I wait with some interest to see what they are going to come up with next year when, no doubt, the number of schools excess to capacity will be over and above the 17 that the current figures on surplus spaces would indicate. (*Quorum formed*) The absence of Ms Szuty and Mr Moore does indicate their great concern for this matter, I am sure, Madam Speaker!

I turn now to the Federal budget announcement of a national literacy study for students aged 7, 9 and 13, which I asked Mr Wood about last week. Mr Wood did not answer the question, and I am not surprised because, as recorded in the proof *Hansard* of 11 May 1994, at page 50, back in 1992 he indicated that there was no real problem in relation to literacy and numeracy in the ACT school system. He ignored the question, as well he might, because, as Mr Moore pointed out, the Government has done nothing to assist the estimated 1,200 students in primary schools that the AEU have already identified as needing assistance in learning either literacy or numeracy.

Mr Wood, in reply to my question today about why \$1.2m had been cut from specific purpose payments for current purposes in the 1994-95 budget, said that it might not make any great difference; it did not matter. How about the answer that he gave to my question on 21 April about where the savings had been made instead of cutting 80 teachers from the budget? We were to save \$1.5m. Again he said that it did not matter; we would manage to tighten our belts. The redundancy scheme gave us \$3.2m. One might ask what this Government is doing about education when they talk about sacking 80 teachers and then discover that they did not need to do that anyway because 203 teachers had accepted redundancy packages. That probably says a lot in itself. I would think they probably baled out.

The whole point, Madam Speaker, is that this Government has, at best, a very lazy, casual approach to the question of education. I think the truth is that they do not really care. I would compare this lame and inactive behaviour with the Liberals' initiative of school based management and per capita funding, thus allowing schools to shake off the shackles of the dead hand of the Follett Government. It is not moribund; it is dead. Perhaps of greater importance to people out there in the system is that it is dangerous. It is dangerous because the stubborn adherence to bricks and mortar by this Government means that more and more schools that are getting smaller are being kept open.

Ultimately, if you are going to provide a viable education to the children in those small schools, that education is going to cost more money; and that money must come from somewhere else in the education system. I put it to you that, if it comes from somewhere else in the education system, other schools are going to miss out on what they should properly receive as their financial entitlement. This is the problem. This is the problem not recognised by Mr Berry when he interjected about closing schools. It is not a question of closing schools. Mr Berry is not here, I might add, to hear this. It is simply a question of whether we can afford to maintain the number of schools with the money available. It was an issue addressed by the Minister for Education in his comments, but it is certainly not an issue that has been addressed by this Government.

MS ELLIS (4.13): Madam Speaker, I would like to contribute to this debate, particularly considering the overwhelming air of doom and gloom that has been described by speakers other than those from the Government benches on this subject this afternoon. As Mr Wood has already mentioned, our government schools are maintaining high-quality education throughout the ACT. Our schools, in their daily program, are providing educational services of the highest quality. Parents of students at our government schools express high levels of satisfaction with the education their children receive.

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For example, the school review program provides some interesting statistics. Of all parents surveyed last year, approximately 90 per cent indicated that they were satisfied with the education their primary school children received. A similar level of satisfaction is expressed by parents of children attending high school and those attending secondary college.

As well as providing high quality in the day-to-day provision of schooling, there are literally dozens of exciting high-quality educational initiatives being carried out by enthusiastic teachers and students in the ACT. A splendid example of cooperation in education is the North Ainslie Science Show. This is a joint venture between the school, the Canberra Institute of Technology, local businesses, professional organisations and schools in the area, as well as the parent community and the local community. Each year a science theme is chosen and North Ainslie teachers are given professional development in the theory of the topic. All classes then carry out activities in their classrooms, and specific topics are developed to be included in the science show. A science kit of activities has also been developed as supplementary material for the show. This year over 2,500 children visited the show.

As Mr Wood indicated, the ACT is well ahead of the rest of the nation in learning languages other than English, or LOTE, as it is commonly known. LOTE is expanding in many schools. Primary and high schools in many cases are working as groups. An example of this was the recent Japanese evening held at Dickson College. Students from Ainslie Primary School, Campbell High School and Dickson College displayed their knowledge of Japanese language and culture to their school community.

As an indication of the comprehensiveness of the initiatives, I could mention, for example, the talented sportsperson program at Erindale College. This course caters for identified and acknowledged high achievers in sport who would like to combine their training with an academic program at the college. The emphasis is on maintaining a high level of commitment and achievement in both the academic and sport areas. I have had the pleasure of visiting that college and seeing that program and I can only endorse absolutely the work that has been undertaken in that way.

There has been discussion about literacy and numeracy. I refer members to the information literacy program at Arawang Primary School. A special feature of the Arawang program is the opportunity for all students from kindergarten to Year 6 to participate in a structured information literacy program to develop both literacy and research skills. The aim of this program is for all students to have the skills to be able to locate, select, organise, present and evaluate information effectively and efficiently. This information may come from a number of sources, including books, charts, computer programs, films and videos. The program extends across all areas of the curriculum. It provides opportunities for all students to extend their interests and abilities in the area of research. It encourages problem solving, critical thinking and cooperative learning, as well as extending literacy skills. These skills enable children to approach further education with more confidence and independence. The program is possible only with joint planning and implementation by the librarian and the class teacher.

The instrumental music program which operates in ACT government schools is highly valued by students and parents alike. A great example of this program is to be found at Ginninderra High School. The school has six bands which cater for students from beginners to experts. There are 150 students in the program. It is offered outside and above their full program. It caters for all students regardless of socioeconomic background. The quality is superb and they perform throughout the ACT and Australia. Our concert band has won at the National Eisteddfod often in the last few years.

During 1994, with the help of sponsors, Wanniasa Hills Primary became the first Australian school to participate in the global schoolhouse project. This project links schools all around the world, enabling them to exchange ideas and information. Students from Year 3, with their teachers Cheryl Patrick and Jo Duncan, participated in a project on space in April. They linked up with four schools across the USA. Students from Year 5 and their teachers, Natalie Wise and Stewart Clarke, are involved in an environmental project called "Trash". They linked up with seven schools across the USA. You may be interested to know that the former Federal Minister for Transport and Communications, the Hon. Bob Collins, became very interested in this project and recognised its possibilities nationally. On an entirely different tack, Madam Speaker, is the quest program which will begin at Dickson College in term 3. This course is designed to pick up students likely to drop out of college. The course emphasises skills in job readiness and provides a lot of work experience for the students.

I have provided examples of outstanding educational initiatives across our government school system. These programs focus on excellence in outcomes for all students, no matter how their gifts differ. Apart from individual school initiatives, provision for gifted and talented students is fostered through district networks. In the Woden-Weston district a three-week program for gifted and talented students during term 2 this year will focus on the arts, a writers workshop, music and science. Other curriculum areas will be targeted in term 3. Teachers within the district are currently engaged in developing teacher modules for the professional development of others in the area of gifted and talented education.

I hope, Madam Speaker, that members of the Assembly, and in particular Ms Szuty, who raised this matter of public importance, will take the opportunity to visit the schools and see for themselves the sorts of examples that I have given today of the high quality of education which is being provided in our schools. I do not for one moment walk away from any debate on the question of education, the supply of education and the quality of education in this Territory. One thing we must always remember to do in a debate of this kind is to acknowledge the level of work being done whilst that debate is being held.

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MR HUMPHRIES (4.20): I want to add briefly to the discussion of this matter of public importance. I do see education as a matter of great public importance. In the lead-up to next month's budget I have no doubt that members of this place will have many opportunities to express views to the Government about the nature of the task it has in charting the ACT's finances to support important functions like education, health and whatever. My party yesterday raised and debated in this place the importance of public safety, law and order. We said that it is a very important issue, and I think it is fair to say that the Assembly similarly sees education as a matter of considerable importance. I do not wish to make comparisons between those two areas. That is an extremely difficult job which has to be done by the Government.

With respect to education, it is worth noting that the present Government's policies have led to a situation where there is considerable concern about the level of support that many schools in our Territory experience. It is fair to say, as suggested in this matter of public importance, that the Government has failed to improve and to deliver quality learning outcomes for young people in government schools. I should say that my party is as concerned about the outcomes of education in non-government schools as it is about government schools. It is concerned also about other important outcomes in areas of government expenditure, and I refer, of course, to the debate yesterday; but that does not detract from the importance of the issue that Ms Szuty has raised and the concern that the Liberal Party has to ensure that there is a suitable outcome for the money that we spend on education, money which is somewhat more lavish or greater than the amount which one would expect to be spent on the basis of State standard education levels.

We have seen comparisons between those figures in this place before. I note that there are considerable concerns about the extent to which the education budget is funded at a greater level than would be the case if we were attracting State-type funding to that particular area of ACT Government activity. In other words, we have been less successful in considering those issues in respect of education than we have in respect of other areas of government expenditure. I must say that, nonetheless, the changes that have occurred in education have been painful, and I am not really convinced that for the last five years of change in education we have anything particularly impressive to show.

Certainly there are a few fewer schools than there were, say, this time 10 years ago. Most of those schools, as a matter of public record, have disappeared as a result of decisions made by Labor governments. There are probably a few fewer teachers, pro rata, than there were this time 10 years ago. We have possibly a slightly higher retention rate than we had 10 years ago; but, in the present environment of high youth unemployment in this Territory, the highest youth unemployment rate in the entire country, it is not particularly surprising that we should see such a high level of retention by our secondary colleges. Quite frankly, students at those colleges do not have any alternative. It is either go and do a further course after the end of high school or go onto the dole queues. The measures we use to determine the extent of success or failure in our system probably do not give us much joy about the outcomes that we have achieved. If we were sincerely testing the system and deciding whether we have spent the \$100m, or whatever it is, on education wisely, we would have to say that we have probably left ourselves considerable areas of uncertainty, and even failure.

