



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

9 November 1994

Wednesday, 9 November 1994

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

LIMITATION (AMENDMENT) BILL 1994

MR HUMPHRIES (10.31): Madam Speaker, I present the Limitation (Amendment) Bill 1994.

Title read by Clerk.

MR HUMPHRIES: Madam Speaker, I move:

That this Bill be agreed to in principle.

The Bill is designed to remedy a presumably unintended consequence of the passage of the Limitation (Amendment) Bill of 1993. Members will recall that there were two Bills introduced into the Assembly on 23 November last year - the Taxation (Administration) (Amendment) Bill (No. 2) and the Limitation (Amendment) Bill. Both were introduced on a very urgent basis, and they were passed by the Assembly two days later, on 25 November. The reason for that urgency was the imminent decision of the High Court of Australia in the Capital Duplicators case. Members will recall that at the time there was a perceived threat to the capacity of the Territory, and, indeed, all jurisdictions at the second tier of government, to collect business franchise and other franchise fees in the Territory and elsewhere.

The Bill was introduced to do a number of things that would flow from a possible adverse decision by the High Court, including the reduction of limitation periods and reducing the exposure of governments to claims for the return of revenue, and things of that kind. One measure which was included in that package was a provision that required the application of limitation periods of other jurisdictions to procedures before ACT courts in certain circumstances. Members should be aware that it is possible to sue in the ACT Supreme Court or even the Magistrates Court for events that have occurred outside the ACT. In those circumstances the substantive law that applies in those other places is applied by the court in the ACT; but, in general, up until recently, the procedural law of the ACT has applied in those cases.

One of the effects of the Bill brought forward by, I think, the Attorney-General at that time was to reverse that rule and say that, where a person is suing on a cause of action that arose in, say, South Australia, it is the limitation periods that apply in the South Australian courts that in turn apply in the ACT. It is not entirely clear to me why that was the case in a Bill dealing with revenue from government; but, as I have indicated, this matter was dealt with in great haste and there was not the time to ask those questions.

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I note that in the original Bill a six-month transitional period was applied for persons who wished to recover from the Territory money which had been collected under what might have been an invalid Act, an invalid revenue Act of some kind. I note, however, that there was no equivalent transitional period applied for those individuals who are affected by a change in the law that applied new limitation periods and whose cause of action might be abruptly lost to them because of this change in the law.

The result, Madam Speaker, is that some in our community have been severely disadvantaged by that change in the law. I am aware of two cases, both involving women who were injured in car accidents in Queensland. They have begun cases in the ACT Supreme Court and now have facing them at least the very real prospect, if not the reality, of their capacity to sue in the court being terminated by this change in the law. Their right to sue has disappeared because new limitation periods have sprung up and taken their legal counsel unawares. There is a general problem with the limitation regime set forward in this legislation. It effectively requires that lawyers in this Territory and elsewhere become experts on limitation periods all around the country. Where a cause of action arises, it has to be examined as to whether the limitation period that applies in that place is different from the one that applies in this jurisdiction; but that is an issue for another day.

This Bill has the effect of postponing the operation of the Act for six months in that respect, from its passage in late November last year until the end of May of this year. It affects at least two people in the ACT. I believe, Madam Speaker, that the number affected might be more, but there are at least two such people. Concerns have been expressed about those cases by such bodies as the Law Society of the ACT and the ACT bench. His Honour Justice Higgins of the Supreme Court, in one of those cases recently, commented on a matter to do with that limitation period and referred to the fact that a transitional period was provided for in respect of those who wished to sue the Government for recovery of money under an invalid law. He went on to say in that judgment:

It is unfortunate that litigants in the position of the present plaintiff were not extended the benefit of a similar transitional arrangement.

It is the intention of this legislation, Madam Speaker, to provide that transitional arrangement. This law does not affect cases already decided. It may, I admit, make our laws inconsistent with those of other States for a brief period, and this is part of a national scheme; but I believe that that will occur for only a brief period - a period already ended, in fact - and I am not aware of any serious consequences that would flow from that inconsistency with other jurisdictions.

I indicate, in putting this Bill forward, that I am open to persuasion to withdraw or change our position on this matter. It has been done at great speed. I am willing to listen to the Attorney's views as to why this legislation should not go forward. If there are good reasons why it should not, I am happy to consider those. In the meantime, I put it forward, Madam Speaker, in the hope that the matter can be dealt with before the expiry of the Assembly next month.

Debate (on motion by Mr Connolly) adjourned.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

MR HUMPHRIES (10.39): Madam Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent order of the day No. 18, private members business, relating to the Crimes (Amendment) Bill (No. 2) 1994, being called on forthwith.

Madam Speaker, my party does not lightly take the step of moving this very unusual motion before the Assembly today. We are acutely aware that this motion goes against the tradition of this place that a member is in charge of his or her own matter and is entitled, in most cases, to have the custody of that matter in terms of when it comes forward for debate. I believe, Madam Speaker, that the circumstances which have arisen in respect of this Bill make it clear that that principle cannot be absolute and must, in certain circumstances, be tempered.

The matter that Mr Berry has raised in his Crimes (Amendment) Bill (No. 2) is of extreme importance to a great many members of our community. There are few issues which have generated more intense debate over the last few months than this issue. Indeed, it is one of the issues which have divided our community more acutely than any other in the life of this parliament. I think that, in the circumstances, great expectations hang over the Assembly about the way in which this matter will be dealt with. People expect to see this matter resolved by this Assembly. I believe, Madam Speaker, that it is important for us to determine the issue which has been raised by Mr Berry's Bill. I wrote to Mr Berry recently to ask him to commit himself to a firm date on which he would bring forward the Bill that he presented in this place on 24 August.

Mr Berry: Why do you not table it?

MR HUMPHRIES: I will table the letter. I do not have my letter to Mr Berry, but I do have his reply to me. He indicated in that reply, essentially, that he did not believe that it was appropriate to expedite this matter. I infer from his letter that he believes that there is no case for bringing this matter on for debate necessarily before the end of this Assembly. Madam Speaker, I seek leave to table that letter.

Leave granted.

MR HUMPHRIES: Madam Speaker, I ask members to consider the circumstances where these sorts of matters might be urgent enough to consider under this extraordinary procedure. Let us suppose that a member in this place, now or at some time in the future, tables a motion or a Bill to indicate that, because Asian immigration is a serious problem in our community, Asian people should be ineligible to receive services from the ACT Government, or that Aboriginal people should not be entitled to use the same services as non-Aboriginal people, or that Jewish people should be refused admission to ACT government schools, or something of that kind. There would, understandably,

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be great concern in the community about that sort of matter. This Assembly would feel great urgency, I believe, in wanting to debate that matter. The fact that it remained on the notice paper, possibly intended by a member to be a live issue without being resolved by the Assembly, would be a matter that, I am confident, most people in this place would find utterly unacceptable. I do not directly compare that sort of legislation with Mr Berry's Bill; but I do think that they have one similar characteristic, and that is that they are of extreme importance to many members of the community, they divide the community acutely, and the community expects the matters to be dealt with by this Assembly.

It is clearly Mr Berry's intention that this matter not be resolved by the Assembly in the life of this Assembly. I will be happy to withdraw this motion before the Assembly today if Mr Berry will give a firm undertaking to the Assembly as to on which of the sitting days between now and the end of the year he would wish his Bill to be debated, or, if he wishes to, to withdraw the Bill. The understanding that he has indicated to members, I believe, is that he does not believe that he has the numbers in this Assembly to pass the Bill. In either circumstance, I am very happy to withdraw my motion; but I believe, Madam Speaker, that Mr Berry has thrown up an issue of great importance, and he reserves unto himself the prerogative of saying, "The issue is important, but I do not wish to see it resolved by the Assembly". I do not think any member of this community expects the Assembly not to resolve this matter one way or the other. We should resolve it, and we should be judged on the way in which we resolve it - whether we support or oppose Mr Berry's Bill. But resolve it we must. It is not sufficient for Mr Berry to say, "This is important. I am putting it up, but I am not going to proceed to deal with it at this time".

MR BERRY (Manager of Government Business) (10.44): This Bill is amongst, I think, 40 or 50 items which are on the notice paper. I suspect that the overwhelming number of those will not be resolved by the time of the end of this Assembly. If we were to take Mr Humphries's view, we could spring a surprise attack on the Liberals one morning about a particular issue which they think is important politically and sweep it in front of this chamber at any time we like, after first making sure that they were not prepared.

The approach which has been taken by the Liberals is a political one. It is raw politics at its worst. Because there is a particular matter on the notice paper which they find discomforting to them, they seek to move to upset the rights which private members in this chamber have had for many years; indeed, the rights that members in this chamber would expect to have for many years in the future. It is possible that those rights may not be absolute in all circumstances, but I do not see any reason to upset those rights in relation to this Bill just because the political content of it is not something with which the Liberals are comfortable. That is the issue.

There are many issues on the notice paper which the Labor Party would oppose, but I know that the Labor Party is not about to spring on particular issues from the notice paper for political purposes or just to annoy the Liberals. In fact, we would not have the support of the Independents in relation to the matter anyway. It is as simple as that. They, as Independents, want to choose the timing to suit their own political purposes, as we all do. They want to choose the timing for the - - -

Mrs Carnell: We are very happy for you to set the timing.

Mr De Domenico: Set the timing. You set your own timing. Come on.

MADAM SPEAKER: Order! Mr Humphries was heard in silence.

MR BERRY: They want to choose the time, to suit the community debate, if you like, to bring on their particular items of interest. The Government, for one, stands by their right to do that. It is for those reasons, Madam Speaker, that the Government will be opposing this cunningly inspired, raw political move by the Liberals to bring on this particular Bill. I am not going to go to the issues of substance. That is not necessary in the context of this debate. This is merely a move by the Liberals to upset the order of debate which was set by the Administration and Procedures Committee last evening in relation to all of the matters which are on the list of private members business. We decided, as a committee, as is the custom, not just here but in many other parliaments as well, and certainly in the Federal Parliament. We intend to see that that custom is adhered to. The Government will be opposing the move by the Liberals.

MS SZUTY (10.48): I believe that it would indeed be a sad day for this Assembly if we suspended standing orders to bring on a private members Bill against the will of that private member. On only one occasion that I recall was a private members Bill brought on for debate, following its introduction, against the will of the proposer of the Bill. That circumstance occurred when Mr De Domenico tabled a private members Bill - the Occupational Health and Safety (Repeal) Bill of 1993 - on a matter which had been substantially and comprehensively concluded some months before. This was in relation to the numbers of people in designated work groups. This is an entirely different matter.

The Crimes (Amendment) Bill (No. 2) of 1994, proposing the removal of the relevant provisions of the Crimes Act which relate to abortion, was introduced by Mr Berry in his capacity as a private member on 24 August this year. It is my understanding, as Mr Berry has indicated to this Assembly today, that he does not want his private members Bill brought on for debate today, and in my opinion we ought not to be considering whether or not we should debate it. As the initiator of the Bill, Mr Berry has every right to decide when and whether it should be considered by this Assembly, as every other member of the Assembly enjoys the same rights. I trust that commonsense will prevail and that the majority of members of this Assembly will not support this motion for the suspension of standing orders against Mr Berry's will.

I understand that the support of several Government members will be needed for this motion to succeed. It will certainly not be getting my support, nor, I believe, Mr Moore's or Mr Stevenson's.

Mr De Domenico: Why do you not be consistent and support it, like you did last time?

MADAM SPEAKER: Order!

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MS SZUTY: I could go into the circumstances of what happened in 1993. I do not propose to, because I have about three minutes left in which to speak on this matter; but I did speak at the time about the importance of the stability of government and not overturning a decision which the Assembly had comprehensively looked at some months before.

It will be a very sad situation for Mr Berry if a number of members of his own party are not prepared to uphold his wishes in relation to this private members Bill. I cannot conceive of a situation where I would bring on, or support a motion to bring on, a Bill initiated by my colleague, Mr Moore, without his consent; nor, I hope, would he ever envisage bringing on for debate, or supporting a motion to bring on for debate, a Bill of mine against my wishes. It seems to me, Madam Speaker, that a number of members of the Government believe that the issue of abortion will be off the agenda once Mr Berry's Crimes (Amendment) Bill (No. 2) of 1994 is debated and presumably defeated at this time. I believe that this certainly will not be the case. Mr Berry has been an advocate for women's rights in relation to abortion for many years, and there are certainly other members of this Assembly also who would be happy - in fact, more than happy - to embark on an election campaign supporting, and proudly supporting, a pro-choice position in relation to abortion.

Madam Speaker, I certainly hope that commonsense will prevail and we will not set an unfortunate precedent in this Assembly where a private members Bill is brought forward for debate without the agreement of the initiator of the Bill.

Mr De Domenico: You have already set the precedent.

MS SZUTY: As I have explained, Madam Speaker, they were entirely different circumstances on that occasion.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (10.52): Madam Speaker, Mr Berry ought to bring on his Bill. It is his Bill and his responsibility, not Mr Humphries's. That Mr Berry chooses to leave it on the notice paper is, first, a tactic to keep it on the agenda, and, secondly, an admission that he does not have the numbers to win; but it is necessary that the Bill be debated so that I and others may dispose of it, so that we may defeat it. Mr Berry, let us dispense with this Bill. Bring it on.

MR MOORE (10.52): Madam Speaker, Mr Humphries, in bringing on this motion, said that this is one of the most divisive Bills for the ACT. Nonsense! There is a small number of very vocal people who believe that this is very important. I have had a handful of letters - 40 or 50, or maybe a few more - from people within the ACT - - -

Mr De Domenico: I have had 580. I respond to anyone who takes the trouble of writing to me.

MR MOORE: Mr De Domenico interjects that he responds to them all. I respond to all of them from within the ACT, and I express my opinion very clearly. I have to argue, Madam Speaker, that the issue of urban infill, where neighbour goes against neighbour, is a much more divisive thing than this issue of abortion. I know that some people feel

very strongly that they should have a say over somebody else's body, but there are some of us who make it very clear that we do not. That is the issue that we are talking about in terms of the issue as a whole.

Mr Kaine: You want it only when it is euthanasia.

MR MOORE: We get an interjection about euthanasia. Once again, I believe that a person should have control over their own body. It is a completely consistent stance. I realise that that is divisive as well because there is a small group of very vocal people; but today we are talking - - -

Mr Kaine: You take a different position on the two cases, though, do you not?

MR MOORE: I take exactly the same position on both cases. Today we are talking about the suspension of standing orders. Madam Speaker, I have a Bill on the paper, the Education (Amendment) Bill, on which I know that I will not win unless circumstances change. I like it to stay on the paper. I believe that it is appropriate that it remain on the paper until I call it on. Indeed, the Administration and Procedures Committee has respected people's right to bring on a Bill on every occasion that we have discussed it. Madam Speaker, I would just refer to that example that Ms Szuty talked about. That Bill was tabled and debated then and there, as opposed to one that has been considered by the Administration and Procedures Committee, and I can see argument even about that. I can see that there is an argument about that precedent. Madam Speaker, I certainly will not be supporting the suspension of standing orders in this case.

MADAM SPEAKER: Order! The time for the debate has expired.

Question put:

That the motion (Mr Humphries's) be agreed to.

The Assembly voted -

AYES, 6 NOES, 11

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

Question so resolved in the negative.

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

MADAM SPEAKER: Yes, Mr Humphries.

MR HUMPHRIES: Madam Speaker, during the last 24 hours there has been much toing-and-froing about this matter that has just been resolved by the Assembly. In the course of that debate I had cause to move, as you would know, Madam Speaker, a motion on the floor of the Administration and Procedures Committee last night, that this matter of the abortion Bill be brought forward and put on the daily program for debate today. As you would also know, Madam Speaker, the motion that I moved on the floor of the Administration and Procedures Committee was defeated by three votes to one.

Mr Moore: Why?

MR HUMPHRIES: Madam Speaker, because, as Mr Moore indicated, he felt, and I think the others shared that view, that the thing should be resolved on the floor of the Assembly. That is his view. I raise this matter - - -

Mr Moore: Because there was no request by the person responsible for the Bill.

MR HUMPHRIES: Indeed. The point I make is that it was the majority view, not the unanimous view, of the committee that that be the case. I raise the matter because I am aware that one member, Mrs Grassby, has been in the process of telling members of the community - I imagine that some are sitting in the gallery today - that I concurred in the decision of the Administration and Procedures Committee last night to leave this matter off the notice paper for debate today. That is a heinous and outrageous lie, and Mrs Grassby well knows it.

MADAM SPEAKER: Mr Humphries, you will have to withdraw that. You can rephrase it. Withdraw that, please.

MR HUMPHRIES: Since standing orders require me, Madam Speaker, I will withdraw; but, Madam Speaker, I will say that members should be aware that it is totally untrue to suggest that I concurred in the decision made by the Administration and Procedures Committee last night, as you would verify, that this matter not be brought forward for debate today.

MRS GRASSBY: Madam Speaker, I would like to make a personal explanation. I will not call Mr Humphries a liar. I can think it.

Mr Cornwell: I ask that that be withdrawn.

MADAM SPEAKER: Order!

MRS GRASSBY: I said that I will not call him a liar, Mr Cornwell.

Mr Humphries: Did you say it or didn't you, Ellnor?

MRS GRASSBY: No, I did not.

MADAM SPEAKER: Order!

Mr Cornwell: Madam Speaker, the standing orders do not allow that word to be used.

MADAM SPEAKER: Could we have some order. Mrs Grassby, I did not hear you call Mr Humphries a liar; but, if you did, you will withdraw it.

MRS GRASSBY: Fine. Mr Humphries has caused a lot of mischief over this. I was rung last night by Mrs O'Donovan and she told me that it was going to be brought up. I said to her, "Well, I understand that it did not even get through the Administration and Procedures Committee". That is what I said.

Mr Humphries: And you implied that I was part of that decision.

MRS GRASSBY: I did not say how the vote went, because I did not know how the vote went. I was told by the Whip that it did not get up. That was exactly what was told to me. Mr Humphries has caused mischief over this. He has lost the plot, as he does over many things. Mr Humphries does not handle the truth very well.

MADAM SPEAKER: Order! It is a personal explanation, Mrs Grassby. Please talk about matters that refer to you and you only.

MRS GRASSBY: Exactly, Madam Speaker. This is what I am saying. He has lost the plot over it. Mr Humphries thought he could really make an issue of this and cause trouble. In his Machiavellian way he has completely lost the plot, and he is wrong. That was not what I said at all.

MADAM SPEAKER: Order!

PUBLIC INTEREST DISCLOSURE BILL 1994

Debate resumed from 11 May 1994, on motion by Mrs Carnell:

That this Bill be agreed to in principle.

MS FOLLETT (Chief Minister and Treasurer) (11.00): Madam Speaker, in speaking on the Public Interest Disclosure Bill may I say, first of all, that, as a government, we are committed to the development of a public service which has a reputation for integrity and for probity. Nevertheless, we do acknowledge that, unfortunately, situations will occur which give rise to allegations of fraudulent or corrupt behaviour or maladministration. This does occur from time to time. As part of our commitment to improved accountability, we certainly wish those situations to be dealt with properly, and we recognise that in some cases that will require additional protection for people who make such allegations.

I believe, Madam Speaker, that it is the duty of every ACT Government Service employee to report fraud, corruption or maladministration. Arguably, it is the duty of every citizen to do so as well. There are mechanisms already available for investigating these kinds of allegations. In most cases detection of these activities would not involve access to restricted information. Therefore, disclosure would not incur a penalty, unless, of course, the allegations were libellous and compensation was pursued through the common law.

The Government's whistleblower legislation model is based on the recommendations of the Gibbs committee and it provides a model that it has adapted to this Territory. It was developed in the administrative law framework of the Commonwealth, which, as members will know, the Territory has closely followed. The Government chose to follow this approach on the grounds that the knowledge and the expertise of a former Chief Justice of the High Court of Australia would be hard to better. Of course, Mrs Carnell thinks differently. I am prepared to go with the Chief Justice.

Madam Speaker, Mrs Carnell also has claimed that the Public Interest Disclosure Bill is also based on the Gibbs report. I am not sure why she believes this. Perhaps it is another one of her off-the-top-of-her-head statements. The fact of the matter is that some of the provisions in Mrs Carnell's Bill are directly opposed to the recommendations of that report - a fact that seems to have escaped her. For example, on the issue of coverage, while the Public Sector Management Act limits coverage to public servants and government contractors, both past and present, I might say, the Public Interest Disclosure Bill covers anybody who wishes to make the disclosure. Mrs Carnell has included that despite the following comment in the Gibbs report, and I will quote from it - - -

Mrs Carnell: It is, by the way, the recommendation of our committee.

MS FOLLETT: Madam Speaker, I would be grateful if you would call Mrs Carnell to order. I quote:

... in regard to a proposal that there should be a general ... law directed to protecting any person who reports to the authorities commission of any ... offence or any conduct alleged to be harmful to the public health or safety ... it could be said that institution of such a system of protected informers is usually one of the first steps of a totalitarian society.

That is what Mrs Carnell has put forward, though. Madam Speaker, the Government supports the notion that whistleblower protection measures should come into play only when making allegations involves disclosure of restricted information - information which would not normally be openly available - and where the act of disclosure would render the person making the allegations liable to criminal or disciplinary punishment. Such people, almost by definition, would be only government employees or contractors.

The differences from the report of the Gibbs committee, Madam Speaker, do not stop there. The Public Interest Disclosure Bill also legislates for absolute privilege as a defence against any civil action. Not only does this go against the recommendations of the Gibbs report; it also creates an anomaly within the Territory's defamation laws.

I would also like to point out that the report of the Senate Select Committee on Public Interest Whistleblowing - it was called *In the Public Interest* - also believes that any person making allegations should not be given any special exemption from the laws of defamation. Mrs Carnell thinks that she can draft a better Bill than the former Chief Justice and the bipartisan Senate select committee.

Madam Speaker, the Government has other concerns with the Public Interest Disclosure Bill as well. As a stand-alone piece of legislation, the Bill does not dovetail with either the discipline provisions or the grievance provisions of the Public Sector Management Act. These provisions are necessary to ensure not only that public servants are disciplined for any misconduct but also that officers who claim to be the victims of harassment because of allegations they have made do have recourse to the services of the Merit Protection and Review Agency. The necessity of the link with the Merit Protection and Review Agency, I should point out, Madam Speaker, was reaffirmed by the Senate Select Committee on Public Interest Whistleblowing. Of course, Mrs Carnell thinks she knows better than that. The Senate select committee also recommended that, under certain well-defined circumstances, whistleblowers can make allegations directly to the media. This is consistent with the Public Sector Management Act and in direct contrast to the Public Interest Disclosure Bill, which, ironically, does not allow public interest disclosures to the public. There is a little bit of an anomaly there, Mrs Carnell.

Madam Speaker, in summary, I would suggest that the enactment of the Public Interest Disclosure Bill not only is unnecessary for the effective and accountable administration of the Territory but also would be very wrong. Apart from the fact that provisions of the Public Sector Management Act are already in place, the differences between the Act and the Public Interest Disclosure Bill suggest that Mrs Carnell actually believes in a public sector that is riddled with corruption. I do not believe that. The more than four months now of operation of the whistleblowing provisions of the Public Sector Management Act certainly suggests that that is not the case, and that infringing on civil liberties through a system of protected informers - informers with total privilege, with immunity from the civil law - is not only unnecessary but totally undesirable. For that reason, Madam Speaker, the Government will be opposing this Bill.

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport) (11.07): I rise to support the comments of the Chief Minister in opposing this Bill. I find it rather surprising that the Leader of the Opposition would attempt, through private members business, to bring forward this Bill in this way.

Mrs Carnell: Why?

MR LAMONT: For the very simple reason that your colleague Mr Kaine, the former Leader of the Opposition and current chair of the standing committee of this Assembly required to oversight the implementation of the new ACT public service legislation and processes, has specifically before his committee the question of the whistleblower legislation and the provisions of the Act. It was quite clearly the view of this Assembly during the debates on the implementation and the introduction of a separate service in the ACT that the time needed to give consideration to all the complexities of the varying reports, as outlined by the Chief Minister and agreed to by Mrs Carnell this morning,

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would need to be given further consideration. Quite clearly this Assembly rejected the recommendations of the Select Committee on the Establishment of an ACT Public Service on whistleblower legislation as they affected the Bill at that time; but, quite clearly, it said that it was appropriate that the legislation be enacted in the form determined by this Assembly and the matter be further investigated.

What has happened since? Every opportunity has been given for that committee to resurrect and to continue its deliberation on the appropriateness of those matters contained within the separate service Act. That is the appropriate way for this matter to be dealt with, not by Mrs Carnell attempting to exercise the wisdom of Solomon in the way she has formed her Bill. In fact, she has circulated amendments today. The Chief Minister went through and highlighted the advice received. Mrs Carnell believes that she has become a parliamentary draftsman far superior to a former Chief Justice in relation to one of those reports which outlines a range of issues.

Mrs Carnell: No; it was your drafters who did it.

Mr Humphries: That is it; attack the public servants.

MR LAMONT: Mr Humphries, after your grubby little act just now, I suggest that you should be the last in this Assembly to talk about attacking the person.

MR DEPUTY SPEAKER: Order! Relevance, please, Mr Lamont.

MR LAMONT: Mr Deputy Speaker, the proposal that is being considered now during private members business time is that we consider once again the substance of a matter that was rejected by this Assembly when it considered the report of the Select Committee on the Establishment of an ACT Public Service.

Mrs Carnell: The Government did; the majority of the Assembly did not.

MR LAMONT: This Assembly voted on what happened, Mrs Carnell. That may be something that escapes your mind. It would appear that most things escape your mind fairly easily. We have considered this matter in relation to the establishment of a separate service and the legislation that was put through. We have established a committee to oversight the implementation of that Act and to give further consideration to issues raised. If you wish to have the Act, as it is currently framed, further considered, amended, altered or changed, the appropriate way for that to be done is through the established committee process of this Assembly.

Mrs Carnell: Are you saying that I should not have control of my own Bill?

MR LAMONT: No. What I am saying to you, Mrs Carnell, is: Learn. While you have not very much to offer, I would suggest, the least you may be able to do is to learn from the processes that apply in this place. The matter was considered. It was rejected by the body of the Assembly. We have a piece of legislation that takes into account the content of your legislation. It says that, in the establishment of a separate public service, we proceed in a particular direction, and that we establish a continuing committee to oversight the implementation of legislation establishing a separate service in the ACT.

Mr Deputy Speaker, that, I would have assumed, would have been enough indication to most thinking people that the question of the whistleblower legislation that had remained on the table had been given consideration through that process and would again be reviewed by that committee. That is the appropriate mechanism for that to be done. But, lo and behold, what do we find? No. Suddenly, it is urgent again, and they say, "Let us bring it on. Let us see whether we can grab the headline. Let us see whether the press release goes out. The Government is not doing it properly". This same person, Mr Deputy Speaker, and this same party last week were whingeing, once again - carping, dare I say - that the Wastewatch hotline was a waste of money because it did not provide an opportunity for people to raise issues and to say to the Government, "Here is a problem that you have; here is something that you should do". What they are now suggesting is that this piece of legislation will provide greater opportunity. That is absolute nonsense.

This Assembly already has established, I believe, the proper framework for these matters to be dealt with. This Assembly, I submit, has determined what shall be contained in the public service Act and has established a process to review that and to see to its implementation. I believe that that is the proper process for this Assembly to follow as far as whistleblower legislation is concerned.

Mrs Carnell: The committee did not.

MR LAMONT: Mrs Carnell says, "The committee did not". I am sorry; this Assembly, at the end of the day, quite rightfully, has the right to determine its view. It did so, and it did so in two distinct parts, Mrs Carnell. It said, "Reject what Mrs Carnell has proposed and what the committee proposed and allow the legislation to go forward in this manner". In a very long, involved and detailed debate, the Assembly determined to proceed with the separate service legislation in a particular manner and in a particular timeframe, but said, "There are questions that will need to be further considered. We will need to keep the Government and the public service on their toes as far as the operation of this Act and the administration of a separate service are concerned".

