



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

6 December 1995

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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.

PLANNING AUTHORITIES - OPTIONS FOR A SINGLE SYSTEM

Debate resumed from 20 September 1995.

MS HORODNY (10.31): Mr Speaker, for too long the Australian taxpayer has been forking out money on the NCPA, an authority that, while carrying out some useful functions, is in the main unnecessary. For too long the people of the ACT have been subjected to a mentality that says politicians and tourists come first and the people of Canberra come second. The NCPA cost the Australian taxpayer approximately \$20m last year and is expected to cost in excess of \$25m in 1995-96. For this they manage national capital functions such as the lake and its assets, including Commonwealth Park, the Captain Cook fountain, et cetera.

However, it is the control they have over the ACT's current and future planning that is of most concern. They spend forever approving events and festivals, causing endless bureaucratic nightmares for the ACT Government and local community groups. It seems that their brief is to obstruct, to cost money and time, and to cause pain to all those who have dealt with them. In some areas they appear to have control where none can be justified, yet we are forced to go cap in hand to the NCPA every time we want to get something done in this town. The Kingston foreshore development is a case in point. For years, people and organisations have been lobbying the Federal Government to have the site cleaned and redeveloped and for years nothing has happened, despite a number of excellent concept plans. By holding out on us, they managed to secure a dream deal with the Carnell Government which will swap a sliver of land at Kingston for a chunk of land at Acton Peninsula and not have to pay a bean for cleaning up toxics at Kingston or demolition at Acton.

Despite strongly disagreeing with this Government's decision on the land swap when it was made months ago, the Greens commend the actions of this Government in looking at mechanisms for creating a single planning authority. The NCPA has recently completed a study into how people in Australia want their national capital to be. It is a shame that, when conducting this survey, it appears they forgot to ask about the people of Canberra. They forgot to ask what can be done for them to make it a city they like and want to live in. While this is the national capital, it is much more than that. It is a place where real people live, work and play. Sometimes it seems that the Commonwealth planners

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would be much happier without the annoyance of people in the ACT. Tourists could wander around the monuments without having locals getting in the way, while Federal politicians would be free to walk the lake without fear of being pestered by disgruntled constituents.

Mr Humphries: To walk on the lake?

MS HORODNY: To walk the lake. Unfortunately for the Commonwealth, Canberra is populated by over 300,000 people. This town should be, first and foremost, a town for them. The planning should fit in with their needs. The needs of tourists and of Commonwealth politicians should come second, but the NCPA does not see it that way. They do not really care about the people of the ACT and have no qualms about imposing costly national planning standards at our expense. One good example is the new link between the two court buildings. For our needs, a safe and aesthetic link would do, but the NCPA requires that the link be partially submerged to fit in with their lofty ideas on how Canberra should look. This is at the local community's expense. This requirement, which we are obliged to adhere to, adds little other than a huge cost to the construction.

The Commonwealth does have a role to play in the planning of this town; but it should be as part of one planning agency, not two, and it should be in consultation with the people of Canberra. The people on the board of this planning authority should be for the most part Canberrans, rather than ring-ins from interstate, and its principal objectives should be planning for the wellbeing of the people of Canberra and its environment first, and the tourists and the politicians second.

MR KAINÉ (10.36), in reply: Mr Speaker, it is clear that there is general support for the notion inherent in the motion I put to the Assembly. I would guess that the Minister, from his words during the debate, will pursue this as a matter of some importance. Having put forward this motion, however, and listened to the debate, I think we need to sound a word of warning. We have tried two different forms for planning arrangements in the Territory over the years. The first was the all-powerful single planning authority called the National Capital Development Commission. Many people found fault with the way that system operated because it was too arbitrary. Yet when we look at the city today, and Ms Horodny talked about people having a city they want to live in, I think it is difficult to say that the NCDC in a physical sense did not do a great job. But, even then, people were not happy with the way they did their business, and in some respects people today are critical of the result in the structural sense as well. So we tried that system and we did not like it.

With the coming of self-government, it was decided that there would be two planning authorities. The intent behind that, I thought, was good. There was recognition of the fact that the Commonwealth did have an interest in this place and therefore needed to have its own mechanisms for influencing what happens here. However, a local ACT Planning Authority was set up because it was also recognised that the people who live here have some rights too. At the time, it was thought the two authorities would work side by side in harmony and the result would be beneficial. Those of us who have experienced that for the last six or seven years have some reservations about it now. Some of us had reservations then, and they have been borne out by the experience of the last six to seven years.

To take the second part of my motion first, in entering discussions with the Commonwealth now with a view to bringing about a single planning authority again, we need to be careful that we do not re-create the NCDC. We need to be careful that we do not create an all-powerful planning authority that again acts with impunity and perhaps not always in terms of what this community wants. There is a danger that we could re-create such an organisation. In setting up an organisation of this kind, we need to maintain a balance between the Federal interest, or the Commonwealth interest, and the local interest and we need to set up some oversighting arrangements to ensure that this new planning authority is subject to direction when it is obvious that such direction is required.

The final responsibility, then, for any actions the community considers to be wrong lies where it properly should lie - at the political level, both locally and federally. That is another area where I think we need to be cautious. There is no question that, if it becomes a matter of politics, the weight of politics at the Commonwealth level would far outweigh the weight of politics at this level. We need to proceed with caution in setting up this new organisation and to make sure that, while the interests of the Commonwealth must indeed be preserved, because it is after all the national capital and the seat of government, the interests of the 300,000 and increasing local people are well preserved.

There are two separate things that in this motion I ask the Minister to undertake. The first is to address the problems that the dual nature of Canberra's planning has generated. Some of those are not going to go away simply because we create a single planning authority. The consequences and the effects of the dual planning system, which has been in place for about seven years, permeate the system and are not necessarily going to go away simply because a new planning authority is constructed. There are things that are required, I believe, other than simply setting up a new planning authority. Part of the solution is inherent in the development of the strategic plan the two governments have agreed to undertake jointly. Some of those issues can be dealt with through the medium of the strategic plan yet to be developed, but there are things that need to be addressed outside the question of whether or not we have a single planning authority.

The question of planning has been a political hot potato probably ever since the Territory was established. Nothing has changed and it will not change in the future. This new authority that, hopefully, we are moving to create will continue to make controversial decisions and people will continue to be disturbed about the way the city develops; although, as I said earlier, by and large, when you look at Canberra as it is today you would be hard pressed to say that the planners, with all their shortcomings, have not produced a great city. They have. The dissenting opinions we get from time to time, while they are real to the people who bring them forward, are relatively minor in the whole scheme of things.

People talk about process a lot these days. If we could only get the process right, those people who are going to be directly affected by planning decisions could have an input to those decisions. I think that is what people are asking for. Some of us thought we had the solution with the new legislation and the new Territory Plan that was introduced only three years ago. We obviously did not have the answers, because there is still

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dissatisfaction; but that is the matter, essentially, that needs to be addressed, apart from the question of setting up a single planning authority so that there is no longer this conflict of interest. The other matter that must be addressed is this question of how people can be involved in the planning decisions that affect their lives. If Mr Humphries and his Federal counterpart, through whatever means they use to design and establish a new planning authority, can solve that issue, I think that much of the heat in the planning problem in the ACT will disappear overnight.

With the apparent support of all parties in the Assembly, I commend the motion to the Minister and I urge him to move as quickly as possible, recognising the problems Mr Wood pointed out. It is not going to be an easy thing to achieve, but I would urge the Minister to move with all dispatch to achieve as quickly as possible the objectives that are set out in this motion, supported by the Assembly in its totality, in the interests of the ACT community.

Question resolved in the affirmative.

JOHN DEDMAN PARKWAY PROPOSAL

Debate resumed from 20 September 1995.

MR WOOD (10.45): Mr Speaker, the Opposition agrees with this motion. Indeed, it expresses most of the actions we took when we were in government. Let me spell out the major components of those actions. First, we engaged in a most serious, determined study of the light rail options. We recognised that in today's environment light rail was really the answer to travel connections with Gungahlin and also, of course, generally around Canberra. The Government committed a large amount of money and a lot of effort to those studies, and I hope that in this debate or in a subsequent debate the present Minister for Planning or the present Minister for Urban Services, who may also be involved, will give us an update on how that study is proceeding. I emphasise that we took that most seriously. It provides the best options for connections to Gungahlin in particular.

Secondly, the former Government quite early rejected absolutely the Monash Drive option, that is, the option to take traffic into the city along the foothills of Mount Majura and Mount Ainslie. We very early wiped that off. We confirmed that in our proposal for the North Watson development. Where the corridor for that six-lane freeway was previously shown, in our variations that corridor was to be replaced by an open space, by parkland, as a buffer between the new suburb and the old suburb. I would expect that on maps, the National Capital Planning Authority maps in particular, the freeway may be there until their maps are changed.

The third step the former Government took was to give a commitment that the Dedman east freeway would not proceed but that we would explore seriously the community option that was developed, not just by people in O'Connor and Lyneham but by people generally across North Canberra. Without accepting it, we agreed that that was a matter for further discussion, for further examination, and that that was a more fruitful

course to follow than to pursue the Dedman proposal, which was to go along the fringe of O'Connor and Lyneham. We indicated instead that we would survey the community option adjacent to the Institute of Sport and on the western side of Black Mountain. So the eastern freeway was out.

Fourthly, we acknowledged that the Majura access would be a major access from Gungahlin to the city and, as traffic needs indicated, planning eventually would proceed in that area. I might say that the traffic needs and the impact they are going to have on the community between Gungahlin and Civic, between Gungahlin and Belconnen, and on other parts of Canberra also indicate the sense of some of our other policies, which were to moderate the growth in green belt areas. Those policies were not always well received in this Assembly and in the community. In a sense, it is a no-win situation. Nobody wants major freeways, major roads, and nobody wants developments close to their own home, but I think our policies in the broad were very sensible.

We were also aided in one sense because growth in Gungahlin was slower than had been predicted earlier. At the time of the Gungahlin external traffic study it was expected that the population in Gungahlin would be very much larger than it presently is, but our policies also had something to do with that. The decline in the rate of growth, the slowing of the rate of growth of Canberra as a whole, has meant that the population has not reached that earlier expectation. That has meant that the former Minister and now Mr Humphries have not had to act sooner to provide those road networks or the light rail networks to carry people from Gungahlin to other areas. It is moving towards the time when those roads, those networks, have to be provided, and I guess Mr Humphries is beginning to attend to that and to see where things go. I think it is appropriate that, as this motion states, the relevant Assembly committee should take on the various studies that have been done in the past and move to see that planning now proceeds so that the people in Gungahlin have the access they ought to have to other parts of Canberra.

I think it is a good time to have a very thorough study into the transport needs of Gungahlin. I saw in the last couple of months a study that showed where people travelled from home to work in Canberra. The days have gone when bureaucrats were transferred in their tens of thousands from Melbourne and Sydney and placed close to their work, whether in Woden or Belconnen or Civic, and had little travel to do. It was an ideal system; but with the passage of time, as people change jobs, as offices change location, there is now much more crossing of traffic around Canberra. The dispersed town centres concept inevitably does not work now as well as it did in the early days.

The survey I remember indicated, not surprisingly, that most Gungahlin people leave that area to find their employment. I think it would be appropriate that the Planning Committee or, since there is money attached to it, the Planning Minister should now have a very detailed study of where people in Gungahlin go to work and what their expectations are for employment in their own area. The population is sufficiently large to give us clear indications into the future, and I suggest that that might be a very important way to proceed so that we know exactly what we need to provide. I get a distinct impression, and I think surveys might show it to be the case, that people moving into Gungahlin very largely come from the northern part of Canberra.

People from Belconnen,

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from North Canberra, move somewhere close to where they have lived for perhaps a substantial part of their life. On that basis, they may need links not just for work but for other travel aspects fairly close to Gungahlin, but we need to find that out in detail, and I would encourage the Government to take on a comprehensive survey of that area.

I do not think there is an enormous amount of time in front of the Minister and this Assembly to get this planning under way. If work started seriously now, it would still be three years before there was any road in place and probably somewhat longer before there was any light rail in place. This is the time when the Assembly and its committees must attend to this important need.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (10.54): Mr Speaker, I have spoken on this motion already, so I seek leave to say something more.

Leave granted.

MR HUMPHRIES: I hope I do not contradict myself from the previous occasion. I note that this motion contains, in a sense, a recital of the issues that will have to be addressed before any work can be done on a major arterial road to the east of the city centre through the area that is known as the Canberra Nature Park. To borrow from Shakespeare, it showest me the way that I was going, and it provides, as I said, a recital of the issues that will have to be addressed before there can be any serious exploration of that particular option to provide for traffic to move from Gungahlin and parts of North Canberra to the city centre.

Obviously, the Government would be loath to take action which would seriously undermine the ecological, recreational and educational values of those areas both to the east and to the west of North Canberra, and it is hoped there would not be any steps that would constitute such a threat. I suppose I should put on record the fact that the construction of a major road of any kind could be said to constitute some threat to the environment, in that roads consume a large amount of land and they generally have the effect of dividing areas that sometimes are part of the same ecosystem or the same ecological entity in a way that causes some damage to the environment. It is also possible that there could be damage done to areas that people consider important for recreational purposes by construction of such a road.

I am not clear from the motion whether Ms Tucker is suggesting that there should not be a road or whether she is saying that any route for the road must be well away from any areas that might be considered ecologically, recreationally and educationally sensitive. Certainly, if that is the case, I accept the point being made, and at the appropriate time there will need to be an assessment of what impact any proposed route might have on those particular values. I support the idea of there being a full assessment before any work is carried out. Certainly, the reference in the third paragraph to environmental assessment countenances a full environmental impact statement, and I would be surprised

if such a statement were not the tool that was used to assess the particular impact of a proposal for such a road. The social impact is more difficult to assess, in a sense. That is an element of any environmental impact statement as well, but it may be that something further than the ordinary EIS is required in this particular case to satisfy that requirement.

In the sense that the Greens are foreshadowing their views about the way in which this will be handled, it is useful to have this debate now, but when the proposals are firmer and the options are in more urgent need of exploration - and Mr Wood has indicated that will be some time in the next three years, if not sooner - there will need to be a further debate about just what steps we undertake.

Ms Follett: Get it all finished within a couple of years.

MR HUMPHRIES: I am sure that Ms Follett would be very happy for us to finish it before we left office. If we bow out before Christmas, you might have to do it yourself, Ms Follett. I am sorry; I cannot necessarily satisfy you.

Mr Speaker, as I said, this motion does not cause us a great problem. We accept the issues being raised in this way. We believe that it is important for us to be able to ensure that the work is done in that context. I hope members will accept that there will need to be trade-offs in this process. No construction of a major road of this dimension can possibly be carried out without there being some impact on all of those issues that are referred to in this motion. Obviously, we hope we choose the option that provides the least impact on these things, but there will be some impact. That is unquestionably going to be the case, and I hope that when we have the debate about what that impact should be we can have it in a sensible way and can balance the needs of the people of Gungahlin against the needs of people in North Canberra for recreational and ecologically sensitive areas.

MR KAINE (10.59): Mr Speaker, the Minister has spoken for the Government; but I believe that I do have some background and experience in this, being a former Planning Minister, and, having been involved in matters affecting John Dedman Parkway and Monash Drive over a period of close to 20 years, I have an interest in the subject. There are two things that intrigue me about motions of this kind. One is their generality. If we take notice of this motion, then the Planning Authority can do nothing whatsoever. I do not think we can impose that kind of blanket constraint on a planning authority that we have set up with the purpose of planning the Territory. We may not agree with their final product, but how can we put this sort of blanket constraint on what they can do? I find it a little strange that anybody would want to put the handcuffs on the Planning Authority in such a way that they cannot do anything.

Secondly, when Ms Tucker put this motion forward, did she do any research to see what this Assembly and its predecessor bodies have done on this matter? This matter has been on the agenda time and time again over many years, and from what has been said here this morning it will be obvious that there is a broad consensus of view, first of all, that Monash Drive should never happen. I know that it is still shown on the NCPA's plan, but I think the expression of opinion by the Standing Committee on Planning and Environment and its predecessor bodies over many years and by this Assembly and its

predecessor bodies over many years makes it plain that, by and large, this community and its representatives reject the proposition of Monash Drive. So why put this forward now? Why raise it again? Does Ms Tucker think some of us have changed our minds? I have certainly never expressed any support for Monash Drive, nor will I. Is Ms Tucker aware that this matter has been discussed time and time again and that Monash Drive has been rejected? I also find it interesting that the motion is headed "John Dedman Parkway Proposal", but before we get past paragraph (1) we are talking about Monash Drive as well. So it goes way beyond the specific proposition Ms Tucker is putting.

As to the John Dedman Parkway, again I think Mr Wood expressed the general approach most of us have taken over the years, that is, that the eastern John Dedman Parkway is not a goer, and it is not a goer for a good reason. The western parkway might be. To say that, irrespective of what happens in all of those new developing suburbs up there, the planners are not permitted even to think about the possibility of having to provide greater access for traffic through that part of the city - and this motion says that they are to do no work or further planning - I think is ridiculous. Haydon Drive and Caswell Drive would have to be a bit bigger than they are now; but if the need arises, and I say that advisedly, you could have what could be called West John Dedman Parkway. The real cruncher is that, until we determine what form of public transport predominantly will serve the developing suburbs of Gungahlin, we cannot even make a judgment about that. If it is the decision of this Assembly or the Government, or both, that Gungahlin will be served by a light rail system, and if it is properly planned and properly built, it should, in theory at least, do away with the need for a John Dedman Parkway east or west. Until that decision is made, this motion is meaningless, in my view.

Finally, paragraph (3), which requires the Government now to spend a good deal of money to carry out an environmental and social impact assessment of something that at this stage is only an option, is putting the cart before the horse a bit. I would submit that the Government should not even look at an environmental or social impact assessment of any kind unless it is determined that that is an option the Government is going to pick up. Then you must do such an impact study, but to require it to be done now - and it is not going to be done cheaply - I think is pointless. They might well do it and at the end of the day decide that there will be a light rail system, that there will be no enhancement of the traffic capacity through that part of the city, and we would have spent the money for nothing. Why would you put that obligation on the Government now? That is what the motion purports to do.

I think Ms Tucker needs to do a bit of homework on the history of these things, perhaps even talk to one of us who have been around for a little while and ask what the general feeling is about these matters, before she puts forward motions like this. In my view, the motion is largely unnecessary because all of the things she would seek to do by this motion, with the exception of paragraph (2), which I object to and which puts constraints on the Planning Authority and tells them that they are not allowed to do anything, I think most members of this Assembly would support. We would support the general concept, the general proposition, the general philosophy behind the motion, and we have done for years. We did not just dream it up yesterday or the day before. A little bit of discussion, and we would not be having this debate; we would be using the time debating something more useful, I submit, Mr Speaker.

MR MOORE (11.06): Mr Speaker, I would like to pick up where Mr Kaine left off, saying that, basically, there are no new concepts in this idea. However, what I believe Ms Tucker has attempted to do is reinforce what has been considered by this Assembly and make sure that there are protections in place. It is always a concern to members of the Assembly that, when we appear to be agreed on things, other things go ahead. Therefore, it is appropriate that such a motion is put on the notice paper as a precautionary approach to ensure that the environment is appropriately protected, that the areas we consider valuable in Canberra are appropriately protected. Nevertheless, it has to be done in the context of the overall plan.

One of the difficulties here is the same difficulty that members of the Planning and Environment Committee have been wrestling with, not just this time around but on previous occasions, and that is the lack of an overall strategy that indicates where we should be protecting these areas and what our values are in terms of assessing the priorities. That is what these questions are almost always about: What are your priorities? Are they about a broad transport system that allows people to use their own cars? Are your priorities about a high-level public transport system that effectively competes with cars? Are they about forcing people, for example, onto a public transport system? How do these priorities marry? For that reason, what Ms Tucker has put up is a quite sensible motion.

There is one problem Mr Kaine alluded to, and I think it is something Ms Tucker has to be able to deal with. Perhaps Mr Kaine should have moved an amendment. Paragraph (3) of the motion reads:

carry out a full environmental and social impact assessment of the John Dedman Community Option as outlined in the report of the Joint Parliamentary committee of the ACT entitled *Gungahlin's Transport Links*.

