



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

5 December 1995

Tuesday, 5 December 1995

Petitions:

Kippax Health Centre	2603
Ministerial responses to petitions -	
Community sporting facilities - McKellar.....	2604
Kippax Health Centre	2605

Public Accounts - standing committee.....	2606
---	------

Health services.....	2623
----------------------	------

Questions without notice:

Children with disabilities - summer programs	2641
Government Service - enterprise bargaining	2643
Education funding - teacher positions.....	2645
Education funding - teacher positions.....	2647
Year 12 evening college program.....	2647
Truck parking - residential areas	2648
Mental health services.....	2649
Schools - sport and physical education programs.....	2650
Town centres - retail facilities	2651
Housing Trust - rent and mortgage payments	2653
Education funding - teacher positions.....	2653
Literacy and numeracy	2654

Personal explanation	2655
----------------------------	------

Answer to question on notice.....	2655
-----------------------------------	------

Subordinate legislation.....	2655
------------------------------	------

Papers.....	2656
-------------	------

Scrutiny of Bills and Subordinate Legislation - standing committee	2656
--	------

Planning and Environment - standing committee	2657
---	------

Land (Planning and Environment) Act - Variation No. 53 to the Territory Plan	2662
---	------

Private members business - precedence	2666
---	------

Health services.....	2666
----------------------	------

Statute Law Revision Bill 1995.....	2669
-------------------------------------	------

Classification (Publications, Films and Computer Games) (Enforcement) Bill 1995.....	2675
---	------

Adjournment:

Alliance and Carnell governments	2682
International Volunteer Day	2684
International Volunteer Day	2684

Tuesday, 5 December 1995

MR SPEAKER (Mr Cornwell) took the chair at 10.30 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

PETITIONS

The Clerk: The following petition has been lodged for presentation:

By **Mr Berry**, from 760 residents, requesting that, in relation to the Kippax Health Centre, the Assembly ensure that it is not sold, and that the medical, dental and pathology and all other government provided ancillary services are retained.

The terms of this petition will be recorded in *Hansard* and a copy referred to the appropriate Minister.

Kippax Health Centre

The petition read as follows:

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

The petition of certain residents of the ACT draws the attention of the Assembly to the proposal by the ACT Government to sell the Kippax Health Centre.

Your petitioners therefore request the Assembly to:

1. Ensure that the Kippax Health Centre is not sold.
2. Retain at the Kippax Health Centre the medical, dental and pathology services.
3. Retain all the present Government-provided ancillary services, such as child-health, continence-advisory, speech-pathology, physiotherapy and after-care services.

Petition received.

MINISTERIAL RESPONSES TO PETITIONS

The Clerk: The following responses to petitions have been lodged by Ministers:

By **Mr Humphries**, Minister for the Environment, Land and Planning, in response to a petition lodged by Mr Hird requesting that the lease and development application for community sporting facilities in McKellar be approved.

By **Mrs Carnell**, Minister for Health and Community Care, in response to a petition lodged by Mr Berry requesting that, in relation to the Kippax Health Centre, the Assembly ensure that it is not sold, and that the medical, dental and pathology and all other government provided ancillary services are retained.

The terms of these responses will be recorded in *Hansard*.

Community Sporting Facilities - McKellar

The response read as follows:

Mr Greg Cornwell MLA
Speaker, and
Members of the Legislative Assembly
of the Australian Capital Territory
London Circuit
CANBERRA ACT 2601

RESPONSE TO PETITION IN SUPPORT OF BELCONNEN SOCCER CLUB'S NEW SPORTING FACILITIES AND CLUBHOUSE

I refer to the petition lodged by Mr Harold Hird, MLA on 24 October 1995 in the ACT Assembly on behalf of residents of the ACT supporting the proposed development of facilities for the Belconnen Soccer Club in McKellar. My response is given below.

- . The wish of the petitioners that the Assembly approves the Club's lease and development application as soon as possible is noted.
- . Correspondence from residents of the area opposing the scale and location of the development has also been received by my office.

- . The proposed development site is currently the subject of a Public Environment Report. Once completed, the report will become the basis of a round table conference in which representatives of all major interests in the proposal will be invited to participate. Progress of the Belconnen Soccer Club development proposal is dependent on the outcome of these processes.
- . The interest of petitioners in conveying their views to the Legislative Assembly regarding the Belconnen Soccer Club development proposal is appreciated.

Gary Humphries
Minister for the Environment, Land and Planning
27 NOV 1995

Kippax Health Centre

The response read as follows:

Mr Greg Cornwell MLA
Speaker
ACT Legislative Assembly
CANBERRA ACT 2600

Dear Mr Speaker

Thank you for your letters enclosing the petitions lodged by Mr Wayne Berry MLA on 19 and 26 October 1995 concerning the services and sale of Kippax Health Centre.

As part of the 1995/96 budget I announced that the government will sell Kippax and Melba Health Centres.

I can assure you and the members of the Assembly that this government has no intention of reducing the availability of community based services. Health care centres have an important role in the delivery of these services but a range of venues will need to be utilised if we are to meet the challenges of the 90's.

The Kippax Health Centre mostly accommodates private practitioners and will be sold as a going concern. The government believes that a private owner will be just as effective at managing the building and the community is likely to see a development of services.

5 December 1995

The public health services currently located in the building will continue to be provided to residents of Belconnen even though they may operate from different venues. In some instances space may be rented from the new owners to deliver services if this is considered appropriate.

Yours sincerely

Kate Carnell MLA
Minister for Health and Community Care
27 NOV 1995

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Public Sector Management (Amendment) Bill 1995

MS FOLLETT (Leader of the Opposition) (10.32): Mr Speaker, pursuant to order, I present Report No. 8 of the Standing Committee on Public Accounts on the Public Sector Management (Amendment) Bill 1995, which includes a dissenting report, together with extracts of the minutes of proceedings. This report was provided to the Speaker for circulation on Wednesday, 29 November 1995, pursuant to the resolution of the Assembly on 19 October 1995. I move:

That the report be noted.

This report on the Public Sector Management (Amendment) Bill was produced as a result of a reference from the Assembly on 19 October. The committee was required to report by 29 November. This short timeframe was a restriction on the committee that meant that some things that the committee may have preferred to do, including a more detailed analysis of the proposed changes, the gathering of more submissions and the hearing of more witnesses, were simply not possible. Mr Speaker, the committee was also provided with copies of the exposure drafts of the ACT Remuneration Tribunal Bill 1995 and the ACT Remuneration Tribunal (Consequential and Transitional) Provisions Bill 1995. There were other parties who would have made submissions to the committee and who would also have appeared, but the short timetable available did not allow that to happen. It should be noted by all concerned that the time limit set was an attempt by the Assembly to meet the Government's self-imposed deadline.

The report contains majority recommendations and also a dissenting report. It should be noted that the dissenting report, nevertheless, does agree with some of the content of the report. Such dissenting reports, Mr Speaker, are, of course, the right of any member of a committee in this Assembly. Concurrent with that right is the right of the majority to express a point of view, even if that view is not unanimous. All members of this Assembly would do well to remember that the rights of the majority cannot be overridden by the minority, even when that minority represents the Government's point of view.

I think, Mr Speaker, that it does the Chief Minister no credit whatsoever that she attacked the committee in a media release in intemperate language, especially when it is quite clear that she had at that time either not read the report or not understood it. Her media release launched an unprecedented attack on a committee of this Assembly, with no basis whatsoever. Even her unsupported assertions were demonstrably wrong, and I will return to that matter later in the debate.

Mr Speaker, the committee recommendations deal with the fundamental principles underlying the proposed changes to the public service of the ACT, the issue of contract employment for chief executives and all other executive level officers, the proposal that such contract employment shall be the only method of employing executive officers, and that a separate ACT Remuneration Tribunal be established to determine remuneration for a range of positions not covered by the Industrial Relations Commission.

I would like to address the Assembly on the ideological basis that underpins the proposals contained in these Bills, and the problems that they cause for the future of the ACT public service in Canberra. Mr Speaker, the Government's submission to the committee said, "The changes are not ideological, they are real and achievable". I would suggest that here the Government does, in fact, protest too much. I am somewhat bemused by why a Liberal government in Australia would shy away from being ideological. For over 100 years in this country the conservatives have indeed been ideological. They have been opposed to the ideology of the Australian Labor Party. More often than not, that is what identifies their ideology - opposition to the ideas being generated from the ALP.

The proposal for SES contracts represents an adoption of the ideology of free market private sector materialism. This assumes that the only motivation for people in taking up executive positions in the public service is the financial rewards available on signing up for a contract. It is not surprising that such a view should come from this Liberal Government. It adopts the Thatcher and Kennett models for privatising public assets, cutting community services, and telling those who must rely on government services, such as young people with a disability, that no special treatment will be available to them.

My view, Mr Speaker, is dramatically different. Government exists to serve the community, not simply to protect the interests of those who operate the market. The people who apply to serve our community as executive officers of the ACT public service must have a commitment to serving the public. It is not enough simply to be a good manager. Many people may be good managers, but a good public service manager must contribute to the community, not simply do the job. Good public service managers care about the community. They have a value system that encompasses more than just the bottom line. The fortunate thing about Canberra is the fact that the Australian Government centre of administration is based here, in the national capital. Thus we have access to the best public service managers in the country. This environment must be understood, Mr Speaker, when we consider the proposals put forward by the Government.

5 December 1995

The proposal for SES contracts is supposed to “improve performance and accountability of the executive group of staff in the ACT public service”. It allegedly reflects the Government's election commitment to “amend the Public Sector Management Act to enable the appointment of senior executives on a contract rather than a permanent basis”. Mr Speaker, I wonder how many public servants reading that statement understood that that proposal meant that existing Senior Executive Service officers would have their permanency removed by this legislation. Those that are not offered a contract will, in fact, be sacked or demoted to the Senior Officer grade. This is what this Liberal Government parades before the Canberra community as “public sector reform”. Mr Speaker, sacking and demoting long-serving public servants, in my view, is hardly reform.

The committee was not opposed to the use of contracts where they are appropriate. As appointments to chief executive positions are made by the government of the day, it is accepted that such appointments can be on the terms preferred by the government of the day. If this Government prefers to appoint chief executives on contract, then legislation should be amended to enable it to do so. However, existing chief executives who were appointed under different terms and conditions should be entitled to retain those terms and conditions unless they choose otherwise. It is inappropriate for legislators to remove employment conditions for government employees where those employees have no redress to the removal of such rights.

The committee took the view that, if contracts do exist, they should be public documents. The existing employment basis for all public servants is public, as the Public Sector Management Act or standards under that Act, other Acts, or awards of the Industrial Relations Commission, and determinations of the Remuneration Tribunal. There is no valid reason why the employment basis for future public servants should not also be public. In fact, Mr Speaker, I think there is every reason why it should be public.

However, within those contracts, the basis for termination of the contract should be clearly stated. Incompatibility is not an acceptable basis for terminating the contract of a senior executive within the public service. Professionals at that level must have the necessary skills to manage conflict and to resolve differences. It is difficult to imagine how incompatibility between two supposedly top-flight managers would be incapable of being addressed in a professional manner. The committee recognised that the Public Sector Management Act already provides for fixed term appointments to the SES - that is, for contract employment.

Mr Speaker, the committee identified particular problems that the proposed legislation created. We have reported on them in detail within the report itself; but some are unconvinced that those considerations are important, indeed critical, in making the ACT public service a high-quality, highly regarded, attractive service among its peers. The committee was not convinced that the public interest is served by the proposed move to contract employment for all SES officers. No government official appearing before the committee was able to demonstrate that, in any specific instance, the existing system had failed. In my view, the arguments for change were often shallow and, in many cases, simply unsubstantiated assertions or anecdotes. If I were of a more cynical turn of mind, Mr Speaker, I might be tempted to say that the defence by the public service was less than robust, and there may be good reason for that.

A significant concern raised by this proposal is the politicisation of the public service. The Government itself recognised this as an issue and raised it in the submission to the committee. However, in doing so, it harmed rather than helped its cause. The Government claimed:

Contracts do not in themselves politicise the public service. Under current employment arrangements, there is no clear specification of agreed things to be achieved or how they are to be measured. Governments can use this ambiguity to remove politically unsuitable people.

I will repeat that, Mr Speaker:

Governments can use this ambiguity to remove politically unsuitable people.

Anybody with an elementary knowledge of the public service and of the Public Sector Management Act, Mr Speaker, knows that the Government cannot appoint or remove any public servant, and the one exception to that is chief executives. The Government submission went even further, and said:

A recent suggestion by the Federal Opposition spokesperson -

it would appear, Mr Speaker, that Liberal Party frontbenchers do not even have names; if they do, nobody knows them -

on the public service that, if elected, it would seek to remove political appointments in the Australian Public Service suggests that tenure does nothing to reduce whatever is seen to be the perceived risk of politicisation.

The only thing that that statement proves is that the unnamed Liberal frontbencher has about as much understanding of the public service as do the Liberals opposite. Mr Speaker, nothing that was presented to the committee convinced me that the risk of politicisation would be lessened by a complete move to contracts. Indeed, the more likely outcome is that such a move would facilitate it.

Another issue raised, again by the Government's own submission, was whether persons employed on contract with a finite end date would always provide frank and fearless advice. The Government posited that this would be ensured by "making the provision of 'frank and fearless' advice mandatory" in contracts. I have severe doubts that such words in a contract would lead a senior public servant to tell this can-do Government that it cannot do something, especially if the public servant's contract was nearing its renewal date. Perhaps the best way to express the concern is to go to an independent and respected source, Mr Tony Ayers, AC. He recently delivered the Garran Oration at the Royal Institute of Public Administration of Australia's national conference. Mr Ayers is the Secretary of the Commonwealth Department of Defence and the most experienced secretary in the Australian Public Service. He said:

5 December 1995

I do have problems with the extension of fixed term contracts to all senior executive positions particularly in those systems whereby contracts can be terminated without cause at one month's notice. The danger of Ministers receiving the advice that they want to hear rather than what they ought to hear is obvious.

It was obvious to Mr Ayers, it is obvious to me, but it seems it is not obvious to the Government. Mr Speaker, the Government proposes that the notice period be eight weeks.

One of the weaker arguments advanced by the Government for this proposal is the one that everyone else is doing it, what I call the "me too-ism" position. We must assess whether the benefits claimed are actually achieved and whether there are better ways. The total contract system for executives in the New South Wales Government Service did not prevent the Juvenile Justice Department's management debacle. The New South Wales Auditor-General's report on that complete failure of contracted managers to manage is yet to be made public. Also, Mr Speaker, it is not even true that everyone else is doing it. The Commonwealth is not, Queensland is not, and the British Civil Service is not either. This last point might come as a surprise to some, as the Government has claimed some justification for its case from the mother country. But the British Civil Service White Paper 1994, Attachment C(1) of the Government's submission, states at paragraph 4.35:

The Government does not favour fixed-term or rolling contracts as a model for general application.

In other words, they are not doing it.

Mr Speaker, the proposal for total contract employment with loss of tenure fails to recognise the unique Canberra environment. The ACT public service is the smaller of the two public services in this city. That situation is unique in Australia. In all other capitals the State or Territory service is the one with the larger number and the most significant top jobs. Our most significant competitor for the best in public administrators is not the Victorian or New South Wales public service, or even the Queensland one, but the other service right here in Canberra, the Commonwealth. If you look at the history of our senior public servants you will see that there has been considerable movement between the ACT service and the Commonwealth, in my opinion to the benefit of both, and that should continue.

I made sure, Mr Speaker, that, in separating from the Commonwealth, transferability remained readily available between our two local public services - as the Prime Minister described it, "as porous as possible". A move to make the ACT public service extremely different from the Australian Public Service will not enhance our recruitment from elsewhere; it will simply reduce our capacity to recruit and to keep high-quality staff locally. (*Extension of time granted*) I thank members.

I would like to finish with a further quote from Mr Tony Ayers, Mr Speaker. He said:

It has been reported that the ACT Government is planning to join States who have introduced fixed term performance related contracts (whatever performance may be taken to mean). Let me fly the flag for a merit based public service at all levels.

Mr Ayers went on:

I dislike the concept of senior executive service officers as political groupies attracted to the light of their own political party like a swarm of bogong moths. If we want a third rate Public Service, the way to achieve it is to politically cleanse the Public Service after each election and put in a new bunch of stooges.

That is what Mr Ayers said. Mr Speaker, some long-term Canberrans will recall that, just after World War II, the top bureaucrats, including Dr “Nugget” Coombs, were known as “the seven dwarfs”. It is now up to this Government to decide whether they want to be remembered as responsible not for the dwarfs but for the stooges.

MS HORODNY (10.49): Mr Speaker, the Public Sector Management Bill proposes radical reforms to the public service. The Greens spoke of our fears about moving more and more towards output funding during the debates on the budget. We expressed our concern that the Government has only a limited understanding of the need to develop qualitative measures of performance, of the need to look beyond a narrow definition of outputs. The proposal to put senior public sector managers on contracts, in our view, is a dangerous step if it is based on a narrow understanding of the role of government and a narrow understanding of the public interest. What these contracts will mean, if they get up, is a move towards making the public service less about serving the public, as contractual arrangements are supposed to be exempt from public scrutiny on the grounds of commercial-in-confidence. Maybe that is because, under the “let the managers manage” philosophy, meeting bottom lines will be a key element of contractual arrangements. Contrary to providing more accountable government, the Greens believe this is an anathema to open accountable government. We have been told that providing fearless advice would be a part of the contract; but, at the same time, an executive can be dismissed on the grounds of incompatibility.

Another concern to the Greens is that, while jobs will go in the name of efficiency, the salaries of those who remain will increase as a compensation for loss of tenure. At a time when the Commonwealth Government is backing away from performance pay, it is interesting that this Government is convinced that people take top jobs only if they receive top dollar. It is also questionable whether performance will increase with contracts. What we are witnessing, if this legislation goes ahead unamended, is a dangerous move towards privatisation of the bureaucracy. If we wanted government to behave like private enterprise we would not have governments.

Mr Kaine made reference to the fact that I was not at the only public hearing. Unfortunately I was away, although I did read the transcript, and the Greens have had a number of briefings on this issue. I agree with Mr Kaine that it would have been desirable to have more public hearings and wider input, but the committee could not extend the timetable that it had. It is very disappointing that the Government has rejected each of the recommendations in the report. There may, indeed, be a need for changes in the public service, particularly at the managerial level, but these are not necessarily the right changes. They are about a culture of outputs and efficiency, and not a culture of cooperation and the pursuit of the common good.

MR KAINE (10.53): Mr Speaker, you will note that I did not table a minority report; I tabled a dissenting report. That word I used carefully, because I was merely dissenting from the view of the chair. Since Ms Horodny has already indicated that she did not attend the only hearing at which evidence was presented, the comments that she has made this morning may be relevant in a general debate about the Bill, but they are totally irrelevant to what happened in the committee. Much of what she said, I think, will be relevant later, when we come to a general debate on the Public Sector Management Bill, but I have to say that it has no bearing whatsoever on what happened in the committee.

Mr Speaker, we have to be very careful that we do not see the committee system being subverted. When you get to the stage where a report as put forward purports to be a committee report but represents nothing but the personal opinions of the chair, then I think we are treading on dangerous ground. That, I submit, is what that so-called committee report does. I suggest quite strongly that most of it was not written by the secretary of the committee; it was written by the chair. You can tell which parts are so written because of the subjective nature of the material that is in there. So, Mr Speaker, I am a bit concerned that we are seeing, for the first time in the life of this Assembly, an attempt to subvert the committee structure and use it as some sort of a political springboard, which this Assembly has carefully avoided doing in its preceding six years of life.

Mr Speaker, much of what was in the report, as I have indicated in my dissenting report, I simply could not support. I received the draft one hour before it was to be debated in a committee meeting. I read it and I simply could not agree with most of the material that was in there because it did not derive from any of the evidence that was presented to the committee. It merely represented the personal view of its author. I am nobody's rubber stamp, Mr Speaker, as you well know, having known me for over 20 years. I explained in my dissenting report why I dissented. I think my reasons are quite substantive. I indicated the sections of the report which I did not fully support, and I also went on to indicate some aspects of the report I did agree with.

I think that we need to look at what the committee did, Mr Speaker, to test the validity of this report that has been put to the Assembly. The committee had one public hearing. It heard from four officials of the ACT Government Service, who presented the Government's view, and it heard from one official of the Community and Public Sector Union. The four officials of the ACT Government seemed, on the evidence that they presented, by and large to support the Government's proposal. The one CPSU representative said he strongly opposed it and would not agree with it. On the basis of that, what can the committee do? There was no expert opinion, as I pointed out in my

dissenting report. There are plenty of people with some expert opinion in the field of public management who could and should have been invited to attend and present their views. I put forward three names - for some reason they were all unavailable - but nobody else put forward any names. Nobody else wanted to hear any expert opinion. I submit, Mr Speaker, that the reason for that was that the chair had already made up her mind about what the report was going to say and she did not want to hear any evidence.

There was one submission from the Australian Society of Certified Practising Accountants. You would think that they would be fairly expert in the field of management, would you not? Their submission, although brief, supported wholeheartedly the Government's position on this Bill. They were not invited to attend the hearing, or, if they were, it would be news to me. Certainly nobody turned up. There was no indication that they were invited. There was no indication of whether they had had an opportunity to come or not come. Why? They were the third party that made a submission. There was one minor one from another organisation which generally said, "We agree with the change of name". The Australian Society of Certified Practising Accountants, having made a submission, was not even invited to come and to give evidence. I have to ask why.

Those sections of the report which I reject, Mr Speaker, I submit, again, are nothing more than the opinion of the chair, and I would like to take up one or two particular points in question. Chapter 4 of the report is headed "The Public Interest". If you read my dissenting report you will note that I reject the whole of that section, except for paragraph 4.1, which is the stated rationale for amending the legislation. Paragraph 4.2 begins:

The committee is somewhat bemused ...