I believe that the present Government needs to accept the responsibility to demonstrate better outcomes for our education dollar than it has done so far. One of the most important ways of doing that is to adopt some system which would ensure that people who use our system, potential users of our system, parents who send children through our system, employers who use the graduates of our system, and people who observe education standards across this country have some means of testing the proposition that we have in the ACT a system which actually delivers some quality outcomes. It is anecdotally accepted that the ACT's education system produces strong outcomes. There is the belief amongst many that the ACT's system is a better system than that applying in the States. We certainly have more freedom in our system to deliver options to students, particularly at college level, than in most of the States; but I do not think that we can say that those facts by themselves prove that we have necessarily a perfect or even very good education system. I would like to see put in place some system of testing which would give us the capacity to say with certainty that we have a good education system which delivers what people want.

I support the contention behind Ms Szuty's MPI that the Labor Government has failed to improve and deliver quality learning outcomes for young people, partly because of the flawed way in which it has delivered cuts in the system. I hasten to add that we are not saying that the Government should not consider cuts to education. What I am saying is that the Government must consider the areas in which education spending is most effective. As we have said many times in the past in this place, buildings and schoolgrounds, bricks and mortar, are not necessarily effective targets of education spending. I also think, Madam Speaker, that the Government must accept some better way of delivering measurable results to the people who use the system. We fail our community if we run our education system on rhetoric only, and to a large extent we have done that in recent years.

Madam Speaker, this is a matter of public importance; it is not a motion, although it could be worded as such. I hope that this in some ways will guide the Government when it produces its budget in a month's time. We would not wish to see the sort of exercise that was engaged in last year when we had to say to the Government, "You have violated your mandate from the people of the ACT by cutting teacher numbers", which, of course, the Government had done, having promised that teacher numbers would be safe under it; but I do think that the Government has to face some hard decisions. It would do well to accept the principles outlined in this matter of public importance as a way in which it could bring down a balanced budget but meet those objectives at the same time.

MADAM SPEAKER: I believe that the discussion has concluded.

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MANAGER OF GOVERNMENT BUSINESS
Amendments to Standing Orders

MR BERRY (4.28): Madam Speaker, I seek leave to move a motion relating to amendments to the standing orders.

Leave granted.

MR BERRY: I move:

That:

(1) the following temporary order operate for the remainder of this Assembly:

"Manager of Government Business

5C. A Manager of Government Business shall be appointed by the Chief Minister.";

(2) temporary order 34(b) be amended for the remainder of this Assembly by inserting, after "a Minister", "or the Manager of Government Business";

(3) temporary order 34(c) be amended for the remainder of this Assembly by inserting, after "a Minister", "or the Manager of Government Business";

(4) standing order 35 be amended for the remainder of this Assembly by inserting, after "a Minister", "or the Manager of Government Business"; and

(5) standing order 211 be amended for the remainder of this Assembly by adding, after "the Speaker", "and, during the presentation of papers pursuant to standing order 74, as amended by temporary order, the Manager of Government Business".

Madam Speaker, the motion has been discussed with members throughout the chamber. It merely facilitates the operation of the Manager of Government Business in this place. It is a fairly simple motion which, in the first place, identifies the Manager of Government Business as somebody appointed by the Chief Minister pursuant to temporary order 5C. It also seeks to amend temporary order 34(b) to provide for the adjournment of the Assembly to be moved by the Manager of Government Business as well as by a Minister. The same applies in relation to temporary order 34(c), which merely adds the Manager of Government Business to the role of a Minister in this chamber.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Ms Follett: I require that the question be put forthwith without debate.

Question resolved in the negative.

MANAGER OF GOVERNMENT BUSINESS

Amendments to Standing Orders

Debate resumed.

MR BERRY: The same regime would apply to standing order 35 in relation to the motion for the adjournment. In relation to standing order 211, Madam Speaker, it would allow the Manager of Government Business to present papers pursuant to standing order 74. That is the routine presentation of papers which occurs shortly after question time. That is the nature of the motion. It should not be controversial, given the discussion that has occurred.

MR HUMPHRIES (4.32): Madam Speaker, I think we can all see what this motion is about. It is an attempt by the Government to justify the unjustifiable. I refer, in saying that, to the fact that the Government has already attributed certain additional emoluments to Mr Berry in order to make sure that he enjoys the importance and the status he has come to expect in this place. This motion, almost as an afterthought, ensures that Mr Berry gets the responsibilities written into the standing orders of the Assembly which would warrant the money the Chief Minister has already put his way. I have to say, Madam Speaker, that I think the whole exercise has been - - -

Mr Berry: On a point of order, Madam Speaker: There have been no increases in wages for me.

MR HUMPHRIES: I did not say that there had been.

Ms Follett: You said "emoluments".

MR HUMPHRIES: Yes, and that can include salary for your staff.

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Mr Berry: On a point of order, Madam Speaker: The issue of staffing is not a matter that is up for debate.

MADAM SPEAKER: Order! We are debating a change in standing orders. If you wish to debate staffing allocations, put up a motion about staffing allocations. Please talk about the motion. Continue, Mr Humphries.

MR HUMPHRIES: Madam Speaker, the matter of Mr Berry's staffing is directly related to this matter.

MADAM SPEAKER: Mr Humphries, I have directed you to talk about the motion in front of us, which - and I will read it to you if you want me to - relates specifically to standing orders. Would you continue, please.

MR HUMPHRIES: Madam Speaker, with great respect, I consider that this matter is related directly to Mr Berry's staffing entitlements, and I believe that it is essential for me to be able to refer to that in the course of this debate. There is nothing more to say about this matter if I cannot refer to that.

MADAM SPEAKER: You may refer to it if you refer to it directly and concretely in relation to the motion that is in front of us. You will have to focus your remarks on the motion that is in front of us. Continue, Mr Humphries.

MR HUMPHRIES: Madam Speaker, this motion is all about giving Mr Berry the sense of importance he believes he deserves as a result of having recently been dumped from the ACT Government and now finding himself on the back benches. The motion has been moved to justify the money that has already been put Mr Berry's way by way of additional staffing entitlements. That is the direct reason this motion is before the Assembly today. Mr Berry knows full well that there is absolutely no case for this matter coming forward at this time, other than to justify that matter.

Mr Berry: Well, oppose it. Lie again.

MADAM SPEAKER: Order!

MR HUMPHRIES: The fact of life is that the ACT Government has been bubbling along with four Ministers for the last three years. In that time, there has been a heavy workload on Ministers; I accept that. I was once one myself and I know that it is difficult being a Minister and that you have a lot of things to do. The Government has identified the need for another person to be sharing that load. That is great, but is it mere coincidence that this particular matter has been dealt with now, suddenly? The need for a fifth person to share this load has suddenly been identified just at the time Mr Wayne Berry happens to have lost his seat in the ministry, just at the time Mr Berry needs to keep an extra staff allocation under his lap so that he can warrant keeping some people he otherwise would not have the chance to keep. Is that what it is all about? I think it is.

Ms Follett: Gosh, you are vindictive! Unbelievable! Your vindictiveness is what it is all about.

MR HUMPHRIES: No, it is not about that at all. You people are carrying on about that. I can recall a few years ago when there was tremendous angst on that side of the chamber - that is, the Labor side of the chamber - about the fact that a certain government was appointing people called executive deputies and that those people, ordinary backbenchers who were not Government Ministers, had certain responsibilities and should not have those responsibilities. How dare those people have particular responsibilities that were not there for other backbench members of the Assembly! They were de facto Ministers. What we are doing here is appointing people to particular positions, giving them a name in the standing orders of the Assembly, giving them additional rights referred to in the standing orders to do things which others cannot do, and giving them extra money to boot - putting \$11,000 extra their way to make the whole situation a little more palatable for those people now on the back bench.

You are hypocrites; you are absolute, sheer hypocrites. You did not think that executive deputies should exist, but now you are saying, "Yes, we need a Manager of Government Business. It is a very important position to have in this Government, absolutely". Madam Speaker, there is nothing significantly important about this position at all. Mr Berry wants to feel that he is still a big fish in a small pond, and he is getting the change in standing orders that will allow him to do that. What is worse, his colleagues on the Government benches want to make his path a little smoother as well by saying, "We do not want too much flak. Wayne can have these extra powers. He can bob up and pretend that he is a de facto Minister by moving that the Assembly do now adjourn. Mr Berry can jump up and table a paper without having to get leave". That is the kind of stupidity we are talking about here.

It is a matter of considerable frivolity to many people out there in the community that these sorts of extra rights ought to get shoved someone's way because they have lost an entitlement and they feel that it is their right to be able to keep those entitlements, having been a Minister. I think there is nothing more or less to this than making Wayne Berry feel comfortable. It is a matter of looking after your own, the kind of making sure that the mates are okay that the Australian Labor Party is pretty famous for. I think the people of the ACT see that very clearly for what it is.

MR STEVENSON (4.38): I asked Mr Berry earlier, when he mentioned the motion to me, what the situation was in other parliaments throughout Australia. He will have an opportunity to mention that, but my understanding is that this position does not exist. I ask: What reason is there for us to change the way this parliament operates to some degree in order to introduce a new position for which we have not yet heard any valid reason?

One could suggest that in this Assembly it would be handy if all members, all 17 of us, had equal powers, and one could raise a good argument for that. We have all been elected; we are all public servants. Why should some have greater powers than others in this Assembly when we all have matters to present? One could equally raise that argument, and I am sure that some people would say that that is not a good argument. The same could be said, and it has been said by Mr Humphries, about the Manager of Government Business having ministerial powers in the tabling of certain documents and so on.