If that is dismissed in terms of an overall strategy, it would be a bit pointless to go through that process. I presume the intention of Ms Tucker is that, before any planning work is carried out on that issue, we need to have carried out a full environmental and social impact study, based on that precautionary principle that it is better to be sure, and not get caught out in the way we were caught out on the Gungahlin Town Centre, where such an impact was not assessed prior to that option being considered seriously. Whilst the concept and direction of the motion is appropriate, the point Mr Kaine raised does need to be answered and perhaps dealt with by an amendment, unless you can explain to us how you see it. With that explained, I would have thought we would get fairly general agreement on this motion.

MS TUCKER (11.10), in reply: I thank members for their comments. Mr Kaine, I have been involved with this issue as a resident over the number of years that it has been discussed. I was part of the external travel study for Gungahlin, which was an interesting experience, and I am very well aware of the history of this whole issue. I put this motion forward because there was what Mr De Domenico claimed was a totally incorrect article in the *Canberra Times* some time ago saying that the Dedman option was being looked at again. I think it might be useful to give a resident's perspective on this issue now that I am in this place.

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What you need to understand is that, while you may see very clearly that people in this place have agreed on certain inappropriate or appropriate actions such as the Dedman east option, that is never particularly reassuring to people in the community. We need to be telling people in the community more often what we believe if we continue to stick with what appear to be quite good recommendations. Our group quite consistently contacted Mr Wood as Minister over the issue and he was prepared to look at the community option, but people in the community right now are still very concerned about it because they are not really sure that people in this place understand how important the bush areas and the hills are to residents of this place.

If you look at the debate, Mr Humphries said last time, and he has not actually contradicted himself:

Anything of this kind raises the question of the value of particular environmental assets. How much is a piece of nature park worth versus, say, the cost of building a more expensive motorway? All those sorts of issues are real.

The reason that Greens are getting elected into parliaments is fundamental to that question. How much is the environment worth versus the cost of a road? These questions, when they are asked, make people in the community feel very concerned in this economic-rationalist-driven climate we have at the moment in this country. That is why this is not a meaningless motion and that is why it is important that we continue to debate the issues. Mr Humphries, I sat through the hearings of John Langmore's joint parliamentary committee when it was looking at this issue and I heard highly paid, expert planners - I think they were from the NCPA - talk about a road that would cut through the Botanic Gardens, but that would be okay because they could build an expensive overpass to avoid noise pollution in the gardens. People in the community were asking, "Why are we spending money on this high-tech solution to the problem? It is ridiculous. All you need to do is take the road onto the other side of Black Mountain". I will talk about Black Mountain in a moment.

You are saying that obviously the community option would have an EIS. What we are asking is that it be given serious consideration and that an EIS be done on that option, that it be seen as a serious option. When the Gungahlin travel study was done there were not very many people living there and theoretical beings were used: What would their needs be as residents of Gungahlin? The values of those beings were determined by the bureaucracy, I guess. Those people might have been people who thought it was worth taking 10 minutes longer, if they chose to drive their cars to work, rather than see the nature of our bush hills destroyed by a freeway. As it came out, the hypothetical people wanted to get to work in their cars as quickly as possible, because that is what people want. Obviously, that is what we have to argue.

We have already heard that the public transport options are very serious in this debate. I am not saying at any point that I do not think Gungahlin needs to have reasonable access to the city, but there are a lot of other issues here. There is the issue of employment. We should have employment in Gungahlin. Do we need a major freeway or do we need just a road? We need only a road if we get the commuters out of their cars, because the

main reason you need large roads is for commuter traffic. It is usually two lanes less if you have them using public transport. I guess what I am trying to bring out here is the strength of feeling in the community about the hills of this place. We heard Mr Kaine say that this is a well-planned city and a lovely city to live in, and I agree absolutely. That is what we as residents were fighting, and what I as a member of the Assembly will still fight, to maintain.

I believe that the original plans of Canberra were better, but they were corrupted in the 1960s and 1970s in terms of roads and car dependence. Yesterday in the *Canberra Times* we saw an item on greenhouse on the front page, for a change. We have to take serious steps as governments to stop this dependence on motor cars, and this city is basically planned around people having cars. When we are looking at new areas, we have to take steps such as Mr Wood suggested, where you look seriously at light rail, at seducing people out of their cars, even if the costs seem to be great. Once again, we have to argue the long-term costs and benefits of these sorts of decisions.

Mr Moore was concerned about paragraph (3). I do not think I am saying that this has to happen now. I guess the essence of this third point was to say that we ask you to look seriously at that community option and take steps to give a good social and environment impact assessment of it when the time comes to look at this issue. I agree with Mr Wood that it is probably something we should be looking at now. Even though Gungahlin has not grown as fast as expected, why do we have to wait until the last minute again and say, "Oh God, we have a problem; let us sort it out."? If we were looking at this now and considered all the recommendations of the joint parliamentary committee, which basically came out against the planners and in favour of the community's options, we could be getting a thoughtful solution to the needs of Gungahlin residents. The Liberal Government, as with the Greens, have a commitment to an increase in density of housing in the inner city areas because there is obviously an environmental imperative, and we hope it can be done so that it is socially just and harmonious as well.

The other thing you need to understand is that, if we do that, the value of the hills, our open spaces, becomes much more important as well. We need to keep those areas as untouched as possible. I recognise that any kind of roadwork in any city is going to have some environmental impact, but what we are saying in this motion is that you recognise that those hills not only have a recreational and spiritual, if you like, benefit for the people of Canberra, but also function as corridors for wildlife. So there is a real reason to keep the ecological integrity of those areas intact as much as possible.

I think I have covered all the points I wanted to make. I could seek to amend paragraph (3) in regard to the Government looking at transport options for Gungahlin, if members think it is necessary.

MR SPEAKER: What are you proposing, Ms Tucker?

MS TUCKER: People were concerned that there should be a qualifying phrase on the end of the third point, so I am happy to amend that now if it means that people will support the motion. I am not quite sure of the process.

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Mr De Domenico: No; I think you have explained it. Do not worry about it. It is understood.

Mr Moore: You have explained what you meant, and that is noted.

MS TUCKER: All right.

Question resolved in the affirmative.

NIGERIA

MS FOLLETT (Leader of the Opposition) (11.20): I move:

That this Assembly:

- (1) condemns the Nigerian military government for its execution, after a summary trial, of Ken Saro-Wiwa and eight other Ogoni activists;
- (2) calls on the ACT Government to convey the Assembly's abhorrence of this gross breach of human rights to the Nigerian High Commission; and
- (3) calls on the ACT Government to advise the Assembly of the extent and nature of the Government's contractual arrangements with Shell or any Shell franchisee; and of what action the Government proposes to take against Shell, consistent with avoiding compensation claims.

This motion relates to the execution, after a summary trial that lacked any of the elements of due legal process, of the prominent Nigerian writer Ken Saro-Wiwa and eight other members of that country's Ogoni minority. The names of the other eight people are unknown to me, unfortunately, but the motion relates just as much to them and to a number of other Ogoni activists who are currently facing similar charges.

Ken Saro-Wiwa and eight of his fellow campaigners for the rights of Nigeria's impoverished Ogoni minority were hanged in a prison in the oil centre of Port Harcourt less than a month ago. I oppose the death penalty in all its forms wherever it occurs. However, by all accounts, the premeditated and deliberate death inflicted on Ken Saro-Wiwa and his companions was a particularly gruesome one. It is reported that the executions were botched and that the executioner succeeded in hanging Mr Saro-Wiwa only on his fifth attempt. All access to the graves was denied after the executions, and there are unconfirmed reports that prior to burial their bodies were disfigured with acid to prevent them from being identified.

Capital punishment is in force in too many countries around the world. This is a situation made worse by the fact that, all too often, it follows legal processes of questionable fairness. So you may well ask why I should single out these particular executions, Nigeria and the Shell oil company in this motion. The execution of Mr Saro-Wiwa and his companions by the Nigerian military regime on trumped-up murder charges - in fact, what British Prime Minister John Major has aptly described as judicial murder - represents much more than an attempt to snuff out the lives of these nine individuals. It was a calculated and deliberate attempt to silence the movement they had led, a movement that was seeking a better deal, financially and in other ways, for the Ogoni people, one of the smallest ethnic minorities in Nigeria.

The Movement for the Survival of Ogoni People was seeking an end to and restitution for the exploitative and environmentally devastating impact of the Nigerian oil industry, which Shell dominates, on the Ogoni farming and fishing communities of the Niger River delta. Ken Saro-Wiwa, one of Africa's best-known writers, a prolific novelist and playwright, who had returned home from England five years ago to lead the Ogoni movement, was feared and hated by Nigeria's military Government precisely because of his skills as a writer and a communicator of ideas. They knew exactly what they were trying to achieve by executing him, and it is up to all of us, if we care about democracy and freedom of expression, whatever our other differences, to do whatever we can to ensure that he and his companions have not died in vain.

Repressive governments, such as the one that came to power in Nigeria two years ago, fear the free expression of ideas as much as they dislike democratic institutions and processes. It is no accident that the Nazis inaugurated their regime with pyres of burning books ripped from the shelves of Germany's libraries. Unfortunately, the twentieth century is littered with similar examples of the repression of writers, artists and other thinkers by repressive regimes in what have been ultimately futile attempts to crush their spirits and silence their voices and ideas. The Russian gulag, Pinochet's Chile, apartheid South Africa, and the fatwah on Salman Rushdie come to mind, to name just a few. I could go on, but I am sure that members can add to that list for themselves.

Mr Speaker, democratic institutions have not had an easy time in Nigeria since the country achieved independence in 1960. Members who, like me, grew up in the 1960s will recall the civil war over Biafra that followed Nigeria's first military coup in 1966. Who could possibly forget the horrific scenes of brutal and senseless massacres and starving children that followed that coup? Since then, Nigeria has had a succession of brutal and authoritarian military governments, interspersed by the occasional democratic experiment. The present ruler, General Sani Abacha, was the strongman behind a succession of military governments during the 1980s and early 1990s. It is characteristic that his first action on seizing power for himself two years ago was to gaol the winner of an abortive presidential election held earlier in the year.

I can understand why many people might be tempted simply to shrug their shoulders and to react by saying that the peoples of Africa are culturally unsuited or unready for democracy. However, they are wrong, as South Africa's experience under President Nelson Mandela is proving. This sort of fatalistic reaction also ignores a history

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across Africa of concerted opposition to oppression and injustice, both before and since the departure of the European colonial powers. Nigeria's writers and other intellectuals have been in the forefront of this struggle. During the civil war over Biafra, a number of them took up political activism. For example, playwright, poet and novelist Wole Soyinka, the winner of the 1986 Nobel Prize for Literature, was thrown into gaol for two years because of his opposition to the war and the way in which the Government was prosecuting it. At this point I would like to pay tribute to our own literary community, who have come together as the local chapter of PEN to speak out on this and other human rights abuses. They have been acting as our community's conscience on this issue, and by passing this motion the Assembly can and should add its voice to theirs.

I would like now to turn to the final part of my motion, which relates to the Shell oil company. Although I believe that we should be moving in the direction of economic sanctions, I have deliberately chosen not to call for hasty or precipitate action on the part of the Government. It would be irresponsible to determine on a particular course of action before we are in possession of all the facts. I am conscious that doing so could also detract from the immediate protest we need to be making today with a united voice. It does need to be said that the Shell oil company, as the major foreign investor in Nigeria's oil industry, bears a considerable degree of responsibility for what has happened and for the environmental destruction and sheer exploitation that have taken place in Ogoniland.

I certainly do not accuse Shell of the deaths of Ken Saro-Wiwa and the others. That act was done by the Nigerian Government. I will refrain also from accusing Shell of being the instigator of the repression of the Ogoni minority. What is beyond dispute, however, is that Shell has been a major beneficiary of it. There are credible reports, which Shell has not convincingly denied, that the company made the ending of the international environmental campaign being waged against it a precondition for urging the Nigerian Government to release Mr Saro-Wiwa and his supporters. It is also a matter of record that Shell waited less than a week after the executions to confirm a \$5.4 billion investment in a liquefied natural gas project in the area.

Shell is one of the world's largest energy companies. However, it cannot consider itself immune from the pressure facing other large resource companies, including Australia's BHP and CRA, to act like responsible corporate citizens both at home and abroad. This motion places Shell on notice as to the consequences of failing to do so. It places the company on notice that it may have to choose between doing business with dictators or with communities that value human rights. Shell is already faced with this dilemma in Europe, for example, in Germany and Luxembourg. This part of the motion, if it is supported, will act in a small but significant way to increase that pressure.

In conclusion, Mr Speaker, I believe that it is up to all of us, if we care about democracy and freedom of expression, to do whatever we can to ensure that gross abuses of human rights, no matter where in the world they occur or who is involved in perpetrating them, are exposed and condemned. I urge members to do that by supporting this motion.

MR DE DOMENICO (Minister for Urban Services) (11.29): The Government intends to support paragraphs (1) and (2) of Ms Follett's motion, but we will not be supporting paragraph (3). However, the Government is prepared to support the amendment proposed by Ms Horodny for the Greens. In the light of what Ms Follett said, the Government agrees that any regime anywhere in the world that uses the abhorrent tactics used by the Nigerian Government in order to suppress political differences needs to be roundly condemned by this Assembly and others. However, we are on dangerous ground when we start talking about the involvement or non-involvement of major international or national or local companies. Unless we have our facts and figures right, it is very dangerous territory we are going into.

In the light of what Ms Follett said this morning, I did a little research - as much as I could in the limited time available to me - and I can advise the Assembly that the Government has an alternative to Shell only in relation to its supplies of unleaded petrol from service stations, which contributes only about 9 per cent of the total fuel use. I got this information when Ms Horodny came to see me last week about the same issue. I can also say that there is no alternative supplier to Shell under contract for bulk supplies of unleaded petrol. The Government is bound by the current contract with Shell for the supply of diesel fuel until at least January 1997, and the impact on Shell of moving to possible alternative supplies would be limited. There would be a considerable additional cost, however, to the Government in moving to an alternative supplier of unleaded petrol from service stations.

Can I also say that the Government will review its position on the use of Shell unleaded petrol in light of the new contract arrangements expected to be entered into by the Department of Administrative Services. This Government has no contract at all for the supply of service station unleaded petrol; it piggybacks on the contract the Federal Government has with Shell. I am advised that that contract is currently being renegotiated by the Federal Government, and we will see what happens out of those negotiations before we can take any action. In terms of the contract this Government has for the supply of diesel fuel to ACTION buses, there is no alternative but to continue with that contract, I am advised, until it comes up in January 1997.

I will get further information and provide that to the Assembly as it comes along, in terms of some of the subsidiaries of Shell. I am not aware of any Shell subsidiaries off the top of my head, but I will ask my department to provide me with those details, which I will pass on to the Assembly. As I said, the Government is quite happy to support paragraphs (1) and (2) of Ms Follett's motion and the amendment to be moved by Ms Horodny. As I said to Ms Horodny last week, if people feel inclined not to use Shell service stations when they fill up their cars, there is nothing to stop them, I am advised, from opening an account at a Mobil or BP or any other service station. I am advised that Urban Services or ACT Fleet are quite prepared then to pay that bill. There is nothing that forces people to use Shell, unless you have to.

MS HORODNY (11.32): Mr Speaker, recent events in Nigeria have certainly shocked the world. The execution of any person is the ultimate abuse of human rights, but the execution of nine people precisely because of their human rights and ecological activism has brought the swift condemnation of the world community. I will be seeking to amend this motion by adding three paragraphs condemning the Nigerian Government for not adopting standards as laid down in the International Covenant on Civil and Political Rights when dealing with all political activists, including those currently awaiting trial. I now move:

After paragraph (3) add the following paragraphs:

- “(4) calls on the Government to urgently write to the Federal Minister for Administrative Services to consider the actions of Shell in Nigeria when renegotiating the DAS Fleet card contracts;
- (5) calls on the Minister for Urban Services to make available alternative fuelling arrangements for all ACT Fleet card holders and drivers; and
- (6) calls on the ACT Government to write to the Federal Government asking them to urge the Nigerian Government to adopt standards as laid down in the International Covenant on Civil and Political Rights when dealing with all future political activists.”.

The amendment condemns the Nigerian Government for not adopting the standards laid down in the International Covenant on Civil and Political Rights when dealing with all political activists, including those currently awaiting trial. My amendment also calls on this Government to write urgently to the Commonwealth Minister for Administrative Services, Frank Walker, asking him to consider the actions of Shell in Nigeria when negotiating the DASFleet card contracts.

Shell stands out for its willingness to persist in its development of energy projects in Nigeria in spite of the action taken by the Commonwealth at CHOGM. Some years ago the Uniting Church in Australia called on its members to boycott Shell products because of the company's support of the apartheid system in South Africa. The response from the company, while it did not change its business practices, showed that it was sensitive to community protest and action. This Government, as well as the Federal Government, has the opportunity at the moment with the DASFleet card renewal process to exert pressure on Shell in relation to Nigeria. The *Guardian Weekly* of 3 December reported:

Shell's failure to deal with the consequences of its decisions in Ogoniland is one example of a widespread abdication of responsibility of big corporations. Multinationals are insisting that they take not only an absolutely neutral line on the politics of the countries in which they invest and trade, but they must work with local standards of ethics and morality. This opportunistic relativism is spreading rapidly ... The behaviour of Shell in Nigeria right up to its announcement almost immediately after the execution of Ken Saro-Wiwa

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and the eight other activists -

that it is to go ahead with a new natural gas project there is the case that proves the point.

My amendment also calls on the Minister for Urban Services to make available alternative fuelling arrangements for ACT Fleet vehicles, and Mr De Domenico has just said that he is quite happy to do that.

The Greens have been working on this issue for some time now, and I have consulted with a variety of community groups, including Amnesty International, Community Aid Abroad, the United Nations Association, the Trades and Labour Council, Greenpeace and the Young Christian Workers, as well as the Tasmanian and Western Australian Greens. This process has revealed very strong local and national community outrage over the flagrant abuse of human rights. It is vital for this Government, on behalf of what I hope will be a unanimous Assembly, to convey to both the Nigerian High Commission and directly to the Nigerian military Government the ACT's abhorrence at Nigeria's gross breach of human rights.

Like other politicians around the country, I presume, I received my propaganda kit from Shell. In this literature, Shell says a lot about what they have done for Nigeria and the Ogoni people in particular, but they never disclose how much money they have reaped from Nigeria in the several decades they have been in that country, except to say that at one time over 108,000 barrels of oil were being produced each day; nor does Shell talk about how they deal with oil spills, which have amounted to over 3,000 in the last couple of decades. The predominant reason for these spills has been a lack of investment in adequate infrastructure, and this amounts to no less than environmental vandalism. The best Shell can do in its information booklets is to place most of the blame for this environmental disaster on political unrest, in which the company claims to play no part.

Mr Speaker, multinational companies are not accountable to any government or world bodies at this stage. They are not guided by ethics or morals or social or environmental considerations. The only way to dent their largely invincible armour is to put a hole in their pockets. This is the only language they know and understand, and that is why I am proposing this amendment to make Ms Follett's motion much stronger. When it comes to boycotting companies, there are some who might argue that it is hard to find a clean dollar anywhere, and indeed it is hard. The economic web means that it can be extremely difficult to track down the origins of a company and where its money is further invested. Multinational companies are a law unto themselves. However, as consumers we can make some difference. Our role as consumers is really the only way to make a difference. I believe that the contract DASFleet has in Australia is worth something like \$13m annually and our share of that is something like \$3m, so it is not a small figure.

In my briefing last week with Mr De Domenico and Mr Bryson of ACT Fleet, I asked whether users of ACT Fleet vehicles could purchase petrol for their vehicles from alternative sources. I was told that this was possible - Mr De Domenico has just reinforced that - and that ACT Fleet would reimburse these costs. Ms Tucker and I have decided to exercise this option and to avoid Shell, and we hope this option will be

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exercised as well by other MLAs, particularly members of the Labor Party, who have said correctly in a media release that it is up to all of us, if we care about democracy and freedom of expression, to do whatever we can to ensure that gross abuses of human rights are exposed and condemned. I commend the amendment to the Assembly.