Well, I was not, and I was the only other person present when the evidence was being given. I was not bemused at all. I would submit, Mr Speaker, that, of the three members of the committee, I could reasonably and honestly claim to be the person best qualified to deal with this matter, having been a senior public servant for 13 years, and a management consultant, operating from the Office of the Public Service Board, for three of those years. So I do know something about large-scale organisations, and I do know something, from hard experience, about reorganisations and how the public sector might work better; but they are my own opinions. I did not seek to have my opinions reflected in here, although I am probably, as I say, best qualified of the three members of the committee to have such personal opinions expressed. I do not happen to think that committees are about expressing personal opinions. This is the place where the personal opinions are expressed, and the job of a committee is to take the objective evidence given to it, weigh it up, and decide what it should report to this Assembly. This report does not do that, and I rejected large sections of it, and I have identified them specifically because of that.

5 December 1995

There is a bias inherent in this report, Mr Speaker, that I believe is unacceptable. I will quote from paragraph 5.3 the last sentence:

The committee poses the question as to how the public interest, as distinct from that of the Government of the day, will be enhanced by removing tenure and obscuring the transparency of the employment contracts for executives.

It posed the question, but it did not get an answer. I decided that the report could not be amended to suit me. When I was going through it and trying to amend it to make it suit my personal view and what I heard in the evidence, I was going to suggest the addition of these words: "But the two points of view expressed to the committee by public officials on the one hand and the CPSU on the other did not provide an answer". If that had been said it would have been an objective statement; but, because it is left open, the implication is that the committee posed the question and nobody could answer it. That is a totally biased impression to try to convey in a committee report. I seek a short extension of time, Mr Speaker. I am going to need it, I think.

MR SPEAKER: It is all right. You still have a couple of minutes, Mr Kaine.

MR KAINE: Thank you. The Leader of the Opposition, the chair of this committee, claims that people who gave evidence before the committee were asked to justify the legislation - what were the reasons for it; why was it necessary to have this legislation; why could it not be done by administrative action - and that they failed to answer. Mr Speaker, that is not true. I quote from page 8 of the transcript of the one public hearing we had. The question, a leading question from the chair, was:

Can I just ask what evidence any of you have got that the current ACT SES is not performing its duties to the sort of level that would be expected of them by Government?

That sort of question, in a number of different disguises, was asked at different times through the hearing.

Ms Follett: I never got an answer.

MR KAINE: The chair says they were given the opportunity to answer it and they did not. I read from the transcript, from the same page, where Mr Walker said:

I would not have said that any of our comments reflect on the performance of the current public service. Our comments reflect on the capacity to improve and enhance the capacity of the public service to perform and that is what this proposed legislative change is about.

In other words, there was no criticism of what had been done in the past, but the legislation seeks to enhance the capacity of the public sector to do its job better. That seems to be, in the view of the chair, some sort of a crime, because she went on to say this on the next page:

So it is all about remuneration then?

That is a leading question, if ever there was one. Mr Walker again said:

No, not at all. It is about capacity to move into a job with a clearly specified outcome, a clear job that is specified over a period of time and to move into that job in the knowledge that you can then move on to another one and employ your skills and develop your career even further.

(Extension of time granted) He continued:

It is about better mobility, not about more money and better remuneration.

Further on he said:

... one of the things that has come through is an attraction to the idea of a more unambiguous set of objectives, a clear definition of Government expectations, clearer definition of the rules of the game in delivering the outcomes for the Government ... It is not necessarily saying that we have got a bunch of bad performers out there at all.

So the question "What is wrong with our public service?" was specifically answered, and the answer is clear. There is nothing wrong with it, but this legislation seeks to enhance its capacity to perform better. I find it strange that the Leader of the Opposition, in her capacity as the chair of this committee, finds that somehow reprehensible.

I want to make a couple of minor points in conclusion, Mr Speaker. It is a very interesting thing that what we were talking about was the Public Sector Management (Amendment) Bill 1995. That Bill did not appear anywhere when we were debating the matter in the committee. That was what we were referred to look at. It was not even adverted to. There was no copy of the document discussed. There was no analysis at all of the content of the Bill, but that is what we were asked to look at. So it is very strange. No amendments were put forward by anybody, including the chair. One can only assume that, while "the committee" - I put that in inverted commas - has some comment to make about the Bill in the report prepared, written and delivered by the chair, she obviously did not want to amend it, which I find rather strange.

On the weight of evidence presented to the committee, I have made the point that a committee is about examining evidence presented to it and weighing it up. There is the evidence put to it by the Government. It is fairly substantial, very detailed, and a lot of the questions that the chair poses in her report are in fact answered in there, if she had bothered to read it. There is the submission put forward by the Public Sector Union.

5 December 1995

Their simple comment is, "We will not have a bar of it". There is not too much analysis, though. There is not too much critical analysis of the document. As I said, the only other document of any substance that was put to us was the submission from the Australian Society of Certified Practising Accountants - it was only a one-page document - but because they endorsed the principles of the Bill they were not asked to come and give evidence.

The Leader of the Opposition quotes Mr Tony Ayers. It is very interesting that Mr Tony Ayers did not seek to come and give evidence to the committee. The Leader of the Opposition was relying on a statement that he made in some public forum. Mr Tony Ayers happens to be one of the top 10 men in the Australian Public Service, which itself has its senior executives on contract. If he feels so strongly about it, "How many officers in his department are there on contract?", one has to ask. I will guarantee that there are many. So, again, it is a personal view expressed outside the field in which Mr Tony Ayers is practising, and it is at variance with the policy of the Australian Public Service that he works for and represents.

Mr Speaker, again I submit that what purports to be the major committee report, which in fact is the personal opinion of the chair, is decidedly lacking in substance because it takes no account of the evidence that was presented to the committee and represents nothing but her own personal views. I submit that it would be improper for this Assembly, and it would certainly be inappropriate for the Government, to be influenced one way or another in connection with this matter by this committee report. Only two members of the committee were qualified to comment on the committee proceedings and to participate in the report. The chair was one, and she has what I submit to be a subjective view of the matter. I dissent from most of it on the grounds that I have already put forward. My objection to her position rests on the fact that she took no notice of the evidence that was presented. The evidence in no way substantiates her report, and so I dissent - it is not a minority report - from the report submitted by the chair. I suggest that the proper course of action for this Assembly is to do the same.

MRS CARNELL (Chief Minister) (11.08): I present the Government's response to the report. On 19 October 1995 the Assembly referred to the committee the Public Sector Management (Amendment) Bill 1995 for inquiry and report by 29 November 1995. I subsequently wrote to the committee, providing copies of exposure drafts of the Remuneration Tribunal Bill 1995 and the Remuneration Tribunal (Consequential and Transitional Provisions) Bill 1995. The committee's report was provided to me on 29 November, and, in accordance with my undertaking, I responded by way of a note to each member on Friday, 1 December.

Ms Follett: I did not get that.

MRS CARNELL: Well, everybody did get it, last Friday. I recognise that this Bill will be debated later this week, although from comments made by Ms Follett earlier you would not realise that we were not debating the Bill right now.

To come back to the issue that we are debating - and that is both the Government's response, hopefully, and the committee's recommendations - the Government does not accept recommendation 1 of the committee. There is no rationale in the committee's report for restricting performance contracts to chief executives. The Government does not agree that performance contracts should be public documents in their entirety, although it does agree that sufficient information should be available to meet accountability requirements. That means that we believe strongly that the remuneration package, as determined by the Remuneration Tribunal, should be on the table, as it will be; but the performance requirements that are built into the contract between the Minister and the chief executive, and the chief executive and their senior officers, we do not believe should be public documents, although we have written into the legislation that a report on the performance against these contracts will be part of the annual report. That gives much more information than is currently available, either to this Assembly or, alternatively, to the people of Canberra.

Recommendation 1(b) is simply wrong. Section 29 of the Public Sector Management Act 1994 provides for ministerial responsibility by providing:

A Chief Executive ... shall, in relation to each administrative unit under his or her control -

- (a) be responsible, under the relevant Minister, for its administration and its business ...

The Government's Bill does not propose to change this requirement. It does not plan to amend this provision in any way. So the reality is that recommendation 1(b), which says we have to "include a clear statement that the ultimate responsibility for policy, budget and agency performance rests with the relevant Minister", is right there in the Act. So recommendation 1(b) just shows that Ms Follett, who wrote at least a large amount of the committee's report, did not understand the Bill that she had passage of in the Assembly.

The Government agrees that executive contracts should set out clearly the grounds on which a contract may be terminated, but we do not agree that incompatibility should be removed as a ground for termination. One of the things that we have to accept is that in senior management jobs there is often a situation where two people simply cannot work together. That does not mean that people are chucked out on the scrap heap. It means that the terms of their contracts must be honoured. That means they have to be paid out if no reconciliation can be reached. I believe that is exactly the situation that exists now, except that now, under the requirements of the Act, people could be moved sideways. They would still be paid by the public, by the public purse, but they could be moved out of jobs and into a side room. I think it is much fairer and more sensible from the perspective of the community that there is a provision for those people to be paid out, to be paid a reasonable amount of money to terminate their contract so that they can get on with their jobs and community money can be protected. I think that is very appropriate. Interestingly, so do senior executives. It is as difficult to be working with a Minister, or with a senior manager, whom they cannot work with, as it is the other way round.

5 December 1995

The Government - surprise, surprise - also does not support recommendation 2 of the committee, which reads:

The committee recommends that existing chief executives have the option of retaining their tenure or changing to contract employment.

The Government believes that the improvement in performance and accountability that this whole Bill is based upon would not be achieved if there were some people on contracts and some people not on contracts. The whole basis of this improvement is that everybody goes onto contracts, right from chief executives, all the way - - -

Ms Follett: Everybody? What about the ones you are sacking?

MRS CARNELL: Everyone at senior executive level. Everyone who gets a contract.

Ms Follett: Everyone who does not get sacked.

MRS CARNELL: Nobody gets sacked.

Ms Follett: Really?

MRS CARNELL: Absolutely. What we are talking about here is a requirement for everybody in the Senior Executive Service, in senior management, to understand exactly what the requirements are of their immediate manager. That means that there will be contractual arrangements between Ministers and their chief executives and between chief executives and their senior managers. To break down that chain at any place - in other words, to have some people on performance-based contracts and some people not on them - would simply break down the whole management structure. This is just a ridiculous recommendation that shows that Ms Follett does not understand how organisations such as the public service could become better, could become more efficient, could improve services to the community and improve usage of public money, and that is what this is about.

Again, the Government does not accept recommendation 3. That recommendation says:

Noting the flexibility within the existing employment arrangements for senior executive officers, the committee recommends that there be no change to the method of employing such officers.

Current employment arrangements do not provide for fully-fledged or legally binding performance contracts. Ms Follett said earlier that there was capacity for fixed term contracts. If Ms Follett thinks fixed term contracts are the same as performance-based contracts, it shows a really big gap in her understanding. A fixed term contract just means that the contract finishes at a particular time. There are no requirements for performance during that period. In other words, the whole efficiency improvements are not part of fixed term contracts. What we are looking for here is fully-fledged and legally binding performance contracts. Again, only by employing all executives on performance contracts will we achieve the sort of flowthrough effects that we believe we can achieve. We see other States having achieved those sorts of things.

Again, the Government does not accept recommendation 4, which is not supported by the argument in the committee's report anyway. The committee's report does not even argue, it seems, for recommendation 4, or does not do so very well. Further, I believe it is the role of the ACT jurisdiction, not any other, to make policy decisions in this area and to sponsor the necessary legislation through the Assembly. In other words, it is our decision as to how our Remuneration Tribunal works, whether it is our Remuneration Tribunal or the Commonwealth's. For the life of me, I do not understand why we would seek the views of the Commonwealth Government, or the Commonwealth Remuneration Tribunal, on what we believe is most appropriate for the ACT.

The comment was made by Ms Follett that the defence of the senior public servants who appeared before the committee was less than robust. I find that fascinating. Having read the submission that was put forward by the Government, sponsored by those senior public servants, and knowing well their views on this, I definitely doubt Ms Follett's comments in that area. One of the issues that she raised related to frank and fearless advice. The way to make sure that there can be frank and fearless advice is to have a performance contract. If you are inside the performance contract your advice has to be frank and fearless because you have to produce the goods. If you do not produce the goods there is a problem. If you are producing what is in that performance-based contract the advice has to be frank and fearless to achieve an end, not a political means. That is the whole basis of this approach. (*Extension of time granted*)

I think the area where the committee missed most badly, though, was in trying to equate the ACT public service with the Commonwealth Public Service, and somehow assuming that the State public services were irrelevant to the argument. The fact is that the ACT public service is a service deliverer. That is basically what we are here for - to deliver services to the community; to make sure that services are provided to the community that they pay taxes for, and to make sure that we have a government that works. The Commonwealth is much more of a policy-related arena. It simply does not work the same way as a State-based operation. I find it fascinating that the committee did not even bother asking, as Mr Kaine already said, a number of people from the States who have had an extraordinary amount of experience in this sort of area.

Ms Follett: We did. They did not have time.

MRS CARNELL: I can guarantee, Ms Follett, that we could have ensured that you had some of these people available for you if you had bothered to ask. The reality is that other States, both Liberal and Labor, have been through this whole process.

Mr Berry: But you said that you cannot compare it to other States.

MRS CARNELL: No, I said you could compare it with other States, not with the Commonwealth. The other States are much more in line with the sort of public service that we should have, and are starting to have, in the ACT. I think that that is where the committee really fell down. To assume that the ACT is somehow like the Commonwealth and not like State public services, not like public services in other municipalities, simply is missing the point of what we are here to do in this Assembly.

MS FOLLETT (Leader of the Opposition) (11.21), in reply: I would like to commence my response by taking up some of the points that Mr Kaine made in presenting his dissenting report. I said at the start that Mr Kaine has every right to make a dissenting report, and indeed he has done so, but not with any great conviction. The first point I want to make is that the report, as presented to the Assembly, was drafted in its entirety by our committee secretary, Bill Symington. Mr Speaker, I drafted one small section, and that was the recommendations - less than half a page of that report. In fact, Mr Symington redrafted those for me. Mr Symington, I believe, is the best committee secretary this Assembly has ever seen, and is ever likely to see. He is a man of the highest degree of competence, integrity and conscientiousness. On this occasion I think he performed up to his usual standard. The report that he drafted was, in my view, objective, comprehensive and based on the whole body of evidence that the committee had before it.

Mr Speaker, in looking at the body of evidence that the committee had before it, those members who performed their task conscientiously went well beyond the documents presented by the Government. In fact, I read a range of public sector reform reports from the Commonwealth, from the Senate and from other States. I read widely and, I believe, appropriately. I also read in great detail the Government's briefing material which they provided before they presented the legislation. In fact, I read that closely enough to know, as Mrs Carnell did not, that they changed their mind on one aspect between that initial briefing and the presentation of the legislation. I believe that the majority of members, but apparently not Mr Kaine, did look very widely for information and for advice on this matter. I think that Mr Kaine, in his comments, has done the rest of his committee colleagues less than justice.

In taking on this inquiry the committee did, in fact, invite a wide range of organisations and individuals to make submissions. As I said in my presentation speech, I very much regret that many of those organisations and individuals were not able to comply with our timetable. That timetable was set by the Government, not by the committee. In fact, we asked the universities, a range of public administration experts, the Institute of Public Administration and so on for comments. Very few of them were able to comply with the deadline imposed by the Government. It is extraordinary that the Government now finds that a criticism. I find it extraordinary.

Mr Speaker, Mr Kaine also said that, as the committee chair, I had not proposed any amendments. I want to make it clear that I will be doing so when we come to debate the Bill. I certainly will be proposing amendments that are in line with the majority report of the Public Accounts Committee. He also said that the report represented only my personal views. That is simply not true. I think Mr Kaine has denigrated our committee colleague, Ms Horodny, in her task of looking at this piece of legislation. It is true that Ms Horodny missed one meeting. There is no doubt in my mind that she was well briefed, as was I; that she read the transcript of the public hearings; and that she considered the issue as widely as any of us did. So I find Mr Kaine's comments quite churlish. I think Mr Kaine might have been wise had he taken advantage of the Government's early offer of a full briefing on the proposed legislation. I certainly did, and I know that the Greens did as well. It seems that Mr Kaine did not. I think he would have understood better what was in this legislation had he taken that briefing.

That brings me to one issue in particular where I believe the briefing and the Government's own documents were invaluable. If we look at the Government's response we can see that the Government does disagree with the committee's analysis at paragraphs 5.19 to 5.21, 6.4 and 6.6. Mr Speaker, this relates to the question of whether SES officers have to resign on taking up a contract. The Government is simply wrong in relation to the question of resignation. I am not sure whether this represents a lack of understanding on their part, or their advisers' part, or an attempt at deception. Whatever the reason, they are wrong. They appear not to understand the effects of their own legislation, and I take that very seriously.

Mr Speaker, the fact of the matter is that officers who are offered contracts will not have to actually write down, "I, Johanna Bloggs, hereby resign from the SES."; but the only reason they will not have to do that is that the effect of signing an executive contract achieves precisely that objective. They do not even have the dignity, if you like, of writing it down; it just happens. It is this very legislation that sets that out. In the Government's policy outline, the first briefing document that they circulated - it went to all MLAs on 5 October - the Government said this:

By accepting the offer of an Executive contract, staff will be "deemed" to have forgone their status as a permanent officer.

In other words, they have resigned from the SES. It continued:

In accepting the offer of an Executive contract it is not necessary for existing staff to formally resign from the service.

It is not necessary because they have already been deemed to have done it. There is no doubt whatsoever that that is the intention of the legislation. At the briefing by officials that I referred to earlier, a question was put to those officials, the technical experts - and I thank them for their time and for their very full briefing - in relation to that second sentence. The question was, "But the acceptance of the offer of a contract will effectively achieve that," - that is, resignation - "will it not?". The answer given was, "Yes". That is all. Not "Maybe", or not, "We do not think so", or not, "Well, that is not what Mrs Carnell thinks". The answer was, "Yes". I think that is pretty clear, Mr Speaker.

Further, the explanatory memorandum to the Bill, on clause 59, if members have read that, says this:

The effect of new paragraph (2)(za) is to enable the Commissioner to make Standards with respect to the payment of accumulated recreation and long service leave entitlements to officers accepting an executive contract. These entitlements would usually be payable only on termination of employment. The purpose of this provision is to provide for the "cashing out" of accrued leave.

5 December 1995

The Government response reckons this is not true, but it is in the explanatory memorandum. It goes on:

As Executive contracts will be for periods of five years or less, it is undesirable that persons entering those contracts retain large leave credits.

In other words, not only are they deemed to have resigned, but they do have their credits cashed out, just as the majority report of the committee says. I take grave exception to the Government trying to pull the wool over the Assembly's eyes by saying that we are on the wrong track there. We are not. Mr Speaker, not only has that been confirmed by the Government's own officers at the briefing session; it also is in their explanatory memorandum. I suggest that they read their own documents a little more clearly.

Mr Speaker, Mrs Carnell's response asserts that the committee has given no rationale for our rejection of the general SES contract proposal. I would suggest that she go back and actually read the majority report, because the rationale, I believe, is quite clear. In the first place, we consider that it will lead to the politicisation of the public service. I do not want to see this service run by a lot of Liberal Party stooges, and I do not believe it is in the community's interests that that occur either.

The committee saw not one scintilla of evidence that the proposed change to SES employment arrangements would advantage in any way the Canberra community that we serve. Quite the contrary. The whole thrust of the Government's arguments is to pretend that we do not live in Canberra; that we are not the national capital; that we do not have a Commonwealth Public Service side by side with our own. This is just a pipedream. I find that approach, Mr Speaker, utterly reprehensible. It is quite obvious to me that public sector employment in the ACT will always see the two services running side by side. It was my intention that those services should be, in the Prime Minister's words, as porous as possible. I believe that the Commonwealth Public Service in the past has led in public sector reform, and it is absolutely ridiculous for the ACT to ignore all of that history, to pretend that that talent does not exist, and to pretend that their tasks are diametrically opposed when they are not. Mr Speaker, I am extremely disappointed in the Government's response, and I stand by the majority report of the committee.

MR SPEAKER: Order! The member's time has expired.

Question resolved in the affirmative.

HEALTH SERVICES

MR CONNOLLY (11.31): Mr Speaker, I seek leave to move a motion circulated in my name relating to community health centres.

Leave granted.

MR CONNOLLY: I move:

That this Assembly calls on the Minister for Health to take the following actions:

- (1) reinstate the salaried medical practitioner program to at least the level existing at the time the Liberals took office unless 100 percent bulk billing can be guaranteed;
- (2) implement the promises made in this Assembly and in other public statements in relation to all staff at the Jindalee Nursing Home, ie all staff, including casual staff, to be offered jobs and retraining in other parts of health or alternatively redundancy payments;
- (3) withdraw any action aimed at the sale of government-owned health centres; and
- (4) maintain all ancillary health services at government-owned health centres at a level at least equal to that which existed when the Liberals took office.

Furthermore, the Assembly requires evidence of the implementation of the above on Tuesday, 12 December 1995.

Mr Speaker, as we move into the penultimate sitting week of the first year of the Carnell Government, it is becoming increasingly obvious that this Government - which made such a welter of being open, consultative, listening to the will of the people, council style and heaven knows how many platitudes - is showing signs of increasing arrogance and petulance when it cannot get its way. This is demonstrated no more clearly than in relation to community health services.

Mr Speaker, this Government went into the election promising not to close health centres. For much of last year its members were leaping up and down in this place, and issuing media releases, thundering about the lack of salaried medical practitioners in the community health centres and calling on both Wayne Berry and me to increase the numbers, saying that there were not enough in Tuggeranong, or there were not enough in Belconnen, or what have you. It is not unreasonable that a combination of that strong public campaign and the promise not to close health centres would have led the people of Canberra to assume that the community health centre network - a striking feature of this city for over 20 years - would be retained.