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The Chief Minister rolls her eyes. I have heard nothing from the Chief Minister that would suggest that this should change. I understand why the Chief Minister rolls her eyes. It is tedious for her to listen to somebody make suggestions that do not go along with the way the Labor Party would like to operate things. This is one of the reasons why I rail long and loud and hard against politicians and centralised power. It goes to people's heads. We need to make sure that we have appropriate limits to power. Unfortunately, if you do not limit people's power they get the idea that they are all-important and become addicted to it and feed on it. So I can understand that some people think it is tedious when they hear another viewpoint, but it is a perfect reason why we should be wary about what powers we give.

It is suggested by Mr Berry that this is really nothing; it is not very important; it is just a little thing; we hardly need to be discussing it; let us just do it. But that is not the case. I believe that we would set a precedent for giving certain rights within this Assembly to someone else. That may be the way some members want to go. I am not sure that the Liberal Party has clean hands on this one, although they did not try to bring in their assistant ministerial senior or No. 1 advisers - I would be happy to use the correct title, but I forget what it was - and ask for them to be given extra rights in the parliament. I recall certain Labor members standing up then and saying that this was not okay. Once again, is there a rule for the ones with power that changes when they do not have it or is there some consistency? The vote will answer this one.

MR KAINE (4.41): Madam Speaker, Mr Berry put this motion on the table and indicated that in his view it was trivial; that it did not really matter very much. The sad thing about it is that I understand that two of the Independents are going to support this motion because they too believe that it is trivial. I do not think it is trivial. What we have here, when you examine it, is an attempt by the Government to amend the standing orders of this place entirely to suit themselves.

I question very much whether it is a legitimate matter to be incorporated in our standing orders anyway. It says that the Chief Minister may appoint this person. What the Chief Minister can or cannot do ought not to be embedded in the standing orders of this Assembly, in my view. It is totally inappropriate for this Assembly to incorporate in its standing orders a provision that the Chief Minister may or may not do something. Apart from anything else, that gives the Chief Minister a standing above and beyond anything that our standing orders have provided for in the past.

If we permit this to happen, the second thing it will do is to give this new person the same standing as the officers of this Assembly. This person, whoever it is, will be recognised and the office will be recognised by the standing orders of the Assembly. There is no person, other than the members of the Executive and the officers of this organisation, who is so recognised. To put it forward as something that is trivial that we can pass without a problem is a misrepresentation of the case. The Assembly ought to consider very carefully before it changes its standing orders to provide for someone to do something like this.

There is a course of action that is quite appropriate, and this has been done with all other amendments of this kind that have been put forward. It should be referred to the Administration and Procedures Committee for proper consideration and report back to this Assembly.

Mr Berry: Ask the Whip. He was at the Administration and Procedures Committee when we were talking about it.

MR Kaine: I do not know what happened in the Administration and Procedures Committee. I do know that this is before me as a motion now, and I do say that, if the Government really wants something like this to be incorporated into our standing orders, they should go through the proper processes. I would seek a ruling from you, Madam Speaker, as to whether it is appropriate for this matter to be considered in this way - whether it can be done only by a Minister, now that the motion is on the table; there might be one responsible Minister in the house who is prepared to take the issue on board - or whether the matter should be referred to the Administration and Procedures Committee for proper consideration. I do not believe that we can consider it properly here. It has already been demonstrated that it is becoming a highly emotionally charged debate. Some of us feel that the Government is trying to put over a fast one - - -

Mr Lamont: Only because your mate ratted.

MR Kaine: I do not know what you are talking about, Minister. I am speaking for myself as a member of this Assembly, and I believe that as a member of this place I am entitled to express a very strong view about what I think is proper and what is not proper when it comes to amending our standing orders. I do not think this is acceptable. I cannot support it, and, quite frankly, I am amazed that the Independents accept this as being something trivial. It establishes a precedent for the way in which our standing orders can be changed and it establishes a precedent for the way in which our standing orders can be manipulated to suit certain individuals who are members of this place.

I do not think that either of those arguments is legitimate, and I ask Mr Moore and Ms Szuty to think very carefully about whether they want to establish this precedent on both of those counts. If they do, they demean this place and they subordinate the standing orders of this place to the whims of the Chief Minister and Mr Berry. Next week it might be two other people, and it will not always be members of the Government. There will be people in the future, I have no doubt, who, like Mr Berry and the Chief Minister today, want to subvert the standing orders of this place in their own interests. If we establish the precedent today, we will have no argument against it in the future. This place is in its infancy. Our standing orders need better consideration than this, and for that reason I will oppose it. I ask the reasonable people in this place to accept that argument and do the right thing. Let us have it moved to the Administration and Procedures Committee for proper consideration, comprehensive debate, and a full report back to this place, having regard for all the aspects of the matter. It is not trivial at all. I reject that proposition, and I would seek careful consideration of it.

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MADAM SPEAKER: Mr Kaine, I will take what was a point of order in your speech when you asked whether it was proper for the Assembly to discuss this. Because the Assembly gives leave, it is out of my hands. Once leave is given for a motion to be put, it is the will of the Assembly that it continue. So in that matter it is not appropriate to - - -

MR KAINE: That is the response I would have expected.

MADAM SPEAKER: Mr Kaine, I point out to you that any one dissenting voice can stop something continuing. Leave is granted by the entire Assembly.

MS FOLLETT (Chief Minister and Treasurer) (4.48): Madam Speaker, I will be very brief; but I wish to remind Mr Kaine of events in early 1989, when by a vote on the floor of this Assembly the standing orders were changed. This was very early in the life of the Assembly. The purpose of that change was quite specific. It was to give special recognition to a member of this Assembly. That member was to be known as the Leader of the Opposition, namely, Mr Kaine. I have no doubt that at the time Mr Kaine did not oppose either that vote or that change to standing orders or this Assembly's right to make such a change. For Mr Kaine to try to pull the wool over members' eyes in this way by asserting that this is in some way creating a precedent is absolutely false.

I would like also to refer to Mr Humphries's comments in this debate - if I could dignify his comments with such a term. There is no doubt in my mind that whenever the name of Mr Berry is mentioned some members lose all sense of perspective, and Mr Humphries leads the charge. Whenever he is stuck for an argument, whenever he is feeling particularly vindictive - as he so often is - he simply plays the Berry card; he goes to town on a personality within this Assembly. I think that is a disgraceful way to behave. Mr Humphries has been consulted on this matter, and he repaid that consultation with a display of the most churlish behaviour that I can remember in this place.

Mr Stevenson also is not averse to playing not only the Berry card but the politician card. Mr Stevenson comes into this place day after day, draws his salary and pretends not to be a politician. Mr Stevenson, who has one of the - - -

Mr Stevenson: I raise a point of order, Madam Speaker. I think that calling me a politician was not fair; it was not a nice thing to say at all.

MADAM SPEAKER: Mr Stevenson, there is no point of order.

MS FOLLETT: Need I say more, Madam Speaker! Mr Stevenson came into this Assembly under fraudulent circumstances, claiming that he would abolish it. He has ever since referred to it with contempt. Now he denies the very calling he has so enthusiastically appreciated and benefited from for five years now. It is utterly fraudulent, and he pretends that that is somehow an argument against a motion before this Assembly.

Mr Stevenson: I raise a point of order, Madam Speaker. Is it not unparliamentary to suggest that something is utterly fraudulent?

MADAM SPEAKER: I believe that it is not, unless it is directed at the intentions of an individual.

Mr Stevenson: I thought that was exactly what it was - and not only intentions.

MADAM SPEAKER: Order! In this case it was not, I believe. However, if you feel that there was an imputation against you, which I do not think was intended, I will ask the Chief Minister to withdraw it.

Mr Stevenson: I think there was an imputation against me.

MADAM SPEAKER: Chief Minister, will you withdraw that?

MS FOLLETT: I am happy to withdraw any imputation, Madam Speaker; but the facts are there for even the most hypocritical of members to see, that is, that Mr Stevenson came into this place on a platform that said that he would abolish self-government - - -

Mr Stevenson: On a point of order, Madam Speaker: I am happy to move for a debate on self-government, if the standing orders are so changed as to allow a member to do that, at any time they choose. But I would suggest that this has nothing whatsoever to do with the motion before us.

MADAM SPEAKER: If you would permit the Chief Minister to finish, I think you would see the relevance of her point.

MS FOLLETT: The fact of the matter is, Madam Speaker, that Mr Stevenson has made no attempt to abolish self-government. He has sat here doing no committee service whatsoever, he is rarely in the house - - -

Mr Stevenson: I raise a point of order, Madam Speaker. There have been many times when you have suggested to me in particular that I am not keeping to the subject. When the Chief Minister, one of your colleagues in the same party, does that, to ignore it absolutely, I think, is unreasonable and unfair and is not following your role as the Speaker of this Assembly.

Mr Berry: On the point of order, Madam Speaker: The member clearly imputed that the Speaker's independence was in question, and he must withdraw that unequivocally.

MADAM SPEAKER: I would ask you to withdraw that and then I will explain my former ruling, Mr Stevenson. Please withdraw your comments against me personally.

Mr Stevenson: Why should I withdraw it when I think it is obvious - - -

MADAM SPEAKER: Because you have been asked to, Mr Stevenson. It is as simple as that.

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Mr Stevenson: So we have rules about what I do in this Assembly and rules about what someone else does in this Assembly?

MADAM SPEAKER: Yes. Order!

Mr Wood: Keep your voice down.

Mr Stevenson: Why should I keep my voice down, Mr Wood? It is appalling. It is not okay. We have two rules in this place. Well may you smile, Chief Minister, because they are on your side.

MADAM SPEAKER: Order! Mr Stevenson, you have been asked to withdraw because the standing orders require that you withdraw. I have told you that when you have withdrawn I will make a further explanation of my first ruling, which seemed to have raised your displeasure. Would you please withdraw your improper imputation?

Mr Stevenson: I withdraw the imputation.

MADAM SPEAKER: Thank you. Now, let me explain. The Chief Minister's argument was pointing out the relevance of your contribution to the debate in hand.