MR HUMPHRIES (Attorney-General) (11.40): Mr Speaker, let me state at the outset the Government's view about the actions of the Nigerian Government. Clearly, the decision to use the gallows as a weapon to suppress the interests of particular national groups within Nigeria is an abhorrent development and deserves to be condemned in the most strident terms. This Assembly has from time to time taken a stance on similar issues where other governments have used various tactics of terror to produce results they think would be conducive to consolidating their control over their own country, and I think it behoves the Assembly to stand out and take those positions on those sorts of issues.

I recall that we have done so in the past in respect of the regime in Burma, and recently we have made statements about the activities of the French Government. On this occasion it is certainly appropriate for us to be acting in respect of the decision of the Nigerian Government to hang nine activists, apparently for their non-violent resistance to the Government of Nigeria. The hanging underpins an ethnic and racial problem and a religious problem in Nigeria, where peoples of certain regions are clearly outside the mainstream of the Nigerian establishment. For various reasons, these people are subject to oppressive behaviour by the Nigerian Government.

The argument has been put - I do not know whether it is true or not - that there is a conflict in Nigeria between the Muslim north, which generally controls the government in Nigeria, and the Christian south, and that the Ogoni people of the south have had considerable exploitation of their natural resources, particularly oil, conducted by the Government of Nigeria. Very little of the revenue from that exploitation has been returned to those people. Instead, it has been used by the Government to develop the north of that country.

The world has reacted with anger to those hangings. Nigeria has been suspended from the Commonwealth and boycotts have been organised by a number of nations, notably South Africa. I certainly support any action by the Commonwealth Government of Australia to take action against Nigeria. Elements of the motion call for that to happen, and that has the support of the Government. Having said that, I repeat what Mr De Domenico has said, that is, that the Government does not support paragraph (3) of the motion before the Assembly. The reason is, essentially, that we believe that there is a problem in translating action at appropriate national and international levels into action at the local level, which has an impact that arguably hurts us and local franchisees of particular companies - in this case Shell - more heavily than it hurts the people of Nigeria or the Government of Nigeria. It is arguable that nothing in the third part of this motion will have the least impact on the Government of Nigeria. It is arguable that it has relatively little impact on the people who run the Shell oil company as well.

The argument against Shell has been that it plays a pivotal important role within the economy of Nigeria, which is certainly true; that it is the major producer of oil in Nigeria, and oil makes up about 80 per cent of the revenue of the Nigerian Government; and that, in turn, its position is of such influence and importance that it could have been able to influence the Nigerian Government to take a different course of action with respect to these hangings. I have no doubt that Shell does hold a position of some importance within Nigeria and I have no doubt that it might have been able to exercise some influence. I have seen Shell's statement that it was deeply regretful about the hangings in Nigeria, that it deplored the human cost of violence, even government-initiated violence, in Nigeria, and that Shell itself had made a plea for clemency for Ken Saro-Wiwa and his colleagues before the executions were carried out.

Ms Horodny is shaking her head. We come down to a point where we have to work out on what basis we proceed to make decisions of this kind and on what knowledge we base our decisions. I have seen Shell's statement that it pleaded for clemency for Mr Ken Saro-Wiwa and his colleagues. Ms Horodny shakes her head and presumably says that she has information that they did not make that plea or that the plea was disingenuous, or something of that kind. I frankly do not know what influence Shell exercised in this matter. It could be said that Shell had no particular reason to spare the lives of Ken Saro-Wiwa and his colleagues. It could also be said that the reaction the world is now experiencing to these executions was fairly predictable and understandable and that Shell would have had little interest in having that kind of reaction ensue. I therefore have no basis on which to assume that Shell did not, as they said internationally that they did, issue a plea for clemency for these activists.

I am aware that there has been a problem in recent days with getting accurate information about some of these issues, which have been of major international, political and environmental importance. I particularly refer members to the incident a few weeks ago where, as a result of considerable international pressure, particularly from Greenpeace, Shell was required to abandon its decision to sink the *Brent Spar* oil rig in the North Sea on the ground that this would cause major environmental damage. Shell had always argued that this particular decision was the cleanest and, certainly from their point of view, the cheapest way of disposing of a no longer required oil rig. Greenpeace conducted a very effective major campaign against Shell, arguing that this would cause major environmental damage and, in particular, that there was still something like 5,000 tonnes of oil in the rig which would spill into the North Sea if the rig were sunk into the sea. The fact is that Greenpeace got it wrong. Ultimately, they acknowledged that there was a flaw in the equipment they had used to measure the amount of oil in the oil rig. It turned out that there was no oil in the oil rig, that Shell was right to say that it had removed all the oil from the oil rig, and in due course Greenpeace was required to write to Shell and apologise for having misrepresented the situation - mind you, not before Shell had abandoned its decision to sink the *Brent Spar*. These things can happen, and in these circumstances we had a fairly demonstrable public action which could be measured in fairly empirical terms. It was possible to prove how much oil was on this particular oil rig.

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I do not know whether we can prove whether Shell did or did not plead for clemency for these nine activists in Nigeria. I certainly cannot prove that Shell exercised any influence to call for their death or in some way to influence the Nigerian Government to hang these people. I think it is therefore a difficult position for us to accept that we should base our decision to penalise Shell in the ACT, and penalise particular Shell franchisees in the ACT, who are the people most immediately within our reach, on the say-so of some organisations who arguably do not have any direct information at all about this. Certainly, if there is direct evidence that Shell conspired to assist the death of these nine activists, it has not been produced in this place, or anywhere else for that matter, and I would ask that it be produced.

It is clear from the course of the last year that this Government is no friend of any oil company operating in this country, particularly not Shell. I must say that there is a certain irony in having this motion moved to take action against Shell. A few weeks ago, when the Government moved against Shell - not for what they were doing in Nigeria but for what they were doing here in the ACT against franchisees of petrol stations - we encountered some initial resistance from the Labor Opposition to taking that step. Ultimately, to give them credit, they did support the legislation. They were a bit mealy-mouthed, but they did support it. They had some initial opposition to the proposition that we should act against Shell in that respect, and now they say that we should be acting against Shell because of what it is supposedly, but without proof, doing in Nigeria. I find that a little inconsistent.

I also think it is dangerous for us to be singling out activities in Nigeria, and particularly the activities of a subsidiary player in this matter, namely, Shell, to be able to make some decision - - - (*Extension of time granted*)

Mr Berry: It is private members business.

MR HUMPHRIES: You get extensions.

MR SPEAKER: Order! An extension has been granted.

MR HUMPHRIES: Thank you, members. I note that we are getting through rather more private members business today than we used to get through on any given day in the last three years, but that is a matter for the record. Members can explore the *Hansard* records for themselves to see that.

Mr Berry: That is all right. We know that you will reciprocate when government business is on.

MR HUMPHRIES: Yes, I am sure. Is Shell, or for that matter Nigeria, the only or the worst case of international action that we ought to be dealing with in this place? There are a number of examples of regimes around the world that have engaged in quite outrageous use of public authority to murder and otherwise terrorise their citizens.

China, for example, which is a major trading partner of Australia, has systematically, for the last half-century, used state-organised terror to keep its citizens under control. It regularly executes people. It regularly sends people to labour camps for no worse crime than that they are dissidents against the regime. We know that at the present time there are still people in Chinese gaols for the crime of having protested in Tiananmen Square six years ago for the right to express free choice and political opinions in that country.

Mr Berry: You are not going to be able to stay here until half past five in the morning, Gary. Now cut it out.

MR HUMPHRIES: Mr Berry might not care about what happens to people in Chinese gaols. Mr Berry might not care about these sorts of issues, but I think they are quite important. I say to him that it is no laughing matter. It is all right to take action against Shell because it trades with Nigeria or works in Nigeria. There are other major Australian companies that have major stakes in countries in our region which deserve to be condemned, if this is the test we apply. BHP has been severely criticised for its role in Papua New Guinea. Papua New Guinea is right on our doorstep.

I am not sure whether those opposite are saying, "We want to be consistent and criticise them all collectively, or we want to take them one at a time", or what they want to do. I think we will pretty quickly get to the stage where we will find ourselves freezing out all sorts of companies and organisations in this Territory, purely for the reason that they are involved allegedly in some conspiracy to inflict harm on people overseas. I think it is dangerous and it is unsafe. We are already boycotting French companies. We are now apparently going to boycott Shell. If we accept this principle, the Government would also like to look for action in some other cases of people dealing with other countries that we think are pretty unsavoury in their activities. I would urge the Assembly not to set this standard in the first place, and I would say that we should be arguing that this is not the way to be dealing with this matter. As I said, we will support the other five paragraphs of this motion, as amended.

MRS CARNELL (Chief Minister) (11.55): Mr Speaker, I would like to table for the interest of the Assembly - whether this is good information or not is another thing - a briefing note from Shell on the Nigerian situation.

Mr Connolly: I think every member had that sent to them.

MRS CARNELL: Yes, great. I think everybody in this house deplores the action of the Nigerian Government, but it is very difficult to determine whether what is in that briefing note is right or what we have read in the newspapers is right. It is interesting that the Australian national Government at this stage have not made a decision on which side of the story they believe is appropriate and are currently keeping their options open on their actions with regard to Shell as a player in this whole affair. From that perspective,

I think it would be somewhat presumptuous for this Assembly to determine, on a briefing note and what we have read in the newspapers, that somehow Shell was to blame, when Gareth Evans and our Federal departments have yet to make that determination. Like other speakers, I believe that the rest of the motion is very much in line with the Assembly's feeling on this horrendous behaviour by another government, but paragraph (3) does call for a decision that I do not believe this Assembly can make.

MR MOORE (11.56): Mr Speaker, I rise to support the general sentiment that has come through the Assembly today. I think most, if not all, members of the Assembly are members of Amnesty and as such express their disgust at the notion of capital punishment, even more when the capital punishment is applied for political reasons. The issue on which there has been a great deal of concentration is that of Shell, and we have heard both sides of that. The first two paragraphs of this motion are the critical ones, that is, that this Assembly condemns the Government of Nigeria and that that sentiment in turn be passed on to the Nigerian Government through its high commission. How much Shell has been involved is an issue that each one of us is going to continue to look at and try to keep an open mind on. Wherever there is involvement of any company in any way such as this, it is very important for us to ensure that we take appropriate consumer action to emphasise the impropriety of such conduct. I am happy to support the motion and to join with this Assembly in ensuring that we affirm that capital punishment is something we abhor.

MS FOLLETT (Leader of the Opposition) (11.58): I thank members for their comments on this matter. At the outset, I would like to say that the Labor Opposition will be supporting the amendment put forward by Ms Horodny, and we are happy to do so. I think it is an appropriate course of action to take. In the interests of obtaining a unanimous resolution on this matter, which I think is possible, could I indicate to the house that I would be prepared, if leave were granted, to withdraw paragraph (3) of my motion, on one condition, and that is a condition that I have discussed briefly with Mr De Domenico. That condition is that people who hold a fuel card are issued with an alternative to the Shell fuel card, which most of us have. I understand that some people using ACT Fleet vehicles do have other cards. Mr De Domenico has assured me that he will undertake to make alternative cards available to those who want them. On that basis, I would be prepared to withdraw the third part of my motion, if leave were granted.

Leave granted.

MS FOLLETT: I thank members. I think a unanimous resolution is a much stronger resolution, and it does seem to me that we can now obtain a unanimous resolution from the Assembly. That unanimity will therefore be conveyed to the Nigerian High Commission and also to the Federal Government, which, as Mr De Domenico has explained, has the major contracts with the Shell company, contracts which are in a fairly vulnerable state at this stage, I believe. What we are doing by passing a unanimous resolution is increasing the pressure where it could do the most good.

I will support Ms Horodny's amendment, and I commend to the Assembly the entire motion as it now stands. I also thank members for their comments on what is a very significant issue and one which, I think, we will hear a great deal more of in years to come.

Amendment (**Ms Horodny's**) agreed to.

Motion, as amended, agreed to.

MINISTER FOR HEALTH
Motion of Censure

MR OSBORNE (12.01): Mr Speaker, I seek leave to move a motion of censure of the Minister for Health.

Leave granted.

MR OSBORNE: I move:

That this Assembly censures the Minister for Health for failing to act in accordance with the Assembly's wishes as expressed in its resolution of 24 August 1995 which rejected the Government's 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.

It is with great regret that I move this censure against the Chief Minister today. However, I feel that it is necessary to make clear to Mrs Carnell and to the people of Canberra that there are more than just several Liberal members here making decisions. In my first speech in March I made reference to the sad fact that the people of Canberra do not generally hold this Assembly in high regard. Unfortunately, when a motion is passed and the Chief Minister appears to thumb her nose at it and at the will of the Assembly, I am not surprised.

This whole situation about the salaried medical practitioners has arisen because, when I initially had a meeting with Mrs Carnell in her office and she discussed it with me, I asked would the services remain and would they continue to bulk-bill. My understanding was that Mrs Carnell told me that it would happen and that it would be a pretty painless changeover. It was only on this basis that I agreed to the removal of the salaried doctors, as I believed that the people who needed looking after the most were going to be taken care of, that is, the people who cannot afford it, the pensioners and the health care card holders. As far as I am concerned, they were the ones I was mainly interested in looking after. Mrs Carnell may disagree, but the impression I got was that we were just duplicating the Commonwealth funding, that it would be a painless exercise, and that the same doctors would remain and no-one would be adversely affected.

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On the day of the debate here in the Assembly - I believe it was the day of the Jindalee debate - not a lot was said about salaried doctors because, as I remember, the nurses were all here and the debate was mainly taken up with Jindalee. You can imagine my dismay and disappointment when the same question was raised with Mrs Carnell and her response was that it was her preferred option that they continue to bulk-bill. That was the first time I had heard those words, and it put me into a great deal of shock. Perhaps I was a little naive, but my understanding was that it would be painless and that the government health centres would continue to have the doctors and would continue to bulk-bill.

Mr Berry: Too trusting.

MR OSBORNE: Yes, I am too trusting, Mr Berry, but I am learning. I conferred about that with my soul mate, Mr Moore - I got a nod from Michael up there - and his understanding was similar to mine. That forced me into a situation where I was very disappointed. I do not ask for a great deal, Mr Speaker. The first thing I ask for is honesty and truth and to be told everything, and then I will sit back and make my decision. Unfortunately, in relation to this issue I was not afforded that courtesy. I was not given all of the information. Whether that was an oversight on Mrs Carnell's part I am not prepared to say. I certainly will not accuse her of being a liar, because I think I have a good relationship with Mrs Carnell. However, I was disappointed on this one issue.

I may well have supported the Government on this issue if they had shown me at the time that they were going to take care of low income earners and people who used the facilities. But I was not given the courtesy of being able to make my mind up with all the information in front of me. That forced me into a situation where I had to move this motion:

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.

I was accused in an editorial, or rather in a press release from Mrs Carnell's office - I am sorry; I cannot quite differentiate between the two - of being the sole reason for the closure of the health centres. I must admit that I did chuckle at that editorial. I moved my motion because I was disappointed that I had not been told the truth.

I spoke to Mr Connolly last week about this issue, and I had a briefing yesterday morning with Mr Moore by someone from Health. I was made aware of the problems with re-employing the salaried doctors. My understanding is that they have all agreed to voluntary redundancies, which basically makes it impossible for us to bring them back. That is the crucial point, as Mr Connolly said. This was all done after this Assembly, by 10 votes to seven, I believe it was, supported my motion, which runs contrary to what the Government has done. We are now in a situation where we have lost or are about to lose all our salaried doctors. There is no real prospect, I am led to believe, of rehiring any salaried doctors in the near future, so we find ourselves in a real bind here. I admit that I may have acted hastily when I moved my motion; but, as I said, I was reacting and expressing my bitterness towards the information I received.

I have given a lot of thought over the last couple of days to which way I will go after I move my motion. I will discuss this later this afternoon in response to Mr Connolly's motion, but I think we need to go beyond playing politics on this issue and accept that some deals have been done. My primary concern all along has been to take care of people who cannot afford to go to a private practitioner. I go to a private practitioner, to whom I have to pay the difference over Medicare. I find it offensive that someone sets an amount of money and doctors feel the need to charge more. It would be a bit like the Remuneration Tribunal setting me a salary of \$60,000 but me wanting \$70,000. I find it offensive that doctors are quite greedy in relation to this, and I think that is what we have seen with the failure to get anyone to put their hand up to bulk-bill completely at these medical centres. The doctors out there seem to think they will not make enough money.

I have moved this censure motion against Mrs Carnell because, even given the facts I now have in front of me and given that, over time, I may well be realistic and realise that at some stage we are going to have to look at our other options in relation to the health centres, I still feel that she has ignored my motion.

Mr Berry: We have been betrayed.

MR OSBORNE: I certainly feel betrayed, as Mr Berry said. Given her actions in getting rid of the salaried practitioners, I think she has acted contrary to what we voted on in the Assembly. As I have said, it is with great regret that I move this motion against you, Mrs Carnell, and I have told you that. However, I feel that I have been backed into a corner, through no fault of my own. You need to realise that, as we have told you on many occasions over the last couple of weeks, this is a minority government and you need to listen to the will of the Assembly.

Mr Berry: You are going to respond to it, surely.

Mr Connolly: It is traditional for a Chief Minister under censure to respond. There is a parliamentary practice that one does that.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (12.13): I am very happy to respond straightaway, if you would like, but I thought maybe somebody opposite would like to speak before me. I can say quite categorically that this Government did exactly what the Assembly asked us to do. Negotiations were continuing with the current CMPs when the motion Mr Osborne put forward was passed in this Assembly. The negotiations were going on very well on the basis of those CMPs bulk-billing. As I said in the debate on Mr Osborne's motion, they were very happy to bulk-bill pensioners, people on health care cards, which now includes a number of low income earners as well, and even people on low incomes. I did make those points in this Assembly during that debate.

The Assembly chose to determine that not only would the CMPs be bulk-billing, but there needed to be 100 per cent bulk-billing, so immediately the basis of those negotiations changed. My direction to those who were negotiating on behalf of the Government was that there had to be 100 per cent bulk-billing. Remember that negotiations were happening with each doctor individually because each doctor had to make their own

decision on whether they stayed or went. When the conditions of the negotiations changed, the doctors one by one, not as a group, determined that they believed that it would not be economically feasible for them to stay in the system. I then said to my negotiators, "If that is the case, maybe it is the rent problem. Bring down the rent by 30 per cent. See whether that works". That negotiation was done one by one with the various people, understanding that 100 per cent bulk-billing is less economically viable than bulk-billing just people with health care cards or pensioners. We attempted that approach and individually - not as a bloc, but individually - over time each one of those CMPs determined that it still was not economically viable.

Some of the CMPs have already left the system. Some decided very quickly that they had other options and that the redundancy payment was a very nice little nest egg and they would jump very quickly; so they determined to go very quickly. Others have indicated that they will go but are staying until Christmas or sometime after that. The whole thing has happened with a domino effect, I suppose. Until a couple of weeks ago we did not realise that all of them were going to pull the plug, that none of them were going to stay. It was only then that we determined that we had better get some advertisements in newspapers to get some other 100 per cent bulk-billing doctors, in line with the Assembly motion. Advertisements have been run in various places for 100 per cent bulk-billing doctors for our health centres, with a 30 per cent discount on rent, in line with the Assembly motion. We are still attempting to achieve that end.

Mr Connolly: You have already paid out all your redundancy payments and the doctors are gone.

MRS CARNELL: This Assembly did not say that those doctors had to stay. This Assembly said that only 100 per cent bulk-billing doctors could be in our health centres. Interestingly, Mr Connolly had employed at least three non-100 per cent bulk-billing doctors in our health centres up to date. They bulk-bill only pensioners and health care card holders; I do not even know whether they do people on low incomes but they certainly do the first two. So it is not unusual for those people to exist in our health centres. I thought, "Fine; in line with the Assembly motion, we will hold to 100 per cent bulk-billing". That is the basis upon which we are advertising, seeking people to come into the system. The Assembly's motion by its very nature changed the negotiation base. We immediately went from a situation where we had CMPs who were interested in coming to our health centres as bulk-billing doctors to having no CMPs that - - -

Mr Connolly: So it is all Paul Osborne's fault.