5 December 1995

There was no announcement by the Government that it was sacking the doctors in the private health centres. This was not part of the budget.

Mrs Carnell: They were not sacked.

MR CONNOLLY: They were not sacked? Oh, well, they are all still there and we do not have a problem. We are just imagining the fact that they have disappeared.

Ms Follett: The patients are hallucinating.

MR CONNOLLY: Yes, the patients are hallucinating. The letter from the Department of Health to all of the patients does not really exist. Mr Speaker, there was no announcement that the doctors were sacked, and it seems the Minister is still trying to maintain that the doctors were not being - - -

Mrs Carnell: Redundancies are not sackings.

MR CONNOLLY: Oh, redundancies are not sackings.

Mrs Carnell: They are not.

MR CONNOLLY: I am sure that is understood by everybody who gets a redundancy. Tell the SES and tell that to the people who have lost access to their doctors. Mr Speaker, the Government is not admitting what they have done. The fact that the doctors were to go was not announced by this Government; it was announced by the Opposition. We blew the whistle on this proposal to get rid of a central feature of Canberra's health fabric, a feature that has been here for over 20 years. It was originally intended by the then Whitlam Government to be a model for health centres around Australia, something which had not been carried forward.

Mrs Carnell: So why did you let it run down?

MR CONNOLLY: It provided, under Labor, in a unique manner, access to total bulk-billing services for the people of Canberra. There was a combination of public and private doctors. Some private doctors rented space, but there was a core of salaried general practitioners. We explained when we last debated this why we felt that it was essential that there be salaried doctors. The Assembly was not with us on that issue, Mr Speaker. The Labor Party argued for retaining the salaried doctors, but we were not able to take the majority of the Assembly with us, and we accept that. We do not like it, but we lost.

Members who were not inclined to support Labor clearly did so on the basis of promises from this Government, and this Chief Minister in particular. It is the rapidly reducing currency of the word of the Chief Minister that should be of grave concern to members of the Government frontbench and their supporters on the backbench, because we are seeing an increasing pattern, on issue after issue, where the Chief Minister says, "Trust us; do not worry; it will be fixed up; it will be all right". As a result of those promises, Independent members, particularly Independent members and Green members who have only

recently come into this place, are prepared - I guess it is not an unreasonable thing to do - to trust the word of the Chief Minister of the Australian Capital Territory. One should be able to trust the word of the Chief Minister of the Australian Capital Territory. One certainly could for the previous 3½ years.

Mr Speaker, when we objected, when we said that the abolition of salaried medical practitioners was going to tear apart the fabric of the community health centre system in the ACT, reassuring words flowed like honey from the Chief Minister. "It does not really matter on which basis they are employed.", she said. "You need not have salaried doctors. You can have private doctors providing the same service". We heard the line that we have heard in interjections; that we, the Labor Party, had not been increasing the number of salaried practitioners and that you can get the services equally well from private practitioners. Independent and Green members tended to accept many of those honeyed words.

Mrs Carnell: No, they did not. They changed it.

MR CONNOLLY: They later changed it because it became clear, Mrs Carnell, that you were not standing by your word. Your sweet assurances were, "Do not worry. The public will still be going to the health centres. They will still be seeing the doctors in the health centres. All they will need to do is to produce the green card, the Medicare card, and they will still see the doctors. They will still be going to the health centres". That is the clear impression that Mrs Carnell is seeking to achieve.

When it became clear that members could not trust that assurance, on 24 August, after Mr Osborne had sought assurances from the Chief Minister and, on the basis of those assurances, voted against Labor's motion, he then asked a question in this place. Mr Speaker, I do not purport to speak for Mr Osborne, but the record will show that he was gravely concerned by the answer that he got to his question. He formed a view about the assurances that he had been given, either publicly or privately, or in combination, as to the continuing viability of the health centres. He formed the view that the continuing ability of his constituents, my constituents, and constituents in Belconnen, to access those health centres was under threat. As a result, on 24 August Mr Osborne moved a motion in this place which read as follows:

That this Assembly rejects the Government's announced decision to remove salaried practitioner services from community health centres unless the health centres are managed as 100 per cent bulk-billing practices for general practitioner services.

Mr Speaker, that motion was carried. The Government, sensing the will of the chamber, did not even divide on the issue. The Government realised that it had lost on that and that the clear will of the Assembly was, as contained in Mr Osborne's motion, that the salaried doctors not be removed from the health centres unless 100 per cent bulk-billing could be guaranteed.

What has happened? The salaried doctors, Mr Speaker, have gone. They have been sacked. The redundancy packages have been put in place. Who can forget the story circulating in this place when the motion was moved on the committee that we have just debated? There were threats of resignation if the Government did not get its way on public service reform. In the petulance that we are starting to see, I understand that this is what is being put about today: "Oh, it is outrageous that Labor is passing a motion saying reinstate the doctors unless we get 100 per cent bulk-billing. We cannot reinstate them because we have paid out the redundancy packages. It would cost us a fortune to try to reinstate doctors". Mr Speaker, the mere fact of paying out those redundancy packages, following the motion of 24 August, when it was clear that the will of the majority of members in this place was that Mrs Carnell not proceed to sack the doctors unless she could put in place arrangements for 100 per cent bulk-billing, is arrogance and contempt for the will of this place of a nature rarely before seen in the history of minority government.

Mr Speaker, we can say that with some authority because members on this side of the chamber have been in minority government. Some of us were a minority of five in an Assembly of 17 and formed a government for the last six months of 1991 through to the 1992 election. We understand that, when we form a government which does not command, of its own numbers, a majority of this house, which has been the case since self-government, we simply must accept the will of the majority of members of this place. That will was clearly expressed in Mr Osborne's motion in August. The Government, with supreme arrogance and contempt, has just bored ahead and has paid out the doctors' redundancy packages.

Mrs Carnell: And we are advertising for new ones.

MR CONNOLLY: It has put an ad up, but it has written to the clients of the doctors, saying, "As of 1 January your doctors have gone and there is nothing in place to replace them. Here is a list of doctors in your suburbs". That is the letter that has gone out to clients. There is some sort of vague wish that perhaps the Government can fix it up, but the Government sacked and got rid of the doctors before it had in place arrangements that would guarantee access to bulk-billing services in the health centres. That, Mr Speaker, is extraordinary arrogance from this Government. As I have often said, "The buck stops here" should be the slogan on Mrs Carnell's desk. Mrs Carnell, in typical fashion, says that the fault for all of this is Paul Osborne's. "It is Paul Osborne's fault", says Mrs Carnell's press release, and a *Canberra Times* editorial, and I suspect that Mrs Carnell's media manipulators had more than a little bit to do with feeding that line. She says it is Paul Osborne's fault that all the doctors have been sacked from the health centres and that people are getting letters from the Government saying there are no doctors. Well, Mr Speaker, the transparency of that is just phenomenal.

Mrs Carnell promises not to close health centres. She rants and raves for 12 months about the lack of salaried practitioners in the health centres. In stealth, she sets in place arrangements to sack the doctors and only has the whistle blown on her by the Labor Party. She promises all sorts of things to members of this place, particularly in little meetings, saying, "Look, it will be all right. Do not support the Labor Party's motion calling on us to replace the salaried doctors, because it will be all right.

We will fix it up. People will still be able to go into their health centre and see the doctors. There will be no problem". When the Assembly starts to get the bad smell of promises not being kept, a motion is put forward by Mr Osborne which simply requires the Government to stand by its promises, and it is all Mr Osborne's fault that the doctors are no longer in the health centres. What an extraordinarily tortured piece of logic, but how typical of Mrs Carnell's constant attempt to divert blame to anyone but herself or her Government.

The decision to sack the doctors, Mrs Carnell, was a decision that you took. The decision to get rid of something that has been a feature of the health centres in Canberra for over 20 years was one that you took. It was not something that you ever announced in your election campaign. It was not something that you announced you were doing when you were doing it. It became apparent only when we blew the whistle on your attempts by stealth to dismantle the health centre network. Then a motion was passed in this place which you were not game to divide on because you knew that you had lost the support of all of those members of the crossbenches. There was a clear expression of the will of the Assembly and you thumbed your nose at that. You went ahead and sacked the doctors, and paid out the redundancy payments on some vague sort of wish that you could replace the bulk-billing doctors.

Now we get conflicting views of that. Mrs Carnell says it is impossible to have 100 per cent bulk-billing doctors in the health centres. We see in the *Chronicle* today that a senior officer in Health says that the Government will keep its promise - a promise which Mrs Carnell, in the heat of political rhetoric, says is impossible. Mr Speaker, who knows what the truth of the matter is? What is clear is that this Assembly stated its clear will that members of the Canberra community must be able to continue to go to those health centres and, with their Medicare card, access general practitioner services. This motion, which we are forced to move because of the increasing concerns about statements by this Government which are not honoured, focuses on that as its primary aspect.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (11.45): I think that all I can say, to start with, is that this is hypocrisy, absolute blatant hypocrisy, from those opposite. I would like to quote Mr Connolly from 6 December 1994, which was not all that long ago. Mr Connolly said in this place:

We did move some doctors from Melba to Belconnen because we had a situation where there were more doctors at Melba than there were at Belconnen. Belconnen is far more central, it is served well by public transport and it is obviously the better place to be. I have said that; unlike the nonsensical rhetoric from the Liberals who, from time to time, seem to suggest that, unless you have government doctors, you do not have medicine in a community.

5 December 1995

Mr De Domenico: Who said this? Terry Connolly?

MRS CARNELL: Terry Connolly. He continued:

It seems to be the only Liberal Party division in Australia that demands 100 per cent socialised medicine. The bulk of general practitioner services in Canberra are provided by private GPs, the bulk of whom now bulkbill. The great Medicare reforms over the last decade have brought access to GP services within the range of all ...

I will repeat that:

The great Medicare reforms over the last decade have brought access to GP services within the range of all, because, through bulkbilling, you can see a GP.

He is talking about private GPs here. He said:

I have indicated that, if GPs want to run a bulkbilling practice and rent space in our health centres, we are happy to look at that, because it allows us to focus health centre effort on other areas.

I will repeat that:

... because it allows us to focus health centre effort on other areas.

He did not say 100 per cent bulk-billing; in fact, quite the opposite. He was talking about private GPs there. It is on page 4541 of *Hansard* of 6 December, Mr Connolly. What we hear here is blatant hypocrisy from those opposite.

Interestingly, under the previous Government, how many salaried CMPs did we have at the Dickson and Kippax health centres? None. Has Dickson Health Centre closed?

Mr De Domenico: No.

MRS CARNELL: Has Kippax Health Centre closed?

Mr Humphries: No.

MRS CARNELL: No. But they do not have any salaried CMPs, so what is Mr Connolly talking about? Interestingly, at the Narrabundah Health Centre we have one private GP, who will stay there. At Phillip we have two private GPs and only one salaried CMP. We have one private GP at Dickson. We have three at Kippax. In other words, at this moment we have nine salaried CMPs and seven private GPs at our health centres. To assume for one moment that somehow there were all these salaried CMPs and a couple of private ones is simply wrong, and it is hypocritical for Mr Connolly to suggest that. What do these private GPs do? Three of them only bulk-bill for pensioners and

health care card holders. Is that not interesting? Another three have 100 per cent bulk-billing. Mr Connolly and those opposite supported that motion to have only 100 per cent bulk-billing GPs in the health centres, but what did Mr Connolly allow? He allowed GPs who were bulk-billing only pensioners and health care card holders - exactly what we want to achieve.

Talking about the *Canberra Times*, let us look at a letter that was published in the *Canberra Times* from one of the CMPs just this week - a letter from Dr Wayne Wardman, who has been part of the public system in the ACT for a quite long period of time. He said:

The Carnell Government has taken the brunt of a process that commenced long before it came to power. Under Rosemary Follett the number of salaried GPs fell from 18 to 9 in a little over one year.

“Natural attrition” was her modus operandi; no replacements; no locums; just a slow grinding-down of the system. Her party is hardly the paragon of virtue that it professes to be.

At least Kate Carnell was honest in the manner she approached our retrenchment and her clear desire to see us stay at our respective centres in a private capacity. But the Labor Party and Independents clouded that idea rather firmly.

That letter was in the *Canberra Times*. What we have done is exactly what Mr Connolly said, and that is that we have made sure that our precious health resources in the ACT are being spent on the areas of health that we are responsible for. Mr Connolly said exactly that in this Assembly in 1994; that we have to channel our resources to the areas where we can get maximum benefit. Mr Connolly said that private GPs, predominantly bulk-billing, are providing the service in Canberra and we have to channel our resources elsewhere. Those were Mr Connolly's words, not mine; and I agree. That is exactly what we have to do. We have to get our resources into areas such as mental health services, family care, crisis care for families - all of those sorts of things that are desperately needed out there in the community. We have been quite up front about that.

GP services are a responsibility of Medicare. They are a Federal Government responsibility. Someone opposite or someone on the crossbenches has said, “But Medicare does not quite work. There is such a thing as the working poor who tend to fall through the cracks”. I agree with that, but that is a problem with Medicare - - -

Mr Berry: Of course you would, because that is the AMA's line.

MRS CARNELL: No, that is the Greens' line. I agree with that line. But that is not the ACT's responsibility; nor can it be, because we are not funded to do that. What we have to look at is exactly what we are talking about here. If health care card holders, pensioners and lower income earners generally are covered under a bulk-bill, the normal fee at this stage in the ACT for GPs is about \$30. I think \$20.80 is refunded from Medicare. So, at the absolute worst, you are looking at a \$9.20 gap. For some families that is a lot of money. There is no doubt about that. But, predominantly, people do not

5 December 1995

go to the doctor that often and it is not a responsibility of this Government. If we end up making it our responsibility it means that mental health services suffer, children's services suffer, all of the community things that are our responsibility suffer. That is exactly what Mr Connolly said. So we are trying desperately to get that focus back on the areas where there are real gaps in health provision in the ACT.

That takes me to point No. 3 in this motion. It talks about the sale of government-owned health centres. Again, I do not want to spend precious health dollars keeping half empty health centres open. At Melba it is three-quarters empty, probably seven-eighths empty. I want to spend that money on services to the community. That is our responsibility here in this Assembly, not to keep ageing buildings that are not full. In fact, under the previous Government, we got down to a situation at Melba where there were two doctors and a receptionist; that is all. At Kippax, under those opposite, the centre was half empty. I do not think that we should be spending ACT government dollars and health dollars keeping those sorts of centres going. We can sell them. We can spend the money, as in this health budget, on health services. The money does not go back into the great bottomless pit of Consolidated Revenue; it goes back into health services - exactly where it should be. That is the approach that this Government has taken. It is service delivery that counts, not bricks and mortar. That has to be the way to go.

With regard to the second part of the motion - the suggestions about Jindalee - I will quote to you from a letter that I received today from the HSUA. It says:

The HSUA members note the Government's response to the outstanding issues and resolve not to implement the threatened bans, and to lift the bans currently in place.

The reality is that this Government has stuck to its words exactly. I am going to quote the words exactly, if I can find them. We have said categorically that we will include long-term casual staff, as I said in this place, in redundancy, redeployment or retraining. We stand by that exactly. I think all those opposite would have seen the response we had to Bert Tolley's letter, or requirements from the Government. If not, there is a copy here that I am willing to table. It states that the ACT Government stands by its promise that long-term casuals - that means people who have worked regularly for longer than 12 months - - -

Mr Berry: That is a new backdown.

MRS CARNELL: It is exactly what I said in the Assembly.

Mr Berry: A new backdown.

MRS CARNELL: It is exactly what I said in the Assembly.

Mr Berry: No, it is not.

MRS CARNELL: It is not, Mr Berry? Would you like to find the bit in *Hansard* where I did not say "long-term casuals"?

Mr Berry: I will come to it.

MRS CARNELL: Okay, fair enough.

Mr Berry: Will you resign when I find it? No.

MRS CARNELL: You will have to find it. We said "long-term casuals"; we stick by that. That means that casuals who have worked regularly for longer than 12 months will be covered. Other casual staff will be placed on casual lists at Woden Valley Hospital or elsewhere in Health, and a number of the other issues raised by the union have been covered by the Government. I think that negates point No. 2 because, really, we are doing exactly that for long-term casuals - not for all casual staff, not for people who worked once six months ago, but for long-term people who have worked regularly. They should be looked after, and they will be.

Point No. 4 says:

maintain all ancillary health services at government-owned health centres at a level at least equal to that which existed when the Liberals took office.

I tell you what; there were a lot of services that were too jolly low when we took office. I do not think that mental health services in the community are up to scratch. I want to improve them. I do not think that Gungahlin has adequate family services, or adequate child-care services. I want to improve them. The only way, as we know, within a sensible health service with a limited amount of dollars, to improve services in areas of need is to move services from areas where they are starting to be not used as much into areas where they are. The previous Government did that all the time.

When we look at baby health clinics, what did the previous Government do? Cluster clinics; it closed a whole lot of them. What about school dental services? Cluster clinics. Why was that done? That was done to get better utilisation of the services within the budget. Mr Connolly and Mr Berry got up in this place and defended those actions. Interestingly, this side of the house accepted those decisions. We said we had to keep monitoring them to make sure that people got those services, but everybody in any health system needs to move services as demographics change within a health arena. As an area that used to have a lot of babies becomes older, services need to change. It is patently ridiculous to suggest that you will keep a baby health clinic open in an area such as, say, Red Hill which may not have the usage, but not be able to put aged care services into Narrabundah where they are needed, simply because we cannot move services around. If they are really serious about this part of the motion, I am stunned. I am not surprised that Health was in such a mess when we took over government earlier this year, because that shows a total lack of understanding about what we are doing as a government, or what we should be doing to make sure that services are there on the ground for people who need them.

5 December 1995

I come back to the basic issue here. The issue is that this Government believes that our health dollar desperately needs to be spent on service delivery; not necessarily on bricks and mortar, not necessarily on on-costs of establishments, but on making sure that services are there on the ground. For Mr Berry's benefit, I will now quote from what I said in this Assembly on 22 August 1995, as recorded at page 1214 of *Hansard*. I said:

This is full-time staff, the long-term casual staff and, of course, any permanent part-time staff that we may have. They will be able to access the triple R award. They will also be able to access retraining in other parts of Health. There are a number of areas in ACT Health at the moment that could very well do with any staff that do not choose to reapply for jobs under the new management.

And so on. Very clearly, this is for full-time and long-term casual staff. We stick by that absolutely.

Mr Berry: How long is long term?

MRS CARNELL: Over 12 months, Mr Berry.

Mr Berry: Where does it say that in here? Show me.

MRS CARNELL: Do not be stupid. The reality is that this Government is about service delivery. That is what we stick to. We believe that we must not be in the business of duplicating services provided by the Commonwealth, even if we would love to. We certainly would love to have enough money to do everything; but, if we cannot, let us make sure people are not falling through the gaps.

MR SPEAKER: Mrs Carnell, do you want to move your amendments?

MRS CARNELL: Yes, I will move them now.

MR SPEAKER: Do you want to do it now? You could leave it if you wish.

MRS CARNELL: I am happy to move them now.

MR SPEAKER: It just opens the debate.

MRS CARNELL: Okay, I will do that. I seek leave to move together the three amendments to Mr Connolly's motion that were circulated in my name.

Leave granted.

MRS CARNELL: I move:

Paragraph 1, omit "100 percent bulk billing can be guaranteed;"; substitute "bulk billing can be provided for all pensioners, health care card holders and low income earners;".

Paragraph 2, insert the words "long term" after "including".

Paragraphs 3 and 4, omit the paragraphs.

I think that in the speech that I just gave I made clear why I wanted to move those three amendments. The first amendment changes the focus of paragraph 1 to make sure that we are talking about bulk-billing GPs that provide bulk-billing services for pensioners, health care card holders and low income earners, and that if we cannot get those sorts of GPs into our health centres we will reinstate a salaried medical practitioner program. I believe totally that we will be able to get doctors into our health centres if we approach it from this angle. Of course, it is exactly the angle that Mr Connolly approached it from, which is interesting. Until we had the motion that was moved and passed in this Assembly about 100 per cent bulk-billing, we had a number of the GPs who were very interested in staying in the health centres, as Dr Wardman said in his letter. I believe that by taking that approach we can guarantee that medical services are available out of our health centres by people who are bulk-billing those that need them most.

The second amendment is to clarify what casual staff means, in line with what I said in this Assembly, to add "long term". I think I have adequately covered why paragraphs 3 and 4 should not be passed, or should be omitted. I think that in this Assembly we have to make sure that health services are flexible, are where people need them on the ground, and not have aged care services in areas where there are babies, or baby services where there are predominantly older people in our community. I believe strongly that we should not be spending money on bricks and mortar when we could be spending it on services.

MR BERRY (12.02): I am pleased that Mrs Carnell moved those amendments because it exposes her farcical argument in relation to this whole matter. Mrs Carnell was one who argued strenuously before the last election on the issue of salaried community medical practitioners, and anybody out there in the community would think that she was serious. But, of course, that was before the last election. Members in this place have heard honeyed promises before from Mrs Carnell and are now joining the long list of people who never believe her because she cannot be believed because of the language that she has used in relation to our facilities right across the Territory. Just in relation to one of her amendments, when she tries to support the sale of our important facilities, it goes back to the old argument that you sell the bricks and mortar to pay for your next meal, does it not? What do you do when you have sold your bricks and mortar?

Mrs Carnell: But it is not selling it. It is the on-costs that cost us. You do not even understand what the argument is. It is the cost - - -

MR BERRY: Mrs Carnell might be kind enough not to be so rude. She took her turn in the debate. It would be nice if you could get her to quieten down a little bit, Mr Speaker.