Mr Stevenson: Exactly.

MADAM SPEAKER: Order! The Chief Minister followed that along the same trail she had followed in explaining Mr Humphries's contribution to the debate, all in the context of the history of the debates apparently conducted in this place, before my time, about other positions. In that regard, Mr Stevenson, I regarded Ms Follett's comments as relevant because they were directly following from the debate that had developed within the chamber. I take your point that if somebody raises an irrelevant issue I should rule on it. I have no problem with that, Mr Stevenson; but you should heed carefully why I rule in some instances. I have offered you an explanation, which I rarely do.

MS FOLLETT: Concluding my comments, I merely want to observe that Mr Stevenson should be more forthright about his role in this place, which is that of an elected politician in a legitimate parliament of Australia. Mr Stevenson does not accept that role. He plays very little part in the procedures of this parliament, and he has demonstrated over and over again that he has no knowledge of standing orders, nor does he wish to acquire any such knowledge, even when he is more than adequately informed. Madam Speaker, I dismiss his arguments. I think he is making a determined effort to disregard the powers this Assembly has. Clearly, one of the powers this Assembly has is to debate such a matter, to change our standing orders if it is the wish of this Assembly to do so. In making those decisions and voting on those matters, it is incumbent upon all of us to observe the rules that apply, and those rules have been observed, as they were back in 1989, when the issue before us was recognition of another member, namely, the Leader of the Opposition.

MR DE DOMENICO (4.57): Madam Speaker, I will also be brief. I speak on this point only because of the rubbish the Chief Minister came out with. Let us blow away this thing about the position of Leader of the Opposition. Chief Minister, the Remuneration Tribunal recognises the position of Leader of the Opposition. The Remuneration Tribunal recognises the Leader of the Opposition right now. It does not recognise Mr Berry as Manager of Government Business, or whatever he is. That is point No. 1.

Mr Moore: Our standing orders do not recognise the Deputy Leader of the Opposition.

MR DE DOMENICO: No; the Remuneration Tribunal does.

Mr Lamont: And that is what Mr Humphries is upset about.

MR DE DOMENICO: We will get onto that.

Mr Lamont: Mr Humphries put in the submission.

MR DE DOMENICO: Let us get onto that, Mr Lamont, and let me tell you some facts. You are the person who always comes in here pretending to be the teacher. The situation is that I put in a submission to the Remuneration Tribunal. The Remuneration Tribunal decided what it should do with my submission, and it rejected my submission.

Mr Berry: Did you submit for your own wage increase?

MR DE DOMENICO: It rejected my submission, Mr Berry. It was a public document, by the way. I made no bones about it. In other words, we have a situation now, to follow on the Chief Minister's point, where the Remuneration Tribunal recognises the Leader of the Opposition; the Remuneration Tribunal also recognises the Deputy Leader of the Opposition, whoever he or she may be from time to time. Whether you are in government or we are in government, that is the decision of the Remuneration Tribunal. There is nothing in the Remuneration Tribunal's decisions that I have seen that treats Mr Berry's so-called position any differently from that of any other backbencher, be they a Government backbencher or an Opposition backbencher. That is point No. 1.

Point No. 2: Let us hear some home truths about this. Mr Berry said, "This is only a routine thing to do, routine presentation of papers". What rubbish! What absolute garbage! Let us talk about political realities. This is all about making Mr Berry feel a little bit more comfortable than he was without this. It does not matter whether it is Mr Berry or anybody else - and do not use the word "vindictive" because it is not vindictive at all; it is political reality.

Mr Connolly: "It is not vindictive; we just hate Mr Berry".

MR DE DOMENICO: You are in the bearpit, Mr Connolly. Get into the bearpit properly, because that is where you are. This is all about making sure that Mr Berry, the numbers man in a particular faction of the Labor Party, has the power and the position that he has been accustomed to all the way along. Let us make no bones about

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anything else. We can all stand here, hand on heart, and talk about traditions and parliamentary things and whatever. This is all about politics and it is all about the arrogance of this Government in making sure that it can do whatever it wants to do, no matter what this Assembly says.

Let me remind members of what this Assembly did say. This Assembly voted no confidence in the former Minister for health and racing and sport because this Assembly found that he misled it. The vote was nine to eight, and that wins every time, Mr Berry, as you would know.

Mr Lamont: That is dead right, and that is how the standing orders will be changed.

MR DE DOMENICO: Okay, Mr Lamont; let us see. What this Assembly did was to say, "We have no confidence in you, Mr Berry". What did the Chief Minister do after that? She forced him, kicking and screaming, to resign, and he did, and that is good - just to save her own neck, by the way.

Mr Berry: What is the relevance of this, Madam Speaker?

MR DE DOMENICO: The relevance is exactly why we are debating this issue, Mr Berry. It is called political reality. Then what did the Chief Minister do? How naughty Mr Berry was! She kept him on the top floor, No. 1, treating him as she has treated every other backbench member of the Labor Party. What else did she do then? She gave him \$10,000 more in salary component. After this Assembly had moved no confidence in the man for lying to us, literally - for misleading us; I withdraw the term "lying", Madam Speaker - - -

Ms Follett: On a point of order, Madam Speaker, I do ask that Mr De Domenico withdraw the word "lying".

MR DE DOMENICO: I did.

Ms Follett: I also ask him to withdraw the imputation that I gave Mr Berry more money. I did not. I gave him an additional staffing allocation.

MADAM SPEAKER: Mr De Domenico, I ask you to keep that distinction clear. I did hear you withdraw the word "lying".

MR DE DOMENICO: Madam Speaker, to get back to the debate, after Ms Follett gave Mr Berry \$10,000 more for his staffing allocation, if that pleases the Chief Minister, what did she do? This Assembly decided to vote no confidence in him. Why? For misleading us. She stuck him on the top floor and gave him an extra \$10,000 staffing allocation. Then she comes in here today and wants to amend standing orders just to satisfy Mr Berry. How arrogant is that, for heaven's sake? Disregard what this Assembly says. The caucus decides that Berry has to be made to feel welcome, so let us amend the standing orders of this place. That is what it is all about. It is all about arrogance; it is all about power; it is all about ignoring the will of this Assembly. As Mr Humphries said, and as Mr Moore and Mr Stevenson have said from time to time, it is all about making sure that your mates get treated properly. You know that that is what it is all about.

The last point: The Chief Minister stands up once again, hand on heart, saying what a terrible thing Mr Humphries did in being personal, and then proceeded for the next 20 minutes to attack Mr Stevenson, for heaven's sake. What humbug is that?

Ms Follett: Attack his policies.

MR DE DOMENICO: Double standards, Chief Minister, and that is something you are now renowned for. You have lost the other contact lens, I think. This debate is all about making sure that the people who have the power continue to have the power. This debate is all about ignoring the wishes of this Assembly and, therefore, the people. This is all about the arrogance of the ACT Labor Party in making sure that its mates get what they want.

Mr Moore: I raise a point of order under standing order 47, Madam Speaker, in terms of explanation of a word. Mr De Domenico talked about a missing - - -

MADAM SPEAKER: Under standing order 47 you need leave of the Assembly, do you not?

Mr Moore: I just seek an explanation of a word that was used by Mr De Domenico.

MADAM SPEAKER: It says, "A member who has spoken to a question may again be heard to explain ...". That is when you yourself have spoken. It is not for somebody else to explain.

Mr Moore: I shall wait till I speak, Madam Speaker, and clarify it.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (5.04): Madam Speaker, it is appropriate that Mr De Domenico was given the opportunity to vent his spleen, as he has this afternoon. Mr De Domenico venting his spleen in the way he did characterises the attitude of the Opposition in dealing with this matter. It is not a question of the functions of the Manager of Government Business that has been debated. It is not the work level or associated issues that have been debated. It has been quite specifically and deliberately the question of Mr Berry and the personality of Mr Berry.

I found that disturbing and distressing enough, but I then had to sit in this chamber and hear the absolute poppycock of Mr De Domenico, who said that it was right for this Assembly to take a vote and the majority - nine - were able to determine that a person misled the Assembly. It was fine for that to occur; that is democracy. Having nine votes is democracy. But, hang on; we operate under a set of standing orders that allowed that to occur. So we will now have a vote and, if nine members of this Assembly or more agree with the proposition, it is fine. There is nothing wrong with it. So why are you complaining?

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Mr De Domenico: We have not voted yet.

MR LAMONT: No; you and the two previous speakers have said how outrageous it is that anybody has the audacity to amend the standing orders in this way. Yet just a minute ago you were defending the right of the standing orders to come up with a decision in this house. That is the utter hypocrisy of the position you have put. So there are two issues - not one of substance about the job of work, not one of substance about what needs to happen. It is about personality, it is about absolute hypocrisy, and they are the two bases upon which you all operate.

MR MOORE (5.06): Madam Speaker, the concern I have about the language in Mr De Domenico's speech is that he talked about the Chief Minister losing her other contact lens. It seemed to me that there was some difficulty there because, if there is only one, perhaps it should be a len.

What we have here is what I refer to as a beat-up, to say the least. We have a very simple matter. At the moment, when Mr Berry stands up to try to handle Government business, he seeks leave and he goes through the process. We have agreed to this by giving him leave for the last seven or eight sitting days. It is appropriate that we regularise that in a temporary standing order, to operate for the remainder of this Assembly. For the remainder of this Assembly we are just going to regularise something that is happening all the time by leave. There is nothing particularly difficult about that, Madam Speaker, and it is something that it seems to me is quite sensible.

Mr Humphries has indicated that he would like to move a minor amendment to Mr Berry's motion that would allow any member to present a paper during presentation of papers. That seems to me to be a very reasonable and very sensible thing to do. I assume that the name would still have to appear on the presentation of papers item and the process would need to be gone through. If a member has a particular paper that they want to present, it seems to me to be a quite appropriate thing to do and I do not have any difficulty with it. That is foreshadowing Mr Humphries's amendment, but he has circulated it. It seems to me that a great deal of the hype I hear this afternoon and a great deal of the angst I hear is nothing more than a simple beat-up.