MRS CARNELL: No; this Assembly, not Paul, determined that. Anyone can put forward a motion, but this Assembly as a whole determined to change the basis of the negotiation. We paid attention to that. We still are operating within those boundaries. If we could change back to bulk-billing doctors, as Mr Connolly did and as Mr Berry did, we would have no trouble in getting doctors into our health centres. For whatever reason, and I suggest that it is because the Medicare rebate for GPs at this stage is too low, GPs believe that, even with a 30 per cent discount in rent, even with some very good deals for the current CMPs on the equipment that is currently in their surgeries, it is still not worth their staying. It is interesting to note that this decision to cease salaried general practice creates a net saving of \$600,000 per annum.

Mr Berry: That is rubbish.

MRS CARNELL: It is not rubbish. It creates a net saving of \$600,000 per annum. For this Assembly's information, that is the net saving to our system.

Mr Berry: How much did you pay in salaries and how much did you get back from Medicare?

MRS CARNELL: That is the net saving in the system, Mr Berry. That includes ancillary staff.

Mr Berry: Yes, ancillary staff.

MRS CARNELL: That is the net saving to the system on moving away from salaried general practitioners. For the information of this Assembly, and I think this is really important, in primary health care, which is something the Greens like to talk about a lot and I like to talk about a lot too, \$600,000 is the equivalent of the entire physiotherapy and social work staff of all health centres in the ACT. It is all the staff of one of the four primary health care teams in the ACT. It is more than the cost of running the whole methadone program in the ACT. It is more than the cost of running the four day care centres and podiatry services for the elderly in the ACT. It is twice as much as the operation of the Women's Health Service in the ACT. It is as much as the entire cost of health advancement and promotion activities in the primary health care program. It is the amount spent on dentures for health care card holders in our system, and it is half the cost of running the entire Adult Dental Service.

To assume for a moment that this is something that really does not matter in the overall scheme of things is wrong. I believe strongly that the \$600,000 we have saved by moving away from this program can be used much more efficiently in other areas of primary health care in the ACT, areas of desperate need; in the area of dentures, say, where we still have a two-year wait for dentures.

Mr Berry: What did you pay out in redundancies?

MRS CARNELL: That is not acceptable. We do not believe that that is acceptable at all. We believe that the \$600,000 per annum - not one-off, Mr Berry, which is what redundancies are - can be used to overcome real problems in our primary health care area. We have over 450 GPs in this city, of whom more than 60 per cent bulk-bill. We have seven private practice GPs in our health centres already. If the Assembly were willing to be a little more reasonable about allowing bulk-billing GPs rather than 100 per cent bulk-billing GPs into our health centres, we could have lots more than seven. Then we could go ahead and use the \$600,000 we have saved on things such as the two-year wait for dentures for elderly people in our community, the real problems we have in services for people who are coming out of hospital earlier than they have before, all the issues of health promotion and health advancement. All of those things are funded out of this area.

That \$600,000 is being moved from a service that is duplicated by the Commonwealth. With 450 private GPs in this city, we have nine CMPs in our health centres and seven private doctors in our health centres. That \$600,000, I believe strongly - I do not know about everyone else in this Assembly - can be used very efficiently to improve the health status of this community. That is the job I believe I have as Health Minister, and I think this Assembly should support me in it because, if we continue to fund services that are duplicated by the Commonwealth or are the responsibility of the Commonwealth, the sky is the limit. We have people on waiting lists for nursing home accommodation. I do not think that is acceptable, but the Commonwealth has set a limit on the number of beds we can have. Does that mean we should say, "Because the Commonwealth are not doing their job, we will build a few nursing homes and fund them totally."? Is that what it means? If we did that, if we duplicated in areas like that, there would go the Adult Dental Service, an area we are at least half responsible for, and on it goes.

There are very definite health responsibilities set between the Commonwealth and the State, and I want to carry out our responsibilities well. I want to make sure that our money is spent as well as is humanly possible on the things that we - not just I as Minister, but this Assembly - are responsible for. That is what this move is about. We are trying very hard to do what this Assembly said we needed to do, and that is have 100 per cent bulk-billing doctors. At this stage we cannot find any. We will advertise nationally as the next step.

Mr Berry: Why did you pay the other ones out, encourage them out?

MRS CARNELL: We will do all those sorts of things. Why did we do it? Because I want to spend that \$600,000 on things we are responsible for. I think this Assembly should take a deep breath here and look at what responsibilities we have as an Assembly, what responsibilities the Federal Labor Government gives us in this Assembly, and make sure that we spend the meagre health dollars we have on the areas we are responsible for.

Getting back to the motion, I am more than willing to continue to try to get 100 per cent bulk-billing doctors into our centres. Maybe we will have to discount rent even further than 30 per cent; maybe that is the next step in the whole proposal. The more logical approach would be for this Assembly to say that, as long as the people who really cannot afford it, that is, people with health care cards, people on low incomes, people on pensions, are covered in our health centres by bulk-billing doctors, not necessarily 100 per cent bulk-billing doctors, we as an Assembly have ensured that services are available where they are needed out there in the suburbs at the grassroots, instead of just playing politics on an issue that is extraordinarily important.

I suppose the thing that really offends me, Mr Speaker, is that those opposite, as Dr Wardman said in his letter to the *Canberra Times*, allowed this whole situation to happen by stealth. In other words, they allowed doctors to go on leave without pay for long periods of time. They were never replaced, as Dr Wardman says. Locums were

never brought in to replace them. They allowed the system to wind back and did not replace doctors, as we are attempting to do, with doctors in the system. We are attempting to be up front about our approach. We have to ensure as an Assembly that the primary health care responsibilities that are given to us by the Commonwealth are carried out to the best of our abilities.

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

That so much of the standing orders be suspended as would prevent the debate on this motion of censure from concluding.

MS FOLLETT (Leader of the Opposition) (12.26): The Opposition will be supporting Mr Osborne's motion. I think the Government should take very careful note of the fact that Mr Osborne has moved this motion; that Mr Osborne, who supported the election of this Chief Minister, who supported the formation of this Government, has felt forced to take this step so early in the life of this administration. As members will know, Labor opposed the removal from our health centres of the salaried medical practitioners, and we opposed that for very good reason. We considered that our health centres were best served by a mix of salaried and private medical practitioners. We considered that the communities that were being served by those health centres well and truly deserved the maintenance of that service.

I think there is a fundamental ideological difference here between the Liberals and Labor. The Liberal Party has argued, and Mrs Carnell has argued again today, that the removal of those salaried medical officers will save money - \$600,000, she has claimed - and I want to say a few things about that. First of all, I do not believe that the removal of those salaried medical officers on its own will save \$600,000. I simply do not believe it. The fact of the matter is that the salaried medical officers' salaries were pretty much recouped by Medicare payments, and that is a fact. Mrs Carnell has tried to perpetrate an illusion here that somehow the community was having to bear the full cost, and that is simply not the case. I would like to ask Mrs Carnell: What was the payout figure for those doctors? What was the redundancy cost for nine salaried medical practitioners? Why has she not mentioned that cost to the community? It is because the line of argument being put forward by this Government is as fraudulent as their attempts to justify the actions they have taken since 24 August.

Mrs Carnell has claimed that there will be \$600,000 in savings. My view is that that saving can occur only if there is a reduction in all of the ancillary services that occur in those health centres. I do not believe their figures and I do not believe that this Assembly should either. Now that the Government have been exposed for their attempt to defy the will of this Assembly, there is no reason why this Assembly should take their word for anything on the matter of these health centres, and I, for one, do not believe them. The other question about the cost of these services at the health centres is fundamental to the provision of health services in our community. Mrs Carnell has claimed that this \$600,000 is in some way a waste of money, that we could be spending it better elsewhere. I do not agree with that. I believe that the provision of community health services where they are needed, where they are accessed and where they are valued by the community is a fundamental part of any caring Government's response to its community needs.

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What we have on the Government benches is a typical economic rationalist point of view. They know the cost of everything and the value of nothing, and the provision of medical services in people's own community is a service which is valued by that community. If the Government does not believe me, they should talk to some of the people who have come to me, particularly in relation to the Narrabundah Health Centre. I have spoken to many people, particularly older women, who are distraught at the fact that their health centre has been snatched away from under them. It started off with their doctor being removed. Their own doctor has gone. In many cases, these are doctors who have been consulted over a long period by these particular constituents. It was bad enough that they had their own doctor removed, but the fact of the matter is that now that whole health centre is in jeopardy. It cannot continue. The evidence I have is the letter that was sent by the health centre to the patients themselves to say that there were no doctors available. What sort of health centre has no doctors? Those constituents of mine, whose opinions I value, even if Mrs Carnell does not, have formed the opinion that they have lost their health centre, and they have lost it because of the action of this Government.

I believe that, once again, the Government has attempted to defy the express will of this Assembly. We have seen it before and we are seeing it again on this matter of the health centres. Mr Osborne is quite right to point that out to them. It is not the first time it has been pointed out and it probably will not be the last time. However, I think it is absolutely imperative that the Government recognise that the Assembly is paramount. If a matter is carried by this Assembly, you must abide by it. If you do not, there is a price to be paid, and the arrogant defiance we have continued to see from this Government will in turn attract that price. There are no ifs and buts about it. I believe that the Government has not tried in any robust fashion to give expression to the Assembly's wishes.

Mrs Carnell's defence of her actions as Health Minister was shallow; it was, I believe, quite fraudulent; and it was based on some notional accounting method that has no application when we are dealing with the welfare of people in our own community. Our communities have had a service they valued snatched away from under their very noses. At the same time, we have heard Mrs Carnell try to pretend that it did not happen: There is still a health centre there; there are no doctors, there is no service, but it is a health centre. That is a nonsense, and it is a fraudulent approach.

We have heard Mrs Carnell try to blame everybody else. We saw the press release blaming Mr Osborne. Mrs Carnell tried to pretend that that did not happen either. She tried to pretend that it was the Assembly's fault, it was the Commonwealth's fault, and now it is the Opposition's fault. The fact of the matter is that it is the Government's fault. By their action in defying the Assembly they have brought this motion upon themselves, and they ought to take very good note of what has occurred here. If they continue in this arrogant fashion, this will be just the first of many such condemnatory motions passed by this Assembly.

MR MOORE (12.34): Mr Speaker, a censure motion is indeed a serious matter. It is interesting how rarely censure motions have come before the Assembly, although we did have a couple last week. If we look back over the last six years, over the life of the Assembly, it is a fairly rare occurrence that this Assembly considers censure motions. I think part of the reason why it happens so rarely in this Assembly is that, with minority government, censure motions can be carried much more easily than in cases where there are majority governments, particularly when the censure motion is against the Government.

Mr Osborne has drawn attention to the original motion, and, I think, has given a fair account of what happened with that and what led him and me to support the original motion requiring 100 per cent bulk-billing by doctors. He made it very clear that his concern, like mine, was that people who could not afford to pay the difference between the cost of the bulk-billing and what private doctors charge ought not to be put in a situation where they have to find that sort of money. We believed that the best way to do that would be to deliver as best we could a system that would provide that sort of service. The motion Mr Osborne put at the time was to resolve that problem with 100 per cent bulk-billing. He has been through the procedure as to how we got there, and I would like to emphasise that.

The real issue here is how the Government responds to the legislature, how it responds to instruction. It seems to me that there are many ways of dealing with an instruction from this legislature. The first and most obvious, if the Government does not like something, is that they stand up and oppose it and say, "Tough; we are not doing it". We certainly have seen that technique used by Rosemary Follett when she was Chief Minister in terms of her budget, when she said she would refuse to do something. We have seen a similar effort by Mrs Carnell. Instead, you can oppose something by undermining it, and in some ways I find that a little more difficult to deal with.

There are two further methods that can be used to effectively oppose a motion of the Assembly. You can oppose something by actually doing nothing. You just let events roll on, and by doing nothing you effectively undermine the instruction that was given. There is one way that is a touch cleverer than that, I think, and that is opposing something by not doing quite enough. You wind up undermining something by not doing quite enough. You make sure that not enough is done, and in that way the result is still the same. The interesting thing is that, whichever method is chosen, the result often is the same. The instruction that has been given by the legislature actually does not eventuate. I think that is why Mr Osborne has raised this issue and said that it does not matter how you choose to go about it; if the effect is to undermine what the Assembly has instructed, you are not acting appropriately, and that is a matter for censure. When an instruction is given by the Assembly it has to be carried out.

One could argue that there is a more serious case than each one of those, but I do not think that necessarily is the case. If the outcome is still that something is not achieved when it ought to have been achieved, then we are talking about a very serious matter, and that is why this censure motion has been put. It is not a no-confidence motion, which would be used to deal with a more serious matter again. The censure motion makes it very clear that the Assembly is dissatisfied with the approach that has been taken.

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I do not believe it does to say, "The point is that we want to save \$600,000, which is equivalent to the methadone program or two lots of women's health centres, or something else". That is a digression from the point at hand. The point at hand is that the Assembly gave an instruction and that instruction ought to have been carried through.

In my own discussions with the Chief Minister she has argued that she believes she did, that she tried to carry it through. If personally she tried to carry it through and it was undermined by someone in her office, or her officers, then her instructions will follow from this particular action. I do not know where the problem was. I do know that Mr Osborne put up a motion, which was supported by the Assembly, and effectively it was undermined. That is why I will be supporting this censure motion.

MS TUCKER (12.41): The Greens will be supporting this motion, but it is with regret. We regret having to do this because, basically, we feel that Mrs Carnell is doing things hard when she really does not need to. She came into this place claiming that she would be open and consultative, but we have found that the minority Government is continually presenting us with a *fait accompli*, which is not going to work in the long run in this place. I suggest that Mrs Carnell and her Government think very seriously about the implications of continuing to do that. I heard her say this morning that, because of the result of the first motion, two days later when Mr Osborne's motion was passed - there were only two days between the two motions - things were already set in progress. It is amazing how quickly things can happen. Mr Osborne's motion did make it quite clear that, unless the health centres were managed as 100 per cent bulk-billing, the salaried medical practitioners should not be removed. It seems totally inappropriate that processes such as redundancy and so on were put in place before she knew that there was going to be the possibility of staffing the centres with 100 per cent bulk-billing doctors.

I have to comment also on the fact that Mrs Carnell is pleased with the number of doctors we have in this Territory who bulk-bill, but it is interesting to note that we are at the bottom of the percentages of practitioners in all States who bulk-bill and also of practitioners who charge the standard fee or below. With job losses and unemployment, we are seeing a growing group of people in our community who are not eligible for a health care card but who suffer economic hardship. I stressed that yesterday and I will continue to stress it.

Mrs Carnell just claimed that we want to improve the health status of this community - they are her exact words - and I believe she is sincere in that, but she has a very different view from that of a lot of people of the role of the GP in primary health care. Unless you have GPs there who are accessible to all members of the community, including those in a low income bracket - we all know that there is a correlation between that socioeconomic group and ill health - and it is more difficult for those people to access medical attention when they need it, and preventative care, we are not going to be looking after the health status of the whole community at all. In Canada recently a report has come out saying quite clearly that the fee for service method of payment for doctors is obviously not working. So there are very influential groups around the world now recognising that this is not the way to go. Anyway, there are disincentives for good primary health care in the fee for service method of payment. It is also interesting that doctors often had to close their books in the health centres here, so there obviously is a need. I support Mr Osborne's concerns that we need to look after these people.

If Mrs Carnell did share that view that the general practitioner has a very important place in primary health care and that the service should be available to all people, she could have looked again at the savings that are coming from the Booz Allen consultancy and perhaps chosen not to put so much of those savings into acute care. Once again, it is looking at the long term. I stress again that it does not have to be this way in this Assembly. We would welcome a more open and consultative approach from this Liberal minority Government, and we would not have to be having censure motions like this.

MR HUMPHRIES (Attorney-General) (12.45): Mr Speaker, I emphatically reject the proposition that the Minister for Health has misled anybody or has failed to comply with the wishes of the Assembly expressed in the resolution of 24 August. The Government announced that it was proceeding to make health centres available for sale to the practitioners who worked in them.

Mr Connolly: After I announced it.

MR HUMPHRIES: Discussions with the unions long predated any announcement by Mr Connolly, notwithstanding what he might imagine. The Assembly on 24 August decided that it would impose a restriction on that capacity, that we had to retain 100 per cent bulk-billing practices by GPs in those centres. As a result, the Health Minister attempted to retain those people in those centres in that form.

The Government, since that motion was carried, has offered a considerable discount on rent to the doctors in the centres. It has, in addition, offered considerably reduced arrangements to the doctors for the purchase of the capital equipment in the centres and has advertised nationally to obtain doctors in those circumstances. Bear in mind, Mr Speaker, that the Assembly imposed a restriction on the Government in the way it was to deal with its announced policy, and it is that change imposed on the Government by the Assembly that has caused these problems. You say that we would not have achieved \$600,000 in savings. With the greatest respect, we will never know because, clearly, the policy program we announced at the beginning is not going to be achievable in those circumstances. We are going to have to go back and find some other way of achieving savings in that context.

It is the lot of a minority government to have to wear censure motions fairly regularly in this place. I can recall Mr Connolly, I think, on an occasion in the last Assembly when a censure motion was being moved against him, claiming in very shrill terms that the moving of frequent censure motions debases the currency of a censure motion. This is the third censure motion the Assembly has dealt with in the space of about two weeks. If that does not debase the currency, what does? This Government has been accused of not facing this issue with honesty and truth. I would suggest that there are some people in this place who are not facing it with particularly much honesty and truth and perhaps are afraid to admit that they made a mistake a few months ago when they supported that motion of 24 August.

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The claim that we are about to lose all salaried doctors from our health centres is an extraordinary one, in the light of what those people opposite did. The raw thing about this motion is that it is being supported gleefully by the lot opposite, who slashed the number of such doctors in the ACT from 18 to nine in the course of their three years. The best we could ever hope to do - and I am not, Ms Tucker, saying that it is a good thing to do, please take note - is match your performance. There are only nine doctors left. The raw, unadulterated hypocrisy in this matter is clearly and utterly unbelievable.

Everyone in this place accepts that there are real problems in our health system. Those of us who are honest enough to admit it would not say that this is the product of any one government's actions. It is the product of a system that is in deep crisis across the whole of this country. But the minute someone actually gets in there and tries to do something about this problem, what happens? In this place, they get their heads kicked in. You people have no credibility whatsoever on this question. You are hypocrites. You are raw, unabashed hypocrites, and you should acknowledge it. Everyone in this place is happy to whinge and whine about the problems within the health centres, but who in this chamber is willing to grasp the nettle and actually try to put in place some meaningful reform of this system?

The difference between what Mr Connolly and Mr Berry presided over and what Mrs Carnell is now doing is that we are trying to give the doctors who are in the centres, or were in the centres, a stake in those centres to encourage them to stay and develop those health centres.

Mr Connolly: Yes, privatise.

MR HUMPHRIES: You people might not have been able to privatise them, but you are prepared to destroy them by attrition.

Mr Connolly: What nonsense!

MR HUMPHRIES: Where did the nine doctors go, Mr Connolly? Were they kidnapped by Martians? Did they defect to the Soviet bloc? Did they get into a submarine and go to China? Where did they go? You got rid of them. You pack of hypocrites opposite got rid of them, and you have the nerve to get up in this place and say, "Yes, yes, yes, we will support this motion of censure of the Health Minister". You people could not lie straight in bed.

It is disgraceful that this Assembly is censuring a Minister who is actually doing her job, who is attempting to put in place a sensible reform that would have generated significant savings for the people of Canberra, to put them into places where they are necessary and needed. We do not need salaried doctors in our health centres. We need other health services, ancillary health services. There are 450 GPs in this town, most of whom bulk-bill people on low incomes. There is not a problem about access to doctors. There is a problem about other ancillary services. We want to find money to keep those ancillary services going, and it is to the great disgrace and discredit of this Assembly that there are people here trying to stop Mrs Carnell doing that.

Ms Follett: Mr Speaker, could I just ask whether that was a reflection by Mr Humphries on a vote of this Assembly.

MR SPEAKER: No, there is no point of order.

Ms Follett: If not, what did he mean?