We then came to a position where this Assembly passed a motion which rejected the Government's announced decision to remove salaried medical practitioner services from community health centres unless the health centres are managed as 100 per cent bulk-billing practices for general practitioner services. Mrs Carnell ignored that decision.

5 December 1995

She held this place in contempt and went on with her decision to provide redundancy packages to those doctors and forced them out of the system. She held the motion of this Assembly in contempt. There were never motions passed in the past of that order in relation to any minority government that has been here. Mrs Carnell now has been exposed for her contempt of the Assembly, and members ought to keep that in the back of their minds while they debate this issue.

Mr Speaker, I would now like to deal with Mrs Carnell's opposition to the provision of ancillary health services at government-owned health centres. The Government says, loud and long, "We will not close them. What we will do is empty them out and sell them so that somebody else can close them". That is what that language means. Mrs Carnell went on a moment ago and said that we should not have inappropriate services at these health centres; that it is better to be flexible and have appropriate services located near old people and so on and so forth. Well, quite near the Kippax Health Centre you will find a residence for old people. Several hundred old people live at the Kalparrin nursing home and retirement village, and look at the list of people that Mrs Carnell is removing from the Kippax Health Centre.

This tells you all you need to know about the Liberals' approach to health. The stoma incontinence adviser has been moved out to another facility. The oncology nurse specialist has been moved away from the aged persons' place and relocated to another facility. Also, there is a new suburb developing at Dunlop, in the west of Belconnen.

Mr Whitecross: Are they the people who were promised a high school?

MR BERRY: They were the ones who were promised the high school as well.

Mr Whitecross: Is that the one that Mr Stefaniak closed?

MR BERRY: No, that is the one that Mr Stefaniak strangled to death. They are the people who are missing out.

Mr Whitecross: Where was Mr Hird when this was happening?

MR BERRY: Well, he was not drinking orange juice. The maternal and child health team is going to be relocated. So the list goes on, as Mrs Carnell would say. The physiotherapist - relocation at Belconnen Health Centre, right away from the aged people nearby. The sessional child health medical officer - relocation at Belconnen Health Centre. That involves a round trip costing about \$14 or \$16. Sessional paediatric nutrition clinic - relocation at Belconnen Health Centre. This is basically about gutting the health centre, selling it, and letting somebody else close the thing. So who misses out? The old people and the young families who need these sorts of services in that area. So, it is no wonder Mrs Carnell is moving to try to knock off paragraph 4 of the motion which has been moved by my colleague Mr Connolly. It argues that those ancillary services at government-owned health centres be retained and be at least equal to that which existed when the Liberals took office.

Mrs Carnell said, "I would like to provide better health services in places like Belconnen". Well, go for your life. You have our support. It would be the best thing you could possibly do. But you are not going to cut the guts out of health services which are being used in areas like Kippax.

Mr Humphries: That is your prerogative, is it?

MR BERRY: Mr Humphries butts in. Mr Humphries was the last Liberal Health Minister who tried to close the Kippax Health Centre. The Labor Party, in opposition then, campaigned against him and stopped him. He tried to close the Melba Health Centre too, and the Labor Party, in opposition, campaigned against him and stopped him. Let us not hear any more of those silly interjections.

Mr Speaker, clearly, this is a government which is in some sort of ideological time-warp. It just seems interested only in the policies of the AMA when it comes to the provision of medical services. If you wanted to know what Mrs Carnell would do with salaried GP services, all you had to do was ring the AMA, because they do not want them.

Mrs Carnell: That is rubbish. ASMOF were the ones that hassled us.

MR BERRY: She says, "Rubbish! ASMOF have hassled us". ASMOF is slightly different from the AMA. The AMA has been opposed to the salaried medical officers and the bulk-billing services that they provide since the year dot. They have been involved in a caravan of deputations to various Health Ministers to try to cut out the bulk-billing salaried GPs in our health centres. Do not deny it, Mrs Carnell, because they have been in your office too, and succeeded. If you want to know about the Liberal Government's health policies, call the AMA.

I have spoken in relation to the government-owned health centres, Mr Speaker, and I now turn to some of the other promises which were made by Mrs Carnell, which she makes a great deal of noise about. She turned to her statement in the Assembly - of course, she read only part of it - and she talked about full-term staff, long-term casual staff. She now puts a little caveat on them. They have to have been working there for 12 months, so you had to guess before. This is what she said:

... of course, any permanent part-time staff that we may have. They will be able to access the triple R award. They will also be able to access retraining in other parts of Health. There are a number of areas in ACT Health at the moment that could very well do with any staff that do not choose to reapply for jobs under the new management. So those people will certainly be looked after.

"Looked after" has gained a new meaning under this Government. It means they will be dispensed with. There is a new caveat on casual staff. They have to be casual staff for longer than 12 months. Of course, this Government has been back-peddalling ever since those promises were made. We also need to turn to what Mrs Carnell's office has said publicly, as reported in the *Canberra Times* on 31 August 1995.

5 December 1995

Mrs Carnell: It must be true.

MR BERRY: Mrs Carnell interjects, "It must be true". She went to great lengths to quote from letters and so on in the *Canberra Times* just a moment ago. This report in the *Canberra Times* says:

A spokesman for Chief Minister Kate Carnell -

was he lying? -

said last night the union was "splitting hairs" because all -

no equivocation here -

Jindalee staff would be given a range of options including redeployment, redundancy, or consideration for employment by the new operator.

Not just a few, not the casual staff who had not been working there for 12 months; all, every one of them. On ABC radio Mrs Carnell compounded the issue again. She said this:

It won't push back the sale of Jindalee at all because we're not planning to redevelop the site at all. We're looking at selling Jindalee Nursing Home as a going concern, we've guaranteed all the current people at Jindalee that they will have a bed in the new facility, or in the facility once it's sold. And we've also guaranteed to the nurses and to the other staff ...

Not "some other staff"; "other staff", meaning "all other staff".

Mrs Carnell: Not all other staff.

MR BERRY: No, no; it says "other staff". It just says "other staff". It does not say "except a few that have not worked there for 12 months". It says "other staff", the lot of them who work there. It says:

... they will be offered jobs or retraining in other parts of Health or alternatively redundancy payments.

(Extension of time granted) Thank you. It is no wonder that the union covering staff up at the nursing home was quite upset and that the members there were quite upset at this quite blatant breach of the public statements and the statements that were made in this place. Mrs Carnell leapt forth with all the honeyed promises that everybody was going to be looked after. There was no equivocation about it. She never said, "That little group there is getting nothing; this little group here is getting nothing". No, "all staff"; "the others", it says here. She said:

... to the other staff that work there that they will be offered jobs or retraining in other parts of Health or alternatively redundancy payments.

She has also said:

There are a number of areas in ACT Health at the moment that could very well do with any staff that do not choose to reapply for jobs under the new management. So those people will certainly be looked after.

Mrs Carnell: And that is after “long-term casuals”. So do not fib.

MR BERRY: So we have to guess what “long-term casuals” means. It has now developed a meaning, according to Mrs Carnell's interpretation, of 12 months. That is applied after the event. Here we have a group of employees who, really, only want a job with guaranteed hours. They do not want to be disadvantaged by the Government's action. All they want is a guarantee that they will get in the future the hours that they are getting now.

Mrs Carnell: But they do not have guaranteed hours now. That is why they are casuals.

MR BERRY: Mrs Carnell interjects as if she does not understand what goes on in the workplace, and that is clearly so, because she does not understand how to keep promises. That is why the union has been so upset.

I notice that the union has taken a position, in relation to a response to some of the issues, that they have agreed to withdraw the industrial action. Mrs Carnell, quite misleadingly, partly quoted a letter put forward by the union in relation to this matter in which it outlined its position. Mrs Carnell made a great deal of noise about quoting from this letter, but she failed to read an important paragraph which says this:

Further the members note the continued failure of the Government to adhere to its original commitment to provide all casual staff with access to the same rights enjoyed by permanent staff under the Redeployment and Retirement (Redundancy) Award and resolve to campaign through the members of the Legislative Assembly to have the promise implemented.

I do not mind campaigning for them because, on the face of it, there was a clear promise made to those workers that they were going to be looked after. The normal interpretation of “looked after” means that you are not going to be disadvantaged. Mrs Carnell is squirming on that issue, and so she ought to be, because she has misled them. They are entitled to be angry.

Mrs Carnell: Mr Ingwersen, your ex-staffer, is a bit cross, is he?

5 December 1995

MR BERRY: Mr Speaker, Mrs Carnell continues to squirm because she has been caught out on this issue. I think this Assembly owes the people who work at Jindalee a vote of honesty because they consistently have had honeyed words and honeyed public statements from Mrs Carnell which would indicate to them that they were going to be guaranteed certain conditions, including guaranteed conditions for those casual staff.

Now Mrs Carnell, misleadingly, has tried to implement this caveat of 12 months' employment. That was never implied in any of her public statements because in those days she needed to convince other members in this place to support her motion to sell it. Now that she has convinced those people to support her, Mr Speaker, she must adhere to her promises. None of those workers should be disadvantaged and Mrs Carnell has to come to the party in relation to all of those casual staff. They have to be provided with proper access to jobs of the same order that they have now.

Mrs Carnell: They will be placed; which is no guarantees, and on the casual list. That is what they - - -

MR BERRY: Here she goes. Mrs Carnell comes out with the big lie again. She is at it again. You just cannot help yourself, can you? She says, "We will put them on the casual list". She cannot help herself. More honeyed promises. That means not a damn thing, Mr Speaker. It means they are not guaranteed anything. They will be put on a list of people who might get a possie in some other place.

Ms Follett: On the incompatible list, if you ask me.

MR BERRY: Yes, that is right. You people are the pits. You can imagine it, can't you? "Pick out the incompatible ones. Have a look at them. That is the one from Jindalee. They caused a bit of a stir a little while ago. No chance of them staying on the casual list. If they are, they can stay right at the bottom". No, Mr Speaker, this Chief Minister has to be forced to adhere to her promises. She has to be forced to her publicly stated position in relation to health centres. Continually, before the last election, she supported them. She has to be forced to maintain those ancillary services, like her colleague Mr Humphries, the former Health Minister, was forced to stop the sale of the Kippax Health Centre.

MR SPEAKER: Order! The member's time has expired.

MR HUMPHRIES (Attorney-General) (12.18): Mr Speaker, we are getting used to these stunts every Tuesday of a sitting fortnight or sitting week. All the business on the Assembly agenda is suspended so that we can deal with some ultra urgent motion from the Labor Party on some crucial issue that, apparently, comes up the day before or the day of the meeting. We cannot be told in advance about these debates coming forward. That is probably pretty typical, I suppose. Today's motion, however, is a little bit more cynical than most. The wording of the motion is quite interesting. It calls on the Government to make a number of changes in the structure of Health. It is a wide-ranging motion. Structures of the health centres are affected; Jindalee Nursing Home and so on; ancillary services; and then the motion says:

Furthermore, the Assembly requires evidence of the implementation of the above on Tuesday, 12 December 1995.

Mr Speaker, for those of us who cannot see what is going on, I will spell it out in crystal clear terms. This is the motion that the Assembly passes and then, when the Government does not implement it, the Assembly comes back and there is a motion of no confidence in the Government based on the fact that it refused to implement that particular policy.

Mr Speaker, I have to say I am extremely disappointed that this should be the case; but I am not particularly surprised, given that we have a clear indication from Ms Follett that she would be back as Chief Minister before Christmas of this year. This is obviously the way she is going to do it. She could not find any other more substantive issue. She failed miserably on the budget tactics, so now it is going to be on the health centres.

Mr Kaine: Either that or as a backbencher.

Mr Hird: She might be a backbencher.

MR HUMPHRIES: Indeed she might. Indeed she might if some of her colleagues get their way. Mr Speaker, this is a motion that is breathtaking in its hypocrisy from a man who oversaw a considerable downgrading in the position of health centres in the period of his stewardship of the health portfolio. It is interesting to note that, despite all the vitriol hurled at this side of the chamber, even the comments made by Mr Berry about my so-called intentions to downgrade the position of health centres in this Territory, Mr Berry and Mr Connolly between them achieved much more in the way of destroying the nature of health centres in this Territory than I ever did.

Under the stewardship of Mr Berry and Mr Connolly, for example, the number of salaried doctors at health centres in this Territory halved, from 18 to nine. The extraordinary thing about it is that they are now unblushingly coming back to this place, banging the table and saying, "This Government must not be allowed to, in effect, do what we did. You must not be allowed to take our policy any further". Apparently they think that they milked the policy for all it was worth, they got the last little drop from the udder of the cow, and nobody else can come to that same cow and take any more from it. Mr Speaker, the hypocrisy is quite breathtaking. I am sometimes excoriated for having made a comment that in opposition I was able to be honest. It seems, Mr Speaker, that those opposite have the reverse problem. In government they can be honest; in opposition they do not appear to have that capacity.

Mr Speaker, Mr Connolly rightly summed up the position when he summarised as "nonsense", or "nonsensical rhetoric", to be more precise, the view that unless you have government doctors you do not have medicine in a community. That is nonsense. We are in the business of providing for stronger and better health centres through this process. Everybody knows that the model of health centres which were provided, as Mr Connolly mentioned with praise, originally by the Whitlam Government 20-odd years ago cannot be sustained, because it was not sustained under the previous Government. They themselves oversaw a process of removal of ancillary services from those health centres into regional centres, removal of salaried medical officers from those centres and replacing them with private medical practitioners, and they knew that it was

5 December 1995

a process they could not reverse, even if they wished to. It was a process dictated by the reality that that model simply did not work, that people were going elsewhere for services outside that area, and that most doctors in this situation already bulk-bill for pensioners, the unemployed and people on low incomes. Mr Speaker, I support that model. I support the model which gives access to bulk-billing for those who require it. I do not believe that we can sustain the model of our health centres into the future when we say that only 100 per cent bulk-billing doctors can occupy these centres, and only those sorts of centres can be allowed to exist in the Territory. That is nonsense.

The proof of the nonsense of that proposition is that it has been a dwindling asset since the earliest days of self-government. Ever since that time it has been acknowledged that we simply cannot get doctors to remain in those centres on those terms, and the assets of those centres have declined. When you go to one of our health centres, like the Melba Health Centre, or Narrabundah or Kippax, you notice something very striking about them. They are decaying centres. They are centres where they have dwindling resource bases; they are not particularly well patronised; people have a problem with access to the services there; and the services have been leaving those centres for some time. They are not dynamic avenues for the offering of services to the people of the Territory. Those people opposite who now attack this Government know that because they oversaw that process when they were in government.

Mr Speaker, the other point is about the outlay of centres themselves. It was supposed to be the case that the model of health centres in Belconnen was, according to Mr Connolly, the model set up by the Whitlam Government on which health centres were to be provided, presumably, across the rest of Australia under this mythical, wonderful Labor Government, but certainly within the ACT. Mr Speaker, that never happened. Belconnen was the only township in the Territory that ever had a variety of health centres, except possibly for North Canberra. Other town centres, as they were established - Woden, Weston Creek and Tuggeranong - were based on the model of having a single health centre.

The reason is that those health centres, it was realised, did not offer a particularly appropriate service in all cases; that medicine generally was offering a range of services which were matching the kind of service offered in the government owned and run health centres, it was possible to see an appropriate model offered to people by local GPs who were bulk-billing in appropriate cases and that did not require government ownership of those centres or those locations where that medicine was being offered. That is why the Government proposed, prior to the Assembly passing a motion some months ago, that we should be in the business of allowing doctors to operate those centres on a private basis, allowing them to appropriately bulk-bill pensioners and other people who were on low incomes but to charge people who were not in that position. That, Mr Speaker, is a position I strongly endorse. Indeed, I suggest that even the Federal colleagues of those opposite endorse it, as we saw when they tried to introduce the concept of copayment only a couple of years ago. Mr Speaker, we are in the position of having to make those sorts of decisions, and we see, as a result of that, a move towards these kinds of centres.

The Assembly saw otherwise. It said, "No, you will not allow doctors who do not 100 per cent bulk-bill in these centres". We have tried to salvage the situation by getting into the centres doctors who now 100 per cent bulk-bill and it is proving to be extremely difficult. Even though we have offered a 30 per cent reduction in the rent of the centres, it is still proving to be extraordinarily difficult. Mr Speaker, the bottom line of all of this is that we cannot revitalise our valuable public assets, the health centres, using this model. It simply does not work. Those opposite know that fact as well. We have to think of some better way of doing it.

Mr Speaker, I close by quoting Mr Connolly. When he was Minister for Health and he was in his honest phase he said this:

I have indicated that, if GPs want to run a bulkbilling practice and rent space in our health centres, we are happy to look at that, because it allows us to focus health centre effort on other areas.

His policy was to gradually move those services away from 100 per cent government ownership and 100 per cent bulk-billing towards another model. Mr Speaker, we can achieve a mixed model by going down this path. We clearly cannot sustain the services offered by those opposite on this model. They should be honest enough to accept it, and to accept that we need to be looking at some different way of providing those services.

Debate (on motion by **Ms Tucker**) adjourned.

Sitting suspended from 12.28 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Children with Disabilities - Summer Programs

MS FOLLETT: Mr Speaker, I have a question for Mr Stefaniak in his capacity as Minister for Education. Minister, I refer you to your decision to cancel the summer programs at Malkara and Cranleigh schools. My question is: Who was consulted about this decision? Why was the decision made? What programs will replace the summer programs? What is the cost to parents of the replacement programs compared to that of the previous programs that were available?

MR STEFANIAK: I thank the member for her question. Mr Speaker, the department indicated that the programs at Malkara would not be continuing. I have made a number of inquiries and the department has done a number of things. Ms Follett, the Government will be replacing the Malkara summer school with a superior service for parents. Places will be made available in holiday programs operating in the community. These programs will be conducted for longer hours each day than was the case with the Malkara program. They will also be more inclusive, in that children with disabilities will be mixing with children from regular schools, and they will be available in - - -

5 December 1995

Ms Follett: What will they cost?

MR STEFANIAK: I will come to that, Ms Follett. They will be available in geographical locations closer to where parents live or work. The same number of places will be available in 1996 as were provided in 1995, and transport will be made available as necessary.

This is not a savings exercise. It is about providing an opportunity for students from ACT special schools to experience an integrated program. The new approach will offer at least the same level of care as that provided in 1995. In some instances it will be superior, particularly in that more supervised activities will be available to the more physically able. The 1995 program that was conducted at Malkara School earlier in the year catered for a maximum of 60 students. The students eligible were from Malkara, Cranleigh, Turner and Woden schools. Children with the most severe disabilities who require one-to-one supervision were not able to attend the Malkara summer school because the required level of expertise was not available. The parents of these children access care and assistance through other agencies. This situation has not changed with the new arrangements.

The summer school at Malkara was designed as an integrated program for students with disabilities and their families. However, by 12 months ago, only students with disabilities were able to access the program. It was no longer possible to offer the program as an integrated model, and with the movement to integration in our educational settings it is not appropriate to segregate these students during their holiday time. There are a number of holiday programs operating in the community which would be more appropriate for students of all ages. My department advises me that for 1995 almost half the students on the department's summer program at Malkara were also placed in vacation care programs for some of the remaining holiday period. It is in these vacation care programs that my department will be buying places for 1996. In relation to the 1996 program, Mr Speaker, my department is - - -

Mr Connolly: Tell us what you think about it rather than what your departmental brief says.

MR STEFANIAK: I will get to that. My department is reserving 60 places for 10 days in a number of different child-care programs and community groups. Parents will be asked to pay \$5 a day. That is a new charge. However, the \$5 a day that parents of students with disabilities will be asked to pay compares most favourably with the \$20 to \$25 a day that parents are usually charged to access these programs. Further to that, a number of parents spoke to the Chief Minister and indicated that they were happy to pay, Ms Follett.

Mr Connolly: I am sure they were!

MR STEFANIAK: They were. Ask her, if you do not believe me. The subsidised places will continue to be made available only to students at special schools. This is because the purpose of the program is to meet the integration needs of students from special schools. As members will understand, we address the needs of students with disabilities in regular schools through their participation in integrated education throughout the school year.

Principals of special schools have been informed that the summer program is not operating at Malkara. Parents will be advised in writing to contact the focus programs section of the department for full details of the replacement program. Funding will be available to cover extra workers if required. Extra staff employed in the past have been interested teachers and assistants from the casual relief list and interested student assistants.

Mr Berry: Do you have a view on this?

MR STEFANIAK: I think it will go very well, Mr Berry. Why do you not give it a go? In conclusion, the Government is committed to continuing support to enable students from the special schools to access highly subsidised and more inclusive holiday programs. By organising this change to the summer school program, the advantages will be that the hours per day will be significantly longer - from 8.00 am, I am told, until 6.00 pm instead of nine until three - which I think is a pretty good idea; children will have the opportunity to mix with their peers and siblings from regular schools; places will be available in geographically more convenient locations; and the students will have access to a wider range of activities, including outdoor activities for the more physically able. All in all, Mr Speaker, it is a better program.

MS FOLLETT: I have a supplementary question, Mr Speaker. I gather from the Minister's total silence on the subject that there was no consultation whatsoever, which indeed is what the parents have been telling me. I would recommend that the Minister actually check whether what the department say in their brief is actually what is occurring, because in my opinion it is not. If there was no consultation, who advised the Minister to make these changes, and was that advice based on any sort of a research program or any substantial basis whatsoever?

MR STEFANIAK: The substantial basis, Ms Follett, is a better program. My understanding is that there has been quite a bit of consultation. Both the Chief Minister and I have spoken to parents, the department has spoken to parents, and there is ongoing consultation, Ms Follett.

Government Service - Enterprise Bargaining

MR KAIN: I address a question to Mr De Domenico, Minister for Industrial Relations. Minister, I notice the front-page article in the *Canberra Times* this morning talks about a pay offer. It states:

The Carnell Government is offering all ACT workers a 1 per cent pay increase before Christmas, provided that their unions finalise the "framework" enterprise-bargaining agreement.