This Assembly took, in my view, the right decision in establishing a standing committee. It took the right decision in appointing as its chair Mr Kaine - a member of the Opposition and somebody who has considerable experience in public administration. I think that is the appropriate way to go. We also took the decision to appoint other members of this Assembly to that committee to review the operations of the Act and the provisions contained within it.

Mrs Carnell: Why did we not refer the Bill?

MR LAMONT: I would also suggest that what it should also be looking at, if it has not yet undertaken the task, is the appropriateness of the whistleblower legislation and whether or not opportunity is being afforded for those types of circumstances that Mrs Carnell carps on about being raised. That is the appropriate way for this matter to be progressed.

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Mr Kaine is being put in somewhat of an invidious position. On the one hand, as chair of that committee, he has a function which I acknowledge he will perform admirably. On the other hand, his leader has her private members business before us today. I have no doubt that Mr Kaine, in a great display of solidarity, will stand up and support the procedures here this morning. I sympathise with him for having been tied in to do so, despite his protestations that he may not have been tied in. I think it is apparent to all of us, despite this feeble attempt at solidarity and Mrs Carnell saying, "Oh, I think I had better do something now", that there is a more appropriate way for this question to be dealt with. I believe that it is appropriate for this Assembly to say no to this matter being progressed today, to acknowledge that the review of the existing separate service legislation is the function of a committee of this Assembly. If Mrs Carnell wishes to have the specificity of her Bill considered within the framework of the separate service legislation, her most appropriate course of action - in fact, a courageous act on the part of one of her colleagues - would be to move a motion this morning to refer it to Mr Kaine's committee. That would allow it to be properly debated and well thought out.

Mrs Carnell: I choose for it to be debated here.

MR LAMONT: My reply is very simple. I will respond to the interjection, Mr Deputy Speaker. I would suggest to you that it is appropriate, because of the range of conflicting views and the plethora of documentation that has been produced out of this committee, that parliament, from this expert and from that expert, for this matter to be debated, discussed and further investigated through the most appropriate mechanism available to us in the Assembly, and that is through the Assembly's committee. I do so recognising that at the end of the day there may not be all that much that will separate the particular views of the make-up of this Assembly. There very well may not be. If it is proposed today that we debate this issue clause by clause, page by page, we will be here for the next nine days.

Mrs Carnell: That is fine.

MR LAMONT: I hear Mrs Carnell say, "That is fine".

Mrs Carnell: It is my Bill. I choose for it to be debated.

MR LAMONT: You can choose to do so - - -

Mr De Domenico: It is the same principle that Mr Berry put.

MR LAMONT: Mr De Domenico, if you want to go outside and continue your yapping, I suggest that you do so. We are getting on with the business of the Assembly.

Mr De Domenico: Let us debate the Bill, Mr Lamont. Let us get on with the business.

MR LAMONT: I do not believe that this matter can be done justice to in the time that is allowed to us, Mr De Domenico. We have private members business for two hours today. We have akin to an hour and 40 minutes left. We have three more sitting weeks. That gives us another six hours. I do not believe in terms - - -

Mr Humphries: Four hours.

MR LAMONT: Just over five hours. There would be just over five hours of debate on a matter that, I suggest, was given considerable consideration by the Select Committee on the Establishment of an ACT Public Service. That committee was unable to bring up a proposition that, at the end of the day, was supported overwhelmingly by this Assembly and allowed to pass into legislation. The more appropriate way to do it would now be to have that committee revisit that issue. If Mrs Carnell regards the existing legislation as being deficient, after having gone through this exhaustive process, then again I call on one of her colleagues to be courageous and to refer this Bill, in its specifics, to that committee. I suppose that, once again, we will see the Liberals not prepared to be courageous. Mr Deputy Speaker, it is obvious that the only way in which this Opposition can show its backbone is by the way in which they slide. Mr Deputy Speaker, I would even ask you to consider putting forward such a proposition in the interests of solidarity within your party.

MR KAINE (11.22): Mr Deputy Speaker, I am sometimes confounded by the verbal acrobatics of some of the people opposite. What emerged from Mr Lamont's speech is that he needs to go away and to learn the rules of logic if he is going to make those kinds of rhetorical speeches. What he said was totally illogical, and he demonstrated his ability to jump from one side of an argument to another, depending on when it suits him. To deal with the question of whistleblowers legislation in the general, it is a matter that is before the standing committee that was established. In fact, we have done a great deal of work. We have accumulated a great deal of information from all over Australia about whistleblowers legislation and we have two meetings scheduled - one for next Friday and another for Thursday week - to discuss it; but we are looking at it in the general. Why are we doing that? Mr Lamont says that we should be looking at Mrs Carnell's Bill. There is one minor impediment - this Assembly has never referred the Bill to the committee for its consideration.

Mr Berry: It has.

MR KAINE: You have not. I correct you.

Mr Berry: It is understood that it is before the committee. Come on; that is rubbish.

MR KAINE: If it has been referred to the committee, Mr Berry, why does it remain on the notice paper as a live issue? It is on the paper as a live issue because it has never been referred anywhere. It is a private members Bill; it is Mrs Carnell's Bill. So, the matter is before this Assembly. It is not before the committee. Mr Lamont's great rhetoric falls apart at the seams. He has had plenty of time, if he thought that the Bill should be before the committee, to refer it to the committee. There has been no move from Mr Lamont, from Mr Berry or from anybody else to refer it there. The fact of the matter is that it is before this house. It is a private members Bill and it is here for debate.

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The second point that I wanted to take up with Mr Lamont, Mr Deputy Speaker, is that just within the last hour we have had a debate about the right of a private member to dispose of their own private members Bill. He sat over there and he voted to say that Mr Berry's Bill could not be brought on for debate by this Assembly because it is Mr Berry's Bill and Mr Berry is entitled to dispose of it. He stood up 20 minutes later and said that Mrs Carnell cannot deal with her Bill. That is a private members Bill too. But no, she should not be bringing it on for debate; she should be referring it somewhere else. Where is the logic? I suggest that we will have to start calling Mr Lamont the chameleon because he can change his colour and his spots from one debate to the next.

There is another interesting aspect of his argument that this matter should not be debated here; that it should be debated in the committee. Mr Lamont had no compunction, a few weeks ago, about debating that part of the Public Sector Management Bill that dealt with whistleblower legislation, and he put it into effect. If it is wrong to debate the subject today, why was it right to debate it when we knew that there was controversy about that section of the Public Sector Management Bill? Why was it right and appropriate to debate that part of the Bill then? Mr Lamont wants to have his cake and to eat it too. It was okay to debate the Government's proposals, even though they were controversial and subject to question, and to enact them into law, knowing that there was going to be a public sector committee established to deal with the issue; but it is not okay to debate it today. What is the double standard that we operate under in this place?

It is quite appropriate, Mr Deputy Speaker, for Mrs Carnell to seek to have this Bill debated today as a specific document, a specific Bill before the house, even though there is a committee established that is looking at the issue in the general sense. We have a wide range of material, and out of that will emerge, I have no doubt, some recommendations to this place that will result in change to the Government's Act. If the Assembly did not intend that that be the case, why did it establish the committee, and why is it assumed by all the members of the Government that the committee is in fact looking at this matter? They know that we are looking at it and they know that we will make recommendations. Our recommendations can be in respect of amendments to the Government's Act, or they can be amendments to a new Act which would be put in place today if the Government had the gumption to debate the issue. But, no, they do not want to do that; it is not part of their agenda.

Mr Lamont stood up and rambled on for 20 minutes. First of all, he showed himself to be capable of switching from one side to the other at will, depending on the subject. Secondly, he showed that he has no sense whatsoever of developing a logical argument to sustain whatever position he chooses to adopt. He did not convince me. I remain satisfied that Mrs Carnell is entitled to have her Bill debated today. She should not have to stand this kind of personal assault because she seeks to bring forward her private members Bill, any more than Mr Berry should sustain some kind of personal assault because he chooses not to. We dealt with that matter only a little while ago. Here we have the same situation, but the members of the Government have moved to the opposite side of the argument. They do not want to sustain the argument that they were happy to try to sustain a little while ago.

Mr Lamont has overlooked the fact that this Bill that we are trying to debate this morning was introduced into this Assembly on 23 February this year, a long time ago. Guess what? Who was a member of the public sector committee then? Mr Lamont. If he thought that it was necessary that the matter be dealt with in the committee of which he was a member, and a member for some time afterwards, why did he not move to have it so discussed? He did not think it was appropriate then, but he seems to think it is appropriate now. All I can say to Mr Lamont and to members of the Government, as in the last debate, is: Stand up for the courage of your convictions, debate the matter and deal with it. Do not bring forward these spurious arguments to say that we should not be debating it. That is not what this place is about. It is no wonder that in some cases this place is held in fairly low repute, when people simply will not face up to the issues because they do not want to.

MS SZUTY (11.30): I am rather intrigued by this debate. It is my belief that the Standing Committee on the Public Sector can still consider Mrs Carnell's Bill in the context of our terms of reference. I would like to remind members of what those terms of reference are. I quote from the *Minutes of Proceedings* of 16 June 1994:

Public Sector - Standing Committee - appointment: Mr Kaine, pursuant to notice, moved - That:

1. a Select Committee on the Public Sector be appointed to examine the implementation of the Public Sector Management Act 1994 and any associated legislation with particular reference to ...

It goes on. I believe that members will recall the very extensive debate we had on the Government's proposed section with regard to whistleblowers, when the report of the Select Committee on the Establishment of an ACT Public Service reported to this Assembly. It was certainly my understanding, as a member of that committee, that the issue would indeed be further dealt with before the conclusion of this year. I note Mr Kaine's comments about the right of a private member
- - -

Mr Kaine: We are not talking about the issue. We are talking about this Bill.

MS SZUTY: I understand that, Mr Kaine. I understand that you are making the point of the right of a private member to decide the fate of their Bill. Mr Deputy Speaker, it was certainly my understanding that the Bill and the issue are currently before the Standing Committee on the Public Sector. That seems to me to be the most sensible place, the most logical place, to resolve the issues about whistleblower provisions. The Select Committee on the Establishment of an ACT Public Service decided in its report, as I said, to adopt the Government's provisions in relation to whistleblowers. Extensive comment was included in that report about our need to look more extensively at the issue. I really am perplexed that Mrs Carnell has decided to bring this Bill forward for debate today, with very lengthy amendments, which I first saw yesterday afternoon. I would have to say, Mr Deputy Speaker, that I am still perplexed because I believe that it is an issue that is before the Standing Committee on the Public Sector.

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MR BERRY (Manager of Government Business) (11.32): I am a member of that committee to which Ms Szuty referred, and I do not have any doubt about the issue; it is before the committee.

Mrs Carnell: Why is it on the notice paper?

MR BERRY: We have discussed it. So, let us stop kidding ourselves about this issue. Mrs Carnell, always in a hurry, wants to wheel out the little band wagon and subvert the appropriate processes in this Assembly to suit her own ego. It might be all right for Mrs Carnell, but I am not going to sit idly by and see that happen. I supported the Government's move in relation to whistleblower legislation. I think it was a good move.

I listened to the Chief Minister's speech in relation to this matter. She drew out a range of issues which would be of concern to the community, which are of concern to me, and which could be considered in the context of the committee's deliberations. It seems that Mr Kaine is not too keen. I suspect that the Liberals might be able to deal with Mr Kaine's level of keenness, but when it comes to the issue it will be looked at in the committee. That is the process which is appropriate, given that it is the understanding of everybody in this place, including the Liberals, no matter how much they deny it, that it is being considered by that committee. This is just another lightweight stunt to get interest focused on this issue again, but you failed. There is appropriate legislation in place, looking after these issues, properly decided by this Assembly. There is a committee process in place and it is chaired by a Liberal member. The matter is before that committee.

It is a whole load of old nonsense to rave on about Mrs Carnell's choice to have the matter considered here. Why did she not, in her caucus, direct Mr Kaine not to even consider the matter? There is no sign of that. I know that Mr Kaine will deal with this issue appropriately in the committee process, as he always does, and I am sure that at our next meeting this matter will be mentioned. How much detail we get through will be a matter of some discussion, I am sure. It will rate a mention, Mrs Carnell, you can rest assured, as it has rated a mention before.

I have to say that there is not a great deal of urgency about to consider it when we have in place a process which deals with the problems that you pretend are there. I do not know that the problems are in fact there. Some of the issues that Mrs Carnell has raised are in the usual vein - that is, to create the impression that something is badly wrong; that there needs to be immediate action to ferret out these wrongdoers and to expose them to the community; and that the future of the ACT community is in grave jeopardy unless we adopt her view. Thankfully, most of the community are running away from Mrs Carnell on those issues because they have now grown to understand what Mrs Carnell is all about - a stunt mistress. It is just stunt after stunt after stunt. We saw this morning's effort by Mr Humphries.

I would support a motion that this matter be adjourned and that the committee be allowed to consider how it might deal with the issue as time passes. I cannot speak for anybody else; but, for my part, I think that the action that has been taken thus far is quite adequate. It suits all the purposes which are appropriate in the circumstances. Any of the concerns which were whipped up by Mrs Carnell have been satisfied, I am sure, by the legislative approach which has been taken by this Assembly. The community would be entirely satisfied that this matter is being put through due process and that the committee, in its wisdom, will make some recommendations.

Mrs Carnell has set out to promote herself as a leader in relation to whistleblowers legislation. I listened to the Chief Minister's speech in relation to this and, very clearly, Mrs Carnell has flown in the face of some expert views on this matter and she is, quite plainly, wrong. I heard Ms Follett say in relation to a proposal put by Mrs Carnell that the Gibbs report said this:

... it could be said that institution of such a system -

that is, the system proposed by Mrs Carnell -

of protected informers is usually one of the first steps of a totalitarian society.

That is a bit of a surprise, coming from the Liberals; nevertheless, this shows the extent of the ignorance about these issues. They are issues that really need to be addressed in the context of that committee. I know that we are rapidly running out of time because - - -

Mrs Carnell: That is right; that is why I want to debate it.

MR BERRY: But you have to accept some day, Mrs Carnell, that you are where you are because you did not have adequate support to be anywhere else, and sometimes you are not going to have your way. You might spit the dummy in relation to that occasionally, but we all have to live with those little setbacks in life. As far as this issue goes, there are some serious flaws in the proposal that you have put. There are adequate safeguards in place. There is a committee looking at it and I think that is a quite satisfactory arrangement. In due course, as was mentioned earlier, there is a likelihood that an adjournment motion will be moved in relation to this matter. I will support that, and then the committee will be able to get on with the business, if that is what Mr Kaine and the other committee members want to do.

I have to say, as I have said earlier, that I have not detected any sense of urgency on the issue. I think there is a general level of satisfaction that the matters in relation to whistleblowers are well safeguarded by the action that the Government has taken thus far. I think they have done a good job in addressing the issue. There are no ratty proposals in what the Government has done. I cannot say that about the legislation which is being proposed by Mrs Carnell; but I am quite happy, as a committee member, to sit down and look at all the issues. If I am proven wrong, that will be something that will be picked up in the report of the committee. I am sure that Mr Kaine, as I mentioned earlier, will ensure that there is complete debate about matters which might be controversial.

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Matters that we might differ on will be well ventilated, I am sure, because Mr Kaine's committees are very democratically run, and fairly run. The outcome may not result in a unanimous decision, but at the end of the day everybody will be satisfied that they have had a fair go in Mr Kaine's committee. Mrs Carnell, it would do you proud if you were to accept that your colleague Mr Kaine is in a position to deal quite ably with this issue in his committee, and I think that should be the course which is followed.

MR MOORE (11.42): Madam Speaker, the issue today in debating this Bill reflects two important factors. First of all, the Leader of the Opposition would attack one of her own members.

MADAM SPEAKER: Mr Moore, I believe that you have spoken before on this issue. Is leave of the Assembly granted for Mr Moore to speak again?

Leave granted.

MR MOORE: Thank you, members. I appreciate that, and I will be brief. The debate today focuses on two things - first of all, the attack that this represents from the Leader of the Opposition on one of her own party members and, secondly, an admission on her part of her inadequacy as a leader. They are the two things it does. This attacks Mr Kaine for his incompetence in not dealing with this issue within his Assembly committee. Mr Kaine is chair of that committee and it is up to him to drive that issue. The issue of community initiated referenda was before a select committee for a far shorter period; but that committee, with a great deal more to consider, has been able to prepare a report which will be tabled tomorrow. Madam Speaker, it was always possible for Mr Kaine to take this issue, to realise how important it was to his leader, and to run with it. Mrs Carnell recognises that Mr Kaine would not do that and is therefore suggesting incompetence on his part. However, Madam Speaker, we all know that Mr Kaine can drive committees and can drive issues, as he does, for example, in the Public Accounts Committee. Time after time there are quite extraordinary and quite difficult issues before the Public Accounts Committee that Mr Kaine drives. He is capable of doing it. But, for some reason, he is not doing so on this issue. Why?

That takes us to the issue of leadership on the part of Mrs Carnell. She cannot get him to do it. One has to wonder whether Mrs Carnell has even asked Mr Kaine, "Can you get this one out? You know that the Public Interest Disclosure Bill is really important to us in the Liberal Party. It is really important to get this out. It is an important issue. Trev, drive it for us. Go for it". That is the sort of thing one would expect of a competent leader. Because we are not privy to those sorts of conversations, it is up to us to draw some conclusions about what must have happened between these two people in the Liberal Party. There is some great rift there, surely, that means that we cannot get that sort of - - -

Mr Cornwell: You have the wrong party. Ask him over there about abortion.

MR MOORE: I know about the rifts in the other party; today I am talking about the rifts in the Liberal Party. Madam Speaker, what we really have here, apart from the attack on Mr Kaine for being incompetent on this issue, unlike the way he works in the Public Accounts Committee, is an admission of Mrs Carnell's inability to lead the Liberal Party as a team and to get the issues up and running. Not being able to do that, she says, "What I will do instead is bring it back before the Assembly, and we will get it resolved that way". Then we get all these pretensions about it not being before the committee. Codswallop! Of course it is before the committee. The committee's terms of reference make it very clear. They refer to "any associated legislation" and, if that was not enough, they also include "any other related matter".

Really, Madam Speaker, the committee has no problem in considering this. We have heard two members of the committee tell us that they are considering it. We also know from the *Hansard* of the previous debates on this issue that a number of people have said that it is appropriate for the committee to consider this issue as part of that inquiry. If we look at the whole picture, Madam Speaker, instead of trying to be selective and exclude the parts that we do not like, it is quite clear that this is before the committee. It is quite clear that Mr Kaine could have had a report back to this Assembly by now if he wished. It is also quite clear, Madam Speaker, that, if Mr Kaine and his committee want to have this back before the Assembly in the next session of private members business, that is also perfectly possible.

Madam Speaker, there is no doubt that there are some very important issues raised by the Public Interest Disclosure Bill. In many ways it provides some very important protections for people - I have spoken to that before - and for openness in government. It is quite important. So, let us get Mr Kaine's committee up and cracking and let us get a report back so that we can debate this properly with the benefit of that report. Mrs Carnell cannot get you moving, Mr Kaine; but, with a bit of encouragement from the rest of the Assembly, we know that you can do it. We have seen you do it on the Public Accounts Committee. So, let us get going.

MR DE DOMENICO (11.47): Madam Speaker, it has been interesting sitting here listening to the debate this morning because - - -

MADAM SPEAKER: Mr De Domenico, you fall into the same category as Mr Moore. I gather that members are giving Mr De Domenico leave to speak.

Leave granted.

MR DE DOMENICO: Have I spoken? It has been so long, Madam Speaker, that I have forgotten.

MADAM SPEAKER: Apparently so, yes.

MR DE DOMENICO: Thank you, Madam Speaker, and members.

MADAM SPEAKER: That is all right. You have leave.

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Mr Berry: It was a forgettable speech, Tony.

MR DE DOMENICO: No. Mr Berry, I am glad that I follow you and I am glad that you interject. It is always interesting when Mr Berry interjects, because my memory does not serve me well. This Bill has been on the notice paper for so long. In fact, Mr Berry, it has been on the notice paper since 24 February. Guess what? It was at the time that you were a Minister. It was before this Assembly saw fit to say that you misled us and you were no longer a Minister. Mr Lamont, I recall, was on the committee on 24 February. It was such a long time ago. I think I chaired the committee at that time. Did Mr Lamont move to refer this Bill to the committee? The answer, of course, is that he did not. Mr Lamont probably did not even read the Bill.

I have sat here and listened to people say, "Listen, this Bill is already before the committee". That is nonsense. Point No. 1 is that if it was before the committee it would not be on the notice paper. Point No. 2 is this: Let us see what the committee secretariat has to say about it. We on this side of the house have been accused. Mr Moore stood up and started talking about leadership, for heaven's sake. Before we come in and say anything in this place we make sure that we have the facts right. Here is a letter from the secretariat of this Assembly and it says this:

I refer to our conversation on 11 October 1994 where you requested information on how the Public Interest Disclosure Bill can be brought on for debate.

The Public Interest Disclosure Bill 1994 was referred by the Assembly to the Select Committee on the Establishment of an ACT Public Service on 11 May. The motion of referral stated that "upon the Committee presenting its report to the Assembly resumption of the debate on the question 'That this Bill be agreed to in principle' be set down as an order of the day for the next sitting."

Accordingly, following the tabling of that Committee's report on 16 June, the Bill returned to the Notice Paper. It may be moved higher on the Notice Paper in the usual manner.

The Select Committee recommended that the stand alone whistleblower legislation be considered by the Standing Committee on the Public Sector, and such legislation falls within the Committee's terms of reference, although the Assembly has not given the Standing Committee any specific reference in relation to that matter.

Mr Berry: But it is already being considered.

MR DE DOMENICO: Mr Berry, the Bill has not been referred to the committee.

Mr Berry: It is being considered by the committee.

MR DE DOMENICO: Mr Berry, I will repeat myself. The Bill has not been referred to the committee. You are a member of that committee and you should have known that, Mr Berry. This Assembly has not referred the Bill to the committee.

The most important point is that this morning we debated an individual member's right to do what they want with their particular piece of legislation. Sometimes that does not fit, because Ms Szuty stood up and said that on one previous occasion that right was abrogated by this Assembly because of what she had to say. She said that at that time, unlike this time or any other time, there had already been extensive debate on the matter. I am saying to you, Ms Szuty, that on this matter there also has been extensive debate, and this time, Ms Szuty, Mrs Carnell, whose Bill it is, requests that her Bill be debated in this place on this day. Let us give Mrs Carnell the same courtesy that you saw fit to give Mr Berry this morning and allow Mrs Carnell to do what is her want with her Bill. Let us have the debate today, right now, and, if members opposite wish to vote against the Bill, let them squirm away and vote against it. That is what it is all about. There must be an election in the breeze, Madam Speaker. Where are the champions of community consultation, Mr Moore and Ms Szuty? Let us see where they stand on this issue of citizens-initiated referenda. Let us vote on it today. Let us make sure that this Government and the members on the cross benches - - -

Mr Berry: We are not doing citizens-initiated referenda, Tony. I think you have the wrong Bill.

MR DE DOMENICO: Whistleblowers. I am sorry. I have made a mistake, Mr Berry. I am sorry. I am wrong. I am human. Let us do the back squirm, Mr Berry. While we are talking about leadership, Mr Moore brought up something about leadership. Ms Follett, of course, is playing catch up politics. Mr Berry said, "There is no urgency in any of this. Everything is hunky-dory. Everything is fine the way things are".

Mr Berry: We have done it. It has all been done.

MR DE DOMENICO: It was only because Mrs Carnell put this Bill on the notice paper on 24 February that Mr Berry knew what whistleblowers were, for heaven's sake. He would not know what it was about. Let us talk about the catch up politics bit. There is no doubt that this Bill is far superior to anything that this Government has brought up or ever will bring up. There is no denying that. Let us vote upon it today to see whether you agree with Mrs Carnell's Bill. It is her Bill, after all. Let us give Mrs Carnell the same courtesy that you lot voted this morning to give Mr Berry. It is a private members Bill. It is Mrs Carnell's Bill. It is her desire for it to be debated today, right now. Let us see how discreet and how honest you people are and how much conviction you have. Let us give Mrs Carnell the same courtesy that you afforded Mr Berry.

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MADAM SPEAKER: The question is: That this Bill be agreed to in principle.

Mr Berry: No; we - - -

Mrs Carnell: I am going to close the debate.

MADAM SPEAKER: Mrs Carnell closes the debate.

Mrs Carnell: What I am going to do is move my amendments. If somebody wants to refer this thing, then refer it; but we are going ahead. So, if you want me to - - -

Motion (by Mr Connolly) proposed:

That the debate be adjourned.

Mrs Carnell: I would like - - -

MADAM SPEAKER: You cannot debate that motion.

Mrs Carnell: No. I seek leave to speak. But, if I do, I am going to close the debate, am I not?

MADAM SPEAKER: The motion before the house is: That the debate be adjourned. Mrs Carnell has sought leave to speak. Is leave granted?

Leave granted.

MRS CARNELL (Leader of the Opposition): Thank you very much, Madam Speaker. I would like to speak - - -

Mr Moore: Madam Speaker, I seek clarification. I am quite happy about giving Mrs Carnell leave to speak, but not in the sense that it would close the debate. The understanding is that it is leave to speak without closing the debate.

MADAM SPEAKER: No. Because we do not speak to adjournment motions, she has leave to speak to the adjournment motion, but no other issue.

Mr Moore: Thank you.

MRS CARNELL: Madam Speaker, I think it is really important to clarify a few issues here. My Public Interest Disclosure Bill was tabled in this place in February of this year, not exactly five minutes ago. It was debated to some extent at that stage. It was then referred to a committee, against my will at the time; but that is fine. It seems that there is one set of rules for this side of the house and one set of rules for the other side.

We accepted that situation. I gave evidence to the committee, and the committee produced a report that had a whole chapter, chapter 3, on my Bill. It is not as if anybody could suggest that the Bill has not been looked at. It has been looked at to the extent of a whole chapter. There are a number of recommendations in this chapter which I have picked up in the amendments that I have tabled today. They were circulated, at least to the Independents, yesterday. We have given reasons why the amendments that were picked up were picked up, and the - - -

Mr Moore: See how quickly Mr Kaine could have done the job.

Mr Wood: You have mucked it all up. That is the simple fact.

MADAM SPEAKER: Order!

MRS CARNELL: The Bill was never referred, as many people have said. As the officials of this Assembly have made clear, it was never referred. It is on the notice paper. Counting today, we have three private members business mornings left before this Assembly rises. I feel that this is an important piece of legislation that needs to be debated. It has not been referred. It has been looked at already by one committee, and a whole chapter of its report has been based upon this Bill. I brought down amendments covering the issues that were recommended by that committee - the ones that I, as it is my Bill, support. I am very happy for this Assembly either to vote for or to vote against my piece of legislation, which, as I said, has been on the table since February. It has gone to one committee already and a whole chapter has been written about it. I choose - and it is my legislation - to have this Bill debated before we rise.

If Mr Berry has the right not to bring forward legislation that is on the notice paper, surely I have the right to bring forward legislation that is on the notice paper. It seems quite simple. The Assembly also has the right to vote against that legislation. That is quite simple. That is the job we do here. It does not seem to me to be difficult that those rules should apply. What I have a problem with is this Assembly continuing to tell me what I should do with my private members business. Vote against it if you do not like it.

Mr Berry: No; it is before a committee.

Mr Moore: It is not the system, Kate. There is a whole range of things that we can do with your Bill once you bring it on.

MRS CARNELL: Obviously, there are different rules for different sides. As Mr De Domenico has already said, the fact of the matter is that this Bill has not been referred to the Select Committee on the Public Sector. It still has not been referred. On that basis, it is on the notice paper, as everyone has been able to see for quite a period of time now. It is not as though it has been a secret. The notice paper is not secret. It is on the notice paper. On that basis I sought, via our Whip, to bring it forward for debate this morning. The Administration and Procedures Committee voted and allowed me to bring it forward. Now this Assembly appears to be saying, unlike the Administration and Procedures Committee, that we cannot debate the Bill.