Mr Humphries: It is a reflection on your lack of credibility, Ms Follett.

MR SPEAKER: There is no point of order.

MR CONNOLLY (12.52): Mr Speaker, we have just seen a very petulant, spitting-the-dummy performance from a Minister trying to defend against this censure motion, but that is perhaps to be expected. I do not rise to reiterate the points that have been made very effectively in this debate, and one of the key points was made both by Mr Osborne and by Ms Tucker. The Assembly directed that you not get rid of the salaried doctors unless you could guarantee bulk-billing. In contempt of the views of 10 of your colleagues, because you have seven votes and this is an Assembly of 17 - - -

Mr De Domenico: Really? Oh!

MR CONNOLLY: You should learn that and you should ponder that. In defiance of the clear will of the Assembly, you went ahead and arranged the redundancies of the doctors. We would like to know: At what cost?

Mrs Carnell: I am very happy - - -

MR CONNOLLY: We would like to know what was the global cost of those redundancy payments, and we will keep pursuing that matter until we get the answer. Mrs Carnell says, "I am happy to tell you", so perhaps she can tell us in this debate. We want to know how much money you spent defying - - -

Mrs Carnell: We have not spent - - -

MR CONNOLLY: You had to spend it to get rid of them, but the Assembly said, "Do not get rid of them unless you can guarantee bulk-billing". You got rid of them. You incurred the redundancy costs, and then you come back to this Assembly and say, "Sorry, we cannot do anything because they have been sacked". As I say, those points have been made effectively in this debate already.

I want to intervene essentially on this question of the \$600,000. It seems to be common ground, because Mrs Carnell conceded the fact when Ms Follett made it, that roughly we recoup in Medicare payments the salary costs of the doctors. It might go up and down from year to year, but broadly we recoup in Medicare billings what it costs in the salary payments of the doctors. The Government defends these savings by saying that there is \$600,000 worth of on-costs in those health centres. There may well be \$600,000 worth of on-costs at those health centres; there are things like heating, lighting, receptionists, the people who look after the bookings and all the rest of it. Presumably, if the Government is honest, and we do not think it is, the Government says, "We are going to continue with

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all of the ancillary health services". The *Canberra Times* editorial, wrong as it was in blaming Paul Osborne, was right when it said that if the doctors go it will not be long before the health centres close, and I think in that point the *Canberra Times* editorial was dead right.

If the Government is honest in saying, "We are going to keep the community nurses and all the other ancillary health services in these health centres", presumably, if they are going to be there, someone is going to answer the telephone for them, someone is going to make the bookings, there is going to be power and light and all the rest of it. This \$600,000 worth of illusory savings is the administrative support costs of running the health centres, providing the administrative support for the doctors, and providing the administrative support for these ancillary health care workers. If Mrs Carnell says that by getting rid of the salaried doctors we are going to scrub all these ancillary support costs, presumably you are either pulling our legs, to be kind, about the fact that there will continue to be allied health professionals working out of the health centres or those allied health professionals will be working out of dark, cold health centres with no telephones and nobody to answer the telephones to make the bookings - if there was a telephone. You have lumped together all these on-costs to get your big sum to try to bamboozle the public that you are somehow creating a saving.

Mr Humphries, now that he is in government, was a bit honest in his speech. He said that we will never know what these savings were going to be, and I think that is right. This has been a very illusory figure, but a figure that would make sense only if you were shutting the health centres and not providing support for ancillary health care workers. If you are going to keep those allied health professionals there, there is absolutely no way they can continue to provide a service to the public if you achieve these extraordinary savings by wiping out all the support staff in the centres. This is a weak and feeble defence. However, as Mrs Carnell has put so much stress on the \$600,000 savings, we do want to know the global cost of sacking the nine doctors. How much has been paid out in those redundancies, in defiance of the will of this Assembly?

MR OSBORNE (12.58), in reply: I rise to close the debate. I thank members who have supported me on this issue. I would like to say a couple of things on what Mr Humphries had to say. I was nearly in tears listening to Mr Humphries. You poor man, you are doing it so tough there in government, are you not? Much of your argument, Mr Humphries, centred around cuts that have already been made, whether it be by the Opposition or you, but I think that is irrelevant in this debate.

Mr Humphries: Do you reckon?

MR OSBORNE: I think so. You also said that by moving this censure motion we are debasing the currency. If you think that is an ineffective way of sending a message to you, perhaps I could block some of your upcoming legislation. Would that be more effective, do you think? How would you debase that currency? I certainly do not think I am debasing the currency. I gave a lot of thought to this issue, and I adjourned it yesterday because it is something that has given me a lot to think about. As I said in my initial speech, I do it with much regret. I listened to Mrs Carnell's arguments, and I said earlier that if I had had all this on the table perhaps I would have made a different decision and we would not be going down this path.

I agree that there has been a lot of hypocrisy in this argument, but what we are debating here is that this Assembly moved a motion, pure and simple, and, as far as I am concerned, it was not followed because voluntary redundancies were offered, contracts have been accepted, and there are no salaried doctors. That goes contrary to everything we said in that motion. My staffer advised me that he was of the opinion that it went through unopposed and that the Government supported it. I was accused by Mr Humphries of making a mistake. I think the only mistake I made was believing what I was told. The facts of the matter are that we passed a motion, it was given to the Government and, as far as I am concerned, it was ignored. It is with much regret that I have taken this action today.

Question put:

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

The Assembly voted -

AYES, 10

NOES, 7

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Mr Moore
Mr Osborne
Ms Tucker
Mr Whitecross
Mr Wood

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine
Mr Stefaniak

Question so resolved in the affirmative.

Sitting suspended from 1.02 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Children with Disabilities - Summer Programs

MS FOLLETT: I have a question to Mr Stefaniak, the Minister for Education and Training. Is the change that has been made to the summer school program for children from special schools a taste of what is to come for the children and their families in these schools; that is, a completely arbitrary change, with no consultation and no time for preparation? Or can you advise the Assembly what consultation process you have now put in place to ensure that parents do not again face the disruption and the worry that they have had to deal with this year? What is the process?

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MR STEFANIAK: I thank the member for the question. As I indicated yesterday, there are altered benefits to be had in relation to the new proposals, which I will not go over and which were not arbitrary. The second part of Ms Follett's question relates to parents being talked to. Parents have been talked to and will continue to be talked to in relation to this matter. I understand that there was a meeting of parents and departmental officers yesterday and that the parents were very - - -

Mr Berry: How about listening to the question?

MR STEFANIAK: There have been a number of other consultations. The parents who have been spoken to in relation to this, I understand, are quite happy with what is being proposed. As I suggested yesterday, the new proposals have a lot of merit. People will find the system is a much better one, for all the reasons that I mentioned yesterday.

MS FOLLETT: I have a supplementary question, Mr Speaker. My question was: What is the consultation process that you have now put in place? You are referring to discussions that took place after you had made the decision. I do not regard that as consultation at all. I ask: Why was this decision made in such a hurry, without any consultation whatsoever? What was the urgency about the 1996 program?

MR STEFANIAK: I do not think that it is a question of urgency in relation to the 1996 program. The question was to put in place a program which would meet the needs of particular students. That has now been done; and there has been consultation with not only parents but also a range of community groups in relation to that.

Government Service - Enterprise Bargaining

MR KAINE: Mr Speaker, through you, I have a question to Mr De Domenico, the Minister for Industrial Relations. I note that industrial action generated by the trade unions seems to be coming to a boiling point just on Christmas.

Mr Berry: I tell you what; this sounds like a ministerial statement to me. Trevor is on the way back.

MR SPEAKER: Order!

MR KAINE: Would you like to throw them some meat? It is obviously feeding time at the zoo.

MR SPEAKER: Maybe some grain, Mr Kaine.

Mr Berry: You have the nostrils flared and the smell of high office.

MR KAINÉ: I asked a question on industrial relations yesterday. I understand that the stop-work meeting organised by the Transport Workers Union for today has resulted in the members voting to take part in the Trades and Labour Council stop-work rally on Friday. Minister, are you aware of the information that the resolution was based on and whether the TWU officials have accurately relayed the Government's true position on this issue to their members?

MR DE DOMENICO: I thank Mr Kaine for his usual excellent question. Today is no change from the usual excellent questions that Mr Kaine asks.

Mr Moore: Of course; you write them for him.

MR DE DOMENICO: That is why they are good questions, then.

Mr Moore: I am sorry; I apologise.

MR SPEAKER: Order!

Mr Moore: Mr Speaker, I withdraw any imputation on Mr Kaine.

MR DE DOMENICO: So you should, Mr Moore. Yes, I am aware that the membership of the TWU at ACTION has voted today to join the politically-driven protest rally on Friday. However, I am concerned that the TWU members have made their decision based on entirely misleading and probably false information provided by their leadership. At this stage I hope that this misinformation was inadvertent rather than a deliberate attempt to mislead the membership. I should add that this is particularly disappointing, as the TWU has been, until this date, one of the most reasonable and realistic unions which have worked with the Government rather than against it in achieving the necessary reforms.

I have been informed that the TWU membership based today's decision on claims that a one per cent pre-Christmas wage increase offered by the Government would need to be tied to offsets gained from efficiencies. As I informed the Assembly yesterday, this is totally untrue and typical of the attitude taken by the TLC executive. For the benefit of the TWU leadership, I will repeat the Government's position. It is: If the 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, totally unconnected to any productivity negotiations. That one per cent is not the entire offer, as was represented at today's stop-work meeting. It is only the first instalment of the overall negotiated wage increase.

This Government will not be bullied by the unreasonable and purely political stance taken by the TLC executive and inadvertently by the TWU. I have instructed ACTION management that today's stop-work will be unpaid if the union continues along this path. I hope that the TWU leadership will call for another meeting to inform their members of the facts as they are rather than as Mr Pyner would like them to be. If not, this Government will not buckle in the face of the standover tactics and will take the appropriate steps to protect the integrity of the enterprise bargaining process and the integrity of the Canberra taxpayers.

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The outcome of negotiations over the next few weeks on agency specific reforms will be important in the settlement of new arrangements. It will be particularly important in trying to reach agreement on the overall wage increases that can be sustained. I wish to emphasise again that the Government's approach does not limit the overall wage increases that might be negotiated on an agency level. The Government's proposal is offered in good faith and 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, 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 the ACT ALP is not up to the job. The unions have already wiped out the umpire; and, unfortunately for their members, they seem unwilling to accept this offer for what it is.

Ms Follett: Mr Speaker, on a point of order: I have just read the proof *Hansard* from yesterday, and I can tell you that what Mr De Domenico is saying is word for word what he said yesterday. I am afraid that he is - - -

MR DE DOMENICO: No, it is not.

Ms Follett: It is. He is offending under the tedious and repetitious rules.

MR SPEAKER: I trust that you are not being repetitious, Mr De Domenico.

MR DE DOMENICO: No; not at all, Mr Speaker. As difficult as it is for Ms Follett to understand the realities of political life, the fact that Ms Follett has not been able to lead this Labor Party the way that it should be led means that the unions are now taking matters into their own hands. The offer is up front and, I repeat, is part of the overall negotiated increase. As I said before, the Government and agencies have been ready for quite some time now and are very keen to pursue detailed negotiations on the agency reform agendas. We hope to finalise the framework arrangement before Christmas. The unions will only be hurting their members if they continue on this politically-driven warpath.

Truck Parking - Residential Areas

MS HORODNY: My question is directed to the Minister for Urban Services, Mr De Domenico. Is it still true, as became clear during the Estimates Committee hearings, that the working group on truck parking has been able to reach agreement on everything except two issues; namely, restrictions on hours of operation and the size of trucks which may be parked off-street in residential areas?

MR DE DOMENICO: The information that I have in answer to that question, Ms Horodny, is yes and yes.

MS HORODNY: I have a supplementary question, Mr Speaker. Given that the Minister has been aware of this for nearly two months, why has he failed to take action to resolve the issue?

MR DE DOMENICO: I am glad that you asked that question, Ms Horodny, because members of the Greens party talk about community consultation. You have to realise that community consultation takes time.

Mr Osborne: Three years?

MR DE DOMENICO: No; not three years, as Mr Osborne interjected. Mr Osborne has not been here for three years and would not know. What I can say to you, Ms Horodny, is that there have been two areas of disagreement. We nearly had a unanimous agreement, except for the fact that the gentleman representing RORE agreed, went back home and came back and had changed his mind. What I am going to do, and what the Government is going to do - - -

Mr Berry: Get stuck into him in the chamber, the coward's castle.

MR DE DOMENICO: No; I am not going to get stuck into anyone, Mr Berry. Perhaps I will get stuck into you later. The Government, Ms Horodny, will make sure that the majority view is taken into account. However, to give everybody a last opportunity to come up with a unanimous report, I will meet with that group very shortly. I will have an answer by the end of the year.

Children with Disabilities - Summer Programs

MR WHITECROSS: My question is directed to Mr Stefaniak, the Minister for Education and Training.

Mr Moore: "Who knows?"

MR WHITECROSS: Should I sit down now?

MR SPEAKER: Settle down, Mr Moore.

MR WHITECROSS: Thank you, Mr Speaker. I think that Mr Moore was helping Mr Stefaniak out with his answer.

Mr Moore: You do not have a clue, Bill. "Who knows?"

MR WHITECROSS: You have not heard the question and already you know what the answer is.

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MR SPEAKER: Could we have the question, Mr Whitecross.

MR WHITECROSS: Thank you, Mr Speaker. Minister, can you tell us what the pupil-staffing ratio is at Malkara school? Can you tell us whether the same ratio will be maintained for supervising students from the Malkara school participating in holiday programs? If not, why not?

MR STEFANIAK: As I indicated yesterday to Mr Whitecross, one of the main reasons that the Government is actually - - -

Mr Wood: Repetition.

MR STEFANIAK: It is rather repetitious; it is a repetitious question. One of the main reasons why the Government is actually embarking on this better program is the difficulties of recruiting staff to Malkara and the correct numbers of staff and relief staff.

Ms McRae: Try answering the question.

Mr Humphries: The same problems that you had.

MR STEFANIAK: Yes, the same problems that you had last year; a lot of relief staff - - -

Mr Berry: Mr Speaker, on a point of order: The Minister has missed the point of the question. It was about pupil-staffing ratios. It would be a good idea if he gave us a bit of an answer on the issue.

MR SPEAKER: I call Mr Stefaniak.

Mr Berry: If you cannot give an answer, give up. "I give up" will do. Trevor is waiting. Trevor wants to move in.

MR SPEAKER: Order! I call Mr Stefaniak.

MR STEFANIAK: As I indicated yesterday, if extra staff are needed for the new program, they will be hired; the funding is there to cover that. It is important to have the correct number of staff to assist students, and that is something which the Government is very keen to ensure, and will ensure, in relation to the new program. One of the problems with the 1995 program was the difficulty in getting sufficient staff.

Mr Berry: Will it be smaller or bigger?

MR STEFANIAK: It will be completely appropriate. Extra workers will be hired, if needed. I said that yesterday.

MR SPEAKER: Order! I call Mr Whitecross on a supplementary question, not in answer to an interjection.

MR WHITECROSS: Mr Speaker, I am at a loss to decide whether Mr Stefaniak is being snowed by the department or kept in the dark. What I am trying to get at here is some facts, not words like "appropriate". Can the Minister explain what is the appropriate staffing level which he is funding and which he has guaranteed will be there for students from schools like Malkara who are attending the holiday program? What measures are you taking to ensure, and what assurances are you giving, that all children attending the holiday program from these schools will have adequate and proper supervision?

MR STEFANIAK: As I indicated yesterday, the Government is providing funding to cover - - -

Mr Humphries: We will not let them run riot.

Mr Whitecross: You have not indicated anything.

MR SPEAKER: Order! Let the Minister answer the question.

MR STEFANIAK: As I indicated yesterday, the Government is providing funding to ensure that we have the proper number of staff to look after these students. We are waiting to see whether 60 places will be taken up. I indicated yesterday, and I indicate - - -

Mr Whitecross: What is that proper number?

Mr Connolly: What is the proper number?

MR STEFANIAK: Sixty places will be taken up. I indicated yesterday, and I indicate again, that we will have available the requisite number of appropriate workers for the children concerned.

Mr Connolly: What is that requisite number?

Mr Whitecross: What is the requisite number? Do you know anything?

MR STEFANIAK: A lot more than you do, pal.

Hospitals - Waiting Lists

MR HIRD: The natives are very restless. Throw them a bit of wheat. My question is directed to the Chief Minister in her capacity as Minister for Health and Community Care. I refer to the Government's decision in the September budget to provide funding for additional elective surgery in ACT public hospitals. Can the Minister advise the parliament how this will impact upon the Territory's long waiting lists?

Mr Berry: That is a good question!

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MRS CARNELL: Thank you very much, Mr Hird. I thought you, Mr Berry, would be very interested in this answer. When you were Minister the numbers on the waiting lists blew out quite substantially. Under the Follett Government the waiting lists blew out by more than, I think, 2½ times the level in 1991. While in government both Mr Connolly and Mr Berry disputed that waiting lists were a meaningful indicator of performance in our health system. Based upon the increase that they were responsible for, I am not too surprised that they had certain differences of opinion, shall we say, with regard to how useful waiting lists were. I take this opportunity to refresh Mr Berry's memory, particularly of his views on waiting lists. On 21 November 1990, while in opposition - - -

Ms Follett: Mr Speaker, on a point of order: The question was quite clearly addressed to Mrs Carnell's budget and her budget allocation for waiting lists. I would urge you to insist on relevance in the answer.

MR SPEAKER: Yes; relevance.

MRS CARNELL: I will definitely be relevant. I am definitely talking about waiting lists. On 21 November 1990, while in opposition, Mr Berry said:

One of the best performance indicators of a hospital system is the waiting lists. The waiting lists have exploded under this Minister.

At that stage he was talking about Mr Humphries. It seems that Mr Berry believed, at least in opposition, that waiting lists were an incredibly important thing to take notice of. Obviously, Mr Berry believed that. He is on the record as suggesting that waiting lists are one of the best indicators. I must say, to come to Mr Humphries's defence, that, if they exploded under Mr Humphries's ministry, then they Mururoaed under those opposite.

Ms Follett: Mr Speaker, on a point of order: Far be it from me to try to deny Mrs Carnell the opportunity to make these points; but, if she does want to, could I suggest that you insist that she write a different question for her backbencher. This answer is not relevant to the question that she has given him.

MR SPEAKER: I must say that the question sought details about waiting lists. I am sure that you are coming to the answer to the member's question, Mrs Carnell.

MRS CARNELL: It was on waiting lists. I am certainly setting the scene for my answer. Unlike Mr Connolly and Mr Berry, we do not shy away from the fact that waiting lists are at an unacceptably high level. Waiting lists are simply too long and our waiting times are inappropriate. I agree that our waiting times are inappropriate. We are doing something about that. Earlier this year I announced that the Government would allocate an extra \$2m to provide for additional elective surgery. This money is being targeted at patients who are in most need of surgery or who have been waiting for inappropriately long times. Due to the well-publicised shortage of theatre nurses, it was not possible to immediately increase the throughput at Woden Valley Hospital.

However, following discussions with Calvary Hospital in which staff indicated that they were able to do additional surgery, they have already been able to do so. On average, an additional 10 to 15 patients have been treated every week. As at 1 December, 174 extra patients had been treated. These patients were among the most urgent on Calvary's waiting lists. Discussions have also been held with a view to transferring to Calvary Hospital some of the patients listed at Woden Valley Hospital for surgery.

Shortly, the Government will be releasing a new waiting list management policy. This is the first time since self-government that such a document has been put together in consultation. I would like to have been able to release this waiting list policy much earlier; but, because we are a consultative government and because we needed to consult hospital staff, the medical profession and the other major players, it has taken some time to get all those people to agree to this policy direction. This is an agreed policy direction. The policy will clarify the roles and responsibilities of those involved in the management of elective surgery.

It is a major goal for this Government to reduce an unacceptably high waiting list and to ensure that patients are treated within clinically appropriate times; unlike what happened in the past. The reality is that waiting lists blew out under the previous Government by 2½ times. Most importantly, what happened was that people ended up waiting longer and longer for essential surgery. Since I came to government, waiting lists increased by 46, that is, one per cent, to the end of October. That compares with an increase of 250 per cent under the previous Government. I do not think that an increase of 46, or one per cent, is acceptable; so, we put in place a \$2m program to overcome that problem. We have already treated 174 extra people. We are succeeding.