This statement is not attributed to you, Minister. It is attributed to an unnamed Government source. Minister, can you confirm that that report is correct; that you are indeed offering a one per cent pay increase - I presume to ACT government workers, not all ACT workers - before Christmas, provided that the unions agree to the framework enterprise bargaining agreement?

MR DE DOMENICO: I thank Mr Kaine for his question. The answer is yes, the Government is saying that if parties can settle the key components of a new enterprise bargaining agreement before Christmas we will be prepared to agree to a pre-Christmas pay rise of one per cent or, on the average, of \$7 per week per public servant. Mr Speaker, this offer would represent the first instalment of the 3.9 per cent increase offered by the Government over the next 2½ years. In essence, what the Government is offering is an early date from which pay rises could commence under the new enterprise bargaining arrangements that are currently under negotiation with the unions.

This pay increase is already accounted for and, despite reports from the unions, has nothing to do with productivity savings. It is up front, no strings attached. Consistent with the current and previous agreements negotiated by the Labor Government, and in particular given our current financial and budgetary situation, the totality of any wage increase would not be budget funded. This approach is, I repeat, entirely consistent with the present system of wage negotiation in the ACT government sector and in other public and private industry sectors, including the Federal Labor Party's way of negotiating things federally; that is, pay increases are linked to improvements in the productive performance of different enterprises and, in this case, agencies.

Mr Speaker, in this regard the Government put a substantial reform agenda to the unions last week as the basis for continuing to advance the negotiation process. The outcome of negotiations over the next few weeks on agency-specific reforms will be important in the settlement of new arrangements. Mr Speaker, it will be particularly important in trying to reach agreement on the overall wage increase that can be sustained. I wish to emphasise again that the Government's approach does not - I emphasise "does not" - limit the overall wage increases that might be negotiated on an agency level. The Government's proposal was offered in good faith, and it is advantageous to employees. If the unions choose to reject what the Government is offering on this score, then the alternative approach is that the first pay instalment should apply at some time after the new agreement is certified by the Industrial Relations Commission.

So far, Mr Speaker, the Government has put the reform agenda and some actual pay on the table - and the unions are still talking about industrial action. Unfortunately, the unions seem intent on pursuing what can only be described as a political campaign inspired by the fact that, quite obviously, the ACT ALP is not up to the job. Mr Speaker, the unions have already wiped out the umpire and, unfortunately for their members, they seem unwilling to accept this offer for what it is - an offer which is up front and, I repeat, part of the 3.9 per cent increase offered by the Government over the next 2½ years. Mr Speaker, as I have said before, the Government and agencies have been ready for quite some time and are very keen to pursue detailed negotiations on the agency reform agenda. We hope to finalise the framework arrangements before Christmas. The unions will only be hurting their members if they continue on their politically driven warpath.

MR KAINE: I ask a supplementary question, Mr Speaker. Thank you, Mr De Domenico. I notice in the same article that the Opposition industrial relations spokesman, Mr Wayne Berry, with his usual knee-jerk reaction, made a comment about this action being down "that right-wing, Kennett-like industrial-relations path".

He said that it was not surprising that the unions would react strongly to it. Clearly, Mr Berry's first reaction to your proposal is negative, and I presume that that would reflect the knee-jerk reaction of the unions as well. Who, in your opinion, will be the winners and the losers if the unions reject this proposal?

MR DE DOMENICO: I thank Mr Kaine for his supplementary question. Mr Kaine, one thing I have learnt in this place is that if Mr Berry disagrees with you it must be a good idea. We all remember VITAB. That was the great deal that had to happen. In answer to your question, Mr Kaine, I say that the approach that this Government has taken has not been out of left field and it has not been out of right field. It is the approach that every other State and Federal government, either Liberal or Labor, has taken throughout the past 12 months. In other words, here is the Government's agenda, up front, on the table, no strings attached. In this instance it is \$7 per week average per employee, starting next payday. There are no strings attached and no productivity to counter things at all. There is to be an increase of 3.9 per cent over 2½ years. We have said, "If you want any more than 3.9 per cent, let us discuss it on an agency level and we can talk about that as well".

This Government said to the unions as far back as August, "Here are the cards on the table, up front. Come back with what you think of it". The unions initially took six weeks to respond to the Government. There are a couple of unions, particularly the CPSU and Ms Garvan, who disagree with this concept. Ms Garvan ought to get realistic, talk to her Federal colleagues and not say to her members, "We will continue to adopt a political campaign and deny you \$7 per week, no strings attached". If Ms Garvan can sell that to the unions, jolly good luck to her. The role of this Government is to protect the interests of the people of the ACT. We will continue to do so. We will continue to stand firm on this action, notwithstanding the gun that is held to our head.

Education Funding - Teacher Positions

MR BERRY: Where is your big hat that all the other cowboys have? Mr Speaker, my question is addressed to Mr Stefaniak, the Minister for Education. I ask the Minister to explain why the Government is planning to remove 50 teaching positions in the next 30 months.

MR STEFANIAK: I suppose I should expect that from Mr Berry, Mr Speaker. I think he has completely misunderstood the situation. Mr Berry, as you are aware, there is a new enterprise bargaining agreement which will be negotiated between the Department of Education and Training and the unions. The AEU has made comments about the possible loss of 50 teaching positions through enterprise bargaining and has attempted to link this with the budget. I would say that that is simply scaremongering. The existing enterprise bargaining agreement with the AEU ends on 31 December this year. It is appropriate that negotiations under the new agreement get under way.

Mrs Carnell: There is nothing about teacher numbers.

MR STEFANIAK: There is nothing whatsoever about it. There are a whole lot of things open for negotiation. Mr Speaker, the Government considers agency-based pay and productivity bargaining to be the most appropriate approach to enterprise bargaining for the ACT public service. On Friday, 24 November 1995, the ACT Trades and Labour Council wrote, proposing a basis on which the unions felt discussions could best be advanced; that is, the parties will focus on the agency reform agenda, an approach which until that point they had shown only limited or no interest in. This Government is more than happy to proceed along these lines, and agencies have developed their particular reform measures for negotiation with unions, Mr Berry.

The Department of Education and Training provided a list of reform measures to be discussed with the unions. They provided that, I understand, on 29 November. It included such things as health assessment programs in schools; lengthening the end of term one school holidays and extending term four; contracts for principals similar to SES contracts; ASTI resourcing models, which means that school principals will have greater flexibility over which classroom teachers are entitled to receive additional allowances in our schools; and long service leave on double pay. Those are some of the matters that will be negotiated with the unions, Mr Berry. Of course, it may well be that some of our proposals are not able to be proceeded with, for a variety of reasons. It is a reform agenda that requires goodwill bargaining from the unions, and I am hopeful that any agreement will be negotiated on that basis. You are very premature and probably quite wrong to just snatch the comment, "Fifty teachers will be lost". A whole lot of things need negotiating, Mr Berry.

MR BERRY: Mr Speaker, I have a supplementary question. With the \$4.7m slash of the education budget and the recently announced 30.5 teacher cut from the secondary colleges, how can the Minister continue to claim that the Government is being generous to the education sector, and can the Minister guarantee that there will be no teacher cuts?

MR STEFANIAK: I am sure you would do all of that prior to negotiations, Wayne. There are going to be negotiations.

Mr Berry: So there will be teacher cuts?

MR STEFANIAK: Who knows, Mr Berry? There are a whole lot of things that are going to be negotiated. That is what enterprise bargaining is all about, Mr Berry. We are proposing a number of things and they will propose a number of things, so let us see. Let me answer a couple of your questions, Mr Berry. Our budget was a most generous budget - \$7.77m more, plus an additional \$2m. Over three years it will be an extra \$20m. Mr Berry, you mentioned colleges. Go and look at your budget papers and you will see that even there there is a one per cent increase, despite all of the shock, horror things you are saying.

Education Funding - Teacher Positions

MR MOORE: Mr Speaker, my question is also addressed to the Minister for Education. I hope that he does not answer, "Who knows?" when I ask him this question. It also has to do with teachers. Mr Stefaniak, with over 90 teachers employed in central office at the moment, nearly half of whom are level 2 teachers, why is the Government cutting who knows how many teachers - 30, 50, whatever - from colleges in the ACT? I am pleased that you have been able to take advice on this from Mr De Domenico, who I am sure knows exactly how many teachers are in your department and how many are not.

MR STEFANIAK: As Mr Moore probably well knows, Mr Speaker, some of the central office programs which involve teachers are finishing up - for instance, the three-year curriculum development - and some of those teachers will be going back into the workplace.

MR MOORE: I ask a supplementary question, Mr Speaker. Minister, can you indicate to the house what percentage of those 90-odd teachers who are currently in central office - in fact, I would appreciate it if you would give us the exact number; I think it is 92 - are going back into schools, and why is it that you need to cut 30 teachers instead of effectively transferring them from the department into schools so that we can get smaller class sizes?

MR STEFANIAK: Mr Moore, you were one of the first to criticise cuts in central office. In the budget it was indicated that some people would be going back and that in that area there would be some reduction that, I think, amounted to about 10 per cent. Mr Moore, you were one who criticised that. You asked a number of questions in relation to the effect that that would have. Now you seem to be saying, "Why do you not send 90 teachers from central office, or 92 if that is the number, back to schools?". You are making a mockery of what you have been saying for a couple of months.

Mr Moore: I hope you give us a proper answer.

Year 12 Evening College Program

MR WHITECROSS: It is too much to expect a proper answer from Mr Stefaniak, but I will try, Mr Speaker. My question is also addressed to Mr Stefaniak in his capacity as the Minister for Education. Hope springs eternal. Can the Minister provide for this Assembly the reasons why he made changes to the Year 12 evening college program? Has this step by him to remove the subsidy to evening colleges been taken in any other States? How does the Minister think that low income students will be able to deal with this change? Does he think it will be good for low income students, in the same way as slashing the value of taxis was good for small businesses?

MR STEFANIAK: In relation to evening colleges, Mr Whitecross, all students who are currently midway through a Year 12 course will be able to continue at the old rate, and the department is currently investigating ways to look after low income students such as those on pensions.

MR WHITECROSS: I have a supplementary question, Mr Speaker. Quite frankly, the Minister's answer borders on contempt, Mr Speaker. He made no attempt whatsoever to answer the question I asked. Let me refresh the Minister's memory. Can you provide the Assembly with the reasons why you have taken away the subsidy for the evening college program? Can you explain whether this action has been taken in any other States? In relation to your assurance that current students will be able to continue at the old fee, Mr Stefaniak, will you guarantee that you will have abolished poverty by the time next year starts, so that there will not be any low income students trying to access these programs in the future once you have abolished the subsidy? Can you confirm, Mr Stefaniak, that this decision, like all the other decisions that you have made, was made without any proper research and without any proper reasons?

MR STEFANIAK: I think you will find there are some very good reasons for this. We have been through all this already. How about making it more accessible to more people? I am not Bob Hawke, and I do not think anyone on this side of the house professes to be, so I am not going to make any statements about no-one living in poverty or otherwise next year. I have already indicated to you, Mr Whitecross, that there will be concessions for pensioners and card holders. That is something that the department is examining. I have said that already, Mr Whitecross. In relation to evening colleges and Year 12 certificates, rather than just four colleges doing it, the idea is to enable other colleges to do it to enable more people to access the program, to enable some more money to come into the system and to assist colleges. I would think they are all very good things for all concerned.

Truck Parking - Residential Areas

MS HORODNY: My question is addressed to the Minister for Urban Services, Mr De Domenico. Earlier this year the Minister gave an indication that the issue of truck parking in residential areas would be resolved in an expedient manner. A working group was established to resolve the issues at hand, and I understand that the working group has made its final recommendations. In line with the community's desire for, and the Government's commitment to, a speedy resolution of the issue, will the Minister inform the Assembly of these recommendations?

MR DE DOMENICO: I thank Ms Horodny for her question. It is true that the working party has come to an agreement - a 100 per cent agreement, I was told. In fact, Ms Horodny, I can inform the Assembly that even the people representing RORE agreed with the unanimous decision of the working party, only then to reject that unanimous decision once they went back to their constituents. Ms Horodny, I can tell you that I will be meeting with the working party very shortly with a view to making sure that they do make the unanimous decision. If that is not the case, the Government will then - - -

Mr Berry: What happens if they do not want to make a unanimous decision?

MR DE DOMENICO: Mr Berry interjects. If there is no unanimous decision, Mr Berry, the Government will accept a majority decision that will be in the best interests of the majority of the people in the ACT. As soon as that is made, Ms Horodny, I will let the Assembly know.

MS HORODNY: I ask a supplementary question. What is the timeline for this process?

MR DE DOMENICO: I cannot give you an exact time and date, but it will be before the end of the year. Ms Horodny, unlike the previous Government, which banned everything in sight, this Government has taken the approach of sitting down together with all the community groups concerned, realising that, no matter what decision this Government made, not 100 per cent of the community would agree with it. However, this Government, unlike the previous one, will make a decision in the best interests of the majority of the people in the ACT. Once that decision is made, we will let the Assembly know.

Mental Health Services

MR HIRD: Mr Speaker, my question is addressed to the Chief Minister in her capacity as Minister for Health and Community Care. I refer to a recent announcement of a new respite facility in the ACT for people with mental health problems. Can the Minister outline just how these new services will operate and the reason behind their establishment?

MRS CARNELL: I thank Mr Hird for the question, because I think the area of mental health remains one of the greatest challenges facing any government in Australia and certainly facing this Assembly. I know that we still have a long way to go before we can truly say that people with mental health problems are properly cared for in our community. It is this approach that has led to recent discussions with mental health support groups about how we can work together to set up a new community-based service in Canberra.

I was pleased to announce yesterday that, in partnership with the community, the Government will establish a friendship house to be named after the late Warren I'Anson. This facility will operate on a self-referral basis and will provide respite accommodation and support for people experiencing mental health problems. A house will be identified by ACT Housing, and day support and overnight accommodation will be provided. The friendship house will be staffed by volunteers and Mental Health Foundation support workers and will have access to mental health services, case managers, the crisis team and services at Woden Valley Hospital. I have asked the Department of Health and Community Care to convene a meeting of interested parties to plan the establishment of the house. It is hoped that the facility will be open early in the new year.

This will certainly expand the range and type of services that are currently available to people with mental health problems. The house may, for example, serve as a short-term alternative to hospital-based treatment. It could also allow an individual to spend some time in an environment away from their home, in the company of trained support workers, particularly when that person is stressed or feeling very lonely. I would point out, too, that members of Mr I'Anson's family have been involved in the development of the friendship house to continue the work that Warren undertook while he was an active member of the mental health support network.

Mr Berry: How much money?

MRS CARNELL: Mr Speaker, this is a positive step forward that has emerged as part of discussions between the mental health community and the Government, but I hasten to add that it is but one service and it is not the answer to all of our problems in the provision of mental health. In coming months the operation of the crisis team will be reviewed and the Social Policy Committee, I understand, will shortly receive the interim report from the Government on the operation of the Mental Health (Treatment and Care) Act for its first six months of action. We are very disappointed that there have been a number of delays in this area.

I think it is disappointing also to hear Mr Berry from the other side of the house carp, "What does it cost? What does it cost?". Yes, there will be a cost. The Government has undertaken to cover the rent of the house and the on-costs of the house and certainly to look at extra support via grants to the Mental Health Foundation for the next financial year to help with extra staff. We believe that this is the appropriate way to go. Warren's death was a tragedy. Everyone in this house accepted that it was a tragedy. What this Government is attempting to do is fill a gap that became very obvious with Warren's very early death. With the community, we are attempting to find a solution inside our budget capacity. I think that is something that should be applauded by this place, not carped at by Mr Berry opposite.

Schools - Sport and Physical Education Programs

MR WOOD: Mr Speaker, my question, on the matter of school sport and PE, is addressed to Mr Stefaniak. First, will the Minister provide a list of those schools which were already providing the minimum time that is now required for sport and PE? Secondly, following the changes that he has required, what is the advice that he has received about the impact on other programs that schools offer?

MR STEFANIAK: I thank the member for the question. In relation to the first part of it, Mr Speaker, I think probably his colleague Ms McRae would be able to give him the answer, because she has been provided with a list of all the times. She wanted it. She asked for a list of the times various schools spend on sport and PE. If she does not have that information, I am happy to provide it for Mr Wood. As Mr Wood would know,

hopefully, 150 minutes each week will be spent on physical education and sport from Year 3 right through to Year 10, and 30 minutes will be spent on health education. As Mr Wood may be aware - if he talked to his colleague Ms McRae, he should be - there was extensive consultation in terms of - - -

Mr Humphries: Wrong faction.

MR STEFANIAK: That is a very good point, Mr Humphries. That is probably the reason. There was extensive consultation over a number of months, including two round-table conferences which arrived at that time. No-one had a particular problem with that time at the last round-table conference - except perhaps two of the 30 participants, who would have probably liked it to be a little bit less. It seemed to be a very good figure arrived at by consensus among the many stakeholders involved after extensive consultation, as Ms McRae no doubt will tell you. That is certainly a reasonable optimum time that was acceptable to most people, Mr Wood. Everyone has taken into account such things as other curriculum areas. Indeed, it was the P and C that at one stage stated to me that they thought 150 minutes would be fairly reasonable. When one looks at this particular area as being one of the eight key learning areas and when one looks at how long children and students stay at school and learn over a week, it is a very reasonable period of time, as virtually all the participants would agree. That is why it seemed to be so well accepted.

MR WOOD: Mr Speaker, I ask a supplementary question. Mr Stefaniak's responses - they were not answers - are interesting. First of all he said, "Who knows?". Then he said, "It is Roberta McRae who knows". Certainly, the Minister does not appear to know. I ask my question again. Will the Minister indicate the advice that he has received about the impact on other programs of any changes that are occurring?

MR STEFANIAK: Mr Wood - and you should know this - there were vast differences in how long schools were spending. Some were doing as little as 45 minutes; others were doing up to 265 minutes. In some schools there will be little, if any, change. In other schools there will be some change.

Town Centres - Retail Facilities

MS TUCKER: My question is addressed to the Minister for Planning, Mr Humphries. Can the Minister guarantee that this Government will not permit further expansion of any of the town centres before completion of the retail strategy, which is drawing upon the findings of the social impact study of local centres and the inquiry into retail trading hours?

5 December 1995

MR HUMPHRIES: Mr Speaker, I thank Ms Tucker for her question. As she is well aware, there is presently a proposal for expansion of the Tuggeranong Hyperdome which has recently completed the preliminary assessment - - -

Mr De Domenico: The Ros Kelly extension.

MR HUMPHRIES: Yes. It has completed its preliminary assessment stage and there is now a process of public consultation on that particular proposal. It is certainly the Government's intention that that particular proposal proceed in the light of at least some formulation of a strategy for the future expansion of retailing in the ACT, particularly one that bears in mind the impact of retailing in the town centres and expansions of retailing in the town centres on local and group centres. This is an area which Ms Tucker might be aware was woefully ignored by the previous Government, as a result of which today a great many small local centres in the ACT have simply closed down. There are no longer shops in a number of local centres in the ACT, including my own suburb of Weston. Mr Speaker, I think it is most important that, for the first time in this town, we put in place a strategy to ensure that those sorts of decisions are made in the future in light of the impact that they have on other parts of the Territory.

Mr Speaker, there is a proposal before the Government for expansion of Belconnen Town Centre which is already well advanced. It includes extra space for a supermarket in the centre, extra space for restaurants and, I think, the space put aside for the cinemas, which are already well advanced. I cannot guarantee that that particular issue at Westfield Belconnen will not be considered before the overall retail strategy is developed, but certainly Tuggeranong will be developed in the light of that strategy, if possible.

MS TUCKER: I ask a supplementary question. How do you feel it lies with your commitment to small business during the election if you are going to allow that development at Belconnen, even though you say it is well advanced, and yet you have a strategy coming out on the social impact?

Mr Connolly: It is finished. Woolies are open.

MR HUMPHRIES: Mr Speaker, the answer is that basically, as the Opposition say, it is almost finished. It is very well advanced. From my perspective, there has been fairly strong support from across the community in Belconnen - members from Belconnen might correct me if I am wrong about this - for that expansion. In particular, there has been very strong support for the cinemas and the restaurants. I am not sure what involvement Mr Wood had in the previous decision, but I think he would agree with me that there is a strong case for some expansion at Westfield Belconnen. I do not believe that anybody in the ACT, with the exception of one umbrella organisation, has written to me expressing concern about the Belconnen expansion. I read into that some support for the expansion. If that is not the case and Ms Tucker has evidence of people who believe that this is the wrong decision to make, I should advise her to get them to talk to me or my department as soon as possible, because my view is that generally there is support for that expansion at Belconnen.

Housing Trust - Rent and Mortgage Payments

MS McRAE: Mr Speaker, my question is addressed to Mr Stefaniak, this time in his capacity as Minister for Housing. Minister, can you confirm that Housing Trust tenants and purchasers can no longer have their rent or mortgage repayments withdrawn from their pay?

MR STEFANIAK: Mr Speaker, my understanding - I would like to know Ms McRae's source - was that deductions of rent were very much encouraged by the Housing Trust. It is a very convenient way for Housing Trust tenants to budget, and accordingly there are signs up in all the Housing Trust offices. If something has happened in relation to that, Ms McRae, which I am unaware of, I would be very keen to take action.

MS McRAE: Mr Speaker, I ask a supplementary question. Minister, could you take my question on notice. Who has changed the procedures that had been in place, who advised of this change and, in the light of your answer, why has it happened without your approval?

MR STEFANIAK: I will certainly take that on notice, Mr Speaker, because, as I said before, deductions from pay are something that the Housing Trust has been very keen to make. If anything has happened to change that, I would certainly be most concerned, Ms McRae.