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Ms Follett: I think we have had a pretty good debate.

MRS CARNELL: Nobody has debated the Bill yet. People have debated whether it should be debated or not, but nobody - - -

Mr Berry: I said a few things about it.

Ms Follett: I did.

MRS CARNELL: I am sorry; the Chief Minister did debate the Bill, and I am happy to do so as well. I am happy now to move my amendments, and I am happy to debate those amendments; but it does not seem that that is the way it is going to be.

Question resolved in the affirmative.

STANDING ORDERS 171 AND 172 - PROPOSED AMENDMENTS

MR STEVENSON (12.00): Madam Speaker, I seek leave to amend my notice of motion by adding after "substituted" the words "to take effect on the last sitting day of 1994".

Leave granted.

MR STEVENSON: I move:

That standing orders 171 and 172 be omitted and the following substituted, to take effect on the last sitting day of 1994:

"171. When a Bill has been presented the Member shall move 'That this Bill be noted' and, at the completion of the Member's speech, the debate on the question shall then stand adjourned for a minimum period of 14 days. After the expiration of this period, on the resolution of the question 'That this Bill be noted', the Member in charge of the Bill may then move 'That this Bill be agreed to in principle' and the debate on that question shall then stand adjourned for a further period of not less than 14 days.

"171A. If at any stage a Bill has been declared by the Assembly to be an urgent Bill or a Bill concerning a minor administrative matter, the question before the Assembly may be resolved without regard to the time limits set out in standing order 171.

"172. The question 'That this Bill be agreed to in principle' shall not be determined by the Assembly within 59 days of the day of introduction, except in the case of a Bill declared to be an urgent Bill or concerning a minor administrative matter as determined by the Assembly."

Madam Speaker, let me mention briefly what the motion does. First of all, I made the amendment to make sure that the current legislation before the house - any legislation tabled this week - would not be affected. The motion would come into force on the last day of our sitting and be valid from the first session next year. Secondly, there are two distinct sections of this motion. The first says that, when a member stands in this Assembly and tables a Bill, after his speech it would be noted. After a minimum of 14 days, the matter would again be brought up in the Assembly. Perhaps you could call it a second reading speech. At that time, members would not need to vote for or against the Bill. They could introduce amendments, present viewpoints from people in the community and ask questions of the proposer of the legislation. There have been many times in the Assembly when this would have been valuable. On the last day, when a matter is brought on for debate, it can be quite difficult, sometimes with dozens of amendments, for members to work out how they relate to each other.

The other part of the motion says that there is a requirement for a minimum of 60 days before any legislation can pass through the Assembly. There are many reasons for that. Perhaps the main one is that we do not have a house of review in this legislature. That is a very useful situation in parliaments in general for people to be held accountable. Another point is that time is a vital ingredient of consultation. If we are to consult, obviously we must allow time to consult. I make the point that many Bills are not easy to understand. Let me just read from one of our laws that we passed in this Assembly. In subsection 50(2), it states:

Without limiting the generality of section 44, the Court may, on the application of a person who has suffered, or is likely to suffer, loss or damage by conduct of another person that was engaged in in contravention of a provision of Part II or on the application of the Director in accordance with subsection (3) on behalf of such a person or 2 or more such persons, make such order or orders as the Court thinks appropriate against the person who engaged in the conduct or a person who was involved in the contravention (including all or any of the others mentioned in subsection (7)) if the Court considers that the order or orders concerned will compensate the person who made the application, or the person or any of the persons on whose behalf the application was made, in whole or in part for the loss or damage, or will prevent or reduce the loss or damage suffered, or likely to be suffered, by such a person.

That was one sentence from the Fair Trading Act. I suggest that 164-word sentences are not all that easy to understand. It is quite often difficult to write legislation without rolling it on into long sentences. What I am saying here is that, if we allow more time for consultation, all of us will benefit by being able to understand the legislation. When we understand it better, it is likely that we will be able to introduce better legislation that will serve the people of Canberra more optimally.

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Proposals for new laws may be developed over many months or even years within parties and within government departments. Indeed, when the Bills are being drafted they may be drafted over many weeks or even months. It was said in this Assembly by Mr Humphries during one of these debates that the Assembly should not be the shortest phase of the process of introducing new laws. That was a very good point that he made at the time. It is true that there have been cases where matters in this Assembly have been urgent. We have needed to pass the legislation in a hurry, for valid reasons. Also, there are many circumstances where the proposals that we have before the Assembly are of a minor administrative matter. There is no doubt about that. No-one would argue with either of these situations.

At one time in this Assembly I moved a similar motion; but I made a mistake, and it was certainly picked up by members in the Assembly. I had allowed an exemption for urgent Bills. The Assembly could decide that a Bill was urgent and then it could be passed at whatever time we wanted to pass it. But members made the point that many Bills might be of a minor administrative nature, and I had not looked at that. But this time I have made that correction. I have taken heed of the valid point that was raised by members, and both of those allowances are there. If it is an urgent matter, we can bring it on at any time we choose; if it is a minor administrative matter, we can also do so, but there would be a vote by the Assembly on that matter. If the members of the Assembly agree, the debate would not be any longer than perhaps the suggestion that the question be put immediately.

One of the things that can prevent the fast passage of legislation is good planning. Obviously, if we plan things well, there will not be the need to push legislation through rapidly. I think we would all agree that that is a good idea. We would all like to plan better. Let us have a look at the sort of people within our electorate who might be concerned about legislation. There are three major different areas. First of all, there are large and well-resourced groups and organisations. They may be business groups, professional associations, unions, social or cultural groups, or other associations. I grant that they would have the resources and the money to do things in a hurry if they were forced into an urgent, emergency situation because of the fast passage of legislation through this Assembly. They could get into it and they could probably do it.

Then there are smaller groups. They may be community groups, small business associations or clubs. There have been a number of occasions when clubs have been affected by legislation that we have passed. Many of these groups or associations may be socially disadvantaged. They may already be under great stress because of some particular problem that was the very reason why they formed together as a group or that they are trying to handle. It is difficult, if not impossible, for all of these types of smaller groups and associations to handle legislative proposals that have been made without adequate consultation. Thirdly, there are individuals who may, for some reason, feel that the proposed legislation is of concern but the community may not know about it. They may have little or no money, time or resources.

Why would these groups need time? First of all, they would need time to find out about the proposed law. This is particularly difficult if there is little media coverage of the issue. Mr Moore mentioned at one time that there were not the number of submissions to the citizens-initiated referenda committee that one might have expected. But I can assure members in this Assembly that there are vast numbers of people in Canberra who have no understanding whatsoever that there was ever such a committee set up or that it will be reporting tomorrow. I can well understand why. It is very difficult to get the message out with a couple of notices in the paper, particularly the way they are written. I would write them with large five- to 12-word headings that could be spotted easily. But not everybody reads legislative proposals. They look a bit dry. I am not saying that that is a problem; it is just a difficulty.

The same principle holds with legislation. Once an organisation or an individual finds out about a proposed law, if they are part of a group, the fairly logical thing would be to bring it up at the next group meeting. If we rush the legislation through, are we to tell them that they have to hold emergency meetings? If we intended to rush it through, that would be the case. We would have to say, "You have to go out and hold an emergency meeting. We are not giving you time to bring it up at your next monthly organisation meeting". This can take some time, of course.

What can also take some time is the study of the Bill. There are very few people that can do an effective, detailed study of legislation. I suggest that even some members of parliament in Australia would have the same difficulty. I know that members of the drafting section - I am not talking about this Assembly - when questioned about particular clauses within the legislation that they drafted, did not know themselves what it meant. So, it would not be unusual with some legislation for some members not to be sure what it means. To suggest that the community should be certain of that is perhaps unreasonable. So, if an organisation does not have the money to pay a professional to do an analysis of legislation, which may cover dozens of pages, they have to rely on the goodwill of someone that is professionally qualified to do that analysis. It may well be very difficult to get a person to do that, particularly to do it in a hurry. We need to allow people the time to do these things.

Next, the person or the group may want to write to members of parliament about their concerns, with questions about the proposals and with suggestions for amendments, if they have had time to have any written. When people write to us, we do not always get a letter off in reply the same night. It may take some weeks. It is fairly standard that it may take some weeks. People may hold meetings to decide what to do. They may need to gather information and then to hold another meeting to discuss exactly what they will do. They may wish to hold a public meeting or public meetings. They may wish to raise the matter in the media. They may wish to produce and distribute pamphlets and leaflets. All these things take a considerable time. My suggestion is that we allow a minimum of 60 days unless the Assembly agrees that the matter is urgent or is a minor administrative matter.

The next thing that comes up is: What about the members of this Assembly? Do we need time? I suggest that it would be an excellent idea if the members of parliament - not just in this Assembly but in all parliaments in Australia - actually read the legislation. We can understand why that is not done and why it is not possible. It may not be done by all members of a party or group because they feel that the one member of their group that is looking after it has done all the work. It would be great if we had the time to read all legislation before we individually voted on it. Another reason why it might not happen is that legislation is being put through too fast for members to read it - not just peruse it or get a fair idea about it, but actually read the legislation in detail - and, if need be, gain legal advice as to what certain sections of the proposed legislation mean. The member or the group may then want to locate and contact affected groups. I have done this many times. You do not always know exactly who they are. You have to go out and find out who would be concerned with a particular proposal. It is not easy.

We might also want to take up the Government's valuable offer of departmental briefings, such as those that have been offered by the Labor Party in this Assembly. We might want to hold meetings with other MLAs. That is not always easy to arrange. It may take some time. It may be very difficult because of the time parameters we have. We may want to get amendments drafted. We understand how long it can take to get amendments drafted in the drafting section. We may also want to organise public meetings and produce and distribute information.

So, what I would say, in summary, is that we must understand that we do not have a house of review in the ACT and that we need to allow time as a vital part of consultation. The proposal I put forward has two distinct sections. One is that a minimum period of 60 days be allowed. The other is that, if you did not agree with the first one you could still agree that we have, firstly, 14 days and then a second reading. I think that would be of benefit to all members and parties in this Assembly as well as to the people of Canberra as a whole. I make the point once again that, if matters are of an urgent or minor administrative nature, the Assembly can simply agree with them and they can be passed immediately or at any time we choose.

MR BERRY (Manager of Government Business) (12.16): Madam Speaker, the most interesting thing that arose from that speech was Mr Stevenson's mention of a house of review and the trouble we have through not having one. It immediately conjured up in my mind a picture of a similar arrangement in this building, with a vacuum tube whereby we sent all of the information upstairs, and at some point in the future Mr Stevenson being a life peer in the new Assembly. I wonder what the uniform would be. It could be a Drizabone and an Akubra. I know that he is not seriously proposing a house of review; but it did conjure up that image of how Mr Stevenson would sit in it, how he would be appointed and how he would still be working, unsuccessfully, to abolish self-government.

Mr Stevenson: I would think of a way; make no mistake.

MR BERRY: You have thought of a way to do it unsuccessfully. Madam Speaker, I have had some discussions with Mr Stevenson about this issue. From the Government's point of view, we think that what he is proposing would constrain the business of government. It would also constrain the business of the Assembly to some extent.

Mr Stevenson: There are two sections.

MR BERRY: Yes. I should speak about Mr Stevenson's amendment first. I think it would be unfair of us to impose on the next Assembly a condition like that. That is the Government view. We would be setting a standard for the next Assembly which, I am sure, they would want to set themselves. In relation to the life of this Assembly, it is our business to determine the way forward. We have always had the power to complete debate or not complete debate, and to go on with the passage of a Bill in accordance with the wishes of the numbers in the chamber from time to time. That has been a desirable piece of flexibility which members have coped with fairly well along the way. Sometimes, not everybody is happy; but that is the nature of the chamber. I do not think that Mr Stevenson has offered convincing arguments for doing away with existing procedures and putting in place an inflexible formula. I think that would stifle the way in which we do business here. On the issue of creating urgency around Bills, I think that is just an overlay of another administrative problem that we would have to deal with in the chamber, and we do not need to do that. At the end of the day, we always have to deal with things in accordance with the wishes of the majority in the chamber.

Members would be aware of the Government business meetings which we have before each sitting period. We meet with all Independents and groupings within the Assembly to sort out the proposed business for the forthcoming sitting. From time to time, Bills are put off as a result of that meeting or they are put off in the lead-up to that meeting because of consultation between my office and others about particular issues. Over time, my office has developed a bit of an understanding of how people operate in the Assembly and what we might expect from them in relation to the passage of Bills, and we try to satisfy all the needs of members in the Assembly as far as we can. From time to time the Government says, "We have a Bill that we want to get through". It is up to us then to convince members that it can be allowed to pass. If we go through the Government business meeting and set in place a business paper that nobody wants, it would be a very short sitting week. We could go home very early. On some of these long nights, it is a tactic for which I have some compassion.

I think we are fairly flexible in relation to these matters. Just look at some of the statistics. Of the 27 Bills passed by the Assembly in the last three sitting weeks, about half - 13 - were introduced more than three months ago, and six of the remainder were introduced at least two months earlier. So, I do not think you could create a picture of things being rushed through inappropriately. I think the situation that we have developed, of providing exposure drafts, is another good point. The Government generally performs in accordance with the principles on which Mr Stevenson based his proposal; but I think that what he has attempted to put in place would take away a useful flexibility in the chamber.

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I will leave it there, Madam Speaker, and just confirm that the Government will be opposing the moves by Mr Stevenson in relation to this matter. We accept the principle that we need to consult with the community. I think we give adequate time to do that. We also accept that members who wish to consult with the committee can, in most circumstances, arrange to delay passage of particular legislation if that is their choice. I think that people from all sides have had a go on that score in the past, and there has never been any stiff resistance to it unless it has been something extremely important to the Government. Then it has to weigh up the numbers and see whether it can put it through the chamber in any event. As I said, we are in sympathy with the principle; but I think it is dealt with well enough in the Assembly in the flexible processes that we have available to us.

MR CORNWELL (12.23): Madam Speaker, the proposal put up by Mr Stevenson is certainly interesting. It is in three parts. As far as I am concerned, the minimum requirement of 14 days which he put in the first section to amend standing order 171 is quite all right. In fact, we practise that now. If we do not do it formally, it is the way that it works out, simply by the volume of work that comes through. Naturally, a Bill has to be adjourned after it is introduced. There are some procedures already in place - or there should be - for consultation with interested people or groups in the community.

I appreciate that it is more difficult for Independents or people who may be representing a single organisation here in this chamber effectively to contact everybody that they feel they should contact. It is much easier for parties. As Mr Stevenson himself has already identified, we have the advantage of being able to allocate to individual members of our party responsibilities for certain portfolio areas. Part of that responsibility is that that particular person will contact relevant people out there in the community to ascertain their views on legislation coming before us. There is, therefore, a particular difficulty with small groups or even individuals here in this chamber. There is, however, a further opportunity for consultation with the community, and that is through our committee system, which was the subject of some debate in the case of the previous matter before the house. I think it is reasonable to say that this Assembly acts in a responsible manner and refers to a committee issues that we collectively regard as of sufficient importance. I cannot recall an instance when this did not happen. The normal practice for committees is then to call for public comment, to consult with the community on whatever is before that committee, with a view to forming an opinion.

Therefore, we have those opportunities to consult. But that does not mean that we should not explore other options for improving the consultation opportunity. I want to stress that it is the consultative process that we need to improve. Obviously, we cannot improve upon the decision making process - that is a matter for this legislature, not for the community - but we can certainly involve the community as much as possible in the consultative process that leads up to this Assembly making decisions relating to legislation. One thing that we could institute here - it could be done either by the Government or perhaps by the Assembly Secretariat itself - is to have a public interest listing whereby we could invite organisations out there in the community or even individuals to put forward their names and indicate their interest in particular fields, so that they could be placed on a list and, when the matter came up before the Assembly, automatically, the information related to that topic would go out to them.

This is not as difficult as it may seem. The Citizens Advice Bureau is operating a somewhat similar system now in relation to activities such as fetes and various public activities that occur here in the ACT. It is something that I have strongly advocated over the years, and I am pleased to see that the CAB is doing this. It obviously avoids the problems of, say, three schools in the same catchment finding that they have a fete on the same day. It does allow for a bit of planning. I suggest that it would not be too difficult for this Assembly to set up some sort of public register of interests so that people could be advised when something came before us. I agree that, under those terms, we would not always catch everybody. There could also be a time delay in relation to advising people, and they in turn would have to get back to us. Never mind; the fact is that it is an improvement on the existing situation.

We are also assisted by our own notice paper in allowing people sufficient time to comment. I draw the attention of members to today's notice paper. Under "Executive Business" there are 22 orders of the day listed. Eighteen of those 22 orders of the day have been on this paper for longer than two months.

MADAM SPEAKER: Order! It being 12.30 pm, the debate is interrupted, in accordance with standing order 77, as amended by temporary order.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Woden Valley Hospital - Bed Numbers

MRS CARNELL: Madam Speaker, my question without notice is to the Minister for Health and emergency parking. I refer the Minister to an article in the *Canberra Times* of 28 April this year in which he stated:

Around Australia, the message you get from every health administrator is, we treat people, not beds.

I draw Mr Connolly's attention to the fact that, for the first three months of 1994-95, there has been a reduction of 3.7 per cent, or 439, in admissions at Woden Valley Hospital, compared to the September quarter of 1993. Minister, why is the hospital seeing fewer patients? Do you now admit that a large part of the problem is the shortage of available hospital beds, given that there was an average of 569 available beds in the last quarter compared to 621 available beds 12 months ago?

MR CONNOLLY: Madam Speaker, they are back at it. Apart from their trivial little attempts at humour, they are back at furiously counting beds. As we have said, as other State Ministers, often Liberals, have said and as, I think you will find, independent commentators say, counting beds is a futile approach to looking at health. You look at overall throughput. It is true that in the first quarter we are down a couple of percentage points. I am told that there is a range of reasons for that, including, as is well known, a quite nasty outbreak of paediatric viral infection this year. That meant that we cancelled a lot of paediatric surgery.

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Mrs Carnell: But that was because you had people in the beds.

MR CONNOLLY: Mrs Carnell, once again, just listen. You may - just may - learn something; although, after some time in this portfolio, I doubt it. We took a clinical decision - I did not take it; the clinical decision was taken by the hospital - that, given the extraordinary outbreak of that very aggressive viral disease which required very young children to be admitted to hospital and effectively put on a drip, we would cancel a lot of paediatric surgery in order to take all those beds that otherwise would have been used for elective paediatric surgery for those viral cases. This had an impact because those kids were in for a few days, whereas they may have been in for only day surgery. It also had an impact because a number of those beds in the paediatric ward, where we would normally have had surgical cases, were two-bed wards. We were often having just one child in those two-bed rooms for the period. I am also told that there was an anaesthetists conference in the early part of the year and that a lot of our anaesthetists were not here for a couple of days. This had an impact also.

I am advised, by my advisers, that we still expect to come in on our projection of throughput. We still expect, and we still are targeting, to come in on our budget. We are not going to slash \$30m from the health budget, which is Mrs Carnell's promise - one that she is desperately seeking to run away from as she continues to run around promising Canberra everything: No taxes, more operations, more doctors, more nurses; more of everything, less of taxes. As is shown here, once again, they are a trivial little Opposition with very little to say. I am confident that we will meet our projected throughput target for this year. Our projected throughput target at the moment represents a very significant increase on what it was some years ago. Our productivity continues to increase.

MRS CARNELL: I have a supplementary question, Madam Speaker. Mr Connolly just suggested to this house that the reason for the downturn was the paediatrics problem. Mr Connolly, can you explain, then, why in paediatrics there has actually been an increase from 1,061 separations in the same quarter of last year to 1,128 separations in this last quarter - a quite substantial increase, which would tend to lay your explanation to rest, would it not?

MR CONNOLLY: Madam Speaker, we are looking here at three months of activity. If you projected this three months of activity over the whole year, we would be down a couple of points. If you look at any of our yearly activity levels you will find that you do not have four quarters that are identical; you have peaks and troughs. The figure for this quarter of this year is down by a couple of percentage points on the figure for the same quarter of last year, although I am told that last year - - -

Mr Humphries: That proves the point, does it not?

MR CONNOLLY: No; it proves very little. Last year's first quarter, I am told, was, in fact, unusually high; and last year's first quarter was not projected across the whole year.

Mr Humphries: Do you believe what you are told?

MR CONNOLLY: Madam Speaker, I believe that my officers are honest and tell me what is going on. I believe that Woden Valley Hospital is working effectively to deliver on the projected throughput targets. I believe that the obsession with trivia that has been driving this Opposition shows to the people of Canberra that this is a hollow Opposition, with nothing realistic to offer them; only empty rhetoric, absurd promises and an obsession with gutter tactics.

Flynn Primary School - Fire

MS SZUTY: My question without notice is to the Minister for Education and Training, Mr Wood. I refer to the recent fire at Flynn Primary School which caused an estimated \$400,000 damage, including smoke damage in certain areas. I note that alternative arrangements have been made swiftly to accommodate the students of Flynn Primary, in particular Year 6 students at Charnwood High School for the rest of the school year. Can the Minister inform the Assembly as to the extent of the damage; when repairs are likely to be completed; and what measures he intends to take to reduce the likelihood of such an incident occurring again in any of Canberra's government schools?

MR WOOD: Madam Speaker, as Ms Szuty says, we did act swiftly to get things in place so that the education programs of the students could continue with as little disruption as possible. The damage was total in one wing, which I believe housed about 90 students. That wing was effectively destroyed and is currently, as I speak, in the process of being demolished. It could not be done on Sunday or Monday, because of the very high winds. Power has been returned to the school. My advice a short time ago was that the school will be back in operation, as well and as comprehensively as it was before, next Monday. Students should report back there next Monday - save those Year 6 students, who will have their place for the remainder of the term at Charnwood High School. Many of them were heading in that direction in any case. That has been the result of a lot of hard work by the teachers at the school and by people in the Education Department. We are now turning our attention to the replacement of that building; just what will happen and when. We would be looking for something next year, if that is possible. Since our efforts have been directed to clearing the site and keeping the children in their education programs, at this stage I cannot make a more definitive statement about the next step.

Woden Valley Hospital - Budget

MR DE DOMENICO: Madam Speaker, my question without notice is also directed to the Minister for Health and emergency parking. In the Minister's media release of 14 June this year he announced that the health budget would receive an extra \$14m. I ask the Minister: How, then, does he explain the budget for Woden Valley Hospital being overrun by a massive \$2.1m in the first three months of this financial year? How can it cost more money to treat fewer patients?

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MADAM SPEAKER: I call Mr Connolly.

MR CONNOLLY: Madam Speaker, you called me, but I am not sure that the question was addressed to me. I have no title such as the title that was used by Mr De Domenico. Once again, this shows the obsession of the Liberals with gutterism and petty, futile tactics. If they were fair dinkum, they would stop being sly and grubby and ask me a question about the matter which clearly is obsessing them.

Mr De Domenico: No; it is obsessing you. You need the valium; not us.

MADAM SPEAKER: Order, Mr De Domenico!

MR CONNOLLY: However, I believe that you wanted to ask me a question about health budgets and throughputs. Firstly, Madam Speaker, members and members of the public: Do not believe anything the Liberals tell you about health overruns or health blow-outs. We recall what Mrs Carnell was saying at about this time last year about Woden Valley Hospital and how the health budget was going to blow out by \$10m. In fact, last year Health spent less than it was allocated in the budget. Health did not spend the whole budget.

Mrs Carnell: That was because you did not see the patients that you were supposed to.

MR CONNOLLY: No; that is not the case. If you knew anything about public finance, you would know that that is not the case. At least listen to Mr Kaine; he does know something about public finance, Mrs Carnell. However, we did not say that Health worked within its budget. We do have a very complex system of adjusting the health budget in relation to cross-border payments, the constantly changing Medicare arrangements and the constantly shifting sands about public and private mix. We have operated on a certain standard for health overruns, which resulted last year in a blow-out, which seems to be the universally accepted term - - -

Mr Kaine: Which you coined.

Mr Humphries: You coined the term; you should know.

MR CONNOLLY: At about this time last year Mrs Carnell said that it was going to be \$10m. Arthur Andersen said that it was going to be \$9m. Mrs Carnell should say, "Congratulations, Mr Connolly, because you brought it in at \$4.5m". We were very honest, very open and very frank; when we could have said that Health did not spend its appropriation. No, we said that Health had an overrun of some \$4.5m last year; not the \$10m that Mrs Carnell was predicting at this time last year, and not the \$17m that Mr Humphries produced when he was Minister for Health.

Mr Humphries might well become Minister for Health again if this ramshackle lot were ever to achieve office, because Mrs Carnell has been very coy about who would be Health Minister - unless superwoman over there thinks that she can be Chief Minister and Health Minister, and run one of the most difficult portfolios and run the Government.

Mr Lamont: She cannot even run the Opposition.

MR CONNOLLY: Quite so; as my colleague says, she cannot even run the Opposition, as was woefully demonstrated this morning when it was clear that she could not even get her lines of communication with Mr Kaine straight. One of you lucky winners over there, should you somehow find yourselves in government, may be Health Minister. It may be Mr Humphries, Mr Seventeen Million Dollars.

Last year, the figure was \$4.5m. I understand that you have been doing a bit of squawking at a 2 o'clock press conference, suggesting that, shock, horror, there is going to be a \$2.1m blow-out for Health in this current financial year. Firstly, do not believe whatever documents are falling off the backs of trucks; internal working documents projecting all sorts of things are not certain. We will produce, in a week or so, when it is all finalised, the correct figures; the honest, open figures. For about 2½ years now we have been producing in this place these figures that you never produced because you did not know; you did not have a clue; you would not answer a question in this place about health blow-outs. The constant refrain from both the then Health Minister and the then Treasurer was, "Wait until the budget". You could not answer. Now you seem to deny that. So, it is not that you could not; it is that you would not, and that says a lot about honesty in government. We have been producing quarterly health reports, done to a certain standard. I do not think that they have ever been impugned as involving fiddling figures or involving rubbery figures; no accountant or independent consultant has suggested that there has been anything wrong with those quarterly figures. They will come out in a couple of weeks' time.

Assuming that you are right, Mr De Domenico - and you are not - an overall overrun of \$2.1m would represent about the best figure that ACT Health has operated on for a very long time. It would compare very favourably with that of Mr Seventeen Million Dollars, who said, "But we really did not know until the end of the day, when it had happened", and would be better than the \$4.5m which was achieved last year and which represented an enormous achievement. There were some typically hysterical press releases of a health blow-out of \$10m or \$9m - what is a few million dollars in Mrs Carnell's fudging approach to figures? There were the "You are going to blow out by \$9m" hysterical press releases at this time last year. The actual figure was much better than the \$6m Arthur Andersen projection as at February-March. If it is going to be \$2.1m - and I do not say that it is; you will get the figures in due course - - -

Mr De Domenico: I have them now.

MR CONNOLLY: No; you have some internal working documents out of Woden. There is a lot of work to be done to put those figures through.

Mr De Domenico: To correct them.

MR CONNOLLY: Mr Kaine, one free afternoon give a seminar on public finance to your colleagues; they could only benefit from your wisdom. Madam Speaker, if it were \$2.1m - and I am not saying that it is - it would represent a significant achievement and one of the best results that ACT Health has brought in. We continue to aim to balance

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the budget, and we continue to reject slashing \$30m out of the budget. If Mrs Carnell is saying, "You are having difficulty coping with your current budget", please, Mrs Carnell, tell us how you are going to provide everybody with every service, as you constantly promise, for \$30m less.

MR DE DOMENICO: I have a supplementary question, Madam Speaker. I thank the Minister for his non-answer, but can I just ask the Minister very plainly: Minister, why do you give your bureaucrats, your senior managers in the Woden Valley Hospital, documents which you now purport to be inaccurate?

MR CONNOLLY: One is reminded of the phrase that Mr Humphries once used: "At least I am honest now that I am in opposition". I think that statement was made in relation to health. We have not heard Mr Humphries yet today, but we certainly know that it does not apply to Mr De Domenico.