Ms Follett: The Minister might have finished, but I was going to say that there is a question on this on the notice paper. Therefore, the response is out of order.

Mrs Carnell: On how many people have been treated at Calvary?

Ms Follett: No.

MR SPEAKER: Which question, Ms Follett?

Ms Follett: It is on waiting lists and the matter of new management.

Mrs Carnell: I did not talk about that.

Ms Follett: Yes, you did.

Mrs Carnell: I said that we were releasing one shortly.

Ms Follett: Do not tell me that black is white - tell them that black is white - because I do not believe you.

MR SPEAKER: Is it No. 128, Ms Follett?

Ms Follett: Yes.

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MR SPEAKER: It is the last question on the notice paper.

Mrs Carnell: It asks to explain what it is. I did not do that.

Mr Berry: Will you rule on it?

MR SPEAKER: I cannot very well rule on it; even if it is on the notice paper, as the Chief Minister has completed her answer, there is not much point in ruling on it. No doubt you will answer the question properly, Chief Minister.

Secondary Colleges - Class Sizes

MR MOORE: My question is directed to Mr Stefaniak, the Minister for Education and Training. If I can digress for a minute, Mr Speaker, I draw your attention to the precedent set by the word "nose" being ruled out of order in this Assembly exactly a year ago today. That referred to itchy noses, you will recall. I draw that to your attention in case we hear the Minister again crying, "Who knows?", in which case we will have to assess whether or not that precedent should be taken into account.

One of the reasons given by Mr Stefaniak's Government for slashing teacher positions from colleges rather than from the 90-plus teacher positions in the central office was the high percentage of small class sizes at colleges. A letter to the editor recently revealed that such classes are often in sport or languages and are actually taught in tandem. Although classes appear to have eight or 10 students, there may be 18 students in the classroom at any given time. For example, in Japanese, there may be a class doing accredited Japanese, another class doing tertiary Japanese and another class doing introductory Japanese. They are all put together. My question to the Minister is: Have you investigated how many such classes exist at colleges; or will you simply persist, in ignorance, in pushing for this cut to college teachers?

MR STEFANIAK: Mr Moore is well aware of two Auditor-General's reports in relation to the college system. He is well aware, too, of exactly what this Government is proposing in its budget. He is well aware of what the August Auditor-General's report was proposing, which actually suggested some \$3m could be found in terms of relocating resources away from colleges. In terms of any relocation, the budget's highlighting of \$1.2m is not anything like what the Auditor-General has proposed. However, as has been said by my colleagues and me on a number of occasions, the Government simply cannot ignore the Auditor-General's report. It cannot ignore the previous Auditor-General's report. The previous Government indicated that it would be wrong to ignore the Auditor-General's report. They were in government then, and their attitude has changed.

The number of students in many secondary college classes is quite low. For example, in one college 19 per cent of classes have fewer than 10 students, 46 per cent of classes have fewer than 15, and 73 per cent of classes have fewer than 20. Almost three-quarters of the students are in classes of fewer than 20. As Mr Moore well knows, there is also a relatively large number of courses in government secondary colleges compared to a much smaller range of courses offered by non-government schools. I think that these facts are well known by Mr Moore.

MR MOORE: I have a supplementary question, Mr Speaker. I see that the Minister is going to continue in ignorance. He certainly did not attempt to answer my question; he just went on with the same ignorant push that he was going on with before.

MR SPEAKER: Order! Ask your supplementary question.

MR MOORE: Mr Speaker, that is what I am leading to. The Minister in his reply talked about two Auditor-General's reports. In fact, the first Auditor-General's report was the subject of criticism by the Public Accounts Committee. The Public Accounts Committee, I believe, is currently looking at the second Auditor-General's report on this. I hope that the Public Accounts Committee will take this issue into account. The Minister should make sure that he knows whether or not these classes are being taught together. Does he know, or does he not?

MR STEFANIAK: Mr Moore asks a question in relation to some classes which are combined. I am aware that some classes are combined. He also mentions the Public Accounts Committee looking at it. I await with interest their response.

Ms Follett: We have been waiting for ages for your department's submission; I can tell you. We got it today, months late.

MR SPEAKER: Order!

MR STEFANIAK: You have it, have you not? Have a look at it. It is good to see that the Leader of the Opposition now has that. I will await with interest their response. In some colleges a number of classes are, effectively, I suppose you could call them, combined classes; they are similar, I suppose, to the Years 3 and 4 classes. The numbers were taken into account in those two very important reports which have been placed before this Assembly. Despite what Mr Moore says, the fact of the matter is that our colleges are well staffed. Our colleges do have a large number of individual small classes. They have a wide range of subjects. There are two Auditor-General's reports which we cannot completely ignore, as the Opposition stated it would when it was in government.

Schools - Sport and Physical Education Programs

MR BERRY: My question is directed to the Minister for Education and Training. I would draw Assembly members' attention to the earlier brilliant performance by Mr Kaine in his introduction to a dorothy dixer. It is very easy to see that Mr Kaine is on the way up. Minister, noting in particular your commitment to sport in our education system, along with the slashing of the education budget, will you confirm that the sport programs in our secondary colleges are now going to be cut as a result of your policies and your inability to keep promises and to fund education properly? Will you confirm that those sport programs that you hold on high are now going to be cut because of the way that you are dealing with your portfolio?

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MR STEFANIAK: In answer to the current Deputy Leader of the Opposition, who would like to be, I am sure, Leader of the Opposition, let me say that he keeps reading the papers. He reads things such as, "Fifty more teaching positions to go" and "There will not be any teachers in colleges for running intercollege sport". You should not believe what you read in the papers, Mr Berry, especially when it comes from, say, the AEU. The AEU obviously has a position. It is going into an enterprise bargaining situation and is making some pretty outlandish claims. It is very bad form by the AEU even to suggest that it would be looking at interfering with intercollege sport or any of the other most useful programs that are in our college system. It is interesting that you keep pushing the AEU line in what is the start of an enterprise bargaining position, Mr Berry.

MR BERRY: I have a supplementary question, Mr Speaker. I recommend that he have a talk to the principals. They might let him know a bit about what is going on. My supplementary question is in relation to Mr Stefaniak's oft-said commitment to sport. What action is he going to take to ensure that sport and recreation courses in secondary schools continue? What action are you going to take? Do not blame somebody else. Tell us what you are going to do. Will you also give a commitment to this Assembly that no teachers will be compulsorily transferred as a result of cuts to the sports programs?

Members interjected.

MR SPEAKER: Order! The question has been asked. Now let us hear the answer in silence.

MR STEFANIAK: Mr Berry may not be aware of this, but health, PE and sport are one of the eight key learning areas and - - -

Ms McRae: At colleges? He is asking about colleges.

MR STEFANIAK: They are an important part of the Thursday activities program in colleges. In fact, that is when the intercollege competition is usually played. It is interesting that a person who has been a Sport Minister seems to have such a thing against sport.

School-based Management

MR WOOD: My question is directed to Mr Stefaniak, the Minister for Education and Training. The question relates to the comments being sought from the school community about school-based management. I am not asking this question about school-based management. Mr Stefaniak is looking at his file and he is going through it alphabetically. If he pulls out the school-based management page, it will not answer the question.

Mr Whitecross: He is going to read it anyway, Bill.

MR SPEAKER: Order!

MR WOOD: Yes, Mr Whitecross; I think that I will get that answer anyway. The question is: Does the Minister believe that three weeks, as indicated, is sufficient time for discussion on what may bring most significant changes?

MR STEFANIAK: As it turns out, Mr Wood, that is in there; but I am not going to even look at it. Three weeks was not sufficient time for a number of schools. As soon as I was aware of that, at a board meeting, in fact, of schools in North Canberra, I indicated that we would certainly extend the time. All schools have now been advised that the consultation period has been extended until March next year.

The Government is very keen to ensure that there is ample consultation. This is completely unlike what this lot did. The reason that this lot are not here but over there is that they did not listen. The single most important message that came through in the last election and in the lead-up to it was that the Labor Government did not listen. We are listening. This Government listens. As a result of a number of people saying, "Three weeks' consultation for us is not enough", I have absolutely no dramas about extending that period. It has been extended until March, to give the school communities, including incoming school boards, the opportunity to fully consider their position and to put their point of view.

MR WOOD: I have a supplementary question, Mr Speaker. I thank the Minister for his answer. Can I take it that the Minister will undertake a different process in the future - not, as indicated to Ms Follett a minute ago, that he had to do it in a hurry when talking about the integration programs - that he will move around the schools to find out how they work and that he will know beforehand the sheer impossibility of a three-week turnaround when you are dealing with school P and C associations and school boards?

MR STEFANIAK: I have indicated that that has been extended, for obvious reasons, until March. I indicated that we are interested in getting full consultation. This Government has a very good track record and I have a pretty good track record in terms of education. One major issue of consultation so far which I would certainly commend to this lot opposite, should they ever become the Government, is what occurred in relation to PE and sport. There was extensive consultation. All members of this Assembly who were interested were involved in the process. That went so well that the group wants to keep meeting so that it can monitor it.

A similar situation applies with school-based management. The consultation period for replies to a draft discussion paper has been extended to March. Obviously, that will put a number of things back. Some schools probably do not want to get into it until 1997. There are some schools keen to get into it earlier. But this Government has to ensure that there is adequate and full consultation by all members of the school community. I am happy with that. That is the message I get, Mr Wood, travelling around the schools. Quite clearly, that is something that this Government is committed to in relation to this terribly important question of school-based management, as I think Mr Wood probably knows.

Chief Police Officer

MR OSBORNE: My question is directed to the open and consultative Minister for Police, Mr Humphries. I will try not to hurt your feelings again like I did this morning.

Mr Humphries: I will try to reciprocate, Mr Osborne.

MR OSBORNE: Thank you. Minister, I read with interest in the *Canberra Times* this morning of the imminent appointment of Commander Bill Stoll as Canberra's new chief of police. My question, I might add, is not about the man appointed but about the process. Minister, is this another interim appointment, as we heard Mr Allen was at the start of the year? Were you informed of the change, or did you once again find out through the *Canberra Times*? What input did you have in the selection process?

MR HUMPHRIES: I thank Mr Osborne for the question. The article in the paper today was not an announcement by the Government. You prefaced the question with the sarcastic comment about being open and consultative. The fact that that article appeared in the *Canberra Times* at all was a product of discussion and consultation within the ranks of the Australian Federal Police. That is why that name appeared in the *Canberra Times* today.

Clearly, the Government is moving towards taking up the suggestion made by the Legal Affairs Committee, of which you, Mr Osborne, are a member, to appoint an ACT nominated and appointed chief of police in the Territory.

Mr Osborne: Police commissioner.

MR HUMPHRIES: Police commissioner, chief of police, whatever phrase you want to use. That has not been a matter that I have formed a view about yet. You may have a view, but I have not formed a view about that yet. The Government does wish to take seriously the recommendations made by the Legal Affairs Committee; and it is not too late. The issue is there. It is the Government's view that we should be moving towards appointing such a person. I hope to be able to discuss, in due course, with Mr Osborne and others in the Assembly the appropriate structures for being able to appoint permanently an ACT police commissioner or chief of police, whatever it might be. When that happens, I will be very willing to take on board Mr Osborne's view, Mr Connolly's view and the views of other members of the Assembly who have already expressed some opinion about this matter. It seems to be quite appropriate that we should be moving towards having a locally based appointment, even on an interim basis.

There was criticism at the Estimates Committee of the fact that Commissioner Palmer was not able to attend the Estimates Committee. There was a clear indication by the Assembly that it wished to see a greater nexus between the person responsible for policing in the Territory and the ACT Government. That was a clear view expressed by the Assembly. That is what this is all about. I cannot help the fact that the article appeared in the *Canberra Times* today. I am very happy to talk to Mr Osborne and others about the appropriateness of making that appointment. In due course we will be making it permanent through legislation.

Tenancy Tribunal

MS TUCKER: My question is directed to Mr Humphries, the Minister for Consumer Affairs. It is in relation to the Tenancy Tribunal. I did give Mr Humphries some notice of this question. What record do the staff of the tribunal keep of personal phone and letter inquiries into commercial and retail tenancy problems or the code of practice? What are the follow-up and feedback procedures?

MR HUMPHRIES: I thank Ms Tucker for the question and for the notice of the question. There are a number of inquiries received every day by the Tenancy Tribunal staff concerning problems to do with tenancy. Some of those are hypothetical questions or questions that do not leave any detail about where the tenancy might be or who is seeking the particular piece of information. For those sorts of inquiries there are no accurate records kept. In a sense, they are requests for information in a general sense. For those who actually say, "I have a dispute and I want help", records are kept. A file is opened in the tribunal registry for those matters. The person is then invited to come into the registry to discuss with the registrar, or some other officer of the tribunal, the issues concerned and talk about a process of resolving the matter. Members will be aware that the Tenancy Tribunal Act actually contains provisions for attempted negotiation and mediation of disputes before they are referred to the tribunal for a more formal resolution process. This is what the tribunal immediately attempts to do. The registrar is empowered to embark on a process of attempting mediation between the parties.

If there are not any successful outcomes in those circumstances, the matter is referred formally - assuming an application is formally lodged - to the tribunal for a decision. A small number of cases have been dealt with by the tribunal so far. At the present time there are 35 files opened in the Tenancy Tribunal, which would represent, since the beginning of this year, the number of people who have indicated that they wished to proceed with a matter or have other formal or informal resolution of their problem by the Tenancy Tribunal.

MS TUCKER: I have a supplementary question, Mr Speaker. Thank you, Minister, for the answer. Would it be possible for you to table - not the details, obviously - some kind of list of those inquiries that have come in? I am interested to know the hypothetical matters that you referred to. There is concern about the efficacy of the code of practice at the moment. It would be interesting to see which ones were not able to receive assistance. For the purpose of future evaluation, would the Minister be prepared to look at some way of recording those hypothetical questions as well?

MR HUMPHRIES: One of the issues that Ms Tucker is raising is the question of the extent to which the jurisdiction of the tribunal might be limiting people's access to help from the tribunal, particularly the question of retrospectivity. That is a good question. It is an issue that we need to look at. I will ask the tribunal registry to prepare a list of those matters which are presently before the tribunal, without giving any information that would identify the case, if that is possible. It would give some impression of the nature of

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inquiries made on a daily basis which are hypothetical and which have not been carefully documented therefore. We can get some impression then, I suppose - assuming that I am reading your question correctly - of the problems that people cannot get resolved by the tribunal because, for example, there is no jurisdiction. I am happy to undertake to do that.

Special Education - Review

MS McRAE: My question is directed to the Minister for Education and Training, Mr Stefaniak. Minister, will you produce a copy of the review that you have commissioned in regard to special education in the ACT? Will you confirm that the integration program is set to expand at the expense of the special school program?

MR STEFANIAK: I am certainly happy to undertake to present to the member the review in relation to the special education program. As Ms McRae well knows, the review recommends further study in relation to special education.

Ms McRae: We do not know.

Ms Follett: We do not know. We have not seen it.

MR STEFANIAK: You have not seen it?

Ms Follett: No; that is why we are asking for it.

MR STEFANIAK: I will certainly provide that. I understood, Ms McRae, that you actually had received a copy of that special education review. I will make sure that that occurs. In relation to special education, the Government is committed to ensuring that all students with disabilities do receive an appropriate education. Pending the outcome of the special education review, the Government will maintain all existing programs and will provide the opportunity - as I indicated earlier, I think during the budget debate - for four new year programs for 1996.

The recent evaluation of the integration program, which I take it is what you are talking about, Ms McRae, by Loretta Giorcelli - and I am surprised you do not have a copy of that; I will certainly take steps to ensure that you get one - did recommend a review of special education. The Government is responding to that and to the compelling need to examine the relationship between special and mainstream school settings for students with disabilities. The Government believes that education is the right of all children, and it will maintain its effort in this area. The review is intended to provide a more effective way to use existing resources. The review recommended by the Giorcelli report will commence this year. It is proposed to have it finalised early next year so that its findings can be incorporated in the 1996-97 budget.

As well - as Ms McRae may well know - I have had a number of consultations with parents of special education students. They now meet on a regular basis. They had their first meeting a couple of weeks ago, for about half a day, with departmental officials, to ensure that this whole area is managed as best as it possibly can be; that is, the needs of the children in our mainstream schools and also the needs of the children in special education schools.

MS McRAE: I have a supplementary question, Mr Speaker. Mr Stefaniak, I am asking you this question specifically because the changes to the summer programs were done so quickly and without consultation. I understand that you are talking about the special education programs for 1997 and later. When are you going to announce the plans that you have for special education, particularly for next year?

MR STEFANIAK: As I indicated, the review is commencing this year. This proposal will be finalised early next year so that the Government then will be able to look at its findings and work out its response and anything that needs to be done further in relation to that. However, we have already had four additional places in the integration program. I have ensured that I have regular meetings with concerned parents. There are regular meetings between special education parents and the department. Those steps are already in place.

Secondary Colleges - Class Sizes

MR STEFANIAK: Might I, at this stage, table, for Mr Moore's benefit, a list of college unit and course offerings for semester one, 1995. This will show very clearly the fairly small number of classes which consist of more than one unit.

Community Health Centres

MR CONNOLLY: My question is directed to the Chief Minister, not the Minister for Education and Training. It is not about taking Bill out of his misery. Chief Minister, will you advise the Assembly of, firstly, the total cost of the redundancy packages for the community medical practitioners and, secondly, the global cost of the superannuation payout for the community medical practitioners, so that this Assembly can know how much it cost to ensure that there were no doctors in a health centre?

MRS CARNELL: Thank you very much. The total payment will be \$445,000. This does not include existing - - -

Ms McRae: Each doctor?

MRS CARNELL: No, altogether; total, not each. This does not include existing entitlements for accumulating benefits such as annual leave and long service leave, which, of course, are existing benefits. They are things that had to be paid anyway and are part of our ongoing budgeting within Health; so, \$445,000 is the answer, Mr Connolly. Interestingly, with the ASO support staff, no redundancy offers have had to be made. We have managed to redeploy all of those support staff to other parts of Health.

To add to the information that Mr Connolly was speaking about this morning, suggesting that the \$600,000 net saving was simply impossible - very quickly, for Mr Connolly's benefit - the labour cost involved in the community medical practitioner costings was \$880,000; on-costs, \$125,000; and administration and consumables, \$70,000. The amount for administrative staff support for CMPs only, not for the other ancillary services that we offer, was \$415,000. The running cost of Melba Health Centre was \$60,000, for what ended up under their regime to be two doctors and no other services whatsoever. The total cost was \$1.55m. The revenue that we got from Medicare was \$970,000. It meant a net saving of \$580,000. I apologise to the Assembly that it was not \$600,000; it was \$580,000. We now have a situation where we have a saving of \$580,000. The one-off payment for redundancies for the CMPs was \$445,000. The \$580,000 is an annual saving. All of the support staff have been redeployed into other parts of Health. That probably answers it very well, Mr Connolly.

MR CONNOLLY: I have a supplementary question, Mr Speaker. Will the Chief Minister answer the second part of my question, which related to superannuation? I asked for the redundancy payment and the superannuation payment which is brought forward and paid out in a lump sum, as opposed to a long-term payment at the end of one's service. Will the Chief Minister advise what was the global amount of that super payout as a result of the sacking of the doctors?

MRS CARNELL: I am very happy to give the Assembly that information, but I must remind Mr Connolly that that is a liability that the ACT Government already has. It is not a new liability brought on by the redundancies. The liability exists now. Whether Mr Connolly likes it or not, things like annual leave, long service leave and superannuation are liabilities that, surprising as it may seem, certainly under my ministry for health, we regard as liabilities. Under accrual accounting, Mr Connolly, they will be taken into account. It is simply ridiculous to suggest for one moment that redundancy payments somehow inflate superannuation requirements. I am very happy to make available to this Assembly the undertakings that are already in place, regardless of whether the CMPs stayed on staff or left.