Education Funding - Teacher Positions

MR OSBORNE: My question is addressed to Mr Stefaniak in his role as Minister for Education. Mr Stefaniak, is it true that there are over 90 teachers in the central office of the Education Department? If so, is it also true that the central office of your department, including Youth Services, has over 500 officers in total, with about a dozen officers dedicated to publications and media relations in education alone?

MR STEFANIAK: Mr Osborne, in relation to the 90 teachers, I refer you to my answer to Mr Moore. In relation to your other figures, I will get an exact figure for you.

MR OSBORNE: I ask a supplementary question. Mr Stefaniak, do you think this is a responsible attitude, considering your intention to cut 30 teachers from colleges?

MR STEFANIAK: Mr Osborne, I said that I would get back to you on the exact figures. I do not think the number of staff in central office, be they in youth and children's services or education, really has anything to do with what occurs in colleges or schools, except that, as I indicated earlier, a number of staff who have finished projects in central office will be going back to the schools.

Literacy and Numeracy

MR CONNOLLY: My question is also addressed to Mr Stefaniak in his capacity as Minister for Education and Minister for making his Chief Minister look very confident. In the light of the recent criticism of literacy and numeracy levels in the ACT by the ACT Council of Parents and Citizens Associations, can the Minister outline what steps he has taken to improve outcomes for students in this area?

Mrs Carnell: Can you tell us what you did?

MR STEFANIAK: The Chief Minister interjects, "Can you tell us what you did?". I think that is very appropriate, Mr Connolly. We are committed to high standards of literacy and numeracy and are monitoring the progress of individual students. This year the department has trialled a K-to-10 learning assistance program to assess student needs in all government primary and high schools, in Years 1, 2, 4, 6 and 8. The program provides additional resources of \$4.59m to meet the literacy and numeracy needs of students. The Education Department also routinely assesses students' basic literacy and numeracy skills. Many schools assess the literacy needs of students in Year 1 and address student needs through either learning assistance teacher support or the reading recovery program. Information released by the ACT Council of Parents and Citizens Associations related to the K-to-10 learning assistance program. This information is gathered as a mechanism to allocate resources. It is not a program to measure standards of literacy and numeracy. The statistics cannot be used, therefore, to determine literacy and numeracy standards in ACT government schools - if that is what you are referring to, Mr Connolly.

The Government is aware of the learning assistance needs of students, and it recognises that there will be students who require additional assistance to meet the demands expected by both their school and their parents. While it is not possible to directly compare the abilities of our students with counterparts interstate, ACT government and non-government schools are involved in the national schools English literacy survey. This is a trial program for assessing literacy standards. It involves 30 teachers and their classes, with full implementation planned in 1996. A new section, Outcomes and Reporting, has been established as a 1995 budget initiative, Mr Connolly.

Ms McRae: What have you done to help?

MR STEFANIAK: That is one, for starters, is it not, Ms McRae? So, too, is the other program I mentioned earlier, if you had listened. The new section will develop procedures for systematic reporting to government on literacy and numeracy standards in the ACT. Mr Connolly, all ACT government primary and high schools are trialling the nationally validated student profiles. Those profiles will form the basis of assessing student performance from 1997 in primary schools and from 1998 in high schools. They will provide a common assessment procedure to inform parents on their child's progress.

MR CONNOLLY: By way of a supplementary question, I ask: Would the Minister agree that we may do better if we focus more on these bread-and-butter issues like literacy and less on bumbling and fumbling on sport policy?

MR STEFANIAK: Mr Connolly, I do not know. Firstly, why do you not go out into the community and ask them about the sports policy and ask them about the literacy and numeracy? And guess what? They will blame your lot. Try it.

Mrs Carnell: I ask that all further questions be placed on the notice paper.

PERSONAL EXPLANATION

MR BERRY: Mr Speaker, I seek leave, pursuant to standing order 46, to make a personal explanation.

MR SPEAKER: Proceed.

MR BERRY: Mr Speaker, during question time Mrs Carnell mischievously drew from an interjection from me that I was carping about the cost of an announcement she had made in relation to the provision of mental health services. Nobody could construe otherwise than that I was asking her a question about how many dollars she had provided for the program that she was announcing. Mr Speaker, I think the record should show that no dollars were announced.

ANSWER TO QUESTION ON NOTICE

MR WOOD: Under standing order 118A, I raise the matter of an overdue answer to my question No. 83 of the Minister for Urban Services on a very simple matter. Perhaps tomorrow he could have a look at that.

MR DE DOMENICO: I apologise for that. Mr Wood, I will get you an answer as soon as possible, perhaps even by this afternoon.

SUBORDINATE LEGISLATION

Papers

MR HUMPHRIES (Attorney-General): Pursuant to section 6 of the Subordinate Laws Act 1989, I present the following papers:

Electoral Act - Instrument to determine the purchase price for electronic electoral roll products - No. 160 of 1995 (S296, dated 24 November 1995).

Nature Conservation Act - Flora and Fauna Committee - Remuneration and Allowances - No. 152 of 1995 (S299, dated 29 November 1995).

5 December 1995

Public Sector Management Act - Management Standards -

No. 11 of 1995 (S300, dated 30 November 1995).

No. 12 of 1995 (S300, dated 30 November 1995).

Smoke-free Areas (Enclosed Public Places) Act - Determination of fees -
No. 159 of 1995 (S291, dated 24 November 1995).

PAPERS

MR HUMPHRIES (Attorney-General): For the information of members, I present the following papers:

Land (Planning and Environment) Act - Approval of variations to the Territory Plan, together with background papers, copies of the summaries and reports and copies of any directions or reports required -

Minor corrections to residential land use policies (Variation No. 42).

Monash, section 20, block 1 (Variation No. 48).

Treasurer's Monthly Financial Statement - October 1995.

SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION - STANDING COMMITTEE Report and Statement

MR OSBORNE: I present Report No. 16 of 1995 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement on the report.

Leave granted.

MR OSBORNE: Report No. 16 of 1995, which I have just presented, was circulated when the Assembly was not sitting, on 29 November 1995, pursuant to the resolution of appointment of 9 March 1995. I commend the report to the Assembly.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE
Report on Draft Variation to the Territory Plan - Gungahlin Town Centre and Central Area

MR MOORE (3.16): I present Report No. 7 of the Standing Committee on Planning and Environment entitled "Draft Variation to the Territory Plan (No. 53) for Gungahlin Town Centre and Central Area", together with extracts from the minutes of proceedings. I move:

That the report be noted.

This is a significant move not only for the Standing Committee on Planning and Environment but also for the Territory. This is probably the last time that a town centre as such, as part of a variation to the Territory Plan, will come before this Assembly. Certainly, it will be the last for some time, because I believe that there are no new town centres planned for the foreseeable future. In planning terms, "foreseeable future" is half a century or more.

The variation to the Territory Plan for the Gungahlin Town Centre has been down a rocky road. It was the predecessor of the Planning and Environment Committee, the Planning Committee of the previous Assembly, that rejected the variation to the Territory Plan on the previous occasion, suggesting that the Gungahlin Town Centre at that stage could not go ahead because of the presence of an internationally endangered species, the legless lizard, or *Delma impar*. The Planning Authority has come back to the committee, through the Minister, and presented a different plan for the Tuggeranong - I mean, the Gungahlin Town Centre. I get distracted, because I have a member who sits next to me and says to me all the time, "But Tuggeranong, but Tuggeranong, but Tuggeranong". It would appear that it has finally had some impact.

The Gungahlin Town Centre has now been redesigned and basically has been swung around on an axis to provide a habitat for the legless lizard. What will come from what was presented to us by the Planning Authority - and it carried some weight with our committee - is that the people of Gungahlin will have the opportunity now to be proud of the fact that they are able to use a town centre and be part of a town centre in the middle of their community that is surrounded by an area specifically set aside to protect an endangered species. There will be a great swath of Australian native grassland next to the town centre, which will be testimony to the environmental consciousness of that town centre. Similarly, there is a public transport route which may well be used in the future for light rail or may well be used in the interim for another form of intertown public transport. The design will allow access from the Gungahlin Town Centre not only to Civic but also to Belconnen.

There were a number of submissions made to our committee last week that raised issues about the Gungahlin Town Centre, and our committee determined that we would deal with them as quickly as we possibly could. We did that, because the Gungahlin Community Council and the Gungahlin community generally have been very enthusiastic

5 December 1995

to ensure that the Gungahlin Town Centre proceed. The committee was very much of the opinion that we should, if at all possible, proceed with this variation. However, we were not prepared to do so if we saw any fundamental flaw in the plan. There were some areas of difficulty.

The report deals quite well, I believe, with the issue of the southern end of Kosciusko Avenue, where it comes out of Palmerston, where residents had hoped to have a direct connection to the town centre. The evidence before us was that this would have a significant impact on the endangered species, and we were not prepared to approve that. We concurred with the Planning Authority on that issue and on a number of other issues. For example, the Master Builders Association raised the issue of sun glare, with an east-west alignment of the grid of the town centre. The Planning Authority presented to us a map. The Master Builders Association, after looking at a larger map than the one that it had been working from, agreed that it is not an east-west alignment at all but has enough of a variation from east-west to avoid that problem. Nevertheless, it was an appropriate issue for the association to raise and did cause the committee enough concern to get more evidence about it.

The other issue which was of particular concern to the community was the main street in the Gungahlin Town Centre. We believe that the Gungahlin Town Centre should be of a village type. It was particularly important to the committee that this not be disrupted by a major flowthrough of traffic. For that reason, our first recommendation was:

The committee endorses the draft Variation to the Territory Plan ... for the Gungahlin Town Centre and Central Area.

That was our first and overriding recommendation. We did make a second recommendation, and it was:

The committee is concerned about the capacity for normal traffic (that is, other than public transport) to have unrestricted access to some of the main streets in the Town Centre - thus possibly inhibiting the full working of the urban village concept. The committee requests that the Planning Authority keep this matter under review and that the committee be regularly informed about developments in this regard.

We believe that that street will be constructed in such a way that the effect will be not dissimilar to what you might find in Garema Place or an area like that. This is the feeling that the committee had, and it is an issue that we hope that the Planning Authority will come back to us on. We did not believe that it was an adequate reason for us to reject the variation to the Territory Plan. We hope that the Minister will recognise that the committee, in framing its recommendations in this way, actually allowed the variation to proceed rather than use this issue as an issue that would stop the variation. I hope that the Minister, in considering that, will ensure that the committee is fully informed by and

perhaps has further discussions with the Planning Authority on exactly how we see that issue and how it ought to be resolved. There were a number of other smaller issues that were dealt with in our report, but those other issues were certainly not enough, as far as we were concerned, to prevent us from proceeding with the variation to the Territory Plan to allow construction of the Gungahlin Town Centre to begin. It is time it did, and members generally agreed that it should go ahead.

I would like to say one other thing. The Minister had announced that he would turn the first sod prior to Christmas. This was a very dangerous move on the part of the Minister because, if anything, that was more an enticement for us to knock it back than one to put it through; and the Minister could well be warned about the impact of this sort of statement in the future. The welfare of the people of Gungahlin and the need for their town centre were much more overriding factors than the politics of the issue, and that is why we have a unanimous report today. I thank members for their efforts in working to the pressure of the very short time that we had from the time the variation and the reports were presented to us until we had an extraordinary meeting at lunchtime today to finalise this report. I particularly offer my thanks to the secretary of this committee, Rod Power, who, it seems, no matter how much work we take on and how many issues we have going at once - whilst he always looks a little more bedraggled with each of them - manages to deliver in a way that, I think, is becoming legendary.

MR BERRY (3.25): As the chair of this committee's predecessor, I would like to say a few words about the history of this issue. It is dealt with in part at pages 1 and 2 of the report which has been tabled today by Mr Moore. The issue of *Delma impar* was one that came to the notice of the former Planning Committee. As a result, there will be more notice taken of the environmental impacts of development in the various suburbs. I hope that the pace that has been set in relation to the identification of creatures and native species of any sort that might be affected by development will now form part of a mind-set of those involved in the various areas of planning in the ACT. I hope that they will take note of it. I hope that what was started with the discovery of *Delma impar* on this site will lead to a more sensitive approach to the environment, particularly to endangered species, in the future. It started a process where other endangered species were discovered on other sites, and certainly more care is being taken.

Mr Moore made some comment about the Minister promising to turn the first sod this year. I do recall, Mr Speaker, your saying in the election campaign that, no matter what happened, the construction would be started this year, legless lizards or no legless lizards. We have set out a plan to save the legless lizards, and you will not have to ride roughshod over them, even if that might have been your intention if you had been forced to the position. From the point of view of Labor at least, we have made an important save in terms of that species. There was some criticism of that because it is not a warm and fluffy creature. It is a creature that is rarely seen by anybody. I suppose that it owes its survival to its ability to hide, because it is not the sort of creature that would last long if it were out in the open. Whilst there might be hundreds or even thousands of them on this site, I am sure that they will prosper. The efforts of this Assembly in relation to their future ought to be recognised.

5 December 1995

I know that the people of Gungahlin were concerned about their town centre, and so they ought to be, because it is an important part of the community and one which will form the soul of the community in future years. One disappointment, of course, is that a building promised by Labor on that site will not go ahead. That will detract from the future development of that site, but I know that Assembly members are still interested in ensuring a government presence there to provide an employment base.

Mr Moore: We should send DELP there, should we not?

MR BERRY: Perhaps we could even send DELP there.

Mr Humphries: Be my guest. You go right ahead. You will not be able to do so because you were so advised before the last election.

Mr Connolly: As we directed them to do it.

MR BERRY: They were directed to do something about that. It did not happen. That was a great pity, because that would have been an early step into the creation of a solid centre for that community. The people of Gungahlin can now look across those preserved plains and know that they are a habitat for the legless lizards, an endangered species. If an appropriate course could not have been found to save them, then I am sure that the Liberals would have turned the first sod whether or not *Delma impar* was saved.

MR KAINE (3.31): Anybody who has been observing the development of the plan for the town centre would note how different in physical form the plan that is now before us is from the one that was put forward not much more than a year ago. It says something about the resilience of our planners that in less than a year, after having their original plan knocked back, they came back with another plan, a new plan, based on the fact that almost one-third of the land that was originally intended to be developed was excised for the legless lizard and a plan which still fits neatly on the block and which generally has the endorsement of the community that the town centre is going to serve. It is worth noting that they have done, in my view, a very good job, having had to go back to the drawing board such a short time ago.

One of the things that need to be commented upon is that, if you look at the map which is at page 2 of this report, the area in black which is identified as the town centre is only stage one. It is planned that, as the need arises, there will be a phased development. The development will occur towards the east of that area that is defined in black along the axis of the east-west roads. That raises a question in my mind. I know that some people have reservations about the nature of this development. For example, one eminent developer who had a great interest in the area raised the question of whether what is going to be built there is truly an urban village. It certainly does not coincide with his original impression of what an urban village was. He will not mind if I mention his name. Bob Winnel put forward a very comprehensive plan a year or so ago to build what he considered to be a true urban village there. I must say that, to some degree, I share his reservations because the map, as it stands at the moment, does not, in my view, look much like what I thought an urban village was going to look like.

We need to be vigilant. I do not think that the Planning Committee or this Assembly ought to conclude that, because today we approve the variation to the plan, that is the end of the matter. We should set up arrangements whereby the proposal and the phased development are monitored to see how it emerges. I imagine that the responsibility for this should fall primarily on the Planning and Environment Committee. I suggest that, for the life of this Assembly at least, the committee revisit this every 12 months and see what is happening there and see whether what is beginning to emerge on the ground is what we thought it was going to be.

It may cause some difficulties if people start pouring concrete and building roads and then we come along and say, "That really is not what we wanted. Would you move the roads over here a few feet, put a few bends in them and generally change the direction?". I am not suggesting anything as drastic as that. We have to accept the general skeleton outline of what is proposed, but I do believe that there is a need for some surveillance at the political level, given the importance of the site. As Mr Moore said, you do not often develop a new town centre. This may be the last one for a long time. This time I hope we get it right. There has been a lot of criticism of previous town centre developments. Hopefully, this one will be the one where there will not be too much criticism after it is finished.

In connection with the Minister's threat, promise or undertaking to have something happen there this year, he might have got on better if he had promised that all members of the Planning and Environment Committee could have their names on the plaque, alongside his, when he puts the plaque up there. Then there might have been a bit more enthusiasm on the part of some members of the committee to get the proposal up and running. He might note that for the next town centre development, if he is listening. I intended to be brief. I have said all that I wanted to say. The community in Gungahlin was anxious to get this centre started. They believe that it is time that they had a town centre. I agree with them. It is time to get on with it.

MS HORODNY (3.36): I need to correct something that Mr Berry said. Unfortunately, he is not here. He said that *Delma impar* was an endangered species. This species is still an endangered species, and that is important to remember. The grasslands are a highly endangered ecosystem. The Planning Authority is to be commended for this plan, which is a great improvement on the previous plan. This whole issue again brings up the very strong need to have in place in the ACT a reserve system to protect our ecosystems. This would provide not only security for investors and developers but also, obviously, greater security for the ecosystems and for the endangered flora and fauna in those ecosystems. I believe that the Government is looking at a strategic plan for the ACT. I can only say that it is not a moment too soon.

Question resolved in the affirmative.

**LAND (PLANNING AND ENVIRONMENT) ACT - VARIATION NO. 53 TO
THE TERRITORY PLAN
Papers and Ministerial Statement**

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning):
For the information of members, I present the following papers:

Land (Planning and Environment) Act - Approval of variation to the
Territory Plan, together with background papers, copies of the summaries
and reports and copies of any directions or reports required for Gungahlin
Town Centre and Central Area (Variation No. 53).

I seek leave to make a statement.

Leave granted.

MR HUMPHRIES: May I start by thanking members of the Planning and Environment Committee for their cooperation in facilitating the tabling of this report today and consequently the approval of variation No. 53. It is the case that the five-sitting-day rule requires that, after the approval is tabled today, it has to lie on the table for the next five sitting days for work to begin on the town centre before the end of this year. Mr Moore rightly pointed out that that was in accordance with a commitment made by this Government before the last election that work would begin on the town centre before the end of this year. Might I indicate that it certainly goes beyond just that. As Mr Moore indicated, the people of Gungahlin have a very strong and quite understandable interest in seeing a strong level of attention paid to their own needs - in particular, their need for a significant centre for their region and a town centre with a number of facilities which those of us who live elsewhere in Canberra have come to expect and take for granted. It is extremely appropriate and important that we are able to put in place the beginnings of the process to have that town centre. I thank members of the Planning and Environment Committee for cooperating in that process.

Subsection 29(1) of the Land (Planning and Environment) Act requires that the variation be laid on the table for those five sitting days. I hope that members will agree that the report that has now been laid on the table and the plan that has been laid on the table offer a very high degree of quality, design and planning criteria for this town centre.

Mr Wood: Who did the work on it?

MR HUMPHRIES: I thank those who were responsible for the work on it, particularly Mitchell/Giurgola and Thorp, who have been extremely important in the development of these guidelines and for the process that they undertook as managers of that public consultation phase that has seen an exceptional town centre design put forward. I also thank the Planning Authority and other members of the ACT Government Service. I do not think that I can overstate the importance of that plan. Mr Moore is right. This is the last town centre plan that we are going to approve for a very long time. It is also the first town centre plan that we have approved since self-government.

It is our opportunity to learn from the mistakes of the last 30, 40 or 50 years in planning townships in the ACT. From my experience in planning, which I acknowledge is of about nine months' duration, it seems to me that this plan produces an exceptionally good response to that accumulated experience and knowledge.

This town centre is based on a non-mall model. It will not be the kind of town centre dominated by a large, single retail structure with a number of retail outlets within it. It will be, in a sense, a more low key kind of town centre; but it will still be very much the heart of an urban village - an urban village which has a close interaction with residential areas close to it and which also, I might indicate, is designed for medium-density development at its very outset. The other important element, of course, is the fact that we are proposing to have a town centre planned from the outset to meet the needs of people who wish to live in medium- to high-density accommodation. The great problem that we have encountered in the whole debate about urban infill in the last couple of years has been conversion of land from low-density to medium- or high-density housing. That has caused enormous problems for people in those areas. This area of Canberra will be, for the first time, different to that. It will be an area of Canberra in which certain medium- to high-density dwellings will already be there. It will therefore, I hope, overcome a number of the very acute problems that have been encountered in planning terms in the last few years.

Mr Berry made the interesting observation that apparently the legless lizard had the Labor Party to thank for its survival.

Mr Moore: No; he said "the previous committee", but go on.

MR HUMPHRIES: His words were, "This is an important save by Labor". I am not aware of any influence on the part of the Labor Party in our decision to put aside 500 hectares of land as a reserve for the habitat of the legless lizard. That is a major commitment. We have forgone, in one sense, many millions of dollars in potential revenue from housing on that land. A couple of major suburbs in Gungahlin have been more or less butchered to accommodate that grassland reserve for the legless lizard. It is a major shift in government policy. It was not in the draft presented to the Assembly committee last year. If my colleagues opposite have been responsible for the change, they have moved in extremely subtle and mysterious ways that are unclear to me. It seems that we cannot have any occasion when we simply celebrate our achievements; we have to throw some politics into it. Mr Berry also raised the question of the - - -

Mr Berry: There is politics in everything, Gary. What are you trying to pretend?

MR HUMPHRIES: Obviously, there is politics in everything. That is the way that you see things, Mr Berry.

The failure of DELP to move to Gungahlin was criticised by those opposite. I say to them that there is a very simple way of resolving this toing-and-froing about this issue. We say that it was not possible for Gungahlin to accommodate the DELP building, that the timeframe was inadequate and that the previous Government acquiesced in that process. My colleagues opposite say that that is not true. It seems to me that the person

5 December 1995

pivotal in all of this is the man who made the decision about the location of the DELP building and the placement of ads for expressions of interest in that process, the former Minister for Urban Services, Mr Lamont. I am very happy to eat humble pie on that issue if Mr Berry and his colleagues - - -

Ms McRae: Come on; that will be the day.