I have not said that things are untrue. What I am saying is that you cannot rely on scattered internal working documents. Various agencies of ACT Health run their programs on a quarterly basis. In fact, from other documents that Mrs Carnell has leaked here, some of them are operating on a weekly basis and a daily basis. We actually know, for the first time ever, how we are going in ACT Health. As Arthur Andersen said, "Until you actually get a fix on your expenditure, until you actually know what you are spending, trying to live within a budget is going to be very difficult".

Mr Humphries: It does not help very much, does it? You are still \$2.1m over budget.

MR CONNOLLY: Mr Humphries says, "It does not make much difference". It will make a world of difference. The result of these improved management procedures, which Mr Berry has been working on for some years and which we have been continuing since the change of the baton, was that a projected blow-out of \$9m to \$10m at this time last year came in at exactly half that, which was one of the best figures since self-government.

Mr Humphries: But you have already topped the budget up, anyway, by \$14m.

MR CONNOLLY: You say, "You top the bucket up". It is this crude, simplistic analysis. There are areas of ACT health expenditure, as there are for every State in Australia, that governments have to put additional money into - areas like single use items; better infection controls; massive increases in pathology budgets. It is interesting that, when Ron Phillips announces some more money for health, his Liberal acolytes here say, "Oh, what a fine fellow Ron Phillips is". When we increased the budget last year, you were on about top-ups and short-term measures. Appropriately for the health of this community, this Government will continue its proud record of a very high level of expenditure on health, which is lower in terms of the gap between us and other States now than it was under you. We have put in the hard yards of bringing excess expenditure down - something that you were patently unable to achieve in your period in government, Mr Seventeen Million Dollars. We had a great result. We will not slash \$30m out of the health expenditure, as you promised to do.

Taxation - Liberal Party Policy

MS ELLIS: Madam Speaker, I direct my question to the Chief Minister, in her role as Treasurer. Having heard a very interesting media report this morning, I ask: Will the Government adopt the Liberal proposal to introduce an ACT income tax?

MS FOLLETT: I thank Ms Ellis for the question. I was absolutely amazed - - -

Members interjected.

MADAM SPEAKER: Order! It would be helpful if we could hear the answers.

MS FOLLETT: I have no doubt that Mr Kaine is very embarrassed by this, Madam Speaker, and probably as amazed as I was to hear Mrs Carnell announce on the radio this morning that, if she were elected to government, she would be introducing an additional income tax after the next election. In the radio interview, what Mrs Carnell actually said was that rates should not be based only on where you live, but also on your ability to pay. Madam Speaker, I am not aware of any method of finding out people's ability to pay - - -

Opposition members interjected.

Mrs Grassby: On a point of order, Madam Speaker: I would like to hear the Chief Minister's answer.

MADAM SPEAKER: Members of the Opposition will come to order.

MS FOLLETT: I can understand their discomfort, Madam Speaker. It was one of the silliest statements that I have ever heard in a succession of silly statements by the Leader of the Opposition. There is no doubt in my mind that, if the rates were to be based on people's incomes, it would be simply a case of the rich getting richer and the poor getting poorer.

Madam Speaker, it is abundantly clear to anybody who has a mind to think about issues, rather than just dealing with them off the top of their head in the way that Mrs Carnell does, that the people with the greatest capacity to pay also have the greatest capacity to arrange their affairs, quite legally, quite legitimately, to minimise their income, so that a very small income is reflected. All you need is an accountant. Under Mrs Carnell's proposal, her groundbreaking ACT income tax, it would be all the PAYE taxpayers, the people on wages and salaries, who would, of course, be bearing the brunt of the new rates regime. The rest of the Territory - other than those wealthy people who are able to arrange their affairs to reflect a low income - would, therefore, have to pay more; even those people that Mrs Carnell purports to have an interest in helping, and that is the people who are having difficulty in paying their rates. It is quite clear that Mrs Carnell has not understood the repercussions of the policy that she has put forward. Perhaps she has done it just off the top of her head, which she did admit. I will say that, Madam Speaker; she made it plain that it was just off the top of her head.

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The other alternative, of course, is that she has deliberately devised a scheme which would advantage the wealthy people in our community and disadvantage those on wages and salaries. Mrs Carnell is becoming quite famous for these off-the-top-of-the-head ideas. They are as hollow as they appear to be. If you put what Mrs Carnell has had to say about the rates together with her statement in the *Canberra Weekly*: "I do not believe that it is the role of government to provide services" - like health, education, rubbish removal and so on - it seems to me that Mrs Carnell has absolutely no concept whatsoever of the responsibility of a government to provide those services and to maintain an equitable taxation regime which ensures that those services can be provided.

Members interjected.

Mr Stefaniak: That was fascinating. My question without notice is directed to - guess who? - the Minister for Health.

MADAM SPEAKER: Order! I do not remember giving you the call, Mr Stefaniak. I wanted to call for order first.

Mr Stefaniak: I am sorry. I will sit down then, Madam Speaker.

MADAM SPEAKER: Now, I call Mr Stefaniak.

Calvary Hospital - Paediatric Ward

MR STEFANIAK: My question is directed to the Minister for Health. The Minister has told this Assembly that the provision of paediatric beds for non-acute cases at Calvary Hospital is, in his opinion, bad medicine. Mr Connolly has also repeatedly stated that Calvary Hospital does not support the establishment of a paediatric ward, as proposed by the ACT Liberals. I ask the Minister how he explains the following statement made by the chairman of the Calvary Hospital Board of Management at the recent AGM, on 31 October:

Our Strategic Plan dares to propose a Paediatric capacity at Calvary. Can I say, not for the first time, that mums and dads just don't understand being told that their child cannot be admitted to Calvary Public for Paediatric treatment and has to go elsewhere. There are at least some services that I believe can properly be offered at Calvary in the Paediatric area. It ought to be possible. I hope it happens soon.

Does the Minister accept that paediatric services at Calvary Hospital are now possible and are needed by the people of North Canberra?

MR CONNOLLY: Madam Speaker, the Minister has been working quite hard for some months at providing paediatric services but maintains his position that a paediatric ward - which is the typical off-the-cuff, promise them anything, irresponsible promise of the Leader of the Opposition - is not practical or possible at Calvary. I stand by the advice of the Royal Australian College of Paediatrics that a paediatric ward at Calvary would be both bad economics and bad medicine. It would be bad medicine. I have provided that letter.

Mr Humphries: That is not what Calvary thinks. What about services?

MR CONNOLLY: No; it is what Calvary thinks. You continue to fail to understand or deliberately seek to misrepresent the difference between providing some paediatric services and a paediatric ward.

Mrs Carnell: Which is exactly what we said.

MR CONNOLLY: No. You were on the radio promising paediatric wards; as usual, a slip of the tongue, promise them everything. Look at the press releases; look at the claims of the various candidates. You say, "We are going to have a paediatric ward at Calvary". What we have been doing, with the chief executive of Calvary Hospital and a number of surgeons who do provide, in particular, day surgery procedures at Calvary and who have for some time been providing some paediatric day procedures in the private hospital, is working out a protocol to ensure that some of those procedures can be performed in the public area at Calvary. Parents will have to give informed consent. It will have to be made clear to parents that we are pretty certain that we can perform this procedure here safely, but they must understand that there is one intensive care specialist paediatric facility in Canberra, and there will always be only one.

Mr Humphries: We did not say that there should be two. We never said that there should be two.

Mr Stefaniak: We said "a facility".

Mr Humphries: It is different to what you just said.

Mr Stefaniak: Services, Terry.

MR CONNOLLY: No; you said that there should be a paediatric ward. There will not be a paediatric ward, unless you go in and make decisions that run directly contrary to the advice of the Royal Australian College of Paediatrics. I have tabled that advice in the past, and I will certainly send a copy of it to you, Mr Stefaniak, if you have not seen it. It is a public document. The experts, the clinicians, say, "Do not duplicate paediatric wards". To duplicate a paediatric ward would mean a significant spreading of our resources. It would impact significantly adversely on the training of paediatric registrars, which is very important to maintaining a high-quality service in Canberra. However, we are exploring, and we have been working for quite some time - if you dispute my statement on this, I can produce documents to prove it - with Calvary to develop the possibility of providing some paediatric services at Calvary Hospital.

Mrs Carnell: Another Liberal Party policy.

MR CONNOLLY: No; not your policy, Mrs Carnell. There is a world of difference. Ours is a carefully thought out proposal, taking into account the advice of clinicians and the advice of the Royal Australian College of Paediatrics, to provide an appropriate service to assist in meeting the medical needs of the North Canberra community; it is not a foolish, irresponsible, slapdash promise, as you have been making for some time, to duplicate a paediatric ward. In the view of the clinicians - and I do not claim to be an expert in paediatric medicine; I take the advice of the Royal Australian College - to duplicate a paediatric ward would be not just bad economics but bad medicine.

Residential Redevelopment - Yarralumla

MR MOORE: Madam Speaker, my question is directed to Mr Wood, Minister for the Environment, Land and Planning. I refer to block 24, section 26, Yarralumla, or Hunter Street, Yarralumla. Minister, will you explain how this development could have been approved, without taking into account a number of objections? Can you inform the Assembly what action has been taken to rectify this stuff-up?

MR WOOD: Madam Speaker, on 16 May this year the lessee of the property lodged an application to vary this residential lease to allow up to five separate dwellings. On 27 October approval was given to a lease variation which allowed no more than four dwellings. In assessing the application, the department considered one objection, which had been lodged in the prescribed manner. Unfortunately, after the decision was made, it became clear that several more objections had been lodged through other avenues. As a consequence, these objections were not officially recorded or considered in the assessment process. When the department became aware of this, the decision to approve the application was revoked. All objections will be taken into account when reconsidering the application. The objectors will be renotified of the new decision. A new decision is expected, if we can meet that timetable, by 11 November, following a further consultation meeting with those objectors who wish to meet with the delegate. It should be noted that the mislaid objections have also been taken into account in considering the concurrent design and siting application.

MR MOORE: I have a supplementary question, Madam Speaker. I appreciate the appropriate action that the Minister has taken in ensuring that this will be reconsidered. Can you indicate to us how many other such stuff-ups of this nature have occurred? How can the Canberra people have confidence in such a system?

MR WOOD: Madam Speaker, Mr Moore uses the word "stuff-up". I have indicated that the nature of the application and the manner of the application being submitted presented a problem. At this moment I am not prepared to concede that the stuff-up, if there was one, was at the hands of the Planning Authority. I will check that process and report further to you.

Department of Health - Public Relations Unit

MR HUMPHRIES: My question is to Mr Connolly. Yesterday, the Minister poured scorn on his New South Wales counterpart for a campaign which he described as "extolling the virtues of Ron Phillips and the New South Wales Liberal Government". The Minister told the Assembly, "When you see that sort of stuff ... involving me, you can ask your silly question". Madam Speaker, I direct a silly question to the Minister for Health. Was it the Minister that I saw at about midnight, I think, on Monday night in a television commercial for the Consumer Affairs Bureau, espousing the virtues of the residential tenants kit produced by the Follett Labor Government, or has the Government hired Mr John Cleese to make its television commercials for it? Given that the Minister is involving himself in self-promotional material, can the Minister now answer the question squarely: Why is the Department of Health's public relations unit still in existence, when he said that it would be disbanded? Is it to make sure that opportunities such as this are taken up whenever they come along?

MR CONNOLLY: Madam Speaker, I think Mr Humphries meant to say, "I will ask another silly question". There is an ad that has been put together and funded by a consortium of people, including private sector interests who have been sponsoring a very worthwhile initiative, the consumer information kit. I was asked to do the - - -

Members interjected.

MADAM SPEAKER: Order!

Mr Berry: On a point of order, Madam Speaker: It would be better if they were called to order. It has got to the point where some people might have to be named if this continues.

MADAM SPEAKER: I will consider that on its merits at the time. For the time being, let us have order.

MR CONNOLLY: I was asked to do the on air presentation of that consumer affairs message. It was sponsored, as I say, by a number of very prominent business houses around town. My understanding was that it was put to air as a form of community service announcement. It is certainly not a paid government ad. What I was referring to yesterday in relation to Mr Phillips was the full-page ads - I seem to recall, in a Sunday paper, double full-page ads - paid for by the New South Wales Government in what is a pre-election period, as we are now in, and when it is known that the New South Wales Government will be going to the polls in March. We go to the polls in February; New South Wales goes in March. So, that is one month, or four weeks, or thereabouts, before, Mr Humphries. As I say, we are not engaging in such a major, paid, full-page newspaper ads exercise, with the Minister being prominently featured; although I did appear in a community services ad, because I presume that I have established a reputation, over some time, in consumer affairs. I seem to recall a statement from your fair self, Mr Humphries, "We do have the world's best Consumer Affairs Minister". I do not have the date, but I will check. I think it was sometime in September or October.

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As I said yesterday, I have said to the secretary, "I want them to desist doing a lot of the work they were doing and focus on other work, particularly linking into some of the volunteer groups, to provide a service that was once provided by Health, but has not been in the past". I will be fully accountable for the type of publicity material that comes out of ACT Health, and I will be happy to compare it with the material that has been coming out of the New South Wales Liberal Government. Even the most generous of commentators, being generous, would have to regard Health Week, full-page, dual-page ads as fairly close to the line on electioneering.

Mr De Domenico: Are you a chance for a Logie award?

MR HUMPHRIES: I have a supplementary question, Madam Speaker. I will certainly be forwarding Mr Connolly's Logie, as soon as it comes to hand. Can the Minister confirm, therefore, that not one cent of public money has been put into these so-called community service announcements that he referred to?

MR CONNOLLY: Madam Speaker, I will get that in writing; but there would have been some, because Consumer Affairs helped in putting it together. Yes, some public money would have been spent because of the Consumer Affairs officers' help with the writing. In fact, two of the extras were Consumer Affairs officers. We put together the kit, which we are distributing. As I say, my understanding is that we were not paying for those commercials to go to air. The request for me to appear came from the television station.

In relation to Mr De Domenico's interjection and Mr Humphries's reply, if this means a great future in feature movies or television for me, it would certainly be a pleasure not to have to deal with you dills in future.

Rates - Assessment Methods

MRS GRASSBY: Madam Speaker, my question is not a silly question. It is a question to the Chief Minister, in her role as Treasurer. Has the Government rejected the Liberal proposal to assess property rates on the improved property value?

MS FOLLETT: Madam Speaker, this was off-the-top-of-her-head idea No. 3, 4 or 5 - I cannot remember which - from Mrs Carnell in relation to rates. To save the top of Mrs Carnell's head from any further wear and tear, I might just point out that there are a considerable number of problems with basing valuations on the improved value of properties. One of the most significant problems is, of course, the cost of such a system. It would involve having to assess the value of every property individually, which is not currently done, and that would be extremely expensive. It would also, of course, involve considerable and continuous follow-up work, to ensure that the improvements to properties still reflected the current valuation.

Madam Speaker, it could involve having rates inspectors going around to inspect your property, every time you put on an en suite bathroom, as Mr Berry has just done, added an extra room or otherwise beautified or added to the value of your property. It would be an extremely cumbersome and expensive method to implement. Of course, for the ratepayers, every time you added a deck or put a spa in your backyard, or whatever you do with them, your rates would go up. I am not sure that that would be greeted with universal acclaim in our community.

Madam Speaker, the use of improved values results in a very much larger range of values and, therefore, a very much greater disparity in the amount of rates assessed as between properties. It is fair to say that they are also subject to the same influences that cause unimproved values to increase and, at times, to increase by quite large amounts. By using this method, you would not get the benefit that Mrs Carnell has ascribed - the benefit of not having sudden increases.

Madam Speaker, I am concerned also that the use of improved values would discourage development and improvement of properties. We could see property owners perhaps sitting on their properties and not improving them to the extent that the community would wish to see, simply so that it accumulates a kind of a capital gain but minimises their own rates. It is my view that that kind of underimprovement of property could well change the character of Canberra and, certainly, the character of our suburbs. Madam Speaker, it could have an effect on the ACT's economy. If there were properties that were underimproved and, as a result, our rates revenue were to fall, then that would have an impact on the Territory's economy. But the top of Mrs Carnell's head was not big enough to contain those kinds of ideas, and I am putting them forward for her consideration.

One issue with respect to the use of improved values that ought to be of concern to the Liberals opposite is the fact that it would probably have a disproportionate impact on the commercial sector, because the improvements on commercial land are usually very much greater than the improvements on residential land. Therefore, if you were to value land on the basis of improvements only, the commercial sector would be quite severely disadvantaged. Madam Speaker, in my view, that would be a disincentive for business to locate or relocate in the ACT. If you believe some of the Liberal rhetoric, they wish to provide incentives for business to locate in the ACT. It is just another example, I think, of the off-the-top-of-the-head assessment not really coming up with a good idea and, certainly, not being consistent with any of the other ideas that come from the same source.

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Health Expenditure

MR KAINE: Madam Speaker, through you, I have a question to the Minister for Health and the leading contender for the Logie award for the best actor in B grade movies this year.

MADAM SPEAKER: Mr Kaine, just stick to "Minister for Health".

MR KAINE: Yes, Madam Speaker. Minister, in answer to an earlier question, you talked about peaks and troughs in health. I have not seen too many troughs, but I would like to refresh your memory about a few peaks. First, since 1991-92, the budget has peaked every year, including this year. It started at \$225m in 1991-92; it is now nearly \$268m. At the same time that you have been achieving those peaks, the waiting list at the hospital has also been peaking every year. It started in 1991 at 1,160; it is now 3,405 - another noteworthy peak. I am sure that the Minister will know that within that total waiting list there was a disturbing set of statistics that showed that the number of people waiting for six months or more has more than doubled since last September. In fact, there were only 706 last September; there are now 1,550 - another outstanding peak. Would the Minister tell me whether he finds this statistic acceptable; and, if he does not, what is he doing to stop it peaking again next month and the month after?

MR CONNOLLY: Madam Speaker, in relation to the second part of my title in relation to a Logie winning acting performance - and I am glad that the Opposition was intrigued by that - I have been advised by my officials that there was no cash contribution to the making or broadcasting of that ad; although, as I say, some officers from Consumer Affairs did assist in its production. It was a community service announcement. In fact, it was referring to a consumer information product. Once again, the ACT is leading Australia, in that no other jurisdiction in Australia has such a product. It was prepared - as is again so often the case - in close cooperation with Consumer Affairs and the private sector, notably some banks and the Real Estate Institute. It was a very significant project, and that was why it went to air. It did not involve public funds, Mr Humphries. I appreciate that you all think that I did such a good job in the spot. Kerry Packer and Rupert Murdoch: I am open to offers.

Mr Kaine made a couple of points. Firstly, he made the point that ACT health expenditure keeps increasing. Yes, it does, in dollar terms. Let me give you the true picture. Mr Kaine can understand matters of this complexity. I am sure that the rest of you will giggle and guffaw; but I will be directing my answer to Independent members, members of the Labor back bench and Mr Kaine, because at least they will understand it.

Mrs Carnell: What about Madam Speaker?

MR CONNOLLY: Madam Speaker is, of course, a Labor member and, as Chair, understands all. The best picture of relative health expenditures will probably be coming out in the *Advance Bank Trends* magazine to be published this Friday. I would urge you to read it. It contains a summary by Access Economics. It draws on some work that was recently published in *Australia's Health*, a publication of the Australian Institute of Health and Welfare, which shows that per capita expenditure on health in the ACT in the late 1980s was by far the highest in Australia and, alarmingly, trending out, so that the

gap between ACT per capita expenditure and the expenditure for the rest of Australia was getting higher and higher and less sustainable by the year. Since self-government, but more particularly since this second period of Labor government, that gap has been coming down.

Mrs Carnell: It is because we do not have any beds.

MR CONNOLLY: Mrs Carnell says, "We do not have any beds". What can you say to that sort of trivial interjection? I again return to addressing Mr Kaine, who may understand the complexities of the matter. The trend difference between ACT expenditure and other expenditure is coming down. The other day Mrs Carnell and I made some statements which seemed to be in conflict, although we were both saying the same thing. We had said in the Estimates Committee that we had reduced the expenditure the most since 1989-90. That is true. Mrs Carnell said that we are still spending more than any State. That is also true.

It would be the goal of this Labor Government always to be one of the most generous funders of health and welfare services, because we are a Labor government committed to social justice; but we also wish to drive efficiencies. When you look at the Access Economics summary that will be published on Friday - and I would urge any of you who have not accepted an invitation to that lunch to attend - you will find, not in my words but in the words of Access Economics, that the level of productivity improvement in ACT Health in recent years is quite dramatic. We still have a way to go; but we have come an enormous way from a very inefficient, top-heavy, overbureaucratised Commonwealth model that was bequeathed to us upon self-government.

Waiting lists have grown, and that is a matter of concern. I think it is acknowledged by everybody, apart from the Liberals, that obviously one major factor in the large glitch in waiting lists late last year to early this year was the fact that we had a period of industrial action when no elective surgery was done. We are seeking to refine our waiting list data. In fact, I would like to go to the model of the Victorian waiting list data. I do not often praise Marie Tehan, but I have learnt a particularly neat little trick from the *Age*. They promise that nobody waits as an emergency outpatient for more than four hours. After four hours, you become an in-patient and get counted in hospital throughput as an in-patient. Lies, damn lies and statistics. It is amazing what you learn when you read the *Age*. We will not be going to that extent. In Victoria they have been able to break down the waiting list not only by category but also by urgency.

As I have said before in this place, I have been alarmed when I have asked the question, "What is the longest case on the waiting list?", and I have found some cases that go back before self-government. They are for things like tattoo removals or tummy tucks - purely cosmetic surgery which, frankly, will wait for a long time on the waiting list. What I need to get a better fix on is the extent to which there are appropriate and clinically urgent cases that are waiting. I have no way of knowing - I do not think anyone has any way of objectively knowing - whether we have a particularly great problem there. Sensible commentators will say, "You need, firstly, to let the impact of last year's strike work itself out through the system; also the massive change that has been occurring at Woden Valley Hospital in recent years needs to work its way through the system".

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We also need to check the extent to which we have double counting on waiting lists - people on waiting lists at both hospitals or on waiting lists in ACT and New South Wales hospitals. The Australian Institute of Health and Welfare, in its major study on health indicators over the last few years, has said that waiting lists are a notoriously inappropriate method of measuring hospital inefficiency.

Mrs Carnell: So are patient numbers; so are budgets.

MR CONNOLLY: In fact, patient throughput is a very good indicator, Mrs Carnell.

Mrs Carnell: Why has it gone down?

MR CONNOLLY: As I said, there are a couple of points. In the first quarter of a four-quarter trend, we are doing just fine. Again, I am sure that Mr Kaine could understand a four-quarter trend; I am not so sure about the Leader of the Opposition. In fact, I will get some extracts from that Australian Institute of Health and Welfare publication and send them to you, Mr Kaine, because it is very valuable reading. I would urge all members to have a close study of the Access Economics examination of ACT Health since self-government. It is a very commendable read.

MR KAINE: I have a supplementary question, Madam Speaker. The Minister spoke at length, as usual; but he did not answer my question. Would he now like to answer my question: Is he satisfied that the six months' waiting list, which has more than doubled in one year, is acceptable? If not, what does he intend to do about stopping it from doubling again in another few months' time, and to another peak?

MR CONNOLLY: What I said was that you cannot necessarily say whether or not it is acceptable unless you have a good feel for the extent to which it represents real clinical need; the extent to which it represents people who are really waiting, as opposed to people who may be on several waiting lists.

What do I intend to do about it? Again, I did say that we are looking very carefully at the Victorian model, which is probably the best and tightest look at actual people on waiting lists and assessing degrees of clinical urgency. There may be one person who has been waiting for seven months and for whom there is a pressing clinical urgency. I would have to acknowledge that, if we could find such a person, any clinician would say, "That is unsatisfactory". On the other hand, there may be the person who has been waiting for six months, or 12 months, or 24 months; and you or I, or any clinician, would say that it was quite appropriate, because there was very little, if any, urgent clinical need for that patient. At the moment, the level of data that ACT Health has is just not able to answer that question; but we are working on it.

Rates - Payment Methods

MR BERRY: My question is to the Chief Minister in her role as Treasurer - and a very fair Treasurer at that. Fair taxes under Rosemary Follett are what you always have in the ACT. How will the rates payments changes, announced by the Government, assist ratepayers?

MS FOLLETT: Obviously, the use of rolling averages will specifically assist those ratepayers who are living in suburbs that experience dramatic one-off increases in their rates; they will find that those dramatic increases are very much modified. That will be of a great deal of assistance. But there are a number of other matters that have also been addressed in the rates review. One of the most significant will add to the convenience of people who will be paying their rates by the introduction of some of the more modern methods of rates payment, like direct debits. This will be of great assistance to people, as will the capacity to have a budget payment plan. I realise that people on low incomes are often able to cope much better with big bills if they have been able to plan for them over the year. That was certainly my experience as an impoverished person. It is much easier for you to cope with your own budget if you can plan in that way.

We will also be ending the practice of removing a ratepayer's ability to pay by instalment if they happen to be late with an instalment. This was an issue which many ratepayers felt was quite unfair and a real difficulty for them. What will happen now is that, if people miss an instalment, they will still have the right to pay by instalment, but they will have to add to that cost a small amount of interest. Madam Speaker, we will be staggering the dates of rates payments so that people will not be queuing up, as they have been recently, I know, at the shopfronts and State Bank offices to get payments in on the due date. Those are some of the new methods of assisting ratepayers, Madam Speaker.

Some will be continued, and they include the 50 per cent concession for pensioners. As members will know, pensioners who get that 50 per cent concession are now also able to defer their rates at that concessional figure, rather than at the full figure, which used to be the case. Clearly, that should make their lives a great deal easier. But ratepayers who are experiencing difficulties due to financial hardship have always had, and will continue to have, the ability to approach the Revenue Office to make arrangements to meet their particularly difficult circumstances. Disadvantaged residents, of course, have the right to have all or part of their rates deferred.

Madam Speaker, we have had a very good look indeed at the rating system in the ACT. The conclusion is that the system overall is sound; but we have introduced these additional measures to make it easier for people to meet their rates liability and, importantly, to maintain this very important source of revenue for the Territory.

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Health Expenditure

MR CORNWELL: My question is addressed to the Minister for Health and, after his performance today, the Minister for overacting. Again I do not see any peaks and troughs in this matter. I refer to the recently released financial performance report of the ACT Health Department for 1993-94. There are no peaks and troughs there. It shows an overspend of more than \$4m in administrative expenses. I would not regard that as trivial either, Minister. I ask: Because this makes up a significant proportion of the \$5.7m blow-out in the health budget in the last financial year, can you explain how this overspend in administrative expenses occurred?

Ms Follett: Madam Speaker, on a point of order, and before the Minister answers that: I have sat here and listened to a succession of Liberal members refer to the Minister by titles which are quite inaccurate. I would ask you to call them to order. It is my understanding that it is out of order to refer to another member by an inaccurate, misleading or derogatory title.

MADAM SPEAKER: In fact, I had done that with Mr Kaine. I expect all members to adhere to that ruling and to call members by their correct title.

MR CONNOLLY: Mr Cornwell is misinformed if he says that the overall overexpenditure for 1993-94 - that is, last financial year - was of the order of \$5.7m. As I said, while we actually spent less than we were allocated, the proper way of describing it and comparing it with other years - and Mrs Carnell seemed to acknowledge that, because it is the figure she has been homing in on - is to say that it was of the order of \$4.5m, which is down from the \$9m to \$10m predicted by Mrs Carnell at this time last year and from the \$6m or so projected by Arthur Andersen.

Mrs Carnell: They said that it was \$9m.

MR CONNOLLY: I did an even better job, Mrs Carnell. I got it down from \$9m to \$4.5m.

Mrs Carnell: But you fibbed. Arthur Andersen said \$9m. There it is.

MADAM SPEAKER: Order!

MR CONNOLLY: "You fibbed", says Mrs Carnell.