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

Education Funding - Teacher Positions

MR STEFANIAK: I have a reply to Mr Osborne's question yesterday in relation to the number of staff in the Department of Education and Training, the Children's, Youth and Family Services Bureau and central office. There are currently 594 officers working in central office in relation to all those departments. There is a total of 104 teachers; including 19 level one teachers; 71 level 2; one level 3; eight level 4; and five level 5. The department also does have a public affairs unit of two staff. Neither of those positions is a teaching position. Although these staff may be called upon to do the work of 12 officers at times, there are, in fact, only two of them.

Mr Moore: What about publications?

MR STEFANIAK: That is what Mr Osborne was referring to when he referred to publications.

Housing Trust - Rent and Mortgage Payments

MR STEFANIAK: I table a reply to the question asked of me by Ms McRae yesterday.

OZONE PROTECTION (AMENDMENT) BILL 1995

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

That this Bill be agreed to in principle.

MS HORODNY (3.21): Mr Speaker, it is hardly surprising that the Greens will be supporting this legislation. The thinning of the ozone layer is one of the most serious global environmental issues of this century and it is up to developed countries, such as Australia, to lead the way in banning substances which deplete ozone, and also to assist developing countries in finding alternatives to these ozone depleting substances. Another action we can all take is to avoid buying anything in polystyrene packaging or foam furniture.

The hole in the ozone layer continues to grow. It will reach a new record this year - 23 million square kilometres in size, about three times the area of Australia. The hole in the ozone layer starts forming every spring as the sun returns to the Antarctic. According to a recent report by the British Antarctic Survey, if ozone continues to disappear over the Antarctic at the same rate as is currently happening, there will be none left by spring in 2005. This would mean that UV radiation would be five times the present levels. This could have a serious impact on Antarctica's wildlife and its marine plankton and, as a consequence, on southern ocean fisheries as well. The impact on humans will also be serious. We are already hearing frightening figures about increasing rates of skin cancer. Eye diseases, such as cataracts, will also increase and there will be problems associated with suppression of the human immune system, not to mention that of other species as well.

Scientists first expressed fear more than 30 years ago that the ozone layer would be depleted due to increasing chemicals being released into the stratosphere, yet little attention was paid to them. It has taken 30 years of near inaction to come to a point where we in Australia will be taking real action to ban ozone depleting chemicals. Now we have reached a situation where we do not know for certain how long it would take for the ozone layer to recover even should the entire world stop using ozone depleting chemicals today. How little we know about the impact of changes to the atmosphere and the ability of the planet to cope with them is illustrated by a report in the *Canberra Times* yesterday. The CSIRO has discovered that the ability of the southern oceans to absorb the heat generated by the greenhouse effect is far less than previously expected.

Mr Speaker, it is also time that governments took seriously another global environmental problem, the greenhouse effect. Like depletion of ozone, the greenhouse effect will impact at a local level. Banning CFCs, which are also a powerful greenhouse gas, is a positive step; but unfortunately their replacement - HCFCs - is also a greenhouse gas, and there is little substantial action being taken in other areas, such as transport and energy use, to reduce carbon dioxide emissions. We cannot afford to be complacent. As we speak, Environment Ministers from 150 countries are meeting in Vienna to deal with the issue of ozone. Perhaps the major issue for them will be how to assist developing countries gain access to technology which does not require ozone depleting substances. While we clearly have the resources in Australia to make the necessary changes, this is not always so in developing countries. It is important that we keep a global perspective and that we recognise our duty to lead by example, because we have the resources to do this.

Urgent action is obviously necessary to deal with the environmental problems that face us, not just fiddling around the edges. The Greens welcome the legislation before us today, but urgent action is needed to challenge the institutions we have as well. As local, national and global citizens, we need to challenge the economic systems and institutions which say that destroying our atmosphere is necessary for economic growth, and that avoiding substances which damage the environment imposes a cost on our society. What about the costs to our society in dealing with the explosion in skin cancers? This is why the Greens are here - because enough people in our society believe that there are fundamental flaws in our economic system and are looking for alternative visions to that of economic growth as it is currently narrowly defined.

MR BERRY (3.26): The issue of ozone protection is something that I think Federal governments - the Hawke Labor Government and the Keating Government - and various Environment Ministers have dealt with in a particularly remarkable way. I think their response to the Montreal Protocol in relation to this matter has been welcomed by environmentalists across this country. Those of us within the Labor Party have applauded it as well. It was also something which was responded to positively by the former Follett Labor Government here in the ACT. But that is not the only action that has been taken.

I recall that some years ago the issue of fire extinguishing agents, which are now well known as ozone depleting substances, was held in a great deal of suspicion by fire authorities because of some of the unknown effects of the gases when they were used on fires. One particular fire commissioner of some years ago would not recommend their installation because he was suspicious about them. Later on they became well recognised as ozone depleting substances. One of the first actions taken here in the ACT was taken by the union which I was well and truly involved in some years ago, the then Federal Fire-fighters Union, now called the United Firefighters Union. It was that union that took industrial action to remove those chemicals as a fire extinguishing agent.

Mr Humphries: When was that?

MR BERRY: Well back. It exposed the practice of fire equipment companies dumping ozone depleting substances in practice runs of fire equipment in buildings. Sometimes up to 100 kilos of the gas could be dumped in a practice run just to see whether the system worked. That was all stuff that would be damaging to the ozone layer. Thankfully, those practices are gone. This legislation, resulting from the activities of various ACT governments and the actions of the Federal Labor governments in responding to that Montreal Protocol, has resulted in positive action aimed at reducing that hole in the ozone layer which we know to be so damaging.

But the fight is not over yet. Ms Horodny has it right. There is a lot yet to be done in relation to this matter. It is up to us as politicians to ensure that we keep our shoulders to the wheel. This Bill is a sign that the Liberal minority Government opposite is prepared to continue with the fight to ensure that our environment becomes much improved and that the place where we live is a better place for human beings to be. The damage which has passed behind us, because of some of the activities which we have not responded to well, is going to take some years to repair. Those of us within the labour movement who have the responsibility to join with others to make those repairs will do so very happily. The Labor Opposition in this place will be supporting this Bill. We welcome the Government's action in relation to it.

MR MOORE (3.31): Mr Speaker, I think this is a particularly important piece of legislation and it is important that we deal with it now. The deadline here for us to work with the other States and the Federal Government is December this year. We have only something like three weeks of grace to have this legislation through and gazetted in order to ensure that we can keep up with action to prevent further degradation of the ozone layer. The ACT should be leading in these areas rather than coming in at the last moment. I think that the environmental consciousness of our community is, in fact, significantly higher than the environmental consciousness of many other communities across Australia. It is quite clear that even young people understand very clearly that our environment does need protection from the chlorofluorocarbons and other ozone depleting substances.

It is with pleasure, Mr Speaker, that I rise to support this legislation as the next step in protecting the ozone layer. It is important, too, that we take this next step rapidly. I must say, as an aside, Mr Speaker, that it is a little disappointing, in terms of the interest, that we do not have Dennis Stevenson here to present the flip side of this argument. We heard in this chamber on a number of occasions Mr Stevenson arguing that, in fact, there is no such thing as ozone depleting substances and there is no danger to the ozone layer. He put in a conspiracy theory. Conspiracy theories are always particularly entertaining to listen to, Mr Speaker. One of the things we miss this time around, I think, is that sort of entertainment about this issue. So it does occur to me that there is a sense in which we miss Mr Stevenson.

Mr Berry: What about Clampett?

MR MOORE: Mr Berry smiles and reminds us of Clampett. Mr Stevenson used to quote the Clampett theories, such as, "All we need to do is print a bit more money and everything will be okay". That was part of the conspiracy theory. The conspiracy theory involved the banks. Between them, the banks and the scientists together are planning to take over the world and pretend that all sorts of destruction is going to take place in order to make sure that the populace does what we tell them. Of course, Mr Stevenson's solution to these things was always particularly well thought out. You just carried out a survey and did what the result of the survey said. That is just a little aside. It is relevant, as you recognise, Mr Speaker, because it is about the ozone layer. It is interesting that perhaps with some maturing of the Assembly we lose a little bit of the colour.

MR SPEAKER: Thank you, Mr Moore. The Chair certainly shares your views on that.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning (3.34), in reply: I thank members for their contributions, colourless though they may be. I am pleased that the Assembly does move unanimously to support this legislation. I am also pleased that it has been done in a way that does not politicise the issue. It is possible to make something of the fact that the timetable for the phasing out of CFCs and HCFCs could be said, in one sense, to have slipped somewhat; that we are now not going to phase out some substances which are damaging to the ozone layer until the year 2030. It could be said by some people to be a backsliding exercise, but I am pleased that that is not the case. I am pleased that the Assembly has joined in agreeing that this is a realistic timetable and one in which the Assembly can feel confident that there is real action being taken and a real example being set by the ACT.

I am very proud of the extent to which we are able to continue to lead the country in respect of ozone depleting substance removal. Obviously, there are a great many domestic appliances and other things around our community, and probably in each of our homes, which contain ozone depleting substances. It would be unrealistic to expect the ban on the production of HCFCs and CFCs, originally proposed for some time before the turn of the century, to be applied in such a way as to force people to have their ozone depleting substances taken from their own domestic appliances such as refrigerators and air-conditioning units. This timetable is a good one, I think, because substances that are replaced inside those machines will be replaced with substances which are much less ozone depleting or, in fact, ozone benign. Over a period, as those machines have to be replaced, we can get to the stage where they are replaced by new, friendly to the environment machinery and, over a period of time, the problem will be eliminated. I can only say, Mr Speaker, that I hope that other places in Australia, and other countries in the world, are able to adopt and keep to a timetable as vigorous as this. I thank members for their support and I commend this Bill to the house.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PRIVATE MEMBERS BUSINESS - PRECEDENCE
Suspension of Standing Orders

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

That so much of the standing orders be suspended as would prevent order of the day No. 11, private members business, relating to Health Services, being called on forthwith.

HEALTH SERVICES

Debate resumed from 5 December 1995.

Mr Connolly: By way of a point of order: I do not think this was ever private members business. Standing orders were suspended yesterday morning, not on private members day.

Mr Humphries: It was not Government business and it certainly was not Assembly business, so it must be private members business. What else could it be, Mr Speaker? It was not Government business; I can tell you that.

Mr Hird: It becomes the property of the Assembly once it is introduced.

Mr Connolly: Yes, so it is Assembly business rather than private members business. We know what it is all about.

MR SPEAKER: I am advised that you have the call, Mr Osborne.

MR OSBORNE (3.39): I was ready a couple of minutes ago, Mr Speaker. I suppose I said the majority of what I was going to talk about this morning in the debate on the censure motion. However, I will once again go over the points that I took up. This whole salaried medical officers saga began because, when the situation arose that the Government was looking at removing them, I received what I thought was an undertaking from Mrs Carnell, or an assurance, which has been debated long and hard today, so I will not dwell too long on the point. I moved a motion then which is very similar to Mr Connolly's first motion here. However, I am aware, as we discussed yesterday, that Mrs Carnell has moved some amendments, and I have to say that I am still yet to make a final decision.

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What I am proposing, I suppose, is that we stick with my original motion, which was:

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.

However, as I have said, I have since been briefed on the problems. I have become aware, as our censure motion debate showed today, that the salaried doctors have gone, so there is no real chance that we can bring them back.

Mr Connolly: At a cost of \$445,000-plus.

MR OSBORNE: At a cost of \$445,000-plus.

Mr Humphries: A bargain.

Mr Connolly: "A bargain", says Mr Humphries.

MR SPEAKER: Interjections are out of order, and they are more out of order if you are out of your seat.

MR OSBORNE: Mr Speaker, I am in a situation where I have to make a decision in the best interests of the people I was primarily concerned about, and that is the people mentioned by Mrs Carnell in her amendments. Mr Speaker, I still believe in my motion. However, I am a realist. I can read the facts and I am aware of the history of the salaried doctors. I am aware of the trouble that Mr Connolly had in attracting them to the ACT, and plenty of reasons are given for that. They do not like working with governments. I cannot disagree with them on that one. However, I have to say, Mr Speaker, that I would like to think that Mrs Carnell would attempt over the next couple of months to advertise, perhaps interstate.

Mr Kaine: But you censured her this morning for this. Are you going to give her two months to fix it now?

MR OSBORNE: Go back to sleep, Trevor. I am prepared to - - -

Mr Hird: Do not let them rattle you, Paul.

MR OSBORNE: Who wrote that for you, Harold? I am prepared to stick with what I believe in because it is a matter of principle. However, as I said, I am aware of the problems that Mrs Carnell has. The last thing I want to do is see that there are no doctors in the health centres. At the end of the day, in the next couple of months, if she comes back to us after having advertised across Australia and perhaps offered free rent, I would have to say that the only sensible thing to do, I would think, would be to give her the scope to allow private doctors in there who will adhere to her amendments, who will take care of the people that we are primarily concerned with, but at the end of the day they will charge.

I have to say, Mr Speaker, that my big concern over this is that I could play politics on the whole issue. I could force Mrs Carnell over the next years to just let them run down and let there be no doctors in the health centres until she finds people who are prepared to 100 per cent bulk-bill. However, the big thing we need to look at is that I think most people are concerned about the ancillary services at these different places, and I would think that the best excuse we can give Mrs Carnell to remove them is if there are no doctors there. At the end of the day I think we need to be realistic about this issue. I am prepared to give Mrs Carnell perhaps until the first sitting day next year to try at least to get some completely bulk-billing doctors into these health service centres. I think we, as an Assembly, need to look beyond that. If that cannot happen, given the irresponsible attitude of ignoring our motion and allowing the salaried doctors that we have to go, we do not have very many options. I do not think you can disagree. As I said, I could stand here and demand that Mrs Carnell bring the salaried doctors back; but, at the end of the day, if she is unable to do that, do we let them be empty? Do we let them run down? Do we give her an excuse to remove the ancillary services?

As I said, Mr Speaker, I have to be realistic on this issue. I admit that I may have to back down on it next year, but I am hoping that, over the Christmas break, Mrs Carnell will try a little bit harder than placing a couple of ads in a local magazine, or whatever it was that was done. I believe there are plenty of other avenues that she could explore to try to fill the spots with 100 per cent bulk-billing doctors. Maybe there are some doctors out there who are not greedy; but, given the history of the doctors - the VMO dispute comes to mind - I am not very hopeful.

Mr Speaker, in relation to paragraph (2) of Mr Connolly's motion, do I need to seek leave to move these amendments?

MR SPEAKER: You can foreshadow them, Mr Osborne.

MR OSBORNE: I will foreshadow them, Mr Speaker. I propose to add after "casual staff" the words "employed for longer than six months". I know that Mrs Carnell gave an undertaking yesterday that it would be for people employed for longer than 12 months, but I think that we need to find a happy medium there for the nurses and other people employed at Jindalee. I think that anyone employed for longer than six months would consider themselves to be long term, so I will be supporting Mr Connolly's motion with my amendment. That amendment does backdate from the date that Jindalee is privatised, which I think is next February. I think that takes it back to before the announcement that it was going to be sold. I have spoken to the unions about it and they are pleased with that outcome.

In relation to paragraph (3), Mr Speaker, I propose to omit "government-owned health centres" and substitute "Kippax Health Centre" because I believe that a blanket call for the sale of government health centres is not the right way to go about it. I believe that they need to be looked at individually. I agree with Mr Berry, who has campaigned long and hard on behalf of his constituents out there. I am a little miffed about why members of the Government who represent that area have not been quite as vocal.

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Mr Connolly: That is you, Harold. He is talking about you.

Mr Hird: Yes, because you guys keep on saying we are going to close it. We are only selling it.

MR SPEAKER: Order! Mr Osborne has the floor.

MR OSBORNE: Mr Speaker, I am aware of the history of Melba. I am aware of the state it is in at the moment, so I personally have no problem with the Government selling Melba. However, Kippax Health Centre is a different story. I have worked out there and have played football with West Belconnen for nearly five years, so I do have a good grasp of what is happening in that part of Canberra.

Mr Moore: But you would not want to live there.

MR OSBORNE: I certainly would not want to live there. I am of the belief that, with the new development out there at Dunlop in the near vicinity, it is imperative for the Government to hang onto that site. So I will support Mr Connolly's motion, with my amendment. In other words, what I am saying is that I will allow the Government to sell Melba but I would expect them to hang onto Kippax. I would have thought, given the amount of public support for Kippax, that this would be understandable on Mrs Carnell's part.

In relation to paragraph (4), I once again support Mr Connolly's motion, with my amendment. What I propose there, Mr Speaker, is to delete "at government-owned health centres" because I am of the belief that we need to maintain the level that we have, if not improve it. However, I think that it places a terrible burden on the Government if we force them to keep the services they have at different places, given the changing demographics of the society. My view about some of the schools in the lead-up to the last election was that they were built a long time ago when they had a totally different population, and I think it is important that we be sensible and move resources to where they are needed. I see a smirk on Mr Moore's face. Mr Speaker, I will support Mr Connolly's motion, with my amendment, because I believe that we do need to maintain the current level across Canberra. However, I think it would severely inhibit the Government's ability to provide these services if we demanded that they keep what they have at the current places when we have to acknowledge that suburbs do get old, and they certainly change.

As I said, Mr Speaker, in principle I support the main thrust of what Mr Connolly is saying. However, I am prepared to acknowledge the facts and I am prepared to give Mrs Carnell a couple of months.

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

MR MOORE (3.51): Mr Speaker, in order to give Mrs Carnell those couple of months that Mr Osborne is talking about, I move:

That the debate be adjourned.

Mr Berry: Mr Speaker, I would like to - - -

Mr Hird: He knows the numbers.

Mr Berry: I might know the numbers, but I would like to speak in opposition to the - - -

Mr Kaine: The adjournment motion is not subject to debate, Mr Speaker.

MR SPEAKER: Order! Mr Berry, you will need leave to debate the question "That the debate be adjourned".

Mr Moore: Mr Speaker, I believe Mr Berry has spoken to the motion. If he wants to speak first, I am quite happy to allow him to speak and then to move the adjournment.

Mr Berry: The amendments have not been passed and that still allows certain things to be sold and so on in the meantime. I would rather see the amendments dealt with; that is all.

Mr Kaine: Since it is going to be adjourned for a month, it does not matter.

Mr Moore: The whole point of the exercise is to allow for the issues that Mr Osborne raised to be taken care of.

Mr Hird: If that is what you want to do, do it.

Mr Berry: I want to get the amendments in and the motion passed.

Mr De Domenico: There is a motion before you, Mr Speaker.

Mr Berry: I seek leave to speak in relation to the amendments, Mr Speaker.

MR SPEAKER: Just a moment. The question is: "That the debate be adjourned". If you want to withdraw that, Mr Moore, you can do so.

Mr Moore: I withdraw it, Mr Speaker.

MR SPEAKER: Now, if you wish to discuss the amendments, Mr Berry, you will need leave because you have already spoken.

Mr Berry: No, not to the amendments, Mr Speaker. I think they have been moved.

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Mr Kaine: They have not been moved yet. He foreshadowed them. He has not moved them.

Ms McRae: He has so.

MR SPEAKER: Order! Mr Osborne has not moved his amendments.

Mr Berry: I think he is about to.

Mr Osborne: I seek leave to move the amendments circulated in my name.

MR SPEAKER: You cannot, because Mrs Carnell's amendments are already before the house.

MR BERRY (3.55): I seek leave to speak in relation to the amendments that have been foreshadowed.

Leave granted.

Mr Kaine: Why do we not all do as we like and turn it into a real playschool?

MR SPEAKER: I do wish all you people would get your act together.

MR BERRY: Mr Speaker, in relation to Mrs Carnell's amendments, the Labor Opposition will be opposing them. In relation to the amendments foreshadowed by Mr Osborne, they will be supported, but not without complaint. Mr Speaker, the motion which Mr Connolly moved related to the reinstatement of the salaried medical practitioner program to at least the level existing at the time the Liberals took office unless 100 per cent bulk-billing can be guaranteed. That, in our view, is an important motion which was passed in this chamber. The Chief Minister was censured for not abiding by it and it ought to stand unless it is taken off the books of this Assembly.