MS SZUTY (5.08): Madam Speaker, I wish to speak very briefly to this issue. I fear that it was I who suggested that this procedure be adopted by the Government to clarify the role of the Manager of Government Business, Mr Berry, now that he is no longer a Minister. I think it was I who first suggested the procedure of regularising that fact in the standing orders. All we are doing by supporting this motion today is clarifying the role of Mr Berry as Manager of Government Business now that he is no longer a Minister. I do not have any particular difficulty with it. The responsibilities Mr Berry will have in this chamber are fairly straightforward and certainly are not of a terribly significant or earth-shattering nature, I believe.

The issue of the staffing allocation entitlement to Mr Berry is, I believe, a separate issue and a separate argument from the one being proposed here, which I understand will be taken up by the Administration and Procedures Committee at a date in the future. I am very comfortable with the motion as it has been proposed by Mr Berry, and I encourage the Assembly to support it.

MR HUMPHRIES (5.09): Madam Speaker, first of all, may I make a statement under standing order 46. It was suggested in the debate by someone on the other side of the chamber that there had been some consultations about this motion and that I was now going back on those consultations. I must say that that is not the case. I have not reneged on anything that I agreed with Mr Berry. The second thing I want to refer to is the suggestion from someone on that side of the chamber that I had put in a submission to the Remuneration Tribunal for additional money. That is also not true. It is not now and never has been true. To say otherwise is one of those typical Labor lines.

I want to move the amendment to the motion that has been circulated in my name. The amendment amends paragraph (5) to make a particular provision with respect to the tabling of papers. I have always wondered why it is that the control of the Assembly needs to be exercised in such a way that it is not possible for people other than Ministers to table papers. Members regularly do; they are almost invariably given leave to do so, and I wonder what the point of going through the process of seeking leave is all about. It is a fairly pointless exercise.

MADAM SPEAKER: Mr Humphries, are you still speaking under standing order 46?

MR HUMPHRIES: No, Madam Speaker.

MADAM SPEAKER: You will need leave because you are speaking a second time.

MR HUMPHRIES: I am moving my amendment, Madam Speaker.

MADAM SPEAKER: You still need leave to do that.

MR HUMPHRIES: Madam Speaker, I seek leave to move my amendment.

Leave granted.

MR HUMPHRIES: There is a need for us to ask ourselves whether we really should have the requirement that leave must be sought every time a member wishes to table a paper. Mr Berry believes that he should have this right to table papers without seeking leave. I think there is no reason for any member of the Assembly to have to seek leave. Obviously, there would be certain circumstances where that power might be abused; but, when that happens, whether it be by a Minister or a backbencher or that specially aggrandised backbencher, the Manager of Government Business, it should be properly dealt with by the Assembly in the appropriate way. I therefore move:

Paragraph (5), delete "the Manager of Government Business", substitute "a Member".

MR BERRY (5.12): I will deal with Mr Stevenson first. Mr Stevenson was out of the chamber, as is often the case, when this motion was first circulated and placed on his desk. I subsequently called him on the telephone and said, "Dennis, there is a motion on your desk that I would like to talk to you about, which I have talked to other people about". I went on to explain it all to him.

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Mr Stevenson: When you say that you explained it all, that is poetic licence.

MR BERRY: Hang on. You will get yours in a minute, mister.

MADAM SPEAKER: Mr Berry, if you are closing the debate, then you can proceed with this discussion. If, however, you are speaking to the amendment, I would have to ask you to speak to the amendment. I want to clarify it.

MR BERRY: Yes, I am closing the debate.

Mr Humphries: People want to speak on the matter, thank you very much.

MADAM SPEAKER: I am asking members on your behalf. If he is closing the debate, I should check whether anybody else wants to speak before Mr Berry closes the debate. That is what I wanted to do. Does anybody else want to speak now?

Mrs Carnell: Yes, please.

MADAM SPEAKER: I call Mrs Carnell.

MR BERRY: Hang on a minute. I was on my feet closing the debate, Madam Speaker.

Mrs Carnell: You were speaking to the amendment.

MADAM SPEAKER: Mr Berry, the problem is that there is an amendment before us. I believed that you were speaking to the amendment.

MR BERRY: No, I was just closing it off; but I am happy to sit down and let Mrs Carnell spit a bit of fire. It will give me the opportunity to give her a serve as well.

MRS CARNELL (Leader of the Opposition) (5.13): Madam Speaker, I appreciate being given an opportunity to speak. My approach to this is somewhat different from that of some previous speakers. I personally believe that the Chief Minister has every right to move to change the standing orders in any way she sees fit, as anybody else in this Assembly does if they believe that it will improve the workings of this Assembly. I think everyone on this side of the house accepts that principle. We all want an Assembly that works better, that works more efficiently, and that better represents the people. That is what we are here for.

The arguments today have been about timing and, if this is such an important change to the standing orders and is going to improve the workings of the Assembly, why we had not seen these changes before today - five years ago, two years ago, even two months ago. The concern this side of the house has is that this is being moved today to justify the extra salary allocation Mr Berry has got. It in no way goes to achieve that. On the basis that everybody in this house, everybody who reads this debate and everyone who has been listening to this debate accepts that this standing order change in no way makes the extra salary allocation given to Mr Berry okay or justifies it, if we accept that as read - - -

Mr Moore: Says you, with \$207,000 worth of staff allocation.

Mr Humphries: She is the alternative Chief Minister. She has some entitlements in that respect.

Mr Berry: Why do you not share it with the others?

MRS CARNELL: I have never asked for it. On the basis that we have all, hopefully, accepted that this change in the standing order does not go in any way to justify any extra staff allocation for Mr Berry, if the basis of this is only to improve the workings of the Assembly, then again you come back to the question: Why now, Chief Minister? Mr Humphries's amendment to this standing order, I believe, will go a long way to improving the workings of this Assembly. Everybody in this house has every right to table papers whenever they feel that they have something worth while to put forward, and I think that is very appropriate.

Mr Lamont: We have the \$6m man down here and the \$200,000 woman over here. Share the staff.

MRS CARNELL: Mr Lamont, it is fine to make a comment on staff allocations. I admit that my staff allocation is quite okay; it does the job.

Mr Lamont: Share it with the rest of your party. When you do that and divide it up, your members are getting more than Mr Berry. What are you going on about?

Mr Humphries: You share your money. You are getting more than anybody else.

MRS CARNELL: What we are talking about is the inequity for people like Ms Ellis and Mrs Grassby and - - -

MADAM SPEAKER: Order! Could both sides of the house come to order. Mrs Carnell is attempting to speak.

MRS CARNELL: May I say that I totally support Mr Humphries's amendment. To come back to the motion, in essence the Opposition has no problems with changes to the standing order being put forward. Our concern is the timing and the reasons for this now.

MS FOLLETT (Chief Minister and Treasurer) (5.18): I would like to respond to Mrs Carnell in the simplest terms possible, and I am speaking to the amendment. To answer Mrs Carnell about whether this motion will improve the operation of the Assembly, the short answer is yes, and the long answer is yes as well. This motion does away with the necessity for Mr Berry, as Manager of Government Business, to seek leave the of the Assembly every time he needs to operate in the Assembly as Manager of Government Business, in tabling papers and so on. Mrs Carnell has also asked: Why now; why not two months ago? I would appreciate members listening to this because I am beginning to believe that they are unable to follow a simple argument. It is necessary now because Mr Berry is no longer a Minister. By the vote of this house, he is no longer a Minister, but he is still the Manager of Government Business.

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The question of Mr Berry's staffing allocation is irrelevant. Whether this motion is passed or not will make no difference to the staffing allocation I have given to Mr Berry; nor will it make any difference to the staffing allocation of \$207,000, and then some, I have given to Mrs Carnell; or to the fact that, if the Liberals were to divide their staffing allocation equally among themselves, they would get well in excess of \$73,000 per head. That whole issue is utterly irrelevant. The motion is being put up simply to avoid the need to seek leave. It was put up on Ms Szuty's suggestion. It is put up to reflect the changed status of Mr Berry. He is no longer a Minister, and that is all there is to it.

MR BERRY (5.20): Madam Speaker, I will finish off the debate.

Mr Humphries: No; the question is: That the amendment be agreed to.

MR BERRY: No; I am finishing the debate.

MADAM SPEAKER: I will put the amendment and then the motion, Mr Humphries. He is entitled to finish the debate. Carry on, Mr Berry.

MR BERRY: Mr Stevenson was advised that I would be moving the motion - soon, I think I said to him. He said, "I will be down shortly". How long did it take him? He must have been partying or something, because it took him another hour to get here. So concerned about it was he that he just dawdled into the place. I assume that he had a look at the motion that was on his desk - by this time two motions - and that he understood them and was not concerned about them because he did not raise any issues with me. I assumed, therefore, that Mr Stevenson was happy. I never expected him to vote for us, because he is not going to break his record: 98 per cent of the time he votes against Labor. It is not about the issues and never has been.

Now we will get to these sleazy Liberals. One thing my mother would be laughing about today is that you lot are unhappy; I was not put on this earth to make you happy, and you are all grizzly. Let me run past you a few things about the duplicity of the Liberals over there and the behaviour of Mr Humphries in particular. This motion was in his hands before the Administration and Procedures Committee meeting on Tuesday evening. It is not something that was sprung on him. Mr Humphries, at that point, did not express any particular views about it.

Mr Humphries: I said that I would think about it, that I would have to get back to you about it.

MR BERRY: Hang on; let me finish the debate. He said that he would have to talk to his colleagues about the issue. Obviously he did not.