MR HUMPHRIES: Watch me; just watch me.

Mr Berry: You would not recognise humble pie, Gary.

Ms McRae: You would not know it if it was in front of you.

MR HUMPHRIES: You just watch me. But you have to produce the goods first. The goods are: You show me where Mr Lamont denies having issued that instruction. Those opposite are muttering into their Christmas cards because they know that they cannot produce that evidence. They know full well that Mr Lamont, as Minister responsible for the development of that building, did authorise the move of DELP to a location other than Gungahlin and did acknowledge that Gungahlin expressly had to be ruled out. I hope that, when they are honest enough to acknowledge that, they will stop this carping, "We really wanted to go to Gungahlin; it is just that this nasty succeeding Government stopped us from doing that". You have to prove me wrong.

Mr Berry: You were the one that made the accusations about the Chief Minister. She demonstrated that the notes were there, and you had to back down.

MR HUMPHRIES: You produce Mr Lamont's affidavit.

Mr Berry: You backed down, did you not?

MR HUMPHRIES: I did misrepresent the situation as far as that document was concerned. I acknowledged that in the Assembly, and I apologised to Ms Follett for it. I now throw down to you the challenge to admit that you know full well that Mr Lamont authorised that movement to go ahead; and to come into this place and acknowledge your mistake. You come back and acknowledge it. Obviously, those opposite are not interested in being forthright about that. I will not press the point. This report is an important development in providing for an exceptionally high quality town centre for the people of the ACT. We have a great deal to be happy about with this proposal. I thank members for their support of the proposal and look forward to the work on this very important town centre project commencing in the very near future.

MR WOOD: Mr Speaker, I seek leave to make a statement.

Leave granted.

MR WOOD: The Opposition can make its decisions on this matter as quickly as the Government can. No sooner had the Government responded than we also indicated, as Mr Berry already has done in speaking to the committee's report, that the Opposition will be supporting this proposal. I want to pay a compliment to all those people who have

been involved; not least, might I say, the recently rather maligned Planning Authority, which has been working very hard, without the adequate resources, on this proposal for quite some time. While it had consultants of a high calibre also doing work, the result is a credit to the authority.

I have a particular interest in this matter because the work originated in my time as Minister. I set out with a very personal objective, although I did not wish to override community views. I was delighted in the end when the views that I had in my mind were also the views expressed by the community, after broad consultation, and the views coming through in this proposal as expressed a moment ago by the now Minister. We do hope that this is a different centre in many ways. We hope that there is no mega ownership that brings the problems that we see persistently at each of the major malls. My colleague Mr Berry was indicating conversationally a few minutes ago that the proof will be when people turn up to this centre and it is different. I expect that it will attract people from all over Canberra because it is a very different centre. At the present moment you could find yourself in any one of the four major malls in this town and you would have to think where you were because they are all pretty much identical. The shops are the same; the same names are on top of every door; there is very little variety. I hope that the nature of design and the nature of ownership of this centre will see that we get a new, diverse and different range of shops that will attract people.

I hope that, as the planning proceeds, the financial pressures will not see the centre surrounded by car parks and that we can find other means of accommodating the parking. That is going to be a difficult decision for someone in time, because it will be much more expensive to arrange for car parking in a better way. I do know - no matter how much we might like to say otherwise - that people will want to be able to park as close as possible to the shops that they are going to. We might talk about public transport, but the people will want to drive their cars to that location. It will be a measure of failure if this town centre finishes up like others - in the middle of a sea of car parks. I believe that the process thus far has been excellent. We now have a centre on the drawing boards that I believe will be a pacesetter for the rest of Australia and will perhaps show people in other parts of the world what is good in new shopping centres. It is going to be new, interesting and different.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): I seek leave to make a short statement on something that I meant to mention in my earlier remarks.

Leave granted.

MR HUMPHRIES: I thank members. Mr Moore did ask me particularly to respond to the issue in the report of the closure of access to cars. I indicated that I would take that on board. I will do so. The committee has raised in this context the question of what impact cars have on centres of this kind. Of course, it is true to say that every other town centre in the ACT now has a policy of excluding cars from the very centre of it.

5 December 1995

Whether you consider the square model at Woden, the mall model here in Civic, or the covered town centre or shopping centre model at Tuggeranong, all those models exclude cars from driving through the very centre of the retail area, to some extent anyway. The suggestion is made that we should follow that model here. The Planning Authority will keep a close eye on this question and ensure that if there is a case for that to happen it will happen.

As members might be aware, we are considering presently the closure of Franklin Street, Manuka. The issues arising from that kind of decision are quite complex. I hope that members would appreciate that it is not simply a question of saying, "Yes, we will close the street", dusting our hands, and that is the end of the issue. I might point out as well, for Mr Wood's benefit - he talked about inadequate resources for the process of developing this plan - that \$80,000 was put aside in this budget for that purpose. That was, I think, a quite considerable investment. It was for the Mitchell/Giurgola and Thorp work on this matter. It was in addition to what was in the previous budget. It was a quite significant sum of money.

PRIVATE MEMBERS BUSINESS - PRECEDENCE **Suspension of Standing Orders**

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

That so much of the standing orders be suspended as would prevent the order of the day, private members business, relating to Health Services being called on forthwith.

HEALTH SERVICES

Debate resumed.

MS TUCKER (3.53): Mr Speaker, it is ironic that we are standing here seeking to protect the future of community health centres in the ACT. Mrs Carnell ran her election campaign very strongly on improving health services in the ACT. She was going to fix up our health system. As far as the Greens are concerned, and as far as the community is concerned, there was no mandate to reduce health services, particularly in local communities. These services are about local people's needs. They are about access and equity. They are about mothers, the elderly, people with special needs, people without cars.

Governments are here to assist all people access the services that they need. When health comes down to a matter of capacity to pay, many people will miss out. We will end up with a society where rich people get one type of service and poor people another. Community health centres are important because, as far as community services go, they are also the central focus of primary health care in the ACT. They are the first point of call for many people in the health system, particularly those who do not have the ability to pay. At least here they know that they will not be cross-examined about their financial situation.

It is becoming more and more obvious that Mrs Carnell's primary goal in health is more throughput in the system. Her argument goes something like this: We have more and more people going through our hospitals and, therefore, a better health system. A good hospital system is an important aspect of the overall health system, but surely stopping people going there in the first place should take priority. The provision of decentralised affordable health services is an essential element of keeping people out of hospital. It must also be the most important part of any strategy to stop the big blow-outs in the health budgets. Prevention is cheaper and less painful than cure.

As this Government has committed itself to ongoing implementation and evaluation of "ACT Health Goals and Targets", it would be a good idea if policy decisions were consistent with the report. In the introduction to that report it says:

The primary health care sector is the central function and main focus of the health system, and the principal vehicle for the delivery of health care services. As a structure, it involves those health services that are generally "the first point of call" into the health system, and they are based in the local community.

The ACT has the lowest number of bulk-billing practices per capita in Australia. We also have the lowest number of practices per capita that charge the standard fee or below. Yet this Government and the previous Government have done little or nothing to rectify this situation. A family of four on around \$27,000 a year will not be entitled to a health care card. Unless your doctor bulk-bills you will be paying the standard fee or more, as only 62.9 per cent of practices in the ACT charge the standard fee. A family on around \$27,000 is not caught by the safety net. No-one seems to care too much about these people or have ideas about how to help them - neither Labor when in government, nor this minority Liberal Government. Under Labor, we acknowledge, health centres suffered greatly, losing half of their salaried GPs.

The Greens will be supporting this motion. It is essentially the same motion as we have had on the notice paper for some time; but Labor, for its own reasons, wanted to move it ahead. We are supporting this motion because we are committed to the concept of high-quality health care being available to all members of the community. We support the concept of a universal health care system and we believe that it is the responsibility of this Government to do its utmost to ensure that the mechanisms for high-quality health services are at least maintained, if not improved. What is the value of a universal health care system? It is that it covers all income earners, including low income earners. Who are the low income earners? We know that there are many more than those who have health care cards.

The Liberal Government believes that it has a mandate to make changes willy-nilly. It does not. It is of no use threatening the crossbenches when they challenge the Government's agenda if the Government has failed to consult on policy options prior to implementation or to show any alternative models to what it claims is not functioning.

5 December 1995

Yes, it is likely that overturning the Government's position will cost the Territory some money. No doubt it has been very difficult for those working in the bureaucracy - and I regret this - but it is absolutely critical that we support primary health care. It is something that many people in the community feel very strongly about.

If Mr Moore and Mr Osborne had thought the issue through a bit more, perhaps we would not be where we are today. Unfortunately, they did not. They voted against keeping the salaried medical officers. Bulk-billing may well be a possibility in the health centres, and we believe that the Government ought to be given that option. While it has been unsuccessful so far, perhaps more effort needs to be made. Letting the premises free of charge may be one option. Advertising more widely may be another.

I note that Mr Humphries stated that Labor had done far more than the Liberals in "destroying the nature of health centres". The Greens do not want to see the nature of health centres destroyed by anyone, and it is an alarming admission that that is what they are doing. It is absolutely essential that we have strong community primary care facilities. We must look at the long-term benefits of preventative health care. It is cheaper and less painful for everyone - the Government and the community - that way.

Mrs Carnell claimed that the \$9 that the patient pays is affordable for most people. This is indicative of Mrs Carnell's understanding of what it is like to be on a low income. It appears that she does not have any idea. In practices that do not bulk-bill the patient will have to find not \$9 but \$30 up front. For some, that is extremely hard; and, for many, it is impossible, especially if you have more than one child sick at the same time. There you are looking at an amount which puts a substantial hole in your weekly income and actually makes it very difficult to pay for your food. If you do not have the money in your purse, you cannot pay; you cannot get the service.

Another example of preventative health care that I will mention - it is ironic, given that we will be discussing ozone issues later today - is that we are all being encouraged to regularly check for skin cancers. If a low income earner has to pay \$30 up front for this check, this is a massive disincentive. I am sure that Mrs Carnell is only too aware of the high cost in human tragedy of advanced skin cancers. Those cancers can often be prevented at little cost, with no tragedy, if intervention occurs at any early stage. I only mention that as an example. Obviously, it is right across the board with health.

I heard Mr Humphries say that there needs to be a better way to deal with community health. We are very happy to hear Mr Humphries make this statement, and we would be happy to work with the Government to seek to develop a better model, one that it feels could work better. However, I cannot see how closing health centres will facilitate such better development. Until ideas for the alternative model that Mr Humphries mentioned are shown to the Greens, we will not support further dismantling of the present system.

On the issue of casual staff at Jindalee, which is in paragraph (2) of the motion, our understanding was and is that long-term, regular casual staff would be cared for, not just those who are automatically cared for in the triple R award. Obviously, the concern was for those whose security was not covered by that award. I believe that it is

well documented in both *Hansard* and the media. I do not care whether or not there is another spin that can be applied to give another meaning. I took your promise at face value, and I will do all I can to ensure that you live up to it. It is obvious that certain people were cared for in the triple R award. It was the people who were not that we were concerned about.

MR HUMPHRIES (Attorney-General): Mr Speaker, under standing order 46, I ask for leave to make a personal explanation.

MR SPEAKER: Proceed.

MR HUMPHRIES: Ms Tucker said that I had said that we were in favour of destroying the nature of health systems and that we were simply not doing as good a job of that as Labor was doing. That is a rather gross distortion of what I had to say. I was saying, in a sarcastic tone, that, if those people were accusing us of destroying health centres by removing salaried doctors from them and replacing them with private doctors, then certainly those opposite were destroying them at a much faster rate than we were. I certainly do not admit to having destroyed health centres. In fact, I would argue strongly that the measures proposed by Mrs Carnell are the only way of sustaining health centres in the future.

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

STATUTE LAW REVISION BILL 1995

Debate resumed from 23 November 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR CONNOLLY (4.03): The Statute Law Revision Bill is an annual exercise which essentially tidies up minor errors. In introducing the Bill, Mr Humphries made a very short speech saying that, and in response I will essentially give a very short speech saying that as well and foreshadowing that the Opposition will be supporting an amendment which I understand the Government will be bringing on.

I wrote to Mr Humphries recently saying that the Opposition shared his concerns about the so-called missing comma problem in relation to the code of practice for retail tenancies, suggesting to him that the Statute Law Revision Bill would be a suitable vehicle for the Government to bring forward an amendment. I understand that Mr Humphries, as Attorney, has directed that such an amendment be brought forward. We support the use of this Bill as such a vehicle. While that is slightly unusual and while it should not be assumed that the Opposition would support a general policy, or indeed, I would hope, that the Government would advocate such a policy, of using the Statute Law Revision Bill for quick fix-its, this is an instance where the clear policy intention of both the Labor Party and the Liberal Party last year was very firm. There has been a court ruling

5 December 1995

which takes a different view. Legislative amendment is necessary, and this is the quickest and easiest way of doing it. Given that the purpose of a Statute Law Revision Bill is to fix up minor grammatical and typographical errors and consequential errors, and given that Mr Humphries's amendment clearly falls within the scope of the short title of this Bill, the Opposition is inclined to support it.

MR MOORE (4.06): Mr Speaker, I think one of the things that we have to be concerned about in dealing with this sort of issue is the short time that we have had to deal with this particular Bill. It is only a little over a week that we have had to look at this piece of legislation tabled in November.

Mr Humphries: But you agreed to bring it on.

MR MOORE: Indeed. As a rule, we ought not to work that way. In fact, it was in a couple of pieces of legislation of this kind on previous occasions that we found some anomalies that did not really fit into the intention of this sort of legislation. I have been able to go through this Bill only quickly, but I believe that it does exactly what Mr Humphries, in his introductory speech, said it does. It is a matter of fixing up a few anomalies, sexist language and those sorts of issues. I think there is general agreement within the Assembly that those things ought to be done, and we would expect to see this style of legislation coming in fairly regularly.

Mr Humphries, a little while ago, interjected to the effect, "You agreed to bring it on". Mr Speaker, I was not able to be at the Government business meeting the other day. In those meetings we are presented with a series of pieces of legislation relating to what the Government intends to do, and we either agree or disagree at the time. Because I was not aware that this was coming on and I thought it would be unlikely that we would bring on legislation that had been presented only a week or so earlier, I did not give instructions on how to deal with it. However, had I had a major problem with it, I am sure that Mr Humphries and other members would have agreed to adjourn it for some time. I accept that.

I think that we should still follow the general rule that such legislation ought be allowed to sit for a reasonable time period so that we can examine it more closely than we get the opportunity to do in a short week, especially when there are at least three pieces of legislation that fit into that category, as there are this sitting. There is not only this one but also the Classification (Publications, Films and Computer Games) (Enforcement) Bill and the Bill amending the Crimes Act. Mr Speaker, I think that we have here another one of those pieces of legislation that, by and large, we agree to in principle. I am prepared to support this legislation at this time.

MR HUMPHRIES (Attorney-General) (4.09), in reply: Mr Speaker, I thank members for their support for the Bill. Let me comment about the two contributions. Mr Connolly remarked that this was an annual Bill. Yes, it has been the case in the past that we have had an annual Bill available to deal with in this way, although I hope that this may be the last Bill of this kind that we have to deal with. The Government is examining reprints legislation of the kind used in Queensland, which effectively means that mechanical, typographical or stylistic changes can be dealt with by way of a printer's correction rather than by amendments on the floor of the house. My advice is that that system has operated

well in Queensland for a number of years. It seems to me that, rather than ask members to digest long and apparently fairly dry material of the kind that is contained in this Bill, it would be better for this to be dealt with by a printer's amendment. That is the proposal the Government will be putting forward in, I hope, the first half of next year. So this may be the last annual Bill. I am sorry that Mr Moore has left the chamber, because I wanted to respond fairly firmly to the comments he made about the short time before this Bill was brought on.

Ms McRae: Call a quorum.

MR HUMPHRIES: I am very tempted, I must admit. You are the ones who are very good at that, so I will leave it to you to do that.

Ms McRae: We do not want Mr Moore.

MR HUMPHRIES: That was not a challenge. That was an epithetical comment. Mr Speaker, the practice that this Government has adopted is basically to allow members to dictate when they wish Bills to be brought forward. At the Government business meetings on Fridays I say to members, "Here are the Bills. When would you like to deal with them?". That is in very sharp contrast to the situation with the previous Government, when we were told that Bills had to be dealt with - - -

Ms Follett: Rubbish!

MR HUMPHRIES: You were never at those meetings, Ms Follett. Mr Berry would come to the meetings to say, "This Bill has to be debated on this day", and generally no reason was available as to why it had to be done on that basis. We have taken a very different approach. We have said to the Assembly, "You tell us when you would like to debate the Bills". In fact, no member expressed any objection to this Bill being debated today, which is why it is being debated today. I hope that Mr Moore gives his staff better instructions before he sends them to meetings - - -

Ms Follett: He is your mate. I thought he told you when to do things.

MR HUMPHRIES: No, we have asked the Assembly to give us their views about when they want legislation to be debated. There are sometimes Bills which are urgent - for example, the Public Sector Management (Amendment) Bill, which we will be asking the Assembly to debate into law this week - but, generally speaking, if a Bill is not urgent we say to members of the Assembly, "When would you like to debate the Bill?". All members are welcome at the Government business meetings on Fridays before sitting periods. They are entitled to come and express their point of view at those meetings. I hope that, for the most part, we have consensus. I hope that Mr Moore takes the trouble to consult with his staff before he expresses some concern about a Bill being debated, as he did today. Mr Speaker, I thank members for their support for the Bill and I look forward to it being passed.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General) (4.13): Mr Speaker, I seek leave to move together the two amendments circulated in my name.

Leave granted.

MR HUMPHRIES: I thank members. I move:

Page 2, line 5, clause 4, add the following subclause:

“(2) The amendment of the *Tenancy Tribunal Act 1994* set out in the Schedule shall be taken to have commenced on 1 January 1995.”.

Page 13, line 14, Schedule, after the item relating to the *Supreme Court Act 1933* insert the following item:

“Tenancy Tribunal Act 1994

Subsection 8(1) -

Omit “option before”, substitute “option, before”.”.

Mr Speaker, the Tenancy Tribunal Act 1995 commenced on 1 January this year to give tenants access to mediation and arbitration processes and to establish a code of practice for commercial and retail leases. The code applies to all leases commencing on and from 1 January 1995 and to leases entered into prior to 1 January 1994 as regards multiple rent review and rent ratchet clauses. In addition, the Act was intended to give tenants under leases entered into prior to 1 January 1995 access to the tribunal for any alleged harsh and oppressive conduct which occurred after 1 January 1995.

On 10 November 1995 the president of the Tenancy Tribunal, Mr Somes, in hearing an application by a Tuggeranong Hyperdome tenant who was alleging harsh and oppressive conduct under a pre-1995 lease, ruled that the absence of a comma from subsection 8(1) of the Act meant that, in his opinion, the tribunal had no jurisdiction over pre-1995 leases, except where the relevant lease was extended under an option granted before 1 January 1995. Mr Speaker, a number of similar cases are presently before the Tenancy Tribunal. The explanatory memorandum tabled in the Assembly by Mr Connolly when the Act was passed stated:

... in the case of ‘harsh and oppressive conduct’, the Bill will apply to existing leases, but only where the conduct occurs on or after the substantive commencement of the Code.

Of course, it commenced on 1 January this year. The Tenancy Tribunal stated that it could not take account of the explanatory memorandum, as it believed the meaning of the Act itself was clear and unambiguous. Mr Speaker, the subsection to which the tribunal was referring was subsection 8(1). It states:

This Act applies to [harsh and oppressive conduct] whether the relevant lease was entered into, varied, renewed or extended under an option before, on or after [the commencement date].

The tribunal found that the clear meaning of this provision was that, due to the absence of a comma after the word “option”, the word “before” attached only to the phrase “extended under an option”. Therefore, where a lease was entered into, varied or renewed before 1 January, the tenant was not protected. In other words, the tribunal found that the subsection could be interpreted to read, and I paraphrase:

This Act applies to [harsh and oppressive conduct] whether the relevant lease was entered into, varied or renewed on or after [1 January 1995] or extended under an option before, on or after [1 January 1995].

Mr Speaker, the Director of Consumer Affairs subsequently filed with the Supreme Court an appeal against the tribunal's ruling; but, even with the expedited status, that appeal could not be heard before late February or early March of next year. The Government is anxious that the Act operate as intended by the whole of the Assembly when the legislation was originally passed. When the Assembly passed the Tenancy Tribunal Act last year, it clearly wanted to prohibit unconscionable conduct of landlords against any tenant. Unfortunately, the Tenancy Tribunal has not read it that way.

These amendments will immediately rectify the situation and allow all tenants to take action if they believe they have been harshly done by since 1 January 1995. I would ask the Assembly to support the amendments for that reason. They will operate retrospectively to 1 January this year. That is a matter which I can recommend to the Assembly without hesitation, notwithstanding my party's policy about retrospectivity, because it confers a benefit on people who are tenants in the ACT. Indeed, it was intended by the Assembly to confer a benefit. Therefore, that should be made clear not so much by changing the law as by clarifying the law that was enacted last year.

MR CONNOLLY (4.17): The Opposition will be supporting the amendments. Indeed, I commend the Attorney-General for rapidly drafting these amendments and bringing them in under the vehicle of the Statute Law Revision Bill. As I said earlier on, the Opposition wrote to the Government last week indicating that we shared Mr Humphries's concerns about the decision of the Tenancy Tribunal and that we would support any method of amending the law, be it by a stand-alone Bill or the Statute Law Revision Bill. There are certain advantages in using this Bill. It means that it will be debated and, hopefully, passed this afternoon.