Mrs Carnell: You did. You said it three times.

MR CONNOLLY: Mrs Carnell, make it look as bad as you like; because the worse the projection of Arthur Andersen was in February, the better my result looks.

Ms Follett: On a point of order, Madam Speaker: That audible interjection by Mrs Carnell - "You fibbed" - ought to be withdrawn.

MADAM SPEAKER: I am sorry; I did not hear it. That should be withdrawn.

Mrs Carnell: I will certainly withdraw, and suggest that the Minister take note of the facts next time.

MADAM SPEAKER: Mrs Carnell, just withdraw.

Mrs Carnell: I withdraw.

MR CONNOLLY: Madam Speaker, my recollection was that the Arthur Andersen projection was \$6m. At the time that we were projecting it, we were saying that we were looking for about \$6m, down from \$9m. The fact remains that we had a much better result last year than was originally projected, as a result of a lot of work that had been put in over many years. The fruits of a lot of the investment on better information technology and better control over many years are starting to come home. So, \$5.7m is wrong.

You asked for a breakdown of the \$4m administrative expenditure, Mr Cornwell. I will get that for you, and I will provide it to you in writing. I cannot recall whether we answered that question at the Estimates Committee. I know that we answered a lot of detailed questions about breakdowns of that budget, but I am happy to get it for you.

MR CORNWELL: I have a supplementary question, Madam Speaker. Minister, I wanted an explanation or a breakdown of the \$4m overspend. Like Mr Kaine, I have to say that you have not answered my question yet. You were comparing Arthur Andersen's estimate of \$9m and the \$4m. I am not interested in that. I just want to know where the \$4m overspend in administration occurred.

MR CONNOLLY: No; your point was that we overspent the overall budget last year by \$5.7m. I had to point out that it was incorrect. It was of the order of \$4.5m. I will give you a breakdown of the administrative costs, which will include the overspend. Of a total bucket, how do you identify what was the overspend? You need to identify the entire point. I will take it on notice and give it to you because, quite frankly, Madam Speaker, I am running out of insults for the Liberals.

Farm Vehicles - Registration Fees

MR STEVENSON: My question is to the Chief Minister. It concerns the plight of ACT farmers and graziers. As members are aware, many farmers suffer hardships brought about by economic conditions, high interest rates and resulting debt; and now the drought. I believe that long ago every State and Territory in Australia granted farm vehicle registration concessions. Leaving aside the value of primary producers to the community, it seems to make good sense, because those vehicles are used predominantly on the farms; and, secondly, they do only about a third of the mileage of normal vehicles. I know that this matter has been brought up with the Chief Minister before; but other people and I are still not sure why, in the 1993 budget, this farm vehicle registration concession was removed. Would the Chief Minister be good enough to answer that question?

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MS FOLLETT: I thank Mr Stevenson for the question. Mr Stevenson is correct in saying that the previous concession on the registration of farm vehicles was removed; and it was done in the context of a review of the whole of the ACT's concessions regime. Members might recall that at the time the purpose of that review was to target our concessions to those most in need in the community.

Madam Speaker, I recognise, as do all members, that farmers, particularly in times of drought, do it tough; but I also recognise that, in general terms, they could not be said to be the most in need amongst our community members, and that there are other people - unemployed people, people on sickness benefits and so on - who, generally speaking, are far more in need than our farmers. It was a conscious decision, and it was a matter on which the Assembly voted, to the best of my recollection. I recognise that many members were not in favour of that move, but it was taken in the context of better targeting of concessions.

Madam Speaker, it is a fact that the concessions have to be counted as a cost to the whole community, and a very large cost. It runs into many millions of dollars. We have to try to spend that money in the fairest way possible, and the way that does address the neediest in our community. It was a conscious decision. I recognise that some people do not agree with it, but that is the rationale for removing that concession.

MR STEVENSON: Madam Speaker, I have a supplementary question. If I could put it in a different context: Rather than look at it as a concession, look at it as a tax. Vehicle registration is a tax, for certain reasons, such as the wear and tear on roads, et cetera. The farmers and graziers are not using the vehicles on the roads. In one case, a farmer has a paddock across the road; so, he has to take his vehicle across the road and back. Instead of a \$35 permit in New South Wales, he pays \$175 in the ACT. One other farmer has used a truck for 12 years, and has travelled 24,000 miles in those 12 years. Would the Chief Minister re-evaluate that in light of the fact that it is not so much a concession to somebody but an unfair tax? They are paying an unfair tax at the moment, particularly with the hardships that they have. Would the Chief Minister re-evaluate that?

MS FOLLETT: Madam Speaker, I will need to consult on that matter with my colleague the Minister responsible for transport, whose portfolio actually includes responsibility for those issues. I should say to Mr Stevenson that the vehicle needs to be registered only if it is to be driven on a public road. I realise that there are some farm vehicles that are not driven on public roads at all and others that cross or use public roads only very occasionally. In the case of those vehicles, special arrangements are possible for them; they can get very short-term licences to undertake that kind of activity. As I say, it is a matter on which I will have to consult the relevant Minister and advise Mr Stevenson as soon as I can.

I ask that further questions be placed on the notice paper.

ANSWERS TO QUESTIONS ON NOTICE

MR HUMPHRIES: Madam Speaker, before we leave question time, I want to ask a question of a Minister under standing order 118A. Could I do it before Mr Wood tables his papers?

MADAM SPEAKER: Yes; please proceed, Mr Humphries.

MR HUMPHRIES: I did want to ask the Minister for Health and Attorney-General why questions that were placed on the notice paper on 15 September, and which were due to be answered by 15 October - specifically questions Nos 1394 and 1401 - have not yet been answered.

MR CONNOLLY: Madam Speaker, I do not know. I must say that I make it a practice to be quite rigorous in getting answers in, and we have in place a system that normally ensures that we get them off very quickly. I am disappointed to learn that that system has failed. I can certainly give an assurance that I will have an answer in by close of business this afternoon. I do genuinely apologise to Mr Humphries. It has been my practice always to be very rigorous on those matters.

LAND (PLANNING AND ENVIRONMENT) ACT - VARIATION TO THE TERRITORY PLAN Papers

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning): Madam Speaker, pursuant to subsection 29(1) of the Land (Planning and Environment) Act 1991, I table variation No. 26 to the Territory Plan concerning the Heritage Places Register. The purpose of the variation is to include a number of places on the Heritage Places Register. It is important to recognise that this is the first group of entries onto the Heritage Places Register, which forms part of the Territory Plan. There are a variety of heritage types represented in this listing, covering the built, natural and Aboriginal forms of heritage places within both the urban and the rural landscapes. I should also add that, since the initial listing of these places on the interim Heritage Places Register, there has been an increased awareness as well as positive developments in the management of these places. For example, at the Aboriginal place PH13 in Gungahlin, a public recreation park has been developed, while the heritage elements of the place have been conserved in accordance with a management protocol developed by the Heritage Council in conjunction with the local Mulanggari Corporation.

I would also like to point out to members that the draft variation, when released for public comment, contained a citation for what was Sir Harold and Lady White's garden in Mugga Way, Red Hill. The current lessee objected to the listing on a number of grounds and, as these were of some concern to the ACT Planning Authority and the Heritage Council, the variation was revised to omit the garden until these comments have been fully investigated.

This variation was referred to the Standing Committee on Planning, Development and Infrastructure, as required by subsection 26(2) of the Land Act. The committee's report, which was tabled yesterday by my colleague Mr Berry, endorsed the variation, subject to the word "will" being inserted in lieu of the word "should" in subpoint (iii) of the specific requirements for the citations for the Aboriginal places PH12 and PH13. I can advise the Assembly that I agree with the intention of the change proposed by the committee, but for consistency in the Territory Plan the word "shall" needs to be used. Accordingly, I have asked the Planning Authority to change the words in the variation document, and this has been done. There are no costs to the ACT Government arising from this variation to the Territory Plan. Madam Speaker, the Executive has formally approved the variation under the provisions of the Land Act, having considered the committee's endorsement of the variation and accepted the changes proposed by the committee.

COMMUNITY LAW REFORM COMMITTEE **Victims of Crime Report - Government Response**

MR CONNOLLY (Attorney-General and Minister for Health) (3.37): Madam Speaker, for the information of members, I present the ACT Government's response to the sixth report of the ACT Community Law Reform Committee entitled *Victims of Crime* and move:

That the Assembly takes note of the paper.

Victims of crime, in the past, have not been well treated by our criminal justice system. Their importance to the criminal justice system and their needs within it have not been adequately recognised. "Secondary victimisation" is a phrase commonly used to describe the experience of a victim within the criminal justice system. The ACT Community Law Reform Committee recognised that, rather than being a painful experience, the criminal justice system could be an instrument of healing for many victims. The reforms proposed by the Community Law Reform Committee were designed to ensure that the victim of crime is accorded a recognised and appropriate position within the criminal justice system. They underline the importance of a victim of crime being regarded as an important identity within the system rather than a mere peripheral player.

The committee recommended a comprehensive package of reforms in relation to victims of crime. These reforms were designed to improve the delivery of justice to the victims of crime by promoting awareness of their needs in the criminal justice system and society as a whole and by instituting specific programs to reduce the alienation of victims from the criminal justice process. These reforms seek to re-empower victims within the criminal justice system. Victims are given the recognition and status within that system that they need to ensure that their trauma is lessened rather than increased by the criminal justice process.

The recommendations made by the committee were the result of community effort. The wide range of submissions received by the committee, in writing and orally at the public hearings it conducted, enabled the committee to work from a broad community base. The committee also received input from the many interested governmental agencies

and statutory bodies. Further, the committee itself is composed of people drawn from a broad cross-section of society. As a result, the recommendations of the committee come from the community rather than being imposed upon it by isolated government officials.

The report contains a broad package of measures which will work together to ensure the best possible delivery of justice to victims of crime within the ACT. The Government response which I am tabling today provides an overview of the position of the Government in relation to all of the wide-ranging recommendations of the Community Law Reform Committee. Members will note that the Government accepts a large proportion of the recommendations. Some recommendations, notably those concerning criminal injuries compensation, are being examined in a broader context by government prior to a final response.

A number of the recommendations of the committee are encompassed within the two Bills which I will introduce tomorrow - the Victims of Crime Bill 1994 and the Acts Revision (Victims of Crime) Bill 1994. A number of other recommendations have been implemented through non-legislative means. For example, victim-offender mediation now occurs within the context of a court referred scheme in the Children's Court where young offenders have admitted the offence after independent advice, and as a pre-charge scheme by the Australian Federal Police through our diversionary conferencing program - a program which has recently received considerable interest in the United Kingdom, where senior officers from the Institute of Criminology have presented an overview of our program to the London Metropolitan Police. A number of the recommendations of the committee concerning the provision of information to victims of crime have also been picked up recently by the Magistrates Court.

Madam Speaker, I believe that the implementation of these measures will make a real difference to the experience of victims of crime in the ACT criminal justice system, and I am proud that one of my first actions on coming into this Assembly was to move the first motion in the Assembly referring to victims of crime. Tomorrow the final legislative package will be produced.

Question resolved in the affirmative.

PAPERS

MR BERRY (Manager of Government Business): For the information of members, I present the following papers:

Australian Financial Institutions Commission - Report and financial statements, including the Queensland Auditor-General's report, for 1993-94.

Director of Public Prosecutions Act - Director of Public Prosecutions - Report for 1993-94.

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Housing and Community Services - Department - Report for 1993-94 - Addendum.

Registrar of Financial Institutions - Report and financial statements, including the Auditor-General's report, for 1993-94.

NATIONAL MUSEUM OF AUSTRALIA
Discussion of Matter of Public Importance

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

The impact on the ACT of the Federal Labor Government's decision to gut the proposal for a National Museum of Australia.

MR HUMPHRIES (3.42): This is a real matter of public importance for debate in this place. It is a pity that there are not more members here to discuss this matter of importance. I think that a lot of citizens of this Territory would be pretty distressed to see how few Labor members are sitting on the benches to listen to this important debate. There are few issues which could be more important to this Territory than the disgraceful behaviour of the Federal Labor Government with respect to the National Museum.

Mr Wood: You have no credibility. You should be the last to talk.

MR HUMPHRIES: We will talk about credibility. I will show that there are some people who do not have much of it. In these remarks I will quote from august publications such as the *Ros Kelly Advocate*.

Madam Speaker, the Museum of Australia is an important cipher of Australia's cultural tradition and its cultural future. Indeed, I think it is fair to say that the Museum of Australia is in fact an important indicator of how we are and how we feel as Australians. Those of us who have been supporters of the Museum of Australia have long looked forward to the role that the museum would play in strengthening our sense of identity, in explaining it, in educating about it and in collecting the important artefacts which make up that identity and which illustrate the development of that identity over our history both before and after European settlement of this country.

Madam Speaker, a reflection of that importance that has been placed on the National Museum is the fact that all the parties in this place and, I think, most parties in the Australian political system believe that we need the National Museum and that it should be based in the ACT, along with important institutions such as the National Gallery and the Australian War Memorial. So, there is agreement about the importance of this institution. I do not think there is any argument about that today.

Naturally enough, therefore, there were great expectations about the cultural statement made by the Keating Government last month. Creative Nation, it was called. What an interesting title - Creative Nation! There were high expectations that within that important statement there would be a clear honouring of the undertaking given by the Federal Labor Government that the Museum of Australia would go ahead. The frequent delays in the expected arrival of that statement gave people heart that the work would be done in that statement to deliver that important initiative. So, Madam Speaker, I have to record my party's and my own personal distress that, rather than the Creative Nation statement seeing the launch of the National Museum of Australia, we instead saw the museum's effective death. That, of course, is what this statement by the Federal Government means for the National Museum.

Those opposite would like to portray this announcement as the beginning of the development of the National Museum, when in their heart of hearts they must know the bitter disappointment that most people who have been interested in this concept have felt about this announcement. The realisation that this concept cannot be, and will not be, anything like the concept of a national museum which was put forward so vociferously by the Labor Government before the last Federal election must reach even them. Indeed, before the last Federal election that concept was an important factor in the Labor Party buying the votes of many people interested in cultural matters and the arts.

We know where Mr Berry, Mr Wood, Ms Follett and so on were on 18 March last year. They were out pushing for this party that was going to deliver the cultural initiatives that they wanted, including the Museum of Australia. They should be bitterly disappointed, if they had any spine. What was announced in the Creative Nation statement, in fact, bears little resemblance either to what was promised or to what is needed to fulfil this dream. It will be something interesting, and it will be something moderately expensive; but it will not be the National Museum of Australia. That, Madam Speaker, is a serious blow to people in the ACT particularly, because the ACT would have the home of a proper National Museum, and it is a serious blow to all Australians.

I, for one, am not happy with the crumbs that have been offered from the Commonwealth's table on this subject; nor, no doubt, are any of the commentators who have made comments on this particular proposal. I am not happy, for three particular reasons. First of all, the museum is not to be on the site promised - the site which everybody, including the Chief Minister, said only a few months ago was essential for the location of the National Museum.

Mr Wood: Your leader says that it can go on Acton.

MR HUMPHRIES: No, that is not what Mrs Carnell has said. I suggest that you listen, Mr Wood, and you will know what is going on. Secondly, it is not on the scale promised. We were promised a museum with three essential elements, including the relationship between Australians and their environment, and Australia's social history. We have been given one-third of the original concept - namely, the Gallery of Aboriginal Australia. That is interesting. That is good in itself, but it is not what the National Museum was supposed to be about. Madam Speaker, I think people know that this has been a sell-out.

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The third reason why I am opposed to the announcement made by the Federal Government is that it has serious implications for our community's use of the site at Acton Peninsula. That site is a very important one for the ACT not just in terms of the image of the ACT and the significance of that site and its position at the centre of the city but also because of the monetary value which that site possesses and which, it appears, might be lost to the ACT as a result of this announcement.

What I have found particularly distressing about this whole process is the craven compliance of this ACT Government with this complete sell-out. A great change has come over the ACT Government. We refer to the *Canberra Times* of 6 February this year and the article under the very bold heading "Follett digs in over Acton site". We saw there statements that, it seems to me, were unequivocal about the Acton Peninsula and its role in the National Museum. I quote that article:

The Chief Minister, Rosemary Follett, says Acton Peninsula is worth \$45 million and has warned that the Commonwealth would have to buy it as a site for the National Museum of Australia.

Demonstrating the ACT Government's increasing exasperation with the National Capital Planning Authority's attitude to Acton Peninsula and speculation that it should be used as the site for the National Museum, Ms Follett made it clear yesterday that the ACT would not simply give it away.

"If the Commonwealth wants the land, they will have to add that to the cost of the museum," she said.

"I estimate Acton is worth some \$45 million at least, and it is an asset of the ACT community."

This is interesting, Madam Speaker:

"I urge the Commonwealth to go ahead with the museum at Yarramundi Reach on the site already assigned to it ...

"Nobody could be a bigger supporter of a National Museum than I am ...

Madam Speaker, if Ms Follett is the biggest supporter of the National Museum of Australia, the museum is in deep trouble indeed, because she has cooperated in the process whereby the museum's future has been put under a very serious cloud. Members of the Liberal Party asked questions of the Chief Minister yesterday concerning the Government's commitment to the statements made in that press statement. We asked particularly whether the Chief Minister stood by her valuation of \$45m for that site and whether she would fight to ensure that the ACT received \$45m for the sale of that site, for their surrender of that site, whether in cash or in kind by way of, say, a land swap. Did that happen? No, Madam Speaker; there was no commitment.

Ms Follett was unable to give a commitment to the people of this Territory that she will fight to make sure that that asset is preserved or that we get the true value of that asset for the people of the ACT. It is a matter of record that, when the time comes and the greater leverage of the Federal Government over the ACT Government comes to bear, this Government's craven relinquishment of a bargaining position in this matter will count very heavily against the ACT.

Madam Speaker, you cannot have the National Museum of Australia, as envisaged, on the Acton site. You will end up with a reduced concept. That site is about 25 to 30 hectares. The site at Yarramundi is 88 hectares or thereabouts. We have all seen the plans. We know what the plans are all about. We know that they entail a very open, laid-out kind of park atmosphere for the National Museum at Yarramundi Reach. That was the plan; that is what everybody thought was a great idea. It was not going to be what Paul Keating ironically called a mausoleum - great halls full of cavernous spaces where people could look at things in cases. It was going to be an interactive exhibition where people could actually see, maybe touch, walk around and be part of, in an Australian setting, the things that made Australia's heritage. That was the concept. You know, Mr Wood, that that cannot happen on the Acton Peninsula.

Mr Wood: Mrs Carnell does not know that.

MR HUMPHRIES: When Mrs Carnell talked about the site, it was in the context of the decision by this ACT Government to get that site and to pay money for it.

Mr Wood: She was always happy for Acton to have the museum.

MR HUMPHRIES: No, Madam Speaker. I can see it coming now. Mr Wood is going to claim that Mrs Carnell is happy to have the National Museum on the Acton site. The position is that the preferred site has always been Yarramundi, and we want to hold the Federal Government to that promise.

Mrs Carnell also wants a full museum, not just the Gallery of Aboriginal Australia. You are not going to live with that, and your Federal colleagues are not going to live with that. You know that the most likely fate of those elements of the museum which are not going on Acton - namely, the social history of Australia and the Australia and its environment aspects - are as likely as not going to end up on the road. They are going to end up inside big semitrailers being hauled all over this country like a travelling road show, and the full-scale museum which should have been here in Canberra is not going to be here. I am ashamed about that; I am ashamed to think that our Federal Government is putting us in that position, but that indeed is what is happening. Travelling cultural sideshows are no substitute for a genuine national museum which is open in the national capital to all Australians and which houses a collection of valuable artefacts which Australians want to see.

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The proposed Gallery of Aboriginal Australia on Acton Peninsula falls an awfully long way short of what the Labor Government itself promised before the 1993 election. Remember those crowds of hysterical people at the arts gathering before the election saying, "Yes, Labor is going to give us these important things. Labor is going to give us these valuable cultural assets. Labor is going to deliver on the National Museum". Remember the express promise of the Labor Government prior to that election. The ALP cultural policy of 1993 stated:

For that reason, Labor will proceed with the development of the National Museum of Australia, with a Commonwealth contribution of \$26 million over four years. Its completion will be a co-operative exercise between the Commonwealth, the Government of the Australian Capital Territory and the corporate sector.

That, as the Minister well knows, is not going to happen. He may think that he can get by by buying into this wan promise by the Federal Labor Government that says, "Yes, this is the first stage. The rest is going to come later on. Just hang around. You will get the rest of the museum in due course". Let me ask Mr Wood this question: Where does the rest of it go? Is your Government going to commit itself to providing the full infrastructure for the National Museum on the Acton Peninsula and come to an agreement with the Federal Government on that basis before you commit a cent to that site or exchange money or land for the delivery of that site to the Commonwealth? Answer that question when you rise to speak in this debate.

Mr Wood: You have no credibility, Mr Humphries. Your own party has never given one skerrick of support to this.

MR HUMPHRIES: If you cannot answer that question, Mr Wood, you have no credibility. That is the question that needs to be asked and that is the question that the people of Australia, and in particular people in Canberra, want to hear answered. "Nobody could be a bigger supporter of the National Museum than I am" is more or less what Ros Kelly said before the last Federal election. She said that the National Museum would create 300 jobs; that it would be another national institution; that the Federal Government had committed itself to the National Museum; that the Federal Government would contribute \$26m over the next four years. Once the \$45m that they are giving to Rosemary Follett, according to her, to deliver the site comes out of that, how much will be left over to start building the museum itself? Are we going to adapt the old diagnostic block at the Royal Canberra Hospital to become our museum? What is going to happen to that? Where are you going to find the money to do that? Clearly, nowhere. Madam Speaker, this Government knows that they have been betrayed and that the people of Canberra have been betrayed, and they should have the decency to admit it.

MS FOLLETT (Chief Minister and Treasurer) (3.57): The most remarkable thing about Mr Humphries's little diatribe was that he completely failed to address the subject that he has raised as a matter of public importance, and that is the impact on the ACT. I did not hear anything at all about that. Madam Speaker, I would like to address that issue, and I thank Mr Humphries for having raised it. It is very timely indeed.

Madam Speaker, the Prime Minister's announcement of the construction of a Gallery of Aboriginal Australia on Acton Peninsula has been welcomed by the ACT Government. I would be the first to say that I would have welcomed even more the construction of the National Museum of Australia on Yarramundi Reach, and that remains my position. However, this is a significant step forward, and I welcome it. The construction of the gallery, as members will know, is part of a far-reaching cultural policy by the Federal Government. It is part of the most comprehensive arts and culture policy statement made by an Australian government, and that statement was made by a Labor government. I think that is what is really irking Mr Humphries.

Madam Speaker, the impact on the ACT of the Federal Labor Government's decision to construct the Gallery of Aboriginal Australia is a positive one. How could it possibly be anything else? I want to make a small statement about that, because I am tired to death of Mr Humphries and others of his ilk referring to the Gallery of Aboriginal Australia as a downgrading, a gutting, of the concept. This verges on racism. Let us make no mistake about that. I have heard one media commentator after another use the same sort of derogatory tone about the Gallery of Aboriginal Australia, and I have heard Mr Humphries use it over and over. I maintain the view that that is racist, and nothing will persuade me otherwise.

Mr Humphries: That is a load of crap.

MS FOLLETT: Mr Deputy Speaker, I think that is unparliamentary.

Mr Humphries: I withdraw.

MS FOLLETT: Mr Deputy Speaker, as members know, the ACT Government has argued for the development of the Museum of Australia on the Yarramundi Reach site, and we have done so consistently over many years; but the Federal Government has now made a decision to locate an integral component of the museum on the Acton Peninsula site. That is their right. From our point of view, it is an acceptable decision. It is not our preferred decision - I make no bones about that - but it is certainly a decision that brings a new and very important cultural facility to Canberra. This is clearly good for the ACT and for our industries.

Following the launching of the Creative Nation statement on 18 October, Mr Deputy Speaker, Senator Gareth Evans and Mr Michael Lee have both made statements which, I think, demonstrate that the original concept of the National Museum and its three themes is still alive. Senator Evans said:

It -

he meant the Gallery of Aboriginal Australia -

will be a magnificent facility and it will be at the core and the heart of the clear original concept of the National Museum.

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I applaud that statement. On the same day, the Federal Minister for Communications and the Arts, Michael Lee, said:

The Government has always made it clear that this -

meaning the Gallery of Aboriginal Australia -

would be the next stage of the National Museum.

Mr Deputy Speaker, I would put it to members that the Gallery of Aboriginal Australia is a crucial stage in the development of the National Museum, and I refuse to share in this sort of populist notion that this is somehow unimportant or a little bit shady, that it is not a real thing and that we ought to be ashamed of it. I am not, and I maintain that all of those derogatory comments smack of racism.

Mr Deputy Speaker, I understand that the physical development of the National Museum, which integrates those three core themes - the Aboriginal and Torres Strait Islander cultures, people's interaction with the physical environment, and Australian history and society - will continue to be the longer-term goal of both the museum council and the advisory committee. The Federal Government has made it clear for some time that the full Museum of Australia would not be funded without private sector sponsorship. I know the great efforts that the National Museum director and the council have gone to to try to secure private sector financing for the National Museum. Unfortunately, they have not secured it. Mr Deputy Speaker, the fact is that the council of the National Museum will continue to pursue alternative funding sources with vigour. Now that we are out of the recession, perhaps they will meet with greater success. I believe that we ought to wish them well, not sneer the way Mr Humphries does. In the meantime, Mr Deputy Speaker, the museum has established a significant national outreach program. The museum has been actively positioning itself in the use of new technologies to disseminate information about its collections and the nation's history and heritage.

Mr Deputy Speaker, the Gallery of Aboriginal Australia is placed within the National Museum of Australia in a way that facilitates a new and very exciting reading of issues relating to Australian history. The other main areas of the museum, as I have mentioned, focus on Australian society and history and the relationship of Australians with their environment. In particular, this framework allows the museum to consider the questions of contact history against the extremely long history of association of indigenous people with the continent. The gallery, this centre which Mr Humphries derides, in my view, will be a centre with a very lively cultural life, a life of its own. It will incorporate debate, performance and cultural display as key modes of cultural expression. I consider it to be an exciting project. It will continue to enhance a national understanding of our unique and special indigenous culture, and of course ACT residents will be in a particularly good position to take advantage of this important development.

Together with the other Federal Government initiatives - and there were others in the cultural statement which, of course, members opposite have completely overlooked - like the proposed extension of the National Gallery of Australia and the refurbishment and extension of the National Film and Sound Archive, the Gallery of Aboriginal Australia will enhance the ACT's cultural life and our cultural tourism opportunities. These are very positive impacts on our Territory, and for that reason I welcome the Federal Government's decision.

Of course, this is not a vision that is shared by the Opposition. In fact, they have no vision at all. Instead, they have lost their way in some kind of a futile accounting exercise in relation to the cultural development of the Territory. I have made very clear my Government's position in relation to the question of compensation for Acton Peninsula. As I said in the Assembly during question time yesterday, the ACT Government will be seeking compensation from the Federal Government for the Acton Peninsula site. I have said this all along. Issues relating to the demolition of the existing hospital buildings, the location of the hospice, et cetera, will need to be taken into account in the course of those discussions.

I have also said that our Government would commit itself to undertaking the infrastructure for the National Museum and that our maximum commitment at that time - and it was a preliminary costing on infrastructure - was \$13m over some years. Quite clearly, we have to look at the decision which the Federal Government has taken. I believe that discussions with the Federal Government need to focus on the exact nature of the further development of the gallery on the Acton Peninsula site and what role the ACT might have in that, as well as on that essential question of compensation to the Territory.