Mrs Grassby: Trevor knew nothing about it; he said so.

MR BERRY: Mr Kaine knew nothing about it. Mr Humphries, you misled me. You said that you were going to talk to them all, and you did not talk to Mr Kaine.

Mr Humphries: I raise a point of order, Madam Speaker. Mr Berry is really going very close to the wind. He is suggesting that I have been duplicitous, which I ask him to withdraw, and that I have misled, which I also ask him to withdraw.

MR BERRY: No; you misled me. It is hardly an imputation against your character.

MADAM SPEAKER: Mr Humphries, I think, as you have aptly said, it is very close to the wind, but it is not actually an imputation against you.

MR BERRY: You misled me on that score, because Mr Kaine jumped up in this chamber and said that you had not talked to him; that he was not aware of this. You said to me that you were going to talk to everybody.

Mr Humphries: I did talk to everybody.

MR BERRY: Who is telling the big ones here?

Mr Humphries: Madam Speaker, Mr Berry has suggested that people are telling big ones - obviously a reference to lies. He is suggesting that it was said by me or Mr Kaine. One of us has had used against us language that is against the standing orders, and I ask that it be withdrawn.

MR BERRY: I withdraw. Somebody is dealing with the facts fairly loosely here. On the one hand, Mr Kaine says that he has not been spoken to and, on the other hand, Mr Humphries says that he has been. I do not suppose that it matters whether we get to the bottom of that or not because it is never going to change the Liberals anyway. One of the things that interest me about this debate is that you would think this would be a hotly contested position. If you have a look at the behaviour of the Liberals, we have two people who have not spoken, but they all seem to have a different view. For anybody who wanted to be Manager of Government Business here, you have to deal with five sections of the Liberal Party. We know that to be leader of the Liberal Party you have to have only two votes. That is clear: Two votes and you are right. The rest vote for themselves. That is the way it works over there.

Mr Kaine: On a point of order, Madam Speaker: I think it might be appropriate - - -

Mr Cornwell: You did not have nine when you wanted them, Wayne.

MADAM SPEAKER: Order! I would like to hear Mr Kaine.

Mr Kaine: It might be appropriate to direct the backbench member over there to stick to the point. There is a thing called relevance, and what he is talking about has nothing to do with the motion before us. He is just ranting and raving, and if he cannot stick to the subject perhaps we ought to put the matter to the vote. I will move so if he does not sit down or behave reasonably.

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MADAM SPEAKER: Mr Berry, I ask you to focus your comments on the motion.

MR BERRY: Thank you, Madam Speaker. This is not a hotly contested position. There are five factions you have to deal with over there when you are trying to organise anything. When it comes to this particular issue, we go then to the motions. Mr Humphries came to me today and complained that the fifth paragraph of the first motion I circulated in this place did not suit him. I had a talk to the Clerk and we reorganised it so that it did suit him, and it suited other people as well.

Mr Humphries: I did not say that at all. That is a lie.

MADAM SPEAKER: Order! Mr Humphries, I ask you to withdraw that.

Mr Humphries: Well, it is.

MADAM SPEAKER: Order!

Mr Humphries: He can use the word.

MADAM SPEAKER: Mr Humphries, when somebody says, "That is a lie", or "You are a liar", I have asked people to withdraw it every time.

Mr Humphries: So "You misled me" is okay?

MADAM SPEAKER: I will consider "You misled me" again, if you persist with that. I have no problem with reconsidering that.

Mr Humphries: Please, Madam Speaker, yes.

MADAM SPEAKER: Fine; but let us withdraw this one first.

Mr Humphries: I withdraw.

MADAM SPEAKER: Thank you, and let me consider "misled". Continue, Mr Berry.

MR BERRY: The motion that was circulated around the place was amended, in consultation with Mr Humphries, to bring it to a form that suited him. The clear impression that was given to me was that the Liberals were saying, "We will support this motion".

Mr Humphries: You are as thick as two short planks. That is your problem, Wayne Berry.

MR BERRY: No; "We will support this motion", Mr Humphries said.

Ms Follett: Madam Speaker, on a point of order: Mr Humphries, referring to Mr Berry, said, "You are as thick as two short planks". That is very much a personal reflection on a member and I think it should be withdrawn.

MADAM SPEAKER: I think that is right, Ms Follett. Would you please withdraw that, Mr Humphries.

Mr Humphries: I am sorry; he is only as thick as one short plank, Madam Speaker.

MADAM SPEAKER: Mr Humphries, please withdraw that.

Mr Humphries: I withdraw, Madam Speaker.

MADAM SPEAKER: Mr Berry, on reflection, I think you had better withdraw "You misled me", too. My first interpretation was along the lines of "You confused me", and I have reconsidered.

MR BERRY: Done, Madam Speaker. Those comments show just how spiteful this lot can be and how spiteful Mr Humphries in particular can be. You would not think that on an uncontroversial motion like this, where the Liberals agreed and were going to vote with us, they would argue so strenuously against it. It absolutely fascinates me that we get this sort of overkill about a motion they are going to vote for. You are all going to vote for it still, are you not, Mr Humphries?

Mr Humphries: I am not saying anything, Mr Berry.

MR BERRY: You said that to me before. Have you changed your mind? Do I have to have a tape-recorder with me every time I talk to you? You made it clear to me that you were going to support this, then we hear this great debate about - - -

Mr Humphries: Yes, that is right; I did.

MR BERRY: You did; okay. Gee, it is very hard to fathom the level of support amongst the Liberals, when you listen to the debate. Once the motion was amended to suit Mr Humphries - one expected that he went back and consulted with his colleagues, or some of them - one would have expected that the motion would pass without much notice. But surprise, surprise! A new twist, not raised in discussions, is the issue of whether members in this chamber would be able to present papers. That is okay. If you want to present papers, nobody is going to resist that course; but it would have been nice had you raised it with me in the course of consultation about the motion proper. I wonder whether you raised this amendment with Mr Stevenson. No.

Mr Humphries: No; you did not raise the whole motion with Mr Stevenson.

MR BERRY: I did. It was on his table, and I rang him up and discussed it with him.

Mr Stevenson: After lunch, Wayne.

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MR BERRY: Were you having a good sleep, Dennis, after lunch? I am sorry. The matter was discussed with you, and you had plenty of time to talk about it. You came down here and looked at both motions. One assumes that if you had had a problem you would have come and talked to me. So there was not a problem with Mr Stevenson. The Liberals are going to support it. There is no sign of this amendment. Then we get the tirade, a personal attack, which we have grown to expect from the Liberals on all fronts - the lot of you, personally attacking members on this side of the chamber. I am big enough and tough enough to cop that, but you people have to be shown up for what you are - a spiteful little bunch, with the emphasis on the little.

I will go back to Mr Kaine for a moment. He went on about this not being the proper process for sorting out changes to the standing orders. (*Extension of time granted*) Who was it who moved the amendment to standing order 118A? This is the amendment that talks about when a Minister does not answer a question on notice. Who was it who moved that? Who was it who moved that from the floor, or did it just materialise? I think it was a Liberal who did this, Madam Speaker. Either Mr Kaine did not notice or Mr Humphries was not talking to him that day either. It is all right to take on these sorts of jobs, but nobody in this place would ever be able to judge the meat of you lot from day to day.

You can always guarantee that, every time you climb to your feet to talk about me and other Labor members in this place, your speeches and your language will be peppered with spite and vitriol. There is no question about it. You deserve a little bit yourselves, because of the way you behave. You, Mr Humphries, have shown how difficult you are to deal with, after today's little effort. Your little effort today demonstrated how difficult you are to deal with and how someone managing Government business will have to talk to more than one of you and have a witness all the time.

I have complained about this before. You walked away from me today clearly indicating that you were going to support this motion. There was no need for this vitriol. I have to say that this will take the cake as the biggest bit of overkill that has ever hit this Assembly. I described it wrongly as an uncontroversial issue. I had better not say "wrongly" and I had better apologise to the Assembly, otherwise I might well be censured or even have a motion of no confidence moved against me for recklessly or deliberately misleading the Assembly. It has become controversial. I did not know that it was going to be controversial at the time, but now that I do I could be the subject of some attack by you lot.

Madam Speaker, this motion, I think, will pass, despite all the bluster. The Liberals have told me that they will support it. Mr Stevenson has not told me anything. Mr Moore and Ms Szuty indicated that they support the motion that has been put to the Assembly and discussed with members. It looks at this point like 16 : 1, bearing in mind the odds, with Mr Stevenson 98 per cent against. If we can hold the Liberals to their agreement to support it, we should have their votes. I do not know for how long this debate has gone on, but for an uncontroversial matter it has been a long time. It has been just another demonstration of the way you people behave and how impossible you are to deal with.

MR HUMPHRIES: Madam Speaker, I seek leave under standing order 46 to make a statement.

MADAM SPEAKER: A personal explanation. Continue, Mr Humphries.

MR HUMPHRIES: I am extremely - - -

Mr Berry: On a point of order, Madam Speaker: I think Mr Humphries will be debating this matter and I think this is a - - -

Mr Cornwell: Come on; what are you? A clairvoyant?

Mr Stevenson: Talk about being pre-emptive.

Mr Berry: No, this is - - -

Mr Cornwell: Sit down. You are not Government business manager yet.

MADAM SPEAKER: Order! This is a point of order.

Mr Berry: This matter is about to go to the vote - - -

Mr Stevenson: On a point of order, Madam Speaker: Did not Mr Humphries seek leave under standing order 46?

MADAM SPEAKER: Yes, he received my leave. He may continue.

Mr Stevenson: And can Mr Berry then make a statement about that, before it is given?

MADAM SPEAKER: Yes, anybody can interrupt through a point of order. Mr Humphries, continue.