Mr Humphries was critical, but in a circumspect way, of the decision of the Tenancy Tribunal, which is fitting, given that he holds office as Attorney-General. I no longer hold that office, so I can perhaps be a little less circumspect. I find it extraordinary that any officer in a judicial or quasi-judicial position - any judge, magistrate or tribunal holder - would take a narrow, grammatical construction of a phrase or sentence in preference to the clearly expressed will of this legislature. Some 10 years ago the Commonwealth Parliament and then other State and Territory parliaments passed amendments to the Acts Interpretation Act to provide that a court can look at the proceedings of parliament in order to resolve any ambiguity. That overruled a very longstanding rule which courts had imposed upon themselves and which said that a court could not look at what was said in a parliament.

There was a lot of academic and parliamentary debate about those amendments to the Acts Interpretation Act, but they were carried with bipartisan support and they became part of the package that we inherited upon self-government. The Interpretation Act was one of the first Acts put through this place in the first period of government under Ms Follett. In fact, Ms Follett was Attorney-General. The ACT legislation very clearly mirrored the Commonwealth legislation. Every State and Territory has similar legislation. As a legal officer for the Commonwealth arguing a number of cases in tribunals around the country and on one occasion appearing as part of a team arguing a matter in the High Court, it was my experience that that was very rarely of any practical benefit because the facts are that when you get an ambiguity in a statute very rarely does recourse to the parliamentary debates help you. In most cases the parliamentary debate on a statute tends to be a bit of a political diatribe in which we bash each other around the head. While the Government's second reading speech expresses the broad generality of policy, by its very nature it rarely goes down to very detailed issues. When we argue a point before a court or a tribunal we often get down to a very fine level of detail. Try as you will, second reading speeches or parliamentary debates are of little help.

In this case, nothing could have been clearer. The question of the extent to which the retail code of practice should be retrospective was a very hotly argued political issue. Mr Moore and other Independents in the then Assembly wished to make virtually the whole process of the code of practice retrospective. The then Government, which I was a member of, was sympathetic to that point of view but also accepted the reality that business people had entered into arrangements under the law as it then stood and that to retrospectively impose a code of practice on contracts that had been entered into under the pre-existing law could be seen as harsh. We sought a compromise, which was to exclude the general operation of the code from retrospective operation but to allow harsh and unconscionable issues to be litigated before the tribunal when the conduct arose after 1 January 1995, even though the contract had been entered into prior to that date.

The then Opposition, with Mr Humphries as the spokesperson, supported that point of view. The speeches very clearly expressed the conflicting arguments - on the one hand, that we should support small businesses and, on the other hand, that contracts had been entered into under an existing set of legal arrangements and that, as a matter of principle, it would be unreasonable to retrospectively impose a code of conduct. The issue of whether a tribunal could entertain a claim for conduct arising after 1 January 1995 in respect of a contract entered into before 1 January 1995 was clearly the subject of a very

intense debate that occupied a couple of days in the Assembly. We adjourned the process, and Mr Moore put very strong arguments which were rejected by the Government and the Opposition. There could not have been a clearer case where the will of the legislature was expressed. It was expressed in the explanatory memorandum that Mr Humphries quoted from, but it was expressed equally clearly in the speeches that were made both on behalf of the Government and on behalf of the Opposition.

I am very concerned that in this Territory we have got to a point where a narrow grammatical construction has been preferred to the clear will of the Assembly, and in an environment where the whole legitimacy of self-government is still an issue in the Territory. Officers who are charged with the responsibility of interpreting the laws of this place really ought to consider that this is a parliament with broadly sovereign powers in relation to matters relating to the peace, order and good government of the Territory under the self-government Act and that under the Interpretation Act they are responsible for looking at and divining the will of this place. For a court to prefer a narrow grammatical interpretation to the clear will of this Assembly invites this Assembly to do exactly what Mr Humphries has properly done, and that is at the first opportunity legislate to correct the situation.

It would be regrettable for the good government of the Territory if we got into a cycle on this sort of thing and had to rush amendments through in order to correct the situation when tribunals, magistrates or superior court judges prefer strict grammatical interpretations based on the presence or absence of a comma to the clearly expressed will of the parliament. The Opposition strongly supports, and indeed commends, the Government for quickly bringing forward legislation which clears up what was clearly the intention of this place.

Amendments agreed to.

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

Bill, as amended, agreed to.

(Quorum formed)

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) BILL 1995**

Debate resumed from 23 November 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR CONNOLLY (4.26): The Opposition is supporting the Government proposals in this legislation. As the Attorney-General indicated in his presentation speech, the history of classifications in Australia is a rather complex and messy one. It is probably the worst example of Commonwealth-State cooperation. For decades now Ministers have sat around and agreed that we should adopt a uniform approach to the classification of

5 December 1995

materials, but when they have gone back to their States the actions of one political pressure group or another have resulted in chopping and changing. So *Penthouse* can be contraband in Queensland and lawful in the rest of Australia, for example.

Since the late 1980s the ACT, along with the Northern Territory, has always stood out in relation to the issue of X videos. We have allowed the tightly controlled sale and distribution of X videos, whereas other States have refused to allow that material to circulate. In recent years this has often been the cause of some embarrassment for ACT Ministers, who would often be on the receiving end of tirades from Ministers of both political persuasions in other States who liked to hurl abuse at the ACT for being the home of porn, the porn capital of Australia and the like.

I was intrigued, as I am sure other members may have been, to see some of the figures that the X-rated lobby have recently distributed on the percentages of persons in a range of Commonwealth electorates who are actually on the mailing list for X-rated video materials and note that in some electorates in Queensland nearly 12 per cent of the electorate actually subscribe for this stuff. I also recently read that the publication *Australian Penthouse*, which I have no particular truck for, has its highest circulation through mail order in Queensland. That may say something about the way that when governments try to repress material it probably only increases demand.

Mr Speaker, when colleagues from other States would accuse the ACT of being the hotbed of pornography, I would offer them a challenge. I would say, particularly if we happened to be in the larger cities of Sydney or Melbourne, that I would guarantee that if they gave me an hour I could show them not just X material for sale but probably unclassified material for sale. Unclassified material is material that has been refused classification because it contains violent images, which for some years now have been excluded from the X classification. I also pointed out to them that in the ACT they would not find X material other than in the lawful sale points outside the residential areas of Canberra. I suggested to them that it would be very difficult for them to come across unclassified material. Not only do police keep a close watch on what is going on in those areas, but the industry itself, knowing that the police keep a close watch, is concerned to ensure that unclassified material does not circulate.

It was intriguing last year, Mr Speaker, that in Victoria the regulation banning X material was found to be invalid because of some loophole in, I think, tabling the relevant regulation. Overnight, vast warehouses of X-rated and unrated video material appeared. That lasted for only a couple of weeks until the Victorian Government sorted out its legislative loophole, but it was very clear that this material had been in Melbourne and had been on sale illicitly in Melbourne. It suddenly appeared in major retailing areas when there was a little gap in the law.

Evidence given only in the last month to the royal commission in New South Wales has clearly established that a number of detectives in the Kings Cross area were in receipt of regular payment by video distributors to turn a blind eye to the offering for sale of X-rated or unrated video material in Kings Cross, which would be a kilometre or so from

Parliament House in Sydney. Conservative Ministers from New South Wales in recent years have hopped into me for allowing the sale of X videos in the ACT. I consider myself proven right by the findings of the royal commission, which has indeed confirmed that this material was circulating illicitly in New South Wales.

Mr Humphries's proposals here follow from the Commonwealth's recently enacted new classification legislation. That attracted some attention last year when the ACT had originally been saying that we were not convinced that there should be a total ban on X computer games, although at the end of the day the then Chief Minister and I agreed that we would go along with uniformity on that and say that there should be no X-rated computer games. That reflects the Commonwealth legislation and the ACT legislation.

Mr Humphries, in his speech, referred to a proposal that he has floated with his colleagues that the X classification be looked at again. That is something that I would endorse. This was something that we also proposed last year - that X should perhaps be done away with and replaced. Mr Humphries is saying that it should be replaced with E, for erotica. I was then saying that it should be replaced with NVE, for non-violent erotica. I think it matters little what the title is; but the problem is that when X was first introduced, back in the 1980s, the original X classification did allow some quite violent and unpleasant material. That was removed in the early 1990s. The current classification for X makes it very clear that violent material or material suggesting non-consensual sexual activities simply cannot get an X rating.

It would be very interesting for members to get a compilation of scenes from R or even MA material and scenes from X material. I suspect that not members of this place - because they assiduously read their legislation - but certainly members of the Canberra community would see scenes from MA material and think that they were from X material. Scenes of rape and scenes of violent sexual activity, provided they are not explicit to a very defined degree, can be shown in MA and R material but simply cannot be shown in X material. The proposal that the Government has now announced, which is similar to the one that we were proposing to Ministers last year, is to really revamp that, get away from the old debate about X, and take a more realistic approach to what is circulating.

Mr Speaker, I think that that proposal is even more important this year than last year, and it was more important last year than the year before, because the fact is that modern technology is simply getting away from the old censorship laws. Not only can material be rapidly duplicated in video, but modern forms of computer technology are now making the old distinctions that film classifiers adopted really quite meaningless. The whole contentious issue last year about whether you allowed X-rated computer games focused on the ability to have a clear distinction between a computer game and a film. That distinction is getting more and more difficult to make. Films are now appearing in the CD-ROM format. Films are appearing in which you can choose a range of endings at various points. The distinction between a game and a film that has multiple choices is causing great difficulty.

I have been told that the Commonwealth censor has recently approved as a film a product called *Glamour Photographer*, or words to that effect. You get a CD-ROM and the person playing the computer game is the "photographer". There are a range of options. The over-18 female model disrobes and gets into a variety of poses for the photographer.

That is not regarded as a game; that has been classified by the Commonwealth censor as a film product with choices of endings. It seems a very fine distinction to draw. I am not making a criticism of the Commonwealth censor in saying that. I am just saying that it is increasingly difficult for us to deal with these issues.

The Opposition supports the Bill before the chamber and also says to Mr Humphries that we are prepared to take a very responsible course in working with him on this issue of E classification, because in the longer term the debate about X films or videos or publications is going to be an old-fashioned debate as we enter the realm of cyberspace. We really need to have more educated and responsible attitudes rather than relying purely on censorship. The old days when people thought that by censoring you could remove undesirable material from circulation are now clearly gone. While it is important to continue regimes such as the one before us, we also need to encourage more responsible attitudes. The E classification is one way of encouraging that. Without committing to the details of Mr Humphries's proposal - indeed, he has not given the details; he has given just the concept - it is something that certainly the Opposition is prepared to work with him on.

MS TUCKER (4.36): The Greens will be supporting this legislation, which is a step towards reforming classification schemes towards a more uniform approach. I would also like to take the opportunity to make some comments about the video classification scheme, which Mr Humphries and Mr Connolly have referred to in their speeches. The Greens support both Mr Humphries and Mr Connolly in their efforts to raise the issue of reclassification of videos containing non-violent erotica, which currently fall under the X classification. It is a dreadful hypocrisy that there is often more violence in videos under the MA or R classification than in those under the X classification, yet classifying videos as X reinforces the public perception that the violence in MA or R videos is somehow okay.

Mr Speaker, some very good arguments have been put forward for replacing the X classification with a non-violent erotica classification. An Australian Institute of Criminology report in 1987 sampled PG, M, R and X videos and found that X-rated videos contained less violence than any other category of film or video, while M-rated videos contained the most violence and R-rated videos the most sexual violence. I have fliers for two films which quite evocatively illustrate this point. If members are interested, I am happy to show them. One is for an R-rated film, *LA Gang Violence*. The flier says, "This film contains shocking and graphic scenes of death and violence". The other is for a non-violent erotica video which is currently banned everywhere except in the two Territories and is rated X. Reclassification of non-violent erotica offers the opportunity to separate out not only violence but also other material such as non-violent aggression.

Mr Speaker, there is growing evidence and concern about the negative impact of violent films, videos and computer games, particularly on children. Our classification scheme should reflect community standards, which do not support proliferation of violent images, at the same time acknowledging that sex between consenting adults should not be classified along with material that contains violence in a physical or non-physical or demeaning behaviour.

MR HUMPHRIES (Attorney-General) (4.39), in reply: Mr Speaker, I thank members for their support for this legislation. It is important legislation, in that it puts in place a whole new scheme for enforcement of classification decisions at the Commonwealth level in the States and Territories. This scheme, I think, will be easier to administer across the country and will move towards, but not entirely achieve, a degree of uniformity between the jurisdictions in classification enforcement decisions which is unfortunately lacking to a large extent at the moment, particularly as far as publications are concerned.

Mr Speaker, it is also important from the point of view of the ACT, in that this scheme also provides, for the first time, for the ACT to share in the revenue from classification processes carried out at Commonwealth level. Up until now, for some reason, I suppose deriving from the structure of the self-government Act, it has not been possible for the ACT to derive any of the benefit from people paying fees to the Commonwealth censor for classification of films, even though those who pay classification fees for X-rated films are paying them in respect of a product which is available only in the ACT and the Northern Territory. It would seem to me illogical that we should be excluded from sharing in that revenue. The new system provides for some sharing of revenue, and the ACT will benefit from that.

I also thank members for their comments about a new classification system. I was encouraged by the response at the last meeting of the Standing Committee of Attorneys-General; but this is a process which is very controversial and it may take a number of attempts to succeed in effecting a change, if it is possible to make any change at all. I am aware that at a meeting of that standing committee at the beginning of this year Mr Connolly attempted simply to change the classification name from X to NVE. I am advised that he went down 1-8 on that particular issue. As he indicated, there is a fair degree of conservatism on this issue.

Mr Speaker, my party has looked at this question for some time. For some years in this place we have been faced with the issue of what to do about X-rated videos. It seems to me extremely clear that there is no prospect of the opponents of X videos giving up and simply accepting their existence in the community more broadly, as they stand at the moment anyway, and, by the same token, no indication from those who wish to sell those videos that they are prepared to give up selling them. It therefore seems appropriate that we attempt some different resolution of the problem of what to do about those videos and also, as Ms Tucker and Mr Connolly have indicated, attempt to do something about other videos which I believe ought to be of much concern to members of the public and the community, particularly people with young families, and that is videos with excessive amounts of violence in them. My proposal is to change the name of the X category and also to modify the material in that category and in the present R category. Mr Speaker, there are many hurdles to overcome in that proposal, but I hope that the support in this place is some indication of what might be possible in other jurisdictions. I certainly will be doing my best to lobby colleagues in other States, and I hope members might take the opportunity, when this issue proceeds further, to do the same with their own colleagues in other parliaments, to see whether we can make this change effective across the country.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General) (4.44): Mr Speaker, I have circulated four amendments which were suggested by the report of the Standing Committee on Scrutiny of Bills. I seek leave to move those four amendments together.

Leave granted.

MR HUMPHRIES: I move:

Page 9, line 32 to page 10, line 7, clause 21, subclause (6), omit the subclause, substitute the following subclause:

“(6) It is a defence to a prosecution for an offence against subsection (5) to prove that -

- (a) the defendant believed on reasonable grounds that -
 - (i) the person was 15 years of age or older; or
 - (ii) the parent or guardian of the minor had consented to the sale or delivery; or
- (b) the defendant did not know, or could not reasonably have known -
 - (i) the film was classified MA; or
 - (ii) in the case of an unclassified film which is subsequently classified MA - it would subsequently be so classified.”.

Page 18, lines 24 to 29, clause 40, subclause (2), omit the subclause, substitute the following subclause:

“(2) It is a defence to a prosecution for an offence against subsection (1) to prove that the defendant did not know, or could not reasonably have known, that -

- (a) the computer game was on the premises; or
- (b) the computer game was an unclassified computer game or a computer game classified RC.”.

Page 19, lines 6 to 16, clause 41, subclause (3), omit the subclause, substitute the following subclause:

“(3) It is a defence to a prosecution for an offence against subsection (2) to prove that -

- (a) the defendant believed on reasonable grounds that -
 - (i) the person was 15 years of age or older; or
 - (ii) the parent or guardian of the minor had consented to the sale or delivery; or
- (b) the defendant did not know, or could not reasonably have known, that -
 - (i) the computer game was classified MA(15+); or
 - (ii) in the case of an unclassified film which is subsequently classified MA(15+) - it would be subsequently be so classified.”.

Page 30, lines 19 to 21, clause 69, omit the clause, substitute the following clause:

“Repeal

69. The following Acts are repealed:

Film Classification Act 1971;

Film Classification Act 1972;

Film Classification Act 1974;

Film Classification (Amendment) Act 1985;

Film Classification (Amendment) Act 1989;

Film Classification (Amendment) Act 1991;

Film Classification (Amendment) Act 1993;

Publications Control Act 1989;

5 December 1995

Publications Control (Amendment) Act 1990;

Publications Control (Amendment) Act 1991;

Publications Control (Amendment) Act 1993;

Publications Control (Amendment) Act 1994.”.

I present the explanatory memorandum for the amendments and simply indicate that the amendments are to clarify issues that were unclear in the original legislation. They do not change the substance of the legislation. They simply clarify what could be described as drafting errors in the original legislation.

Amendments agreed to.

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

Bill, as amended, agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Alliance and Carnell Governments

MR BERRY (4.44): Mr Speaker and members, if you have not remembered, today is the anniversary of the 1989 formation of the Alliance Government. That is something we ought never to let go by without wearing a little black armband, because it was a day which led to a great deal of instability in the ACT. We can all remember how the old Liberal philosophies attempted to shove their way through in those days. Mr Humphries moved to close the Royal Canberra Hospital. His closure of Weston Creek Health Centre gives us a sense of déjà vu. It is all with us again, is it not? All the moves are on to close down health centres. The massive school closure plan almost incited riots in the community when Mr Humphries was let loose on the school system. Now we have Mr Stefaniak taking over the reins from him. Charnwood High School is for the chop. It is being strangled into closure. In a repeat of the plans, the Liberals are to close Kippax Health Centre, Melba Health Centre and so on. The old philosophies are re-emerging.

Sometimes Mrs Carnell tries to pretend that there is something new in all of this. Mr Kaine tried it and it did not work for him, and it is not going to work for Mrs Carnell. The community are already - - -

Mrs Carnell: Getting really cross with you.

MR BERRY: They are rising against what is occurring. Mrs Carnell interjects, "They are getting very cross". Indeed, they are getting cross, because they are very sick of this repeat performance which, I am sure, before the last election Mrs Carnell tried to create the impression would not be the case. The Liberal-dominated Alliance Government also established the Priorities Review Board, and guess what the Priorities Review Board recommended. It recommended the disposal of a whole range of community assets, including Jindalee Nursing Home. Mrs Carnell is saying, "I am doing something new for the Territory". In fact, she is just picking up all the old issues. The closure of the old Royal Ainslie Transfer Station - RATS, as it was more affectionately called - was also something which we can thank the Alliance Government for.

We remember the dark shadows which hung over Canberra when Mr Kaine was in charge; but we can also see that not much has changed in the Liberal Party, because the old philosophies keep creeping through. Today's debate about the saving of health centres and other services and facilities throughout the Territory is in many ways a repeat of the fights that went on in the past to save these sorts of facilities for the people of the Territory. We all recall the massive number of signatures that came in in relation to the Royal Canberra Hospital. Mr Humphries sounded the death knell on that one, because he went ahead with his plans to close it. By the time Labor came back to government there was merely a shell left. The hospital had been gutted.

The closure of Weston Creek Health Centre is another one that Mr Humphries can rack up. He did not ever get away with Kippax Health Centre. He did not get away with Melba Health Centre, and I hope that Mrs Carnell does not get away with it now, because I think they have provided - - -

Mrs Carnell: We are not planning to close it, so it is all right.

MR BERRY: Mrs Carnell interjects, "We are not planning to close it". All she is planning to do is what Mr Stefaniak did with Charnwood High School - strangle it and remove all the services. Then it will just wither on the vine and die. Then she will say, "We are not to blame. It was somebody else's fault".

Mr Connolly: Probably our fault, Wayne.

MR BERRY: That is right. She will probably blame the Labor Opposition. Mr Speaker, it is 1989 revisited. You still have a tenacious Labor team over here fighting for the community. We intend to ensure that there is a significant reduction in the damage that you might wish to inflict on the community.

International Volunteer Day

MRS CARNELL (Chief Minister) (4.49): Mr Speaker, I will speak briefly on a much more serious note than Mr Berry. Today is Volunteer Day all around the world. It is celebrated in more than 100 countries around the world. It is a day when we pay tribute to those members of the community who give so generously of their time and effort for causes and for the people who live in our community. According to national surveys, the ACT has the highest rate of volunteers of any State or Territory in Australia, with some 26.1 per cent of residents aged 15 or over providing volunteer work to our community over the past year.

Mr Humphries: That is it; run away, Wayne.

MRS CARNELL: To him, this is not important. That is more than one in four Canberrans, or about 75,000 people. I think that is something that our community can be justly proud of. I would also like to pay tribute to the Volunteer Centre of the ACT, which helps provide vital support and training programs for volunteers. Without volunteers, many community organisations in the ACT, and around the world, would simply not exist, and that would place an enormous burden on the Government's limited resources. Volunteers provide an incredibly broad range of services in the ACT. They work at such things as fighting bushfires, caring for the elderly, coaching sports teams, cooking meals for those who cannot provide for themselves, providing managerial and secretarial services, and the list goes on. From this side of the house, on this International Volunteer Day I would like to thank them all for all the work they do for our community.

International Volunteer Day

MR CONNOLLY (4.51): From this side of the house, we echo and endorse what the Chief Minister said about Volunteer Day but also point out that - - -

Mrs Carnell: But Mr Berry left.

MR CONNOLLY: Other members of the Government were out while you were speaking. People chop and change. We also put on the record that the Volunteer Centre, which has existed as a purely voluntary organisation, was set up, allocated resources and funded during a period of Labor government, and long may it continue.

Question resolved in the affirmative.

Assembly adjourned at 4.51 pm