I maintain that the development of the Gallery of Aboriginal Australia is a very positive step for the ACT. It is a step which I welcome. It is not the development of the full National Museum. I would have welcomed that even more. I would have especially welcomed it had it been undertaken on the Yarramundi Reach site, which is clearly the preferred site for the full development of the museum. But I do not think that not having everything you want is any good reason to deride the Gallery of Aboriginal Australia. It is very significant. It is certainly significant to the Aboriginal community, as is its co-location with the Institute of Aboriginal and Torres Strait Islander Studies. I believe that that is a positive step forward. Whilst Mr Humphries has not really addressed the issue at all, it is my clear view that the Federal Labor Government's decision to proceed with the Gallery of Aboriginal Australia on the Acton site will have a positive impact on the ACT.

MR STEFANIAK (4.08): I can sympathise with the Chief Minister for the squirming that has gone on over the National Museum of Australia. I fully recall the trumpeting that went on in March last year when the Prime Minister made his announcement and tried to beat the Opposition over the head with it. Certainly, I and my colleagues going for Federal election then were very keen to see the museum go ahead. I was quite happy with the Prime Minister's announcement, and it is quite sad that he has gone back on it.

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I would like to address a number of points which the Chief Minister raised. Firstly, in relation to comments about Aboriginal artefacts, I am going to quote from the *Canberra Times* of Saturday, 15 October. Quite clearly, what has now been proposed is not satisfactory to the Aboriginal community or to the Australian community as a whole. This goes back quite a long way. Under the heading "Acton museum site condemned as home of 'dead spirits'", the *Canberra Times* states:

A member of the 1974-75 inquiry which recommended establishment of a national museum in Canberra criticised yesterday the latest deal between the ACT and Federal Governments to establish a scaled-down version of the museum on Acton Peninsula.

Emeritus Professor John Mulvaney said the deal had been struck without consultation with Aborigines and would ignore key aspects of the proposal for a national institution.

Professor Mulvaney was particularly critical of the fact that the Australian Institute for Aboriginal and Torres Strait Islander Studies, which donated many Aboriginal artefacts to the museum, had been frozen out of discussions.

He said the Acton site, as opposed to the museum's Yarramundi Reach site, would "set the representation of an essentially outdoor society in an entirely European-made environmental context".

Professor Mulvaney also expressed concern over Acton Peninsula - the site of the old Royal Canberra Hospital - because when it had been discussed previously, Aborigines had opposed it because they believed it to be associated with spirits of the dead.

Another very learned Australian, the eminent historian Professor Donald Horne, before the details of this latest deal became known, told the *Canberra Times* that he was opposed to the idea of an Aboriginal gallery being developed in isolation from the rest of the museum. Professor Horne, a former head of the Australia Council, was surprised by the Prime Minister's apparent opposition because "a republic without a national museum is a contradiction in terms". The professor went on to say:

It shows that Paul Keating's erratic genius -

he was being kind -

has some very great lumps of ignorance in it ... We have in Canberra a chance to build the best museum in the world. That cannot be replaced by some bullshit about an information superhighway.

Professor Horne said that a National Museum could provide a focus for, and restore a sense of reality to, Australia's history.

One can sympathise with the Chief Minister to an extent. She certainly has done a lot of twists and turns in relation to this. Indeed, the editorial comment in the *Canberra Weekly* of the week of 27 October to 2 November probably sums it up very well when it states:

The continuing furore over Acton Peninsula would no doubt have some members of the ACT Government wishing they could cut it off and sink it in the middle of the lake. The issue has been a confusing one for all involved.

At various times, Chief Minister Rosemary Follett has made different suggestions about the use of the area. Just before the 1992 elections, she said she was committed to the peninsula being the home of a range of public-health facilities, including rehabilitation and aged-care services, a convalescent facility, the Queen Elizabeth II Nursing Home, a hospice and a Chair of Community Medicine from the Clinical School.

In June of the same year, in a letter to Prime Minister Paul Keating, Ms Follett suggested that eventually the area could be developed with medium- and high-density housing, and commercial and tourism facilities. More recently, she has recognised that the National Capital Planning Authority had a right to decide the use of the area.

The only one of these points which has come to anything is the \$3.3 million hospice, which is presently under construction. Even so, the Opposition has rightly pointed out that the hospice only has a three-year lease.

But whether she likes it or not, the decision about Acton Peninsula has been removed from Rosemary Follett's list of things to do, courtesy of Paul Keating's announcement about the location of the Aboriginal gallery on the peninsula. It is a shame it had to come to that.

It is a shame that the Federal Government could apparently ride roughshod over the ACT Government. As early as 1992, the then Parliamentary Secretary to the Prime Minister, Laurie Brereton, made a statement indicating that the Federal Government had no say on the use of Acton Peninsula or Royal Canberra Hospital. It is also a shame that the ACT Government would allow this to happen. Certainly, arguments between different tiers of government are often tedious, but generally worth fighting for.

Subsequent talks of compensation are surely only meant to soften the blow.

And even if it happens, it does not go to the heart of the matter. The people of Canberra have lost the right to control the future of a piece of land which lies at the historic, social and geographic heart of the city. It is a piece of land which arguably means more to Canberrans than to other Australians. Its loss is the greatest shame of all.

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That is a very powerful editorial comment from that particular paper. Let us go back to what the Federal Labor Government promised in March 1993.

Mr Wood: What about the Federal Liberals? What are they saying about this?

MR STEFANIAK: I will come to that, Mr Wood. The Federal Liberals have been relatively consistent on this and are now going to make a big issue out of it. It is your mob who have stuffed this up. I quote now from the ALP cultural policy of 1993. The first two paragraphs on a National Museum of Australia state:

Labor believes that the Commonwealth has a major role to play in preserving and making accessible our experience as a nation, and that all Australians should have the opportunity to share in this inheritance.

For that reason, Labor will proceed with the development of the National Museum of Australia, with a Commonwealth contribution of \$26 million over four years. Its completion will be a co-operative exercise between the Commonwealth, the Government of the Australian Capital Territory and the corporate sector.

The document goes on to say finally:

Concurrently, over the next four years, there will be a staged development of the Museum's site at Yarramundi including exhibition, education and conservation facilities.

I move along to 3 December 1993. The local ALP branch council unanimously rejected moves to build a \$50m National Museum of Australia on Acton Peninsula. That council called on the Federal Government to press ahead with the construction of the museum at Yarramundi Reach. Doug Thompson, the branch secretary, probably a very sensible man, said that there were two problems with the Acton site - firstly, there was a lack of space and, secondly, the council supported the establishment of a hospice on Acton. Maybe it would be better at Calvary, but that is what he said. The Arts Minister, Bob McMullan, indicated that a decision was likely in mid-1994.

That is where things started to go wrong. After all the great hoo-ha and trumpeting by the Prime Minister in March 1993, in April 1994 we got an inkling that things were going a little bit amiss. Robert Macklin from the *Canberra Times* wrote that he was startled to see on a local television station the Federal Minister for the Arts, Michael Lee, telling a reporter that the location and funding of the National Museum of Australia were to be reviewed. Decisions on the museum's future would not be announced, he said, for about six months. The Prime Minister and the ALP Federal Government had started going back on their promises made in the Federal election in March of 1993.

Of course, the local ALP were very keen to see the museum go ahead as planned. I quote now from Mr Connolly, who was getting a bit worried in October, when he said:

The Prime Minister, Paul Keating, has lost sight of the "big picture" if a national museum is not built in Canberra.

An article of 12 October stated:

Mr Connolly said yesterday a national museum was a must for a nation entering its centenary of Federation and verging on the cusp of republicanism.

I do not know whether I agree with that; but, at any rate, we are certainly approaching the centenary of Federation. It is interesting to note that in that article reference was made to a newsletter Ros Kelly sent to all households in her electorate in March 1993, in which she said - - -

Mr De Domenico: Did it come with a magnet on it?

MR STEFANIAK: I do not think so. Ros Kelly said:

I am delighted that we have finally started the museum. I am also delighted that it will be located at Yarramundi Reach, which has always been my preferred location.

It is interesting to note how solid Mrs Kelly has been on that since then. She attracted criticism, as did other Federal ALP members in Canberra, from Judy Holding, a founding member of Friends of the National Museum, who on 8 November this year, under the heading "Local MPs silent on museum", in the letters to the editor in the *Canberra Times*, wrote:

It was with great surprise and disappointment that I witnessed the disappearance of the Australian National Museum from the cultural priorities of this Government. I wonder why this was allowed to happen by those Members that represent the ACT?

It has been my experience and observation that Members of Parliament push very strongly for developments in their electorates.

They might have back in March 1993, but they certainly went quiet when the Prime Minister did his backflip.

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Mr De Domenico: They needed their electorates then; they do not need them any more. They are taking them for granted.

MR STEFANIAK: That is exactly right. They think they are pretty safe and they take them for granted. Hopefully, they will get a surprise. Even as late as 1 June 1994, the Minister for the Arts in the Federal Parliament, Michael Lee, reassured people at a meeting at Yarramundi Reach, stating, "Do not worry. The site is not a problem. It is okay". Unfortunately, he has done a complete backflip.

What we have, Mr Deputy Speaker, is quite clearly a third-rate solution to what could have been an excellent project. Yarramundi Reach, for the full Museum of Australia, would have been excellent. There are 88 hectares there, as opposed to 15 on Acton Peninsula. Yarramundi Reach is a perfect site for the original concept of the museum, which was our Aboriginal heritage blending in with white settlement, blending in with further development of Australia. Now we simply cannot see that. We are lucky to have anything at all. If certain members of the Federal Labor Party had their way, even the Aboriginal elements of the museum would have gone to Adelaide. What the Federal Labor Government has done is a great shame, and I think it is a great shame that members opposite have not criticised them more and stood up for Canberra's rights more on this issue, instead of quietly acquiescing and trying to put on a brave face about a disgraceful renegeing on an election promise by the Prime Minister.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (4.19): Mr Humphries and Mr Stefaniak, on behalf of the Liberals, have come in here and postured as some sort of heroes trying to save the National Museum. I said before, by way of interjection, that they have absolutely no background and no credibility. I cannot, with any degree of seriousness, accept what they say. There is no doubt that it has always been our preference that the Museum of Australia be located at the Yarramundi site, and we will continue to work to see whether that can be achieved. Nevertheless, the Federal Government has made its decision, and we accept that a Gallery of Aboriginal Australia will be located on Acton Peninsula. There is no suggestion from the Opposition that that is something to be applauded. The decision in that respect is still a positive one not only for the nation but certainly for our community.

Let me give some more credit to the Federal Government. The gallery should be viewed in the context of that Government's wider cultural policy and its impact on the ACT - and a very beneficial one at that. The proposed extension to the National Gallery, continued refurbishment of Old Parliament House, which will itself become part of the museums network, and the upgrading of the National Film and Sound Archive are all initiatives which have the potential to increase our cultural tourist numbers and, with it, to provide an added stimulus to our economy and a greater cultural base in the ACT. Because Opposition members are out of sorts, they will not give one moment's recognition to those very significant achievements. The museum will continue to develop its travelling exhibitions. This also provides an opportunity for the ACT, through our own cultural and heritage centre, to develop exhibitions of particular significance to our community. Again, that did not attract any praise from the Opposition.

The Prime Minister's statement was fundamentally about putting cultural policy in mainstream decision making. It is a vision which will benefit all States and this Territory. The word is "vision" - a Labor Government vision of Australia's cultural future. The Liberal oppositions, both federally and locally, have no vision, and that is why they will never find themselves in government. The Federal Opposition thought the museum project so inconsequential that they forgot to mention it in their The Things That Matter policy. Clearly, this is one project that did not matter. These people posture, claiming to have an interest and, as Mr Humphries said, claiming to speak on behalf of the party - and the party does not see this as anything that matters. Nor, I note, did the Liberals mention it here in the ACT in their platform. Perhaps Mr Humphries can show me where in his platform it is referred to.

Mr Humphries: We did not try to buy government federally by making promises we could not keep.

MR WOOD: So you agree with what I say? You confirm my remarks? The National Museum was mentioned in Federal Liberal documents. It was mentioned in Fightback, with a claim that the Liberals would reduce the amount of money the museum would receive. That document stated:

The National Museum of Australia's development will be carefully examined with a view to reducing its rate of growth in spending by \$1 million.

That is the priority that it got in Fightback; that is the priority of the Federal Liberals, on whose behalf Mr Humphries was expressing great outrage. He said, "I speak for the Liberals".

As I said last night, a more recent document, the *Cultural Frontier*, was released by the Liberals only two months ago, although it has faded totally from view. I would like the Liberals who so strongly support the National Museum, Liberals like Mr De Domenico, to go away and read the *Cultural Frontier* document and tell me what it says about the National Museum. What does it say about the National Museum? What priority does the Liberals' major cultural document give to the National Museum? Mr De Domenico does not know what priority it gives. It does not give any priority at all. It does not give the National Museum a mention. Yet we saw Mr Humphries posturing. I will keep using that word because there is no cultural depth at all to the Liberals. The Liberal Party has shown here that it has no interest in such cultural matters.

All the two Liberals who have spoken today want to do is to stand up and run a political line, in the belief that here is something they can score from. I would give you some respect if in your documents you had shown some respect for the National Museum. You have not done that locally or federally and, therefore, you have no credibility.

Mr De Domenico: Just wait and see.

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MR WOOD: You can write it in now, Mr De Domenico. The MPI is without substance. Discussions with the Federal Government will continue to require an acceptable resolution of issues relating to Acton Peninsula, and we will be negotiating on the conditions of our contribution to the proposed gallery development. We will continue, as we have both federally and territorially, to give the highest priority to cultural matters. We have the record. We have done it. These people opposite can only nark about it.

MR DE DOMENICO (4.27): Mr Deputy Speaker, there is one thing I need to say. I feel a lot of envy for the way Labor politicians tend to protect one another in times of crisis. I call this a time of crisis. It was very interesting to hear Mr Wood speak. Mr Wood stood up here and gave credit to the Federal Government. I cannot believe that from the local Arts Minister. Let us have a look at the facts and at what has been consistently said by various Labor politicians.

Mr Wood: Tell us about your documents.

MR DE DOMENICO: Let me tell you about your Government, Mr Wood.

Mr Wood: Establish your credibility.

MR DE DOMENICO: Let us establish the Federal Labor Government's credibility first. Let us have a look at that first.

Mr Wood: Will you then come to yours?

MR DE DOMENICO: Yes, then I will come to mine. Let us do your Federal Labor Government first. After all, they have been in power for 10 years now. Let us have a look at what Mr Hawke said. Do you remember him? He is a former Prime Minister of this country. He was involved in the VITAB affair too, I believe. We believed him about VITAB. Let us see what he said about the National Museum. Robert Macklin wrote about it. This is what Mr Hawke said:

I appreciate the goal of my Cabinet colleagues to open the building of the National Museum of Australia as part of our centennial celebration on January 1, 2001.

That was Mr Hawke when he was Prime Minister. This was obviously pre-1991, before he was dumped. As the next step, let us see what Mr Keating said when he took over. Once again you would think there would be consistency in Labor Prime Ministers. There was, in fact. On 1 March, in the *Canberra Times* we saw the big headline "PM pledges \$26m for museum". The article below stated:

The Prime Minister, Paul Keating, pledged \$26 million yesterday towards Canberra's on-again, off-again National Museum of Australia as part of Labor's cultural policy.

Mr Hawke when he was Prime Minister and Mr Keating when he took over both pledged at least \$26m over four years for a National Museum at Yarramundi Reach. Fantastic! No wonder the people of the ACT were absolutely delighted. Two Prime Ministers, one after the other, said the same thing. Of course, notwithstanding any of this, no-one could stop Mrs Kelly from getting onto the band wagon. Mrs Kelly, as is her wont, jumped up. We read in the same article:

The money would be sufficient to provide about half the funding for Stage 1 of the building at Yarramundi Reach on Lake Burley Griffin, the Minister for the Arts and Member for Canberra, Ros Kelly, said later.

So, there is the scenario. One Prime Minister, Mr Hawke, promised millions of dollars, bucketfuls of money, to build a National Museum at Yarramundi Reach. Paul Keating, not wanting to be outdone by Bobby boy, promised the same thing - \$26m over four years for a National Museum at Yarramundi Reach. Mrs Kelly, running towards a television camera when she was Minister for the Arts, said, "Fantastic! It is all my doing. I did all this - \$26m over four years and 300 jobs". Mrs Kelly said this before the Federal election, duping the Canberra voters and saying, "Haven't I done a great job?". That is the credibility of the Labor Government.

Mr Wood talked about the credibility of the Liberal Party. Let us have a look at that. The same article in the *Canberra Times* of 1 March stated:

No comment was available from the Chief Minister, Rosemary Follett, but a spokesperson said, "She has consistently supported the National Museum."

That was the comment from Rosemary Follett. The *Canberra Times* article went on:

The ACT Opposition spokesman on employment, finance and tourism, Tony De Domenico, welcomed the Government's proposal.

I will repeat it:

The ACT Opposition spokesman on employment, finance and tourism, Tony De Domenico, welcomed the Government's proposal.

Mr Wood, the ACT Liberal Party has been right behind the National Museum.

Debate interrupted.

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ADJOURNMENT

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

That the Assembly do now adjourn.

Mr Berry: Mr Deputy Speaker, I require that the question be put forthwith without debate.

Question resolved in the negative.

NATIONAL MUSEUM OF AUSTRALIA Discussion of Matter of Public Importance

Debate resumed.

MR DE DOMENICO: Let us look again at what Mrs Kelly said. After all, this is the lady who was in Cabinet, who loves Canberra and all that sort of thing. In the *Canberra Times* of Thursday, 17 August 1989, the banner headline reads, "Kelly says museum a luxury now". The article reads:

Construction of the Museum of Australia had become a luxury rather than a necessity, the Member for Canberra and Minister for Telecommunications and Aviation Support, Ros Kelly, has said.

So much for the credibility of Federal Labor governments and Federal Labor members. This is what Mrs Kelly said:

As much as I would like to see it built, I have to say that in terms of our priorities, the Museum of Australia at the moment has become a luxury rather than a necessity.

I hope that doesn't mean that it's taken off the agenda in future years ... I'll be looking to try to get it back into the agenda as the economy improves.

So much for your comments, Mr Wood, about the credibility of people on this side of the house. I go on. What did Senator McMullan, another representative of the ACT, have to say? The *Canberra Times* of 20 July 1993 states:

On February 28, the Government promised \$26 million towards the \$65 million Stage One of the museum on the Yarramundi Reach site. A further \$13 million in infrastructure (roads, sewerage, water and electricity) was to come from the ACT and the private sector was to provide another \$26 million.

A spokesman for Senator McMullan said the promise was looking strong, but "the minister cannot make any formal announcements in the pre-Budget context".

According to McMullan, it was looking strong. We have heard Mr Hawke and Mr Keating. Mrs Kelly, as usual, had two bob each way. If it is good news, it is all Ros Kelly's doing. If it is bad news, she blames it on somebody else or tries to squirm out of it in some way or another. Senator McMullan, fence-sitter that he is, says, "Yes, it is looking strong", but he cannot make a commitment because of Cabinet solidarity or something. Ms Follett also got into the limelight as we read "Follett pledges \$13m for national museum". That was for the Yarramundi Reach site.

Quite interestingly, Mr Wood waxed lyrical about what Federal Liberal governments have said. I now quote from page 1127 of the uncorrected copy of *Hansard* of the Estimates Committee of 30 September 1993:

MR DE DOMENICO: Chief Minister, was it your understanding ... that prior to the Federal Election there was no linkage of the building of the National Museum to private sector support?

MS FOLLETT: No, Madam Chair. I have [a] very long association with the National Museum of Australia, and I think at the very start, in 1980 -

there was a Federal Liberal government in 1980 -

when the museum's legislation was first passed by the Federal Parliament the intention then was that it would be entirely a Federal Government funded project to the tune of - in 1980 dollar terms - around \$90m.

Mr Kaine: That was Malcolm Fraser.

MR DE DOMENICO: That was Malcolm Fraser.

Ms Ellis: Why did they not build it?

MR DE DOMENICO: Ms Ellis says, "Why did they not do it?". They went out of office in 1983, Ms Ellis. Your mob have been in there for 10 years. The member you used to work for, your local member, promised the world and she could not deliver. That is the answer to your question, Ms Ellis.

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Ms Ellis: I should raise a point of order, but I cannot be bothered, Madam Speaker. I think it would be superfluous to address the point.

MR DE DOMENICO: Nor could Mrs Kelly. She could not be bothered either. She tried to take the kudos when things were looking good, but she squirmed out of it when things did not happen. Madam Speaker, there has been a litany of broken promises from two Federal Labor Prime Ministers and from every Federal Labor member representing this community. They attempt to get into the limelight when things are looking good and then squirm out of it when things do not happen. It is no use Mr Wood standing up and talking about The Things That Matter. We can talk about the things that never happen under a Federal Labor government. If we want to be really honest about the thing, the Federal Labor Government treats the people of the ACT with disdain. It takes them for granted. It always has taken them for granted. When it comes close to election time, they all beam, smile and make every promise under the sun; but they fail to deliver.

Mr Hawke failed to deliver. Mr Keating has failed to deliver. Mrs Kelly has failed to deliver. Senator McMullan has failed to deliver. Ms Follett and her ACT Labor Government have squirmed and chopped and changed all the time. Not one of them has had the guts to say, "We have been duded by our Federal Labor Party colleagues". They have squirmed; they have backed off; they have tried to defend the errors of their ways. Let us be honest about this thing. We were promised the world; we ended up getting hardly anything at all. I think this Government stands condemned, as do their Federal colleagues.

MR MOORE (4.36): Madam Speaker, the last part of Mr De Domenico's speech was rather repetitive. He kept saying "failed to deliver, failed to deliver, failed to deliver". But he did make some sense and he certainly reinforced his point. Madam Speaker, rather than go through a lot of those issues that have been raised in the politicking that has been going on, I would like to take us to the point where we now have something in place and express a concern that I have with a possible trade-off of land for the area of the Kingston foreshores. The reason I raise this issue is that I have a real concern that a direct swap for that piece of land would in fact be a hopeless deal for us.

I say that because, if you take a map of the particular area in Kingston and look at what is Federal land and what is already ACT land, you will realise that in fact there is a very small piece of Federal land that looks like an arrow driven into the middle of the ACT land. If you go there, you can identify the piece of Federal land by the pieces of granite left over from the Federal Parliament House. The Federal land also includes the area of the Government Printing Office. The ACT land there could easily be redeveloped for townhouses or something like that, in spite of that piece of Federal land jutting into it. Of course, it would be convenient for us to get that piece of land back from the Federal Government. It is incomprehensible to me how it did not transfer to the ACT at the time of self-government and why the Federal Government felt that they should hold on to it.

There is no way that the area on Acton Peninsula could in any way be considered equal to that piece of land on the Kingston foreshores. I foreshadow for the Government that issue about that piece of land. I believe that it is a critical issue. It would really be selling out the Canberra community to negotiate any kind of swap along those lines. A cash settlement would be much better. Perhaps that could be arranged, using the \$13m that the Chief Minister has committed to infrastructure costs and so forth.

Madam Speaker, like most members I have heard here today, we prefer Yarramundi Reach. I believe, nevertheless, that an appropriate gallery that sings the praises of the Aboriginal people of Australia is well worth while. I believe that such an establishment in the location that has been identified by the Aboriginal people themselves, by the Ngunnawal people in particular, on Acton Peninsula will be consistent with the health and community purposes that we are currently working on for Acton Peninsula. It will be consistent with a hospice. I have no problem at all with that. It will also be consistent with further health facilities as they develop and consistent with further community facilities. Hopefully, in a very short time those community facilities will include an expanded National Museum of Australia. Madam Speaker, at this point we really have to take a positive look at where we are going with the National Museum of Australia. It is not what we wanted. There is no doubt about that.

Mr Humphries: Hear, hear!

MR MOORE: Mr Humphries says, "Hear, hear!". I remind him that at the last election the Liberals made it very clear that they were not even going to deliver that.

Mr Humphries: That is not true.

MR MOORE: Mr Humphries says that that is not true. I am quite happy to be corrected by him and to talk to him about it later. That is certainly my understanding.

Mr Humphries: We did not try to win government on the basis of that promise. That is the difference.

MR MOORE: Mr Humphries also interjects to ask why I do not lambast the Government, or words to that effect, on this issue. I started by saying that I agree with all that politicking. I agree that we have been let down in this area, but I stood today to make very clear to the Government my opinion that a land swap along the lines I have mentioned would be incredibly inadequate and that we should ensure that when the negotiations for that land take place the negotiations are proper.

MADAM SPEAKER: The discussion is concluded.

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CONSIDERATION OF ASSEMBLY BUSINESS
Suspension of Standing and Temporary Orders

Motion (by Mr Berry) agreed to, with the concurrence of an absolute majority:

That so much of the standing and temporary orders be suspended as would prevent Assembly business, order of the day No. 1, relating to the Standing Committee on Legal Affairs report No. 4 on the Statute Law Revision (Penalties) Bill 1993, being called on immediately after the resolution of any question relating to the conclusion of consideration of Executive business, order of the day No. 2, relating to the Statute Law Revision (Penalties) Bill 1993.

INTERPRETATION (AMENDMENT) BILL (NO. 3) 1993

[COGNATE BILL AND REPORT:

STATUTE LAW REVISION (PENALTIES) BILL 1993
LEGAL AFFAIRS - STANDING COMMITTEE - REPORT ON STATUTE LAW REVISION
(PENALTIES) BILL 1993]

Debate resumed from 22 September 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

MADAM SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with the Statute Law Revision (Penalties) Bill 1993 and the motion relating to report No. 4 of the Standing Committee on Legal Affairs? There being no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to order of the day No. 2 and Assembly business, order of the day No. 1, relating to report No. 4 of the Standing Committee on Legal Affairs.

MS SZUTY (4.43): Madam Speaker, I indicate to the Assembly that, in the first instance, I will be addressing the report of the Legal Affairs Committee on the Statute Law Revision (Penalties) Bill 1993. I think it is appropriate that I deal briefly with the committee's report, and then we will hear debate on the Bill itself, as a consequence. On 16 February of this year, the Standing Committee on Legal Affairs resolved, on my motion, to inquire into and report on the Statute Law Revision (Penalties) Bill 1993. On 24 February 1994, the chairman moved that, notwithstanding the provisions of standing order 174, the Statute Law Revision (Penalties) Bill 1993 be referred to the Standing Committee on Legal Affairs for inquiry and report by the last sitting day of June 1994 and that, on the committee presenting its report to the Assembly, resumption of debate on the question "That this Bill be agreed to in principle" be set down as an order of the day for the next sitting. We have been some time in arriving at this debate. However, I believe that the committee has quite comprehensively gone through the Statute Law Revision (Penalties) Bill and examined each of the proposals in some detail.

I would like to refer specifically to recommendation No. 1 in the committee's report.

Recommendation No. 1 was that the penalty review principles be incorporated in a preamble to the Bill. I understand from the Government's response to this matter that the Government did not agree that that was a very sensible course of action to take. In hindsight, I would agree with the direction that the Government has taken in response to this matter. I do not think that committee members at the time really envisaged what this Statute Law Revision (Penalties) Bill was about. It is actually aiming to amend a whole series of Acts in specific ways. Therefore, it is fairly pointless to have a preamble to this Bill sitting somewhere in isolation. However, the Parliamentary Counsel did go to the trouble of preparing a suggested preamble to such a Bill. For the record, I would like to read it into *Hansard* so that it is there in the Assembly records for people to refer to in future. The proposed preamble would have said:

WHEREAS it is desirable that in provisions of legislation creating offences the following principles should be followed as far as practicable.

1. The maximum penalty for an offence should be set out at the foot of the provision.
2. A minimum penalty should not be prescribed.
3. The maximum penalty for an offence should reflect the seriousness of the offence relative to other offences of a similar nature, recognising that it is the role of a court to determine the appropriate penalty in a particular case.
4. The maximum penalty for an offence should be a fine of \$100 or a multiple of that amount in the case of an individual or \$500 or a multiple of that amount in the case of a body corporate or, for a more serious offence, imprisonment for a period of not less than 6 months.
5. Where applicable, the ratio between fines and imprisonment should be such that a fine of \$5,000 corresponds to imprisonment for a period of 6 months.
6. A penalty of imprisonment should be prescribed only for an offence involving an element of 1 or more of the following (either actual or implied):
 - . dishonesty;
 - . abuse of authority or trust;
 - . violence;
 - . endangerment of life or property;
 - . perversion;
 - . obstruction of justice or law enforcement;
 - . subversion;
 - . activities similar to those mentioned above.