MR HUMPHRIES: Madam Speaker, I have almost been called a liar by Mr Berry in the course of his comments a moment ago, and I think it is important that I take a little time to carefully refute what he has said. I treat my role as manager of Opposition business in this place extremely seriously and I pride myself on being able to deal honestly with members of the Government and the Independents. I take my role very seriously in dealing honestly with members opposite, being able to say things and being able to mean what I say when I say them. Today I have dealt entirely honestly with Mr Berry, as has been the case on every other occasion I have dealt with him, and I intend to show how that is the case.

Mr Berry came to me yesterday with an earlier version of this motion. I indicated at the time that I would be discussing this matter with my colleagues.

Mr Lamont: And you did not do it.

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MR HUMPHRIES: And I did. I put this matter on the table. I discussed it this morning with my colleagues in the party room, and everybody who was there knows that it was discussed. I am sure that my colleagues still have the copies of the motion that I circulated at the meeting. That is a fact.

Secondly, Madam Speaker, I did indicate to Mr Berry, at several points between when he first gave me this motion and today, that we would have to think about the motion and consider it.

Mr Berry: Yes.

MR HUMPHRIES: Yes? Fine. I came back to him this afternoon and discussed this. We also discussed another matter, which I will not refer to. I received an undertaking from Mr Berry, and I undertook not to discuss that matter in public in this place on the basis that I received that undertaking. I have kept my word and so have all my colleagues in the course of this debate.

Mr Berry: That is a surprise.

MR HUMPHRIES: You can make your cheap remarks, Mr Berry, but I think you will be shown to be the person with less integrity in this matter than I have.

The third matter, Madam Speaker, is this: I came to Mr Berry and said, "As originally drafted, your motion does not achieve the purpose for which you have put it on the table. What your motion does is allow Ministers and the Speaker and the Manager of Government Business to make a statement without leave during the presentation of papers period in the afternoon and only during that period. That is not your intention, is it? The Minister and the Speaker want to be able to present papers at any time during the day when there might be a debate going on". You agreed that that was what you intended, and you went away to amend it. That was the point I was making when I brought that matter to your attention. I was not saying, by any stretch of the imagination, that I was happy with your wording of paragraph (5) or any other paragraph.

I indicated finally to Mr Berry, in discussing this matter, that the Opposition would not be opposing this motion. They were the words I used to Mr Berry, and that is the position the Opposition takes here today on this matter. If you say otherwise, you are a liar. You do not have the guts to take a point of order, do you?

MADAM SPEAKER: I am about to. I take it that you said "if" and so - - -

MR HUMPHRIES: That is right, Madam Speaker; I did.

MADAM SPEAKER: Underline the big "if", then. Have you nearly finished, Mr Humphries?

MR HUMPHRIES: Yes, almost, Madam Speaker. I indicated to Mr Berry that the position of the Opposition would be that we would be making a bit of a fuss about the fact that he was getting extra staffing. I said that to him. I said that to him very clearly.

I said that we would have something to say about his staffing - he knows that; he is admitting that; he is nodding to that - but that we would not be opposing this motion. That is the position we have taken in this place today. That is the case.

Mr Berry: But Trevor did.

MR HUMPHRIES: Then say it to Mr Kaine. Do not call me a liar, Mr Berry.

Mr Kaine: No, I did not. Madam Speaker, I seek - - -

MADAM SPEAKER: Mr Stevenson was first, Mr Kaine.

MR STEVENSON: I seek leave to make a statement under standing order 46.

MADAM SPEAKER: Yes, Mr Stevenson.

MR STEVENSON: Thank you, Madam Speaker. The Chief Minister has misrepresented what I have said. She said that I promised to abolish the Assembly, but she left out rather vital information, of which she is unaware or on which she was prepared deliberately to mislead people. What I promised before the First Assembly - - -

Ms Follett: Madam Speaker, that has to be withdrawn.

MADAM SPEAKER: Yes, Mr Stevenson, you will have to withdraw that she was prepared to deliberately mislead.

MR STEVENSON: I will not have to withdraw that. I said that there were two choices, and there are. Either she is unaware or she was prepared to deliberately mislead people. There are no other possibilities. I did not say that it was one or the other. It is a choice.

MADAM SPEAKER: Mr Stevenson, the standing orders are quite clear about impugning members' motives. You may not impugn - - -

MR STEVENSON: How is that an imputation? There are only two possibilities.

MADAM SPEAKER: It has been interpreted that you are impugning the Chief Minister by saying that she has deliberately misled the Assembly.

MR STEVENSON: No, not at all. I said that there are only two logical possibilities for the Chief Minister saying what she said. There are only two possibilities.

MADAM SPEAKER: Whether there are or there are not, Mr Stevenson, if you are implying in any way, shape or form some improper motive on the part of the Chief Minister, that is not allowed.

MR STEVENSON: If someone says that there is a choice of possibilities as to why someone does something - - -

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MADAM SPEAKER: The standing order is quite clear.

Mr Kaine: Your rulings are quite illogical, Madam Speaker.

MADAM SPEAKER: Mr Kaine, I do not need your assistance in this matter. Let us get down to the basics of what I understand the standing order to say. You are not in any situation allowed to impugn the motives of a member in the Assembly. As I understand what you are saying, you are clearly impugning the motives of a member in this Assembly.

MR STEVENSON: I did not say that. I said that there were two possibilities about what was said. I did not say which one was valid.

MADAM SPEAKER: But it does not matter, Mr Stevenson. The mere fact that you offer them as possibilities means that one of them is a reality as much as the other.

MR STEVENSON: I offered them as possibilities because I have raised the matter many times in this house when the Chief Minister was here. I wonder why it was that she would say what she said.

MADAM SPEAKER: I think you had better withdraw it, Mr Stevenson, and try again in a different form.

MR STEVENSON: I withdraw, and I will try again in a different way. I have mentioned in this house many times, and outside the house many times, that before the first election and the second election we said that we would do four things. The first was that, with nine or more members elected to the Assembly, we would abolish it, and after the second election we would do the same thing, but starting with the first election. The second thing we said was that, if we could not do that, we would seek to encourage other members to hold a referendum, like the 1978 referendum, when people gave a resounding no to this State-like government. One should not use the term "self-government" because it never has been and never was meant to be.

The third point I made was that, if we could not do either of those things, we would work to represent the majority expressed will of the people of Canberra and the Constitution, and introduce the right of citizens to call referendums. That is what I actually said. The Chief Minister suggests that I did not do what I said I would do. That is not true. To the best of my ability I have represented the constitutional law, I have represented the majority expressed will of the people in this electorate, and I have also introduced citizens referenda legislation, after many years of educating people. That was what I said.

Mr Lamont: Madam Speaker, I rise on a point of order. With reference to standing order 46, it quite specifically says that a member may explain matters of a personal nature, although there may be no question before the house; but it then goes on to say that such matters may not be debated. Mr Stevenson is debating it.

MR STEVENSON: Where is the debate? I simply thought I was stating - - -

MADAM SPEAKER: I think you have given us sufficient explanation. Have you nearly finished, Mr Stevenson?

MR STEVENSON: I have nearly finished.

MADAM SPEAKER: Please complete your statement.

MR STEVENSON: As to whether or not I tried to abolish this Assembly, which I have been prevented by you from calling a Mickey Mouse Assembly in the past, on 4 July 1989 I raised - - -

Mr Berry: On a point of order, Madam Speaker: There is a question before the house. We ought to deal with it.

MADAM SPEAKER: Mr Stevenson, you are speaking under my leave. I do not wish you to infer anything or speak about any of my previous rulings, or any matter other than the simple matter of personal explanation for which you have leave. Would you focus your comments on that.

MR STEVENSON: On 4 July 1989 I moved a change to a motion to look at the constitutional legality of this Assembly. In other words, I tried to abolish it, because, if the constitutionality of the Assembly is honestly looked at, it will be gotten rid of.

Mrs Grassby: Madam Speaker, on a point of order: I do not think this is relevant, and I suggest that the motion be put.

MR STEVENSON: What motion? What nonsense! I will finish off by saying that I have tried. At any time the Chief Minister wants to test how I will vote, put it to the vote.

Amendment agreed to.

Motion, as amended, agreed to.

BUILDINGS (DESIGN AND SITING) (AMENDMENT) BILL 1994

Debate resumed from 11 May 1994, on motion by Mr Lamont:

That this Bill be agreed to in principle.

MR CORNWELL (5.46): Madam Speaker, this Bill is to provide the Planning Authority with legal power to approve existing buildings. In doing so, it addresses an anomaly in the ACT where owners may wish to obtain approval for an existing unapproved building but there is currently no legal means of giving such approval. This particularly arises if people wish to sell or to purchase a property.

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Following inquiries, the Minister has advised me that the legislation will not apply retrospectively; it will apply only to new applications for approval of an unapproved building. Any building constructed in accordance with previous design and siting policies is protected by conventions that apply in the application of later legislation. Naturally, for approval to be granted, the structure would need to conform to design and siting law. It is a tidying up move, Madam Speaker, in the design and siting process and, as such, is to be supported. On the face of it, I could even commend the Government for the amendment, but I will withhold that accolade until I see how it works out.

I add this qualification because certain recent amendments to planning legislation have not produced the effects sought by the community. It has been claimed, for example, that developers need certainty. I think it is fair to say that the same could be said for the community, yet it is not getting it - at least in its own estimation. This is not surprising, given the unintelligible labyrinth ordinary people must negotiate first to understand the Territory Plan itself. I think this example would not go amiss:

"Private open space" means an outdoor area within a block useable for outdoor living activities - and "private open space" is to comprise a minimum 35 per cent of the block area (see the Design and Siting Code for Multi-Dwelling Developments in the ACT, Appendix III.2 of the Territory Plan, page 16 of the Appendix).

Frankly, Madam Speaker, I was not prepared to put my staff on overtime to check out the reference.

Mr Kaine: That is simple. It is just an appendix to the Territory Plan.