7. Imprisonment should not be prescribed as a penalty for a minor offence, and imprisonment only (without provision for a fine) should be prescribed only in exceptional circumstances.

8. A penalty prescribed in regulations or other subordinate legislation should not exceed a fine of \$1,000 in the case of an individual or \$5,000 in the case of a body corporate, and a term of imprisonment should not be prescribed in regulations.

9. A general penalty or a maximum penalty calculated by reference to a formula which requires proof of 1 or more elements should not be prescribed.

Madam Speaker, I think it is useful for the Assembly to have a record of the principles which have formed the basis of the very many amendments which will be made to the various Acts that we are considering.

In its response to the committee's report, the Government agreed to six of the committee's 12 recommendations. That is not a very high number. Certainly, one of the major factors that the committee took into consideration in terms of its response to the Statute Law Revision (Penalties) Bill was that we were looking for consistency of application, given that an apparent lack of consistency was what many people drew attention to when the Bill was originally tabled in the Assembly. Madam Speaker, I propose to leave my comments there at this stage. I may participate further in debate on the Bill after other members have spoken.

MR HUMPHRIES: (4.49) Madam Speaker, in addressing all three of the matters before the committee, let me say, first of all, that the Interpretation (Amendment) Bill (No. 3) is a very important piece of legislation. It is one that has been talked about for at least four years, as far as I can recall, and its arrival is extremely important. As members know, exercises like the one inherent in the Statute Law Revision (Penalties) Bill have to be done every so often when you have legislation which expresses penalties in monetary units - dollars or, in some cases of legislation I have found, pounds. It necessarily involves a process of constant updating. It makes enormous sense to avoid that lumbering process by actually enacting the concept of penalty units. So, rather than saying that there is a penalty of \$100, we say "one penalty unit". As inflation takes its toll - it has not done so lately, but I expect that at some stage it may well do so again - we can simply amend the value of a penalty unit rather than having to amend thousands of items in legislation in an exercise like this revision Bill.

The arrival of penalty units is very important. In a sense, it makes the Acts and statutes, to which people refer to see what penalties are, a little less user-friendly. They see that an offence is committed if they do a certain thing and they discover that the penalty for doing that is 10 penalty units; but they may not know that, as of the year 2002, a penalty unit is worth \$124.50, or whatever it might be. It may be that the Government should consider having that information fairly readily available in such places as libraries in case people want to have access to it. That is a small suggestion.

Madam Speaker, I turn to the Statute Law Revision (Penalties) Bill and the committee's report on it. I think that the committee is prepared to accept - I personally am prepared to accept - the majority of the responses by the Attorney-General to the recommendations of the committee. Certainly, in the case of some of the responses, the Minister has persuaded me that that position should be adopted and that the recommendation of the committee should not proceed. In others, he has picked up the recommendation and has accepted it anyway.

In the case of the recommendation concerning the penalty review principles, Ms Szuty has, helpfully, recorded those principles in a permanent place. At one stage, the committee recommended that the principles appear as a preamble to the legislation. That, clearly, is a very ephemeral place in which to put them. Even the explanatory memorandum, where we found them, is an ephemeral document. But *Hansard*, we hope, will be a document of some permanence that people can refer to. When they see that on 9 November 1994 the Interpretation (Amendment) Bill was passed and that the penalty review principles were stated in the Assembly on that day, it is a way of realising what was the philosophy behind that whole approach. So, Madam Speaker, that is the position. I have no quibbles at all with the 66 amendments put forward by the Minister.

I would make one final point, Madam Speaker. Mrs Grassby was kind enough in her remarks to thank the committee staff for the hard work they did in preparing this committee report. That is very commendable of her; but in this case it, unfortunately, overlooks one fairly significant piece of information which ought to have been taken notice of. That is that the committee did not have any staff when it actually prepared the report. The 106 pages of this document were gone through by me, as chairman of the committee, and I prepared this report for the committee's perusal. The committee itself then worked on the draft report and prepared it. My secretary and my wife actually typed it. So, I will take the liberty of translating Mrs Grassby's thanks to the non-existent committee staff as thanks to my secretary and my wife, and I will so convey her thanks to them.

MR CONNOLLY (Attorney-General and Minister for Health) (4.53), in reply: I thank members for their support. I particularly thank the committee for what has been a fairly massive exercise. This has involved two issues. One is the simple concept of using penalty units, which was something that I, as a private member, suggested when I first came into the Assembly. I seem to recall that I actually moved a private members Bill to do it from opposition - although, back in the days of the Alliance Government, private members business never really got anywhere. It was a fairly bleak existence. So, that attempt collapsed; but the exercise has now been picked up.

Simply having the Bill provide for penalty units was the easy bit. The difficult bit, which was never going to be possible for a private member, was to actually make sense of it and put it through all the Acts of the ACT. What officers of the department have done is to go through massive statutes, involving hundreds of provisions, try to make some sense of them and apply those principles that Ms Szuty has read into *Hansard*, so that we have some consistency across ACT law. It was not an easy task. In some areas there are points of fine judgment to be made, and you could really call it either way. The committee adopted a very constructive approach to what could easily have been a hopelessly combative task and went through a raft of recommendations.

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We have responded, and I now have some 66 amendments to the Bill. Normally, one would imagine that there would be howls of outrage - "Shock, horror! The Government has tabled 66 amendments today" - but, in the spirit that has been present throughout this exercise, everyone accepts that. They know that we have been trying to comply with the spirit of the committee and we have been trying to make some sense of ACT Acts.

The suggestion that Mr Humphries made - that we could somehow let people know when they look at the Act what the penalty units mean - is one that we could well look at. I suspect that in the year 2002 it would be fairly unusual for lawyers or members of the public to go to volumes like that. I think that, by that stage, everything will be on-line. I am sure that there would be a way of having a constant little note at the beginning or the end of every Act to say that one penalty unit is \$124.07, or whatever it is at that time, and, as we would probably be live on-line, every time that changed, it would be automatically updated. So, that is something that we could look at. It certainly does make access to information a little bit easier and it brings consistency.

Mr Humphries said that he found some references to pounds. When we were going through this earlier, the only reference to pounds that I could find was in a regulation under the Mining Act. Since we do not actually have a lot of mines in the ACT, it is an area that had been rarely utilised. I think it was a penalty of five pounds for moving a miner's claim stake. If there are other penalties expressed in pounds, I would be interested to know about them. I thank members for their support in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

STATUTE LAW REVISION (PENALTIES) BILL 1993

Debate resumed from 22 September 1994, on motion by Mr Connolly:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR CONNOLLY (Attorney-General and Minister for Health) (4.57): Madam Speaker, I seek leave to move Government amendments Nos 1 and 2 together.

Leave granted.

MR CONNOLLY: I move:

Schedule -

Page 2, amendment of Administrative Appeals Tribunal Act 1989, proposed amendment of section 52 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 52 (penalty provision) -

Omit '\$5,000', substitute '50 penalty units'."

Page 4, amendment of Air Pollution Act 1984, proposed new subparagraphs 49(1)(d)(i) and (ii), omit the subparagraphs, substitute the following subparagraphs:

- "(i) if the offender is a natural person - 10 penalty units; or
- (ii) if the offender is a body corporate - 50 penalty units."

Madam Speaker, as there are some 66 of these amendments and they are extremely bitty, I do not intend to go through a speech that would win an academy award in respect of each point. I note that Mr Humphries said that the Opposition has had a look at them and is happy with them, as have the Independents.

Mr De Domenico: We only said "Logies". Do not get your hopes up too high.

MR CONNOLLY: I am sorry; I was getting carried away.

Amendments agreed to.

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MR HUMPHRIES (4.58): Madam Speaker, I move:

Schedule, page 16, amendment of Children's Services Act 1986, proposed amendment of subsection 103(2) (penalty provision), omit the proposed amendment, substitute the following amendment:

"Subsection 103(2) (penalty provision) -

Omit '\$1,000', substitute '20 penalty units'."

This is a fairly sensitive matter and I want to take a little while to explain the reason for the Opposition amendment here. Section 103 is the provision in the Children's Services Act that makes reporting of child abuse mandatory. Members will be aware that there has been extensive work done on the question of mandatory reporting of child abuse, particularly by the Community Law Reform Committee, whose report was tabled in the Assembly last December. That is a very important and valuable document in helping us work out how to deal with this extremely difficult and sensitive area.

Madam Speaker, members who have read that report will be aware that the committee of 12 members or so was almost evenly split on how to proceed with the question of reporting of child abuse and whether to make it immediately mandatory or to stagger it and to incorporate other elements into the process of making child abuse reporting mandatory. The majority took the view that it was inappropriate to proceed down that path immediately. I want to quote a few provisions from the majority report of that committee. The majority found, for example:

Evidence from other jurisdictions, both in Australia and overseas, has shown that the introduction of mandatory reporting has generated additional cases but that the services necessary for following up those cases have either been reduced or not increased, with the result that the preventive and support parts of the system were unable to cope ... The Committee does, however, believe that it would be grossly irresponsible to introduce a system of mandatory reporting without at the same time ensuring that the whole child welfare system can cope with the new measures.

The committee noted that in the 1993 ACT budget some \$330,000 was allocated for six new child protection workers in the Family Services Branch and also additional staff at the Child at Risk Assessment Unit and that there had been a 26 per cent increase in notifications in the previous year which, in part, generated that extra allocation of resources. However, there was no additional money for increased substitute care or for counselling services. I do not recall any particular measures in the 1994 budget touching on this area. I do not exclude the possibility that they were there. The Minister may be able to enlighten us about that.

Madam Speaker, in recommending that there not be an immediate proceeding with the provisions for mandatory reporting of child abuse, the majority of the committee recommended a three-stage process. It said that there should be a phased response to the problem. The first phase should be targeted education without mandatory reporting. The second stage should be limited mandatory reporting for certain categories of occupation. The third stage should be full mandatory reporting. It noted at paragraph 220 of the report:

Three groups in the ACT - welfare workers, the police and doctors - were shown to be under-reporting as compared with other jurisdictions. In response to these findings the majority believes that it is preferable to pursue an education program encouraging voluntary reporting and targeted in particular at those groups ... Only if and when it can be demonstrated that the low reporting groups will not respond positively to such education campaigns should there be a move to introduce more coercive measures -

bear in mind what we are talking about today -

in the form of a limited version of mandatory reporting (phase 2 below) or full mandatory reporting (phase 3 below), as long as the system is capable of providing adequate protective and follow-up services.

Madam Speaker, that report was tabled 11 months ago. The Minister made a tabling statement at the time. That Minister was Mr Connolly. As far as I am aware, there has not been a Government response to those recommendations; so we do not formally know whether the Government proposes to accept the majority report or the minority report of the Community Law Reform Committee. We do know, however, that the majority felt that that education program must occur before mandatory reporting takes place.

All that we are being asked to do today in the Statutory Law Revision (Penalties) Bill is to increase the penalty for failure to report child abuse fivefold, from \$1,000 to 50 penalty units, which is \$5,000. I accept that that would be appropriate if we were in phase 2 or phase 3 of what the Community Law Reform Committee recommended; but, as far as I am aware, we are, at best, somewhere in phase one, or perhaps not even at the beginning of phase one. Mr Connolly assures me that there has been a program of educating, targeting the particular professions that were referred to in that report; that is, welfare workers, the police and doctors. I, personally, am not aware of what that campaign has done or what form it has taken. As far as I am aware, it has not been a mass media kind of education program. It must have been a special targeted education program. It is worth noting that the committee again makes it very clear that we should not proceed to impose mandatory reporting until we have evidence of the failure of that education program and, therefore, the need arises to actually proceed to that stage. I must confess, Madam Speaker, that I am loath to take on the process of quintupling the penalties for this offence when we have not yet seen the process gone through which that majority report recommended.

Let me also briefly mention that the majority consisted of a number of fairly important members of the committee, including Mr Nicholas Seddon, who is now the chair of the Community Law Reform Committee, with the retirement of Justice Kelly; Professor Duncan Chappell, then of the Institute of Criminology; Ms Veronica Laletin, who, I think, is known to members opposite; Mr Rod Campbell; and Ms Robyn Burnett, who, I think, is the Acting Human Rights Commissioner in the ACT. So, these people are not marginal, by any stretch of the imagination.

Section 103 has not yet been gazetted. It is not yet the law operating in the Territory. That is why the Opposition is suggesting that, until we have gone through the process recommended by the Community Law Reform Committee, it is better for us to proceed cautiously. We have recommended - and we put forward the amendment to achieve it - a doubling of the penalty for failure to report child abuse, from \$1,000 to \$2,000. We ask the Assembly not to proceed to the stage of making that penalty more onerous until we have demonstrated that the processes and steps recommended in the majority report of that committee have been complied with. At this stage, we cannot be confident that that has occurred.

MR CONNOLLY (Attorney-General and Minister for Health) (5.05): Madam Speaker, Mr Humphries makes a fair point. The final Government response on where we are going on mandatory reporting has not yet been tabled. I expect that Mr Lamont will be making some sort of statement in due course. It has been made clear since the report was originally handed down that it was our intention to move to mandatory reporting. I know that a lot of work has been done in the last 12 months. Just in Health, we have put some additional resources into the Child at Risk Unit at Woden. Everybody is working on the assumption that it will come in. It is a point of principle that perhaps we should wait until it comes in. The Government will take the view that this is the opportunity. We are looking for consistency across penalties.

While this Act has not yet been proclaimed, we have to ask whether \$1,000 is an appropriate penalty for failing to report child abuse. I think we all agree that it is not. Even Mr Humphries wants to double it. We would take the view that, if you are going to tamper with it at all in advance of its being brought in, you really should do it properly. We believe that \$5,000, or 50 penalty units, is an appropriate level, putting failure to report child abuse within the scheme of all other penalties, and that \$1,000, leaving it as it is, is inappropriate. I know that the Opposition is not saying that we make light of child abuse. Nothing could be further from the truth. Their genuine concern is where we are on the implementation timeframe. Mr Lamont will report on that in due course. But the Government, while noting that it is a fair point, will persist with its original amendment.

MS SZUTY (5.07): Of course, Mr Humphries's statements conflict with the committee's report on this matter. In recommendation No. 4 it stated:

... the operation of the increased penalty in section 103(2) of the Children's Services Act 1986 be reviewed after a reasonable period of operation.

So, the committee recognised the extent of what we were doing with regard to this provision; but, I think, it wanted to err on the side of putting in an appropriate maximum penalty. The discussion of the matter before the recommendation in the committee's report is, I believe, instructive. We said:

The Schedule amends section 103(2) which deals with the mandatory reporting of child abuse by medical practitioners, social workers, public servants and so on. The Schedule provides a fivefold increase in the penalty for failure to report injury to a child or sexual abuse of a child to the Director of Family Services/Community Advocate.

The Committee notes the wide community debate which has accompanied the issue of mandatory reporting. In particular, it notes the discussion paper on this subject issued by the Community Law Reform Committee in 1993. It also notes that there has been some division among those working with cases of child abuse as to whether mandatory reporting assists or hinders the process of uncovering abuse.

The committee believes that the quintupling of the penalty provided in section 103(2) may send the wrong message about current attitudes towards this issue. The increase in penalty may also be conducive to promoting the reporting of suspected abuse in the most doubtful of cases. The Committee believes that the operation of this increased penalty should be reviewed after a reasonable period of operation.

Mr Humphries indicated that the members of the Community Law Reform Committee were divided on the issue. In fact, I think it was by a majority of one vote that the report came out in the way it did. I have worked in the community sector for many years, and I have always firmly supported the mandatory reporting of child abuse. In fact, it has been a constant source of frustration to me that the community sector has taken as long as it has to recognise that we, in the ACT, really do need to address this problem as a matter of urgency. I, too, look forward, as the Attorney-General has indicated that he does, to a statement on this issue by the Minister for Community Services, Mr Lamont. I will be very happy to review this provision of the Children's Services Act after a reasonable period of time, to see what effect the maximum penalty provision of \$5,000 has actually had.

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MR HUMPHRIES (5.10): Madam Speaker, I realise that this amendment is not going to succeed, but I want to make one more comment. The reason that we increased penalties in this area, for most of this Bill, was to discourage people from doing certain things. We hope that, by making a penalty five times greater, we will send the message that, if you want to do this, you are going to have to pay a lot more for the privilege of breaking this particular law. The question is whether the professionals, such as doctors, welfare workers and the police, who do not report child abuse do so because they think the penalties are light and might change their minds because the penalties are greater. I suspect not. I suspect that the reason why those people do not report child abuse is that they, in many cases, make a professional judgment that it would not be in the interests of the child to report the abuse in that case. I understand from the professionals I have spoken to that that is a common characteristic. Doctors particularly feel that it would not be in the interests of the child to expose the child's parents or carers to the processes which inevitably flow, or very probably flow, when a report is made.

Those people are making a professional judgment. They will be making it on behalf of their patients or their clients. When they do so, the increase in the penalty may not be a discouragement to them. They may feel that they will stand by their decision. The increased penalty that they will face in the court might not discourage them from doing so. That is a great pity, I think, given the fact that the community as a whole, and in particular the Community Law Reform Committee, which has had the carriage of this matter, have not been confident about taking this matter to a much more aggressive stage at this point. Indeed, I thought that Ms Szuty was going to say, "We have erred on the side of caution". Instead, she said, "We have erred on the side of going ahead with this recommendation". Of course, "caution" would be accepting the amendment that I put forward to the Assembly.

Amendment negatived.

MR CONNOLLY (Attorney-General and Minister for Health) (5.12): I seek leave to move Government amendments Nos 3 to 39 together and to table the supplementary explanatory memorandum.

Leave granted.

MR CONNOLLY: I move:

Schedule -

Page 18, amendment of Chiropractors Registration Act 1983 -

Proposed amendment of subsection 15(5) (penalty provision), omit the proposed amendment, substitute the following amendments:

"Subsection 29(5) -

Omit '\$500', substitute '5 penalty units'.

"Subsection 29(8) -

Omit '\$500', substitute '5 penalty units'."

Proposed amendment of section 17 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 30 (penalty provision) -

Omit '\$500', substitute '5 penalty units'."

Page 18, amendment of Collections Act 1959, proposed amendment of subsection 7(4), omit the proposed amendment, substitute the following amendments:

"Subsection 7(1) -

Add at the end the following penalty provision:

'Penalty: 50 penalty units.'

"Subsection 7(2) -

Add at the end the following penalty provision:

'Penalty: 5 penalty units.'

"Subsection 7(3) -

Add at the end the following penalty provision:

'Penalty: 10 penalty units.'

"Subsection 7(4) -

Omit the penalty provision, substitute the following penalty provision:

'Penalty for an offence against subsection (4): 10 penalty units.'"

Pages 22 and 23, amendment of Coroners Act 1956, omit the heading and the proposed amendments.

Page 25, amendment of Dog Control Act 1975, proposed amendment of subsection 19(1), omit "50 penalty units or imprisonment for 6 months, or both", substitute "5 penalty units.

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Page 27, amendment of Electricity Act 1971 -

Proposed amendment of subsection 11(1) (penalty provision), omit the proposed amendment, substitute the following amendment:

"Subsection 27(1) (penalty provision) -

Omit '\$200', substitute '50 penalty units'."

Proposed amendment of subsection 12(1) (penalty provision), omit the proposed amendment, substitute the following amendment:

"Subsection 28(1) (penalty provision) -

Omit '\$200', substitute '50 penalty units'."

Page 28, amendment of Electricity Act 1971 -

Proposed amendment of subsection 13(1) (penalty provision), omit the proposed amendment, substitute the following amendment:

"Subsection 29(1) (penalty provision) -

Omit '\$200', substitute '50 penalty units'."

Proposed amendment of section 14 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 33 (penalty provision) -

Omit '\$200', substitute '50 penalty units or imprisonment for 6 months, or both'."

Proposed amendment of section 21 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 47 (penalty provision) -

Omit '\$400', substitute '50 penalty units or imprisonment for 6 months, or both'."

Page 29, amendment of Electricity Act 1971, proposed amendment of subsection 34(3) (penalty provision), omit the proposed amendment, substitute the following amendment:

"Subsection 91(3) (penalty provision) -

Omit '\$200', substitute '50 penalty units or imprisonment for 6 months, or both'."

Page 30, amendment of Electricity Act 1971 -

Proposed amendment of section 35 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 92 (penalty provision) -

Omit '\$400', substitute '50 penalty units'.",

Proposed amendment of section 36 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 93 (penalty provision) -

Omit '\$200', substitute '50 penalty units or imprisonment for 6 months, or both'.",

Proposed amendment of section 37 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 97 (penalty provision) -

Omit '\$100', substitute '2 penalty units'.",

Proposed amendment of subsection 38(1) (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 98(1) (penalty provision) -

Omit '\$100', substitute '1 penalty unit'.",

Proposed amendment of section 40 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 100 (penalty provision) -

Omit '\$100', substitute '1 penalty unit'.",

Page 31, amendment of Evidence Act 1971, after the proposed amendment of section 85, insert the following amendment:

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"Subsection 97(2) -

Omit the subsection, substitute the following subsection:

'(2) Where a person duly bound by a recognisance or served with a subpoena to attend as a witness in a proceeding before the Supreme Court appears or is brought before the Supreme Court, after having failed to attend or remain in attendance before the Supreme Court as required by the recognisance or the subpoena, the Court may, if satisfied that the failure to attend was without just cause or reasonable excuse -

- (a) impose on the person a fine not exceeding 50 penalty units;
- (b) commit the person to prison for a term not exceeding 6 months; or
- (c) both impose the fine under paragraph (a) and commit the person to prison under paragraph (b).'. '.

Page 32, amendment of Fishing Act 1967 -

Proposed amendment of section 8 (penalty provision), omit "20 penalty units", substitute "5 penalty units".

Proposed amendment of section 12 (penalty provision), omit "30 penalty units", substitute "20 penalty units".

Proposed amendment of subsection 13(2) (penalty provision), omit "50 penalty units", substitute "10 penalty units".

Page 33, amendment of Fishing Act 1967 -

Proposed amendment of section 17 (penalty provision), omit "30 penalty units", substitute "10 penalty units".

Proposed amendment of subsection 24(1) (penalty provision), omit "20 penalty units", substitute "5 penalty units".

Proposed amendment of subsection 24(2), omit the proposed amendment, substitute the following amendment:

"Subsection 24(2) (penalty provision) -

Omit 'fifty dollars', substitute '5 penalty units'. '.

Proposed amendment of subsection 24(3), omit the proposed amendment, substitute the following amendment:

"Subsection 24(3) -

Omit the penalty provision, substitute the following penalty provision:

'Penalty for an offence against subsection (3): 10 penalty units.'.

Page 34, amendment of Fishing Act 1967, proposed amendment of section 30 (penalty provision), omit "50 penalty units", substitute "10 penalty units".

Page 35, amendment of Gaming Machines Act 1987, proposed amendment of subsection 45(1) (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 45 -

Omit the penalty provision, substitute the following penalty provision:

'Penalty:

- (a) if the offender is a natural person - 50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate - 250 penalty units.'.

Page 36, amendment of Hawkers Act 1936 -

Proposed amendment of subsection 6(1) (penalty provision), omit "50 penalty units", substitute "10 penalty units".

Proposed amendment of subsection 6(1A) (penalty provision), omit "30 penalty units", substitute "10 penalty units".

Proposed amendment of subsection 6A(1) (penalty provision), omit "50 penalty units", substitute "10 penalty units".

Proposed amendment of subsection 6A(3), omit "50 penalty units", substitute "10 penalty units".

Proposed amendment of section 16 (penalty provision), omit "50 penalty units", substitute "10 penalty units".

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Page 41, amendment of Land (Planning and Environment) Act 1991, proposed new penalty provision at foot of section 70, add at the end of paragraph (a) "or imprisonment for 6 months, or both".

Page 42, amendment of Land (Planning and Environment) Act 1991 -

Proposed amendment of subsection 150(1), omit the proposed amendment, substitute the following amendment:

"Subsection 150(1) -

Omit the penalty provision, substitute the following penalty provision:

'Penalty:

- (a) if the offender is a natural person - 100 penalty units or imprisonment for 12 months, or both;
- (b) if the offender is a body corporate - 500 penalty units.'

Proposed amendment of subsection 150(2), omit the proposed amendment, substitute the following amendment:

"Subsection 150(2) -

Omit the penalty provision, substitute the following penalty provision:

'Penalty:

- (a) if the offender is a natural person - 100 penalty units or imprisonment for 12 months, or both;
- (b) if the offender is a body corporate - 500 penalty units.'

Page 47, amendment of Legal Practitioners Act 1970, proposed amendment of paragraph 41(1)(b), omit the proposed amendment, substitute the following amendment:

"Paragraph 67 (1)(c) -

Omit '\$20,000', substitute '200 penalty units'.

Page 51, amendment of Magistrates Court Act 1930, proposed amendment of paragraph 206P(2)(b), omit the proposed amendment, substitute the following amendment:

"Paragraph 206P(2)(b) -

Omit the paragraph, substitute the following paragraph:

'(b) in the case of a natural person - by a fine not exceeding 50 penalty units or imprisonment for a period not exceeding 6 months, or both.'."

Page 54, amendment of Medical Practitioners Act 1930, proposed amendment of section 46 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 46 -

Omit the penalty provision, substitute the following penalty provision:

'Penalty:

- (a) for a breach of paragraph (1)(a) - 50 penalty units or imprisonment for 6 months, or both;
- (b) for a breach of paragraph (1)(b) or (c) - 30 penalty units.'."

Madam Speaker, we have addressed these amendments. They are too intricate to go into in detail.

Amendments agreed to.

MR HUMPHRIES (5.12): I move:

Schedule, page 56, amendment of Motor Omnibus Services Act 1955, proposed amendment of subsection 4C(2) (penalty provision), omit the proposed amendment.

Subsection 4C(2) of the Motor Omnibus Services Act provides that it is an offence to purchase a book of bus tickets on behalf of another person. That is my paraphrase of what the offence is. When the committee saw that, not surprisingly, it asked the question: Why should it be an offence to purchase a book of bus tickets on behalf of somebody else?

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Mr De Domenico: I have committed one every week for the past two years.

MR HUMPHRIES: Indeed, Mr De Domenico has confessed to having broken this law over a long period of time. His frankness in acknowledging his criminality is greatly refreshing, Madam Speaker. However, there are many other citizens who are in exactly the same boat.

Mr Connolly: Tragically, we have no gaol, Mr De Domenico; so I cannot throw you in it.

MR HUMPHRIES: Yes; but the Chief Justice and I are working on it. The Attorney-General makes the point that there is a need to examine why this offence is there, and he has undertaken to do that, in his response. By the same token, it seems to me that, before we increase the penalty for this matter, we should actually determine whether it should be an offence at all, rather than doing it the other way round - increasing the penalty and then working out whether it is an offence.

MR CONNOLLY (Attorney-General and Minister for Health) (5.13): You have twisted my arm. I throw in the towel. Madam Speaker, Mr Humphries is quite correct. I have just learnt that in a Bill that Mr Lamont will be introducing tomorrow he will probably be addressing that; so we agree. We accept the amendment.

Amendment agreed to.

Amendments (by Mr Connolly), by leave, proposed:

Schedule -

Page 63, amendment of Nature Conservation Act 1980, proposed amendment of subsection 57(1) (penalty provision), omit "50 penalty units", substitute "5 penalty units".

Page 64, amendment of Nurses Act 1988 -

Proposed amendment of subsection 18(5) (penalty provision), omit the proposed amendment, substitute the following amendment:

"Subsection 28(6A) (penalty provision) -

Omit '\$500', substitute '5 penalty units'."

Proposed amendment of section 25 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 29 (penalty provision) -

Omit '\$500', substitute '5 penalty units'."