MR CORNWELL: Indeed; but I found, Mr Kaine, in looking through it, that there are so many papers there. I am talking about the average person in the street. I think the problem is that the very obscurity about planning issues worries people. They believe that nothing is simple and, when that is the case, suspicions are aroused that people are being, or have been, conned. This is not a desirable situation; yet I believe that it is an accurate summation of the circumstances in which individuals and groups of local residents throughout Canberra currently find themselves - faced with developments or proposed developments in their immediate neighbourhood over which they find or believe they have no control.

The best example, I think, of this impotence felt by the community is when threatened by activities that impinge upon the most expensive investment most of them will ever make in their lives, and that, of course, is their home. They find, for instance, that the plan permits multidwelling development on any residential land, subject to design and siting requirements being met. End of story. If these requirements are met there is no direct, far less automatic, opportunity to seek reconsideration. I believe that this is an unsatisfactory, even undemocratic, situation, and I look forward to the Planning, Development and Infrastructure Committee's examination of the new guidelines for residential development to be prepared by the ACT Planning Authority. I am pleased to see that the Minister has confirmed that these new guidelines will be a priority exercise. Mr Wood may care to comment, when he closes this debate, on just how advanced these new guidelines might be at this point.

I see this review as important for two reasons: Firstly, to provide certainty and, I hope, clarity to developers and the community in residential planning and development processes; and, secondly, this process will give the opportunity for ordinary residents throughout the ACT, not just town planning experts and queen's counsel, to appeal against such developments by some simple method, perhaps through this Assembly's PDI Committee or some other body. It seems to me that simplification of the planning and development and appeal processes is crucial to the retention of the Canberra most of us love and wish to see remain as the bush capital. The legislation before us today is largely peripheral to these wider planning and development issues. Nevertheless, in itself, it is important to individual residents with unapproved structures which conform to design and siting rules. It is also important, I believe, in the wider context, and that is to reassure residents that sensible tidying up steps in planning can and will be taken. I commend the legislation to the house.

MS SZUTY (5.52): Madam Speaker, I will admit that I had some difficulty in coming to terms with what the Buildings (Design and Siting) (Amendment) Bill 1994 was attempting to do and in understanding the reasons behind the amendments proposed. However, I understand that the Bill seeks to enable design and siting approval to be given to unapproved structures providing they meet the requirements of the Territory Plan. It is most important that this should be the case, Madam Speaker; otherwise any existing unapproved structure, whether soundly built or otherwise, or sited in an appropriate location or in an inappropriate location, could be approved. Had this been the approach, Madam Speaker, this would guarantee an open slather situation where people could blatantly disregard the provisions of the design and siting Act, erect whatever constructions they liked, and then subsequently have them approved.

I am grateful to the officers from the Department of the Environment, Land and Planning who made themselves available to brief me on the Bill, Madam Speaker, and who were able to spell out in some detail how the amending provisions would work in practice. It is envisaged that the Department of the Environment, Land and Planning will take a proactive approach to assist people to modify otherwise sound, already constructed works to meet existing design and siting requirements. This may mean moving a small pergola or shed, or altering the height of a retaining wall or fence, for example. Where unapproved structures exist which are potentially unsafe, and which people in the community are not concerned about themselves, it is acknowledged that they are unlikely to come forward to obtain design and siting approval if there is some risk that they will be required to demolish the structure. I further understand, Madam Speaker, that an amnesty period was trialled over some months from early 1992, to enable people to come forward with information about unapproved structures. Not one person came forward during the amnesty period, so it could not be said to have been successful.

In terms of the number of unapproved structures which exist in the Territory, there are probably thousands of them - no small number indeed. In 1982, for example, a survey of front fences was carried out and some 3,500 of them were unapproved structures. It is understandable, Madam Speaker, that people in the ACT, indeed, people in Australia, tend to regard their residential blocks, in particular, as their own, and therefore the

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construction or erection of what seems to them to be a small structure in the backyard, for example, would be perfectly okay. However, we also know that in the ACT we have a very special planning regime which requires people to have special regard to their neighbour's amenity and the design and siting requirements of the structures that they propose to erect.

While this Bill is not one that will lead to significant change in the ACT, it nonetheless provides people who are especially keen to do the right thing regarding gaining approval for unapproved structures the opportunity to get it right after the event.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (5.55), in reply: Madam Speaker, I thank members for their support. Mr Cornwell wanted an answer to a question relevant to this debate. The guidelines are reasonably well advanced in that we have been doing a lot of work on guidelines lately, so that is a good jump off point. After that, there has not been a great deal of discussion. We are now getting things under way.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

MR CONNOLLY (Attorney-General and Minister for Health) (5.56): I move:

That the Assembly do now adjourn.

Mr Humphries: Thanks for the notice.

MR CONNOLLY: I am sorry; I withdraw. Let us all consult. Let us spend an hour-and-a-half debating whether or not the house should now adjourn. I was told by my deputy leader that it was agreed that we would stop after that Bill. You people really are carrying on. The most unedifying sight I have ever seen was the pettiness of you people prattling on for two hours this afternoon. I do not care; I will sit here until midnight. I am in Mr Humphries's hands.

Mr Humphries: You have not been here most of the time, Mr Connolly; so you would not know what it was like.

MADAM SPEAKER: Order! Mr Humphries has the call. Mr Humphries, do you wish to speak in the adjournment debate?

MR HUMPHRIES (5.57): Yes, Madam Speaker. I simply wish to note, briefly, in the course of this debate - - -

Mr Berry: I take a point of order, Madam Speaker. There is no question before the Chair. I think we will move to the next item.

MR HUMPHRIES: The question is, "That the Assembly do now adjourn".

Mr Connolly: You objected. You said that we had not consulted.

MR HUMPHRIES: No, I did not. You went off half-cocked, as usual. I want to speak to the motion.

Mr Connolly: All right. In that case, I un-withdraw. Does that please Mr Humphries?

MADAM SPEAKER: Order! I believe that the question before the house now is "That the Assembly do now adjourn".

MR HUMPHRIES: I am speaking to the motion "That the Assembly do now adjourn". I have no objection to the house adjourning right now, but it would be nice if the usual courtesy were extended to the Opposition of being told the intention of the Government. Is that not reasonable?

Mr Connolly: That is why I said that I would withdraw the motion if you wished.

MR HUMPHRIES: How about being told that? Is that so hard? Is this the way that this power is going to be exercised in future, Madam Speaker? It seems to me that the Government is getting very churlish about these things, Madam Speaker. I think we have seen that today.

Question put:

That the Assembly do now adjourn.

The Assembly voted -

AYES, 7 NOES, 9

Mrs Carnell Mr Berry
Mr Cornwell Mr Connolly
Mr De Domenico Ms Ellis
Mr Humphries Ms Follett
Mr Kaine Mrs Grassby
Ms Szuty Ms McRae
Mr Westende Mr Moore
 Mr Stevenson
 Mr Wood

Question so resolved in the negative.

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STATUTE LAW REVISION BILL 1994

Debate resumed from 24 February 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

MR HUMPHRIES (6.04): I am sure that we are all delighted to stay back and listen to this debate. Madam Speaker, this Statute Law Revision Bill simply amends a number of pieces of ACT legislation to clear up minor matters - things such as the deletion of sexist language, the removal of redundant provisions and the clarification of typographical errors. It is not a matter of great moment. It probably will appear in Mr Connolly's list of major achievements for the Government at some stage, but it does not quite fit the bill, I suspect.

I have no objections to any of the amendments being made. I make only one small point. The Queensland Parliament has legislation, the name of which I forget - Ms Szuty and Mrs Grassby will know the legislation I am referring to - which they use to amend minor pieces of legislation when reprinted to deal with such things as typographical errors. We call them Clerk's amendments - for example, changing "he" to "he or she", or "he and she", and removing redundant provisions. Those things are dealt with automatically when legislation is reprinted. That avoids having to pass legislation like this through the Assembly, and going through the process of gazetting it and so on. It would be ideal, I suspect, Madam Speaker, and it would save lots of time and paper if we were to do that. We are doing nothing here which warrants spending much time. It really is a matter which should be dealt with mechanically by the Government Printer, not by the Assembly.

MR CONNOLLY (Attorney-General and Minister for Health) (6.06), in reply: Members, I am sure, are grateful that we stayed back to debate this fundamental piece of legislation. It is, however, an important tidying up exercise. Mr Humphries raises an issue: Could we do away with these tidying up exercises and let the printers fix up the typos? There is a procedure when a Bill is going through the place that allows the Clerk to make minor typographical amendments, but these errors are often found some time after the Bill has been enacted. It would be a fairly fundamental issue for the parliament to give to some official in the Government Printing Office or wherever the ability to fix up - - -

Mr Humphries: They do it in Queensland.

MR CONNOLLY: They used to do lots of strange things in Queensland, Mr Humphries. It is not necessarily - - -

Mr Humphries: The Labor Government in Queensland uses this provision.

MR CONNOLLY: I am not convinced that it would be a good thing in principle to pass across that power. I would almost wager good money that if we had such a provision the first time that I, as the person responsible for the printing of legislation, approved a typographical error I would be dragged before this Assembly. There would be Opposition shock-horror press releases saying, "Connolly has interfered with the sovereignty of parliament because he has changed a number or changed a date", or whatever. So I am a little sceptical about that proposal.

Mr De Domenico: And you would go from being the best Attorney-General in the world to being the second best in the world.

MR CONNOLLY: Yes, thank you; pretty much a global package, I think, Mr De Domenico. I thank members for their support, and I am sure that we are all delighted to still be here debating this.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

MR CONNOLLY (Attorney-General and Minister for Health) (6.08): Madam Speaker, as a result of extensive consultations, which are the hallmark of this Government, I now move:

That the Assembly do now adjourn.

Question resolved in the affirmative.

Assembly adjourned at 6.09 pm