Page 65, amendment of Nurses Act 1988 -

Proposed amendment of subsection 31(4) (penalty provision), omit the proposed amendment, substitute the following amendment:

"Subsection 52(5A) (penalty provision) -

Omit '\$500', substitute '5 penalty units'."

Proposed amendment of section 36 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 53 (penalty provision) -

Omit '\$500', substitute '5 penalty units'."

Page 69, amendment of Occupational Health and Safety Act 1989, proposed amendment of subsection 88(1), omit the proposed amendment, substitute the following amendment:

"Subsection 88(1) -

Omit the penalty provision, substitute the following penalty provision:

Penalty:

- (a) if the offender is a natural person - 50 penalty units or imprisonment for 6 months, or both;
- (b) if the offender is a body corporate - 250 penalty units.'."

Page 70, amendment of Optometrists Act 1956 -

Proposed amendment of section 19 (penalty provision), omit the proposed amendment.

Proposed amendment of subsection 27A(2) (penalty provision), omit the proposed amendment, substitute the following amendments:

"Subsection 24(8) (penalty provision) -

Omit '\$500', substitute '5 penalty units'.

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"Section 31 (penalty provision) -

Omit '\$500', substitute '5 penalty units'."

Page 74, amendment of Pharmacy Act 1931 -

Proposed amendment of subsection 25(4), omit the proposed amendment, substitute the following amendments:

"Subsection 31(5) -

Omit '\$500', substitute '5 penalty units'.

"Subsection 31(8) -

Omit '\$500', substitute '5 penalty units'."

Proposed amendment of section 27 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 32 (penalty provision) -

Omit '\$500', substitute '5 penalty units'."

Page 75, amendment of Physiotherapists Registration Act 1977 -

Proposed amendment of section 19, omit the proposed amendment, substitute the following amendment:

"Section 29 (penalty provision) -

Omit '\$500', substitute '5 penalty units'."

Proposed amendment of subsection 31(2), omit the proposed amendment, substitute the following amendment:

"Subsection 41(2) (penalty provision) -

Omit '\$5,000', substitute '50 penalty units'."

Page 76, amendment of Physiotherapists Registration Act 1977, proposed amendment of section 32, omit the proposed amendment, substitute the following amendment:

"Section 42 (penalty provision) -

Omit '\$5,000', substitute '50 penalty units'."

Page 86, amendment of Stamp Duties and Taxes Act 1987 -

Proposed amendment of subsection 37(1), omit the proposed amendment, substitute the following amendment:

"Subsection 37(1) (penalty provision) -

Omit '\$5,000', substitute '50 penalty units'."

Proposed amendment of section 41 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 41 (penalty provision) -

Omit '\$10,000', substitute '100 penalty units'."

Pages 88 and 89, amendments of Stock Diseases Act 1933, omit the heading and the proposed amendments.

Page 92, amendment of Taxation (Administration) Act 1987, proposed amendment of subsection 57(2), omit the proposed amendment, substitute the following amendment:

"Subsection 57(2) -

Omit '\$1,000', substitute '100 penalty units or by imprisonment for a period not exceeding 12 months, or both'."

Page 94, amendment of Trading Stamps Act 1972 -

Proposed amendment of subsection 4(1) (penalty provision), omit the proposed amendment, substitute the following amendment:

"Subsection 4(1) (penalty provision) -

Omit 'One thousand dollars', substitute the following paragraphs:

- (a) if the offender is a natural person - 10 penalty units;
- (b) if the offender is a body corporate - 50 penalty units'."

Proposed amendment of section 5 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 5 (penalty provision) -

Omit 'One thousand dollars', substitute the following paragraphs:

- '(a) if the offender is a natural person - 10 penalty units;
- (b) if the offender is a body corporate - 50 penalty units'."

Proposed amendment of section 6 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 6 (penalty provision) -

Omit 'One thousand dollars', substitute the following paragraphs:

- '(a) if the offender is a natural person - 10 penalty units;
- (b) if the offender is a body corporate - 50 penalty units'."

Proposed amendment of section 7 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 7 (penalty provision) -

Omit 'One thousand dollars', substitute the following paragraphs:

- '(a) if the offender is a natural person - 10 penalty units;
- (b) if the offender is a body corporate - 50 penalty units'."

Proposed amendment of section 8 (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 8 (penalty provision) -

Omit 'Five hundred dollars', substitute the following paragraphs:

- '(a) if the offender is a natural person - 10 penalty units;
- (b) if the offender is a body corporate - 50 penalty units'."

Page 96, amendment of Veterinary Surgeons Registration Act 1965 -

Proposed amendment of section 17A (penalty provision), omit the proposed amendment, substitute the following amendment:

"Subsection 28(11) -

Omit '\$500', substitute '5 penalty units'."

Proposed amendment of subsection 27A(2) (penalty provision), omit the proposed amendment, substitute the following amendment:

"Section 29 (penalty provision) -

Omit '\$500', substitute '5 penalty units'."

Proposed amendment of section 29 (penalty provision), omit the proposed amendment, substitute the following amendments:

"Subsection 50(1) (penalty provision) -

Omit '\$1,000', substitute '50 penalty units or imprisonment for 6 months, or both'.

"Subsection 50(2) (penalty provision) -

Omit '\$3,000', substitute '30 penalty units'."

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Page 98, amendment of Weapons Act 1991, proposed amendment of subsection 40(6):

Omit from paragraph (a) "or by imprisonment for a term not exceeding 6 months, or by both".

Omit from paragraph (b) "1,000", substitute "100".

Page 103, amendment of Weapons Act 1991, proposed amendment of subsection 83(1), omit the proposed amendment, substitute the following amendment:

"Subsection 83(1) -

Add at the end the following penalty provision:

'Penalty:

- (a) if the offender is a natural person - 20 penalty units;
- (b) if the offender is a body corporate - 100 penalty units'.

MR HUMPHRIES (5.14): Madam Speaker, I want to make one more general comment on the Bill at this point. It is just a comment about the explanatory memorandum. In reading these explanatory memoranda, I have always been struck by the lack of useful information contained in the section entitled "Financial Considerations", which is supposed to tell you what kind of impact the Bill will have on the budget of the Territory or maybe even on the citizens of the Territory. I have always found those provisions to be singularly non-useful, and this is no exception. In fact, this is a pretty good example of it. In the 106 pages of amendments which are contained in the Statute Law Revision (Penalties) Bill, probably four in every five are increases in the penalty - and often by fivefold or tenfold. There would have to be a massive increase in the total amount collected by the Territory from the imposing of fines under these hundreds of sections of various Acts. So, when we turn to the explanatory memorandum, we would expect to see some indication of how large the increase in revenue to the Territory might be as a result. But instead we find the statement that the Bill is intended to be budget neutral. I think it is a good example of why we should really ask ourselves whether we are achieving anything with these fairly useless financial considerations sections in explanatory memoranda.

MR CONNOLLY (Attorney-General and Minister for Health) (5.16): Madam Speaker, by definition, as we said from the starting point, these are the sorts of provisions of the criminal law that are rarely used - including the five pounds Mining Act provision - which is why, when we change the motor traffic legislation and the other things that we look at regularly, it does have a big budget impact. We just do not know what the budget impact is in this case. I note Mr Humphries's criticism, but I think it is unfair in this case.

Amendments agreed to.

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

Bill, as amended, agreed to.

LEGAL AFFAIRS - STANDING COMMITTEE
Report on Statute Law Revision (Penalties) Bill 1993

Debate resumed from 13 October 1994, on motion by Mr Humphries:

That the report be noted.

Question resolved in the affirmative.

MINISTERIAL ADVISORY COUNCIL ON PUBLIC EDUCATION
Report

Debate resumed from 18 May 1994, on motion by Mr Wood:

That the Assembly takes note of the paper.

MR CORNWELL (5.17): Madam Speaker, the Ministerial Advisory Council on Public Education report, or the MACPE report as it is called, has been prepared, I believe, by competent and committed people. It is well researched and makes some telling points. Unfortunately, it does not tell us anything new. Through no fault of the council's members, it stands as yet another Ozymandias monument, Mr Minister, to this Follett Labor Government's approach to so-called community consultation. That MACPE had to be set up at all raises serious and significant questions about this Government's increasingly failing capacity to tune in to the community.

In each of the three areas of education highlighted by the Minister in his tabling speech - and therefore, we assume, identified by the Government as the major findings of this report - we discover only what is self-evident and certainly what could have been ascertained by a quick visit to several schools. I refer to the need to address student skills in literacy and numeracy in the early years of schooling; the need to address the personal and social aspects of educating young adolescents in the middle years of schooling; and, finally, the need to provide a cohesive and integrated approach for vocational education and training. Not only are these three points self-evident; they also are uncontentious and, I suggest, would not have been remarked on if they represented the only recommendations of MACPE. However, this is not the case, because there are, in all, 14 recommendations. Some have incurred the ire of sections of the education establishment. The Council of P and C Associations was particularly critical. Indeed, their two representatives on the council presented a minority report, as did, in a separate minority report, the representative of the Canberra Pre-School Society.

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While it is interesting to note that neither the Trades and Labour Council representative nor the nominees of the Australian Education Union found it necessary to proffer a minority report or to support those who did, the remarks of the minority commentators cannot be easily dismissed. They are senior representatives in the education establishment; and their concerns, therefore, command attention, if not always support. For example, the opposition to student progression in the P and C Associations' minority report calls for further careful examination, because there is sense in the argument that, in general, the age cohort system has advantages and that such a form of mass and irregular streaming as general student progression would be an administrative nightmare. I am sure that the Minister would be prepared to admit that. The P and C Associations' suggestion that student progression should be decided on a case by case basis, taking account of social, emotional and physical development as well as academic achievement, I believe, has much to recommend it.

On the other hand, criticism of the majority report seeking a reduction in the number of schools is unjustified; not because the Council of P and C Associations is not entitled to its opinion of opposition to school closures but because the MACPE report does not recommend such a course and, from my reading of it, does not even mention school closures. However, it does make this pertinent statement, which is one that, whilst I have long claimed it to be the case, I have not seen supported by educationalists in writing. It is stated at paragraph 6.10:

The aims of maximising equity and access are not simple to implement. For example, small neighbourhood schools maximise access but inhibit equity, since the fixed costs of small schools are cross-subsidised by larger schools. Students in such schools therefore draw a disproportionate share of available resources.

At last, Minister, the truth is committed to paper and to posterity. It is interesting to note just how close the current system comes, in some sections, to the Liberal Party's policy on education. For example, paragraph 4.3 states:

The ACT government school system, from its creation in 1974, fostered the autonomy and individuality of its schools. Each school is governed by its own locally elected school board with responsibility for expenditure other than capital and salaries, and is responsible for approving its own school-based curriculum, developed within broad guidelines. The school board chair participates in the selection of the school principal, and the school principal participates in the selection of all school staff.

That paragraph, I would suggest, is but a short step from full school based management, as espoused by the ACT Liberal Party. The report itself has identified several issues that either have been canvassed by the Liberal Party or are strongly supported by us. Thus, as to recommendation 8, the design and construction of new school buildings and the non-subsidising of children of diplomats as ways of making savings and removing unfair subsidies have both been issues taken up by the Liberal Party. The question of literacy and numeracy has also been taken up, as graphically set out at page 19 and included as recommendation 2 of the report. While we have debated on numerous

occasions the reading recovery indictment, which saw some 6 per cent of students from 1992 missing out on this assistance, we have not addressed the more statistically serious and more current 1993 ACT Auditor-General's report on the government schooling program.

I am well aware that our own Public Accounts Committee did not unqualifiedly endorse this report. Nevertheless, the information supplied to it by the Department of Education and Training on learning assistance could hardly be challenged. This showed the seriousness of the situation, namely, that for the past three years 24 to 26 per cent of Year 6 students were identified as requiring learning assistance in Year 7. Based upon the 1993 February update of the ACT schools system data file, this represents 740 children out of 2,964 in Year 6. The report goes on to state that only 32 per cent of these 740 students return to mainstream classes after the Year 8 retest; that is, 236 students. What happens to the other 504? Further, the report went on to identify 2,875 students in high schools, that is, almost 26 per cent, requiring learning assistance as well.

At this point it is important to recall that the MACPE report came down a month before the 1994-95 budget - a budget that saw a miserable \$300,000 allocated to a pilot project in literacy and numeracy assistance in primary schools. One could argue: What is the worst feature of this Follett Government's budget action - the small amount of money allocated, the temporary nature of the funding, or the limiting of the so-called initiative to the primary sector of education? I will leave it to other members to judge which of those should have the greatest priority in condemnation.

However, what cannot be argued, because it is indefensible, is the apparent lack of accurate data on student learning outcomes, which is addressed at MACPE recommendation 5. I find it an indictment of this Labor Government and its claims to be compassionate and committed to social justice when I read at paragraph 5.9 of the MACPE report:

Despite the high retention rate in ACT secondary colleges a significant number of students do not complete their secondary schooling. The exact figures on how many students "drop out" or their reasons for doing so are not known, but even if the attrition rate is approaching 10 per cent (as some data suggest) this is a cause for concern. Access to education and training is increasingly limited for students who do not obtain a Year 12 Certificate.

I ask members: With this type of uncaring and neglectful approach to its education responsibilities, is it any wonder that the Follett Labor Government has presided and continues to preside over a Territory with one of the highest rates of youth unemployment in the country? If anyone doubts the truth of what I am saying, let them read this stark reality set out at paragraph 5.28:

As part of a national trend, students use their Year 12 results as the basis for entry to the technical and further education sector for further, essentially vocational, education. TAFE systems are now tending to use TER as the basis for entry to courses so for ACT students without a TER, access to further studies at TAFE level may become more and

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more difficult. The options for those who do not obtain university or TAFE places are limited, especially with high youth unemployment, and a number enrol for "Year 13" studies to improve their Tertiary Entrance Scores.

Given the fierce competition for tertiary entrance, Madam Speaker, no government can afford to let down its young people and their future. Yet this is what the ACT Follett Labor Government is doing, preferring to announce 50 places here or 20 places there on Jobskills projects. Good publicity, I assume, is the Government's strategy; but it is no substitute for a proper and properly researched education for these young people, who have been betrayed, I believe, by this Government and its cynical bandaid approach. The Government should do something positive and permanent about unemployed youth, that is, provide a comprehensive education for them.

Finally, Madam Speaker, I support the other recommendations of MACPE, in particular recommendations 1, 5 and 7, which I believe break new ground in recognising that schools and colleges are not simply academic learning institutions but places where young people should have the opportunity to learn other non-academic life skills if possible. In supporting recommendations 1, 5 and 7, I would specifically single out the statement of recommendation 5, namely:

There should be a review of the working relationships between schools and other ACT Government agencies, including health, child care, and social welfare to ensure the better integration of these services.

As I have said - indeed, pleaded - before, there is an urgent need to integrate other government agency services to assist our young students to survive in an increasingly competitive and challenging world. I hope that, if only because it is faced with the reality of an election in February next year, the Follett Labor Government has the pragmatic sense to support and enact the sensible recommendations of MACPE, despite the very obviousness of many of them, and does not consign this report to the library bookshelves where so many other education inquiries' findings gather dust. Perhaps the Minister for Education and Training will give a commitment to keep the Assembly informed of this Government's progress in implementing these recommendations.

MS SZUTY (5.31): Madam Temporary Deputy Speaker, there are two major disappointments in the report of the Ministerial Advisory Council on Public Education that the ACT Minister for Education and Training tabled in this Assembly in May of this year. The first disappointment concerns the lack of consensus of views reached by members of the council in its report. There is no shared vision for the future that has been agreed to by all the key stakeholders. I believe that we are not going to see significant change in the way that education services are provided without agreement by the key stakeholders. I contrast this situation with the decision which was taken in the 1970s to sever links with New South Wales, when educationalists, teachers, parents, students and the community wanted and planned for a very different education system from New South Wales, and one where we could see the considerable advantages for ACT students. It is important that now we must have a shared vision for the future and we must be able to see the advantages for students that they do not have now.

The lack of consensus of views is, of course, highlighted by the two minority reports in the MACPE report - the first written by Trevor Cobbold and Ross Dalton of the ACT Council of Parents and Citizens Associations Inc., and the second written by Marguerite Walshaw of the Canberra Pre-School Society.

The second disappointment concerns the nature of the task referred to the council by the Minister for Education and Training, Mr Wood. In his reference, Mr Wood set the parameters for the consideration of what education services would be provided to students at government schools in the future. His reference was:

To provide advice, as soon as it is 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 reduction in resources for education.

Madam Temporary Deputy Speaker, this Assembly recently debated a matter of public importance proposed by me about managing school enrolments, so I do not propose to dwell on that issue again today. What I would like to spend a little time on is the presumption that the Minister made, in his terms of reference to the council in December 1992, that a reduction in resources for education is perceived and, presumably, continually perceived for the future.

I have said before that decisions made by other jurisdictions in Australia about the amount of resources allocated to education place the ACT at a disadvantage in the eyes of the Commonwealth Grants Commission, in that we are always seen to be above the national average in terms of our expenditure on education. However - and I have said this before also - we do not have government in Australia by grants commission; and, if the ACT Government wishes to place a higher priority and value on expenditure on education in the ACT ahead of other areas of its responsibility, then it is free to do so. It is unfortunate that, to some degree, the work of MACPE has been constrained due to its need to consider a forecast reduction in resources for education. It is also my belief that, in general, resources for education will be more generously allocated at some time in the future by all jurisdictions, in response to a number of factors. These will include an examination of the consequences arising from reduced levels of funding for education - in particular, the effects felt by particular students or particular groups of students - and from improving economic indicators for our country as a whole.

Madam Temporary Deputy Speaker, after this report was tabled I sought and gained a meeting with the chair of MACPE, Ms Di Mildern, to discuss the issues contained in the report. I look forward to hearing the Government's response to the report, as indicated by the Minister for Education and Training, Mr Wood, in these remarks on the tabling of the report on 18 May this year:

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.

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I trust that the Minister has done this and can present to the Assembly today a comprehensive response by Government to the MACPE report and to the minority reports included in it.

I would now like to turn briefly to a number of recommendations made by MACPE and offer my comment on them. There is agreement by everyone that there should be a review of the working relationships between schools and other ACT government agencies, including health, child-care and social welfare, to ensure the better integration of these services. It is a recommendation that Mr Cornwell highlighted. In fact, it is one of the few recommendations that all the key stakeholders agree with. I certainly anticipate that in such areas of broad agreement the Government will not hesitate to act accordingly. Indeed, the question can be asked: If action has not been instigated already, why has it not been?

Other recommendations have received similar degrees of support. These include recommendations 11, 12, 13 and 14, in particular. They concern a comprehensive review of the delivery of post-compulsory education in secondary colleges and the CIT; a need to focus on professional development activities for teachers; the ACT Government raising with teacher education institutions the possibility of expanding research into appropriate teaching strategies for students in the middle years; and, finally, the Department of Education and Training establishing a formal process for the evaluation of innovative practices being adopted in schools, for the distribution of information about these innovations and for encouraging the adoption by other schools of improved practices.

Other recommendations of the MACPE report have received qualified support. These include recommendation 3, which is about the infusion of resources in the early childhood years of schooling, to ensure a focus on basic literacy, numeracy and communication skills. The recommendation also states:

Such an infusion should not be at the expense of later stages of schooling.

I note that the P and C Associations representatives go further. They state:

We support additional funding for learning assistance programs in both primary and high schools, and not just in the early years of schooling.

Another recommendation which received qualified support was recommendation 8 - Mr Cornwell addressed this recommendation - about the ACT Government exploring ways of making savings and removing inequitable subsidies. The Canberra Pre-School Society qualified their support for this, by Marguerite Walshaw saying:

I agree with this recommendation ...

Mr Wood: As long as it is not preschools.

MS SZUTY: No; she does not say that. She continued:

however I am concerned that the majority report does not consider other funding options, including approaches to the federal government for increased funding in line with its increased pressure for all students to remain at school until the end of Year 12.

Madam Temporary Deputy Speaker, the MACPE report is one of the most significant reports on education tabled in recent times. It has disappointed me from the two perspectives which I outlined earlier. Nevertheless, I look forward to hearing the Government's substantive response to the very significant issues raised by members of MACPE, which was set up by the Minister for Education and Training.

MR WOOD (Minister for Education and Training, Minister for the Arts and Heritage and Minister for the Environment, Land and Planning) (5.39), in reply: Madam Temporary Deputy Speaker, I thank members for their contributions and, it seems to me, their general acceptance of the report - albeit with some niggling remarks. I will deal with one matter that both members raised. Ms Szuty said that she was concerned that there was a lack of consensus and that there was no shared vision. Mr Cornwell referred to the minority reports. I have to say that it is not surprising that there are minority reports, and that comes down to the nature of MACPE. It is a body that has, in part, ministerial appointees and, in part, appointees who are representatives of particular interest groups. I believe that, almost inevitably, when you get different parties representing different views, you are going to get minority reports. It is the nature of the body that has been established.

I could establish an alternative. I could establish a group of five, say - to take a number at random - or seven and set it up, with people broadly representative of the community but not representative of particular groups; and I would very likely get a unanimous report. Let us take the Vocational Training Authority, the state training authority that we are soon to set up. It is composed almost entirely of representatives of different groups. There is going to be a great deal of argument within that body. That is the nature of the group that I have established. If we do not want that argument, I can nominate five or seven people who would then advise me. It was a pretty attractive option, I have to say. The argument comes later; the argument comes when you try to convince the players in the field that they should accept this report. That argument is inevitable. It is really a matter of when it arises.

Both contributors made reference to various recommendations or aspects of the report. A couple of alarm bells ring in my head once again, because Mr Cornwell referred to paragraph 6.10 of the report and likened it to the Liberals' policy of per capita funding, which is actually the Liberals' policy of putting pressure on the smaller schools. We do not have any very small schools. It is the Liberals' policy of putting pressure on those small schools. It is Mr Humphries revisited. That concerns me. The discussion does talk about equity, and equity is important. One of the issues that Ms Szuty raised was that of equity. We do need to have regard to that. I hope that the Liberals are not going to go down this path of shutting off those small schools.

Mr Cornwell spoke about autonomy. This is a favourite theme of the Liberals: "Let us give the schools more autonomy". I have a pretty good idea what that means. Maybe they will spell it out at some stage. It means, "We are going to lump more responsibility on you and you are going to carry the cost". Our schools are, by Australian standards, remarkably autonomous. They have long led Australia in that respect. The next degree of autonomy that we can give them is for them to have complete control over funds. As you know, if you have been attending to the local community, the message from that is, "We will give you control of funds". The Liberals will give them control of funds, but there might be less and less funds each year. There are some very alarming messages in Mr Cornwell's brief response today.

Ms Szuty's second disappointment was the nature of the task, although I do not know that Ms Szuty developed that as well as she might have. I am not sure how she expected me to respond. It goes back to the question of a minority report. I can offer anything to the education community if I have enough money. I will keep everybody happy if I just spend money. It might not be very efficient. It might not be the best way to go. I take the view that money is not the solution to everything; and we do live in difficult times. I saw some figures recently - and I am relying on memory here - that we are getting of the order of \$270m a year less now than we would have if we had had a continuation of the funding of some years ago. We have to adjust to that. Ms Szuty correctly makes the point that, within the ACT, we can establish our own priorities. She is absolutely correct; we can do that, so long as we do it within that constraint of the amount of money that we get. Other people - it is not mentioned in this Assembly, I am happy to say - outside the Assembly say that we have used the Grants Commission as an excuse to cut funding. I do not need to take any notice of the Grants Commission. Unfortunately, the Federal Government does; and the Federal Government has acted on recommendations of the Grants Commission and has provided less funding to the ACT. The ACT Government has to respond to that situation of less funding.

Mr Cornwell made some comments about the number of Year 6 students going into secondary schools who require learning assistance. I have to say that there is nothing unusual about this. As a practising teacher of not so long ago, I can say that there is a range of abilities in our schools; we identify students who need assistance; and, to the best of our resources, we provide that assistance. In the last year we have changed the way of delivering that assistance, both to make it better and to make it more efficient. I believe that we are tackling that problem within the resources that we have. Mr Cornwell was a bit niggardly - and well may he be - about the \$300,000. That was the best that we could do within the budget that we had. It was an important gesture. I will be looking to the next budget to see what we can do to increase it. It is our clear intention to help schools more than we already do in the work that they do.

As an aside to that, I would make one point. I am always at pains to point out to teachers, because I do discern a trend these days, that they are responsible for the students in their class. Sometimes I see teachers with a student in difficulty - behavioural, academic or something - and they immediately want someone to come in and help them and do the job. That is good; and we provide assistance for that to happen. Sometimes there is a bit of an indication of wanting to pass over the responsibility. Our classes are of a good size; they are not large. I would like them to be smaller, true; but they are of a good size. Every child is the responsibility of the teacher of that class.

I would discourage teachers from thinking that, where there are children with difficulties - and they are always there - they should automatically have someone to come in and take that child away from them for all day or for periods and look after that child. When I was teaching, I accepted the responsibility for every child in my class. That is the way that it needs to be and, in general, that is the way that teachers perform. We have a very good teaching service, and we have a generally good education system. We are all proud of the system. I think you would all agree with me that it is not good enough. We aim constantly to refine, to improve and to make sure that we are accommodating all the difficult demands of the day. That is what we are about; that was why I appointed MACPE.

I will finish on this point: Mr Cornwell seemed to lay a criticism on the Government for appointing this advisory council.

Mr Cornwell: No; but I will criticise if you do not pick up some of their recommendations.

MR WOOD: I heard you say very early in the piece that it was a criticism that MACPE had to be set up at all. We did not discern any problem in setting up MACPE; we did not see a problem that needed MACPE to fix it up. What we saw was the need to maintain our links with the community; to talk to the community; to consult with the community; to have a point of communication; for advice; for reference; for the consultation that the Opposition keeps criticising us for not having. Yet, on particular occasions, time after time, they attack us when we do that. We set up MACPE as one of the points of communication, as one of the points for high-quality advice. It is working out that way. To finish on a brighter note: I thank members for acknowledging that.

Question resolved in the affirmative.

INDUSTRIAL RELATIONS - GOVERNMENT SERVICE

Ministerial Statement

MR LAMONT (Minister for Urban Services, Minister for Housing and Community Services, Minister for Industrial Relations and Minister for Sport): I seek leave to make a short statement in relation to industrial relations matters in the ACT Government Service.

Leave granted.

MR LAMONT: I wish to inform the Assembly of an historic enterprise bargaining agreement for the bulk of the ACT government sector which was certified today by the Industrial Relations Commission for the period to 31 December 1995. In fact, there are three agreements which cover all employees of the main ACT public service, ACTEW and Totalcare Industries. These are the first agreements signed under the new separate service arrangements for the ACT, and they reflect the independence and maturity of the ACT public service. The agreements conclude 12 months of detailed and sustained negotiations, which have been a complex testing exercise as the parties become more familiar with managing industrial affairs in the new devolved industrial relations system.

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Madam Temporary Deputy Speaker, at this point I would like to extend my appreciation of the work, commitment and understanding of the former Minister for Industrial Relations, Mr Berry, in starting this process. The agreements provide for pay increases of 4.5 per cent over the life of the agreements. The first pay increases are payable from 22 July 1994 and 1 November 1994. In addition to the pay increases, the agreements provide a basis and a focus for seeking further productivity improvement and restructuring in the ACT public sector. There is a real commitment by all parties to pursue further productivity improvements which, in part, underpin future pay increases.

Madam Temporary Deputy Speaker, I commend the unions, who are now parties to the agreements, for the professionalism, spirit and enthusiasm that they have brought to these negotiations. I believe that the outcomes now reflected in the agreements represent a realistic and sensible reform program which can be properly worked through during the life of the agreements. I would indicate that, in the remaining areas that are not covered by these agreements, it is anticipated that enterprise bargaining arrangements will be in place prior to or close to the end of this month.

ADJOURNMENT

Motion (by Mr Berry) agreed to:

That the Assembly do now adjourn.

Assembly adjourned at 5.51 pm