I am not prepared to trust the Chief Minister to go away thinking that she might get off again in relation to this matter. From our point of view, we have a strong position in relation to the salaried medical practitioner program. We would be insisting that the Chief Minister take strong action to restore the salaried medical practitioner program, despite the fact that she made a silly decision in relation to the disposal of those particularly important medical practitioners.

In so far as the Jindalee Nursing Home matter is concerned, I understand that the union involved is satisfied with the amendments which have been foreshadowed by Mr Osborne. The Labor Opposition has no problem with it, providing that the proposal is accepted, including the amendments which have been foreshadowed. In relation to paragraph (3) of the motion moved by Mr Connolly and the foreshadowed amendment, I would have to express very strong opposition to that because it goes to the removal of the Melba Health Centre from government ownership. That will strike at the heart of - - -

Mrs Carnell: It does not have any services, Wayne.

MR BERRY: Only because of you, Mrs Carnell, because you are the one who is moving the salaried medical officers. You are the one who defied the Assembly's motion in relation to this matter, and you ought not be allowed to get off. The fact of the matter is that these are amendments to the motion which we will agree to. We think they ought to be put, and the Government ought to be locked into being prevented from selling any health centre. We understand the numbers too, and the motion in relation to Kippax is likely to survive. We want it in writing. We want the motion passed and we want it in writing.

I draw Mr Osborne's attention to this matter because the people out in that region have been involved for some time in a campaign to save that health centre, and if it is the only one that is going to be saved I think they deserve to see that matter set in concrete. The amendment ought to be carried today to ensure that the people around the Kippax Health Centre are satisfied about its future. If you leave it up in the air, given the past performance of Mrs Carnell, you cannot rely on her. You cannot rely on her and we do not trust her. That is why we voted for the censure motion this morning. In relation to the Kippax Health Centre, if that is the only part of this motion that is going to be passed, we want it passed today and set in concrete. We oppose, as should you, Mr Hird, and you, Mr Stefaniak, the sale of the Melba Health Centre, because of the services that were provided to that community for a long time and that a lot of people up there value highly. We say that the first part of the motion should stand. We say that Melba should be saved as well, but we recognise the numbers in relation to the matter. For that reason, we want to see the amendment passed because the people who are serviced by the Kippax Health Centre want to see the matter settled.

There are business people out there, members of the Liberal Party, who know that their businesses are going to be affected while ever the future of Kippax is up in the air. It has to be settled. Confidence has to be restored. You cannot keep treating the west of Belconnen like you are. You strangled that school to closure and now you are treating the people out there with contempt, knowing full well that there was a motion. Mr Speaker, the people out there, and the businesses out there, deserve to know that at least the Kippax centre has been saved. That matter ought to be carried.

In relation to the maintenance of ancillary health services at government-owned centres, which was moved by Mr Connolly, an amendment has been foreshadowed to strike out "government-owned health centres". Mr Speaker, as far as we are concerned, we can support that. We moved the motion in all sincerity and we think it ought to stand, but it seems to me, Mr Speaker, that this is aimed at allowing Mrs Carnell to proceed to remove those ancillary health services from the Kippax Health Centre. I would like to draw this point to Mr Osborne's attention. Mrs Carnell has said she would not do certain things in the past, but she has a long list of ancillary services she intends to remove from the Kippax Health Centre. It is in writing that she intends to remove those ancillary health services from the Kippax Health Centre. If we strike out those words in paragraph (4) of Mr Connolly's motion, the fact of the matter is that Mrs Carnell has a list of services which she has said she will move.

Mrs Carnell: All services will still be available to the people of Belconnen.

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MR BERRY: If she is saying that those services will stay in the Kippax Health Centre as they are, I could accept the motion; but I know she is not. She has made up her mind already that she is going to move them. From our point of view, we are very concerned about that amendment because we know that it will cut the heart out of the Kippax Health Centre. The ancillary services which are provided at the Kippax Health Centre are very important to aged people who live nearby - hundreds of them - who use the service regularly. Mrs Carnell knows the services that I am talking about. The point made by Mr Connolly at the conclusion of his motion, which requires evidence of implementation of this by Tuesday, 12 December, is up for amendment as well to the first sitting day in 1996. We are prepared to cop that. What we want to do is see the motion carried, the amendments dealt with - - -

Mrs Carnell: No.

MR BERRY: I know Mrs Carnell would not want them dealt with.

Mrs Carnell: I would love them dealt with - my amendments.

MR BERRY: She would not want these amendments that are foreshadowed by Mr Osborne to be dealt with and locked in concrete, because it cramps her style a bit. She can whiz around town with all of those honeyed promises again, telling people that certain things will or will not happen, having no commitment - - -

Mrs Carnell: We have been absolutely up front.

MR BERRY: Mrs Carnell interjects, "We have been absolutely up front". You were up front, all right. You just ignored this Assembly's decision in relation to the matter.

Mr Kaine: I take a point of order, Mr Speaker: Earlier Mr Berry tried to debate the adjournment motion on this question. I submit to you that what he has done for the last few minutes is mostly debate the adjournment motion. What he has been saying is that he wants these - - -

MR BERRY: That is what I got leave to do.

Mrs Carnell: No, you did not.

Mr Kaine: What he has been saying is that he wants these amendments made before the matter is adjourned. That is exactly what he is saying. I suggest that you rule him out of order and that we go ahead with the vote on the adjournment motion.

MR SPEAKER: Mr Berry has leave. He is discussing a foreshadowed motion, although the Chair is not aware that there has been any amendment put forward in relation to 12 December 1995.

MR BERRY: It has been discussed, Mr Speaker, and, as I say - - -

MR SPEAKER: It has not been moved. I remind the house of that.

Mrs Carnell: It has not even been circulated.

MR BERRY: I could very quickly deal with that by seeking leave to strike out some words and replace them with others.

MR SPEAKER: You cannot do that because the amendments are Mrs Carnell's. There are foreshadowed amendments. I would suggest to members that they get their act together.

MR BERRY: Mrs Carnell has yet to come to the realisation that once you have been granted leave to do things in this place you can do them. From Labor's standpoint, we want to see the motion passed. We do not want to see it delayed, because there are issues that could be dealt with by Mrs Carnell. It would not cramp her style that much, but it would send a strong message to her about - - -

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

MR BERRY: I seek an extension, Mr Speaker.

Leave not granted.

MR BERRY: I do not need it, do I? I have leave.

Mr Moore: No, you do not have leave about time. You had leave to address a particular point.

MR SPEAKER: I am sorry; you do not have leave on time. Your time has expired.

MR BERRY: I would urge members to support the motion and get the amendments set in concrete.

Motion (by **Mr Moore**) put:

That the debate be adjourned.

The Assembly voted -

AYES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Stefaniak

NOES, 8

Mr Berry
Mr Connolly
Ms Follett
Ms Horodny
Ms McRae
Ms Tucker
Mr Whitecross
Mr Wood

Question so resolved in the affirmative.

SALE OF MOTOR VEHICLES (AMENDMENT) BILL 1995

Debate resumed from 26 October 1995, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR CONNOLLY (4.09): The Opposition is broadly supportive of this piece of legislation, which is not surprising because it is basically the legislation that was presented by the Labor Government as a final exposure draft in December last year. As Mr Humphries said when introducing the Bill, this process goes back to 1993 when the Consumer Affairs Bureau commenced a very extensive process of consultation on modernisation of the Sale of Motor Vehicles Act. It has been a very comprehensive consultation process. We talk a lot in this place about open and consultative government. This process has operated over two governments. For the bulk of the period we were in government. There has been very extensive consultation. It is a tribute to those officers of the ACT Government Service, particularly the team under Tony Charge in the Consumer Affairs Bureau, that, on most issues, they were able to build a broad consensus between the motor trade and the consumer movement on bringing the Act up to date.

I will not go through the Bill in detail; but the broad reforms that are contained here are very sensible, in that they get away from an arbitrary dollar limit at which a warranty cuts in. This was fairly meaningless. A \$3,000 limit at which a warranty applied meant that there were an awful lot of motor vehicles on sale for \$2,995 or \$2,999, in order to scrape in under the warranty limit; and that there was hardly anything available for between \$3,000 and \$3,500, because once the warranty limit came in there would be a bit of a price escalation by dealers to ensure that they built in the warranty costs. That \$3,000 limit was fairly meaningless.

The approach that is being adopted now is far more sensible. It was one that we were happy with in government and are happy with in opposition. The warranty locks in on a car that is less than 10 years old and has done fewer than 160,000 kilometres. If you are buying a relatively modern vehicle with relatively low kilometres, there is a requirement for a warranty. If you are buying an older vehicle with higher kilometres, there is no statutory warranty. At that point people will be expected to make their own decision about buying the vehicle. It is far more meaningful than an arbitrary dollar limit.

I was pleased that the Liberal Government had done so little to water down a positive piece of consumer affairs protection. That is a bit of praise for you, Mr Humphries. I am surprised that the only point at which the Liberal Government has gone backwards from the Labor Government's position on this is the issue of the deemed dealer. In all other areas the strong and sensible consumer protection focus of the legislation that we introduced in December last year has been retained. I pay tribute to the Government for that.

The point to which we do object and on which we will be moving the amendment which was circulated this morning is the number of vehicles that you have to sell to be a deemed dealer. What came out of the consultation process, with the strong support of both the consumer movement and the Motor Trades Association, was that the figure of three was settled on. If you sell more than three vehicles in a 12-month period you will be deemed to be a dealer. That means that the warranty provisions then cut in. This seems to be an essential part of the legislation.

There were concerns that people were backyarding and so avoiding the warranty provisions. People in the motor trade, as well as consumers, said to us in government, "We think it is unfair that we are required to stand by the product that we sell by having to offer warranties if the vehicle fits the warranty provision. We will be required to have cooling-off periods and refund provisions". The Motor Trades Association saw that as a fairly onerous consumer protection requirement, but one that it was prepared to cop. It did say, "It is hard for us when backyarders have no warranty, no cooling-off and none of the other probity checks". There is a fairly extensive provision in here which I understand the Motor Trades Association as a group is quite comfortable about and which requires them to make fairly extensive checks about the body number, the chassis number and the engine number, all of which is helpful in the fight against car theft.

They are prepared to cop a lot of that, but they did say, "We want protection against the backyarder". The three sales a year was the formula that was settled upon quite early in the consultation process and remained that way right through. It was in the final version of the draft that we tabled last year. It was broadly accepted that the backyard operators are probably operating with vehicles in a husband's name, vehicles in a spouse's name and probably vehicles in some adult children's names. Three can easily become six or nine or 12, if you are operating as a family unit. Equally, six can become 12 and so forth. With six, it can be quite easy to evade.

The one argument that I have heard that justifies six instead of three is that some people - and I understand this applied to Mr Moore in his youth; not in a white shirt but in a grubby, grease-stained set of overalls - would spend some time underneath vehicles. They would buy a cheapie, do it up a bit and either get a bit of income out of that or buy a slightly better vehicle and do it up. Certainly, there are a lot of people who do that as a hobby, particularly young people who might be mechanically minded. They will buy and sell, and gradually up the quality of their vehicle. There is an argument that for them three may be difficult.

That would have been an easier argument to sustain under the old warranty provision, where you had to provide a warranty if the vehicle was above a certain price - \$3,000. You have to provide a warranty for only the newer vehicle; the less than 10-year-old vehicle, with fewer than 160,000 kilometres; the relatively modern vehicle, with relatively low kilometres. The tinkering with the old bombs and gradually doing them up is irrelevant. The deeming provision is irrelevant in that case. It is fair to say that most people who do that are doing it with vehicles that are older than 10 years and with more than 160,000 kilometres. The people who want to tinker about in the backyard with older vehicles and perhaps sell more than three a year should not be affected when they are dealing with that style of vehicle. They would be if they were buying and selling low kilometre, less than 10-year-old vehicles.

Those people are the ones who are in direct competition with the Motor Trades Association. We certainly found compelling when we were in government, as we do in opposition, the argument from the Motor Trades Association that, if they have to cop a more effective warranty provision; a cooling-off period, which is a very important and very sensible reform, and one that I am pleased that the Government stuck by; if they have to accept the refund of deposit provisions; if they have to cooperate with the Government in some fairly onerous checks to ensure, as far as possible, that hot vehicles, stolen vehicles, are not circulating back through the industry - if they have to cop all that, they can really ask for some protection against backyarders. Six vehicles a year as the deemed dealer provision gives them that level of protection. I will be moving an amendment to that effect later.

MR MOORE (4.17): This is important legislation to protect consumers. Mr Humphries and Mr Connolly have adequately presented arguments to that effect. The only area of conflict that is worthy of comment is the amendment that Mr Connolly has foreshadowed. We will have a chance to speak to that in more detail later.

The arguments that Mr Connolly put fall down on the premise that people working on cars are likely to work only on cars that are over 10 years old. That may apply to a large category of people, but there is also a strong category of people who enjoy fiddling with cars that are not as old as that. It seems to me that we ought begin with the figure of six that has been presented in the legislation and monitor that. If it does appear that the situation is as Mr Connolly describes it and there is evidence to that effect, then I would be quite happy to revisit the matter and say, "Yes, we do need to take some action". At this stage, because people are participating in and enjoying a popular hobby and are using their time to make a bit of money by fiddling with cars, I will be supporting Mr Humphries's Bill as it is. I will keep an open mind on it. Should there be any evidence brought before us, either privately or in the Assembly, that this does need to be remedied, we will take action.

MR HIRD (4.19): This Bill is the culmination of three years of consultative process. By all accounts, this is an extremely comprehensive review of the Sale of Motor Vehicles Act. At some period during the review the consumer movement lobbied for stronger consumer protection measures to be incorporated into the legislation. The industry's views varied throughout this period. The net result is that a complex and comprehensive law reform package has delivered a balance of measures which will assist industry, while at the same time promoting fair trading in the ACT.

The ACT Motor Trades Association has been involved in, and substantially contributed to, the review process from the outset. As I understand it, members of the MTA executive and local motor dealers welcome the amendments. The Government is conscious of the need to ensure that the amendments are introduced speedily and without any undue detriment to the industry. I note that it has announced the establishment of a joint working party of industry and government representatives to oversee the implementation of these amendments.

As Mr Humphries has already indicated to the Assembly, these amendments will streamline the licensing process and introduce similar warranty provisions to those currently existing in New South Wales. Currently, the Territory has different warranty provisions to those in that State. They are considerably more onerous. Vehicles which are more than 10 years old and have travelled more than 160,000 kilometres are covered by warranty under the present system. This has the effect of raising the price of older vehicles as dealers' overheads are considerably higher.

These measures will be of great benefit to the industry, without consumers suffering any reduction in protection. On the contrary, the amendments will strengthen consumer rights by the introduction of a three-day cooling-off period, which was mentioned by our colleague in the Opposition Mr Connolly, for the purchase of new and used motor vehicles. These provisions have been in operation in Victoria for a number of years and have worked well for both consumers and traders. I note that the cooling-off period provides to the purchaser of a vehicle the right to terminate an agreement within the three-day period, upon payment of \$100 or one per cent of the purchase price, whichever is the greater. However, the consumer can waive his or her statutory right to the three-day cooling-off period and choose to purchase the vehicle immediately after signing a waiver as prescribed in this Bill. This is very fair.

The amendment of the Sale of Motor Vehicles Act 1977 is well overdue, there having been no significant additions to this Act since its commencement. These amendments will modernise the Act by introducing a package of measures that reflect modern commercial practices and current consumer protection principles. It is good news for the consumer and the industry within the Territory. I commend the Bill.

MR HUMPHRIES (Attorney-General and Minister for Consumer Affairs (4.23), in reply: I thank members for their general support of this legislation. It is quite extensive legislation and does constitute a fairly significant development in terms of protecting consumers in this very sensitive market. I saw a recent rating of different professions.

Mr Moore: How did apothecaries go?

MR HUMPHRIES: Apothecaries did extremely well; they were almost top of the list. Used car salesmen were very near to the bottom, just slightly ahead of politicians. There is a need for us to be very sensitive about the problems in this area and, in particular, to ensure that people who are making a fairly major commitment by the purchase of a car are properly protected by the most appropriate level of protection that we can devise. Therefore, I support the package. I am very pleased that members of the Assembly have similarly supported the package.

I reinforce the point that Mr Hird made about the joint working party, which will overcome teething difficulties with this new package. There is obviously concern about particular elements of the legislation by members of the industry. Members will know because MTA members have written to them and indicated their concern about the idea of one per cent or \$100, whichever is the greater, being retained by the dealer when a person decides not to proceed with a particular sale during the three-day cooling-off period.

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They claim that amount is insufficient. I have indicated very clearly that if those provisions appear not to work the Government will return to that issue and consider some other arrangement. We feel that the working party is the best way of ironing out any problems that might occur. I will not deal with the amendment until that stage is reached. I thank members for having supported the legislation. I hope that this provides for a fairly extensive and fresh degree of protection for people who are in the market to purchase cars in this Territory.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR CONNOLLY (4.25): Mr Speaker, I move:

Page 6, line 9, clause 8, proposed new section 6A, paragraph (1)(b), omit "6", substitute "3".

I debated the issues in my earlier remarks.

MR HUMPHRIES (Attorney-General and Minister for Consumer Affairs) (4.25): I will not support the amendment put forward by Mr Connolly. It is not a matter of enormous importance. Whether it is three or six is not of great import. The question that I think it is appropriate to pose is: Whom are we protecting by this provision? Are we protecting people from access to backyard dealers, or are we protecting dealers on a large scale who do not wish to have to compete with people who might sell cars for a hobby? Mr Moore made a very good point when he said that there are a large number of people in the community who do up cars for a hobby - - -

Ms Follett: Not three at a time.

MR HUMPHRIES: Three in a year, yes; three in a year, quite conceivably. I do not know whom those opposite talk to, but it is quite conceivable to have a number of people toying with cars and - - -

Ms Follett: They are in business if that is the case.

MR HUMPHRIES: In reply to the interjection, I would suggest that if someone tries to make a living out of selling six cars a year they are going to be extremely poor and very thin. Even if they get all their family members to pull together and they get 12 cars or 16 cars in a year they are not making much of a living. We are talking about people who do this as a hobby or a sideline. They might make some money from it, I agree; but to say that these people should be made to register as dealers if they want to sell a handful of cars in a year is going too far. This is an argument put forward by the industry to protect its own position in the marketplace.

Mr Connolly: And consumers.

MR HUMPHRIES: I am not convinced of that. I am not convinced that this is necessarily about consumers. It is about ensuring their existing place in the marketplace. That is what it is all about. None of the concerns of the Motor Trades Association touches on consumers. They are all about other matters. There is not an anomaly in their letter. It is about the same issue. It is about protecting a share of the market. I do not support the amendment. This is the level which has been adopted in Victoria. I am told that it is working quite well in Victoria. I urge the Assembly to accept this level. I do not know of any other jurisdiction that actually adopts three. I could be wrong about that. I would suggest that this is an appropriate level on which to base it.

Question put:

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

The Assembly voted -

AYES, 7

Mr Berry
Mr Connolly
Ms Follett
Ms McRae
Mr Osborne
Mr Whitecross
Mr Wood

NOES, 10

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Hird
Ms Horodny
Mr Humphries
Mr Kaine
Mr Moore
Mr Stefaniak
Ms Tucker

Question so resolved in the negative.

Bill, as a whole, agreed to.

Bill agreed to.

CRIMES (AMENDMENT) BILL (NO. 2) 1995

Debate resumed from 17 October 1995, on motion by **Mr Humphries:**

That this Bill be agreed to in principle.

MR CONNOLLY (4.33): The Opposition will not be opposing this Bill. We will be supporting its fairly minor amendments. There is some benefit coming out of the process of consultation set up within the ACT by the Criminal Law Consultative Committee, a body chaired by, I think, Justice Higgins and comprising members of the private profession, the DPP and the Legal Aid Commission.

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The concern that was raised by those people was that there are situations now where comparatively minor matters have to be dealt with as serious indictable offences. Mr Humphries exemplified them in his speech. They relate to theft of an amount of property less than \$1,000 and vandalism of material less than \$1,000. That is a particularly topical one because of the graffiti issue, which is getting so much worse since this Government came to office, as has been pointed out on many occasions by Mr Berry. Much as we would deplore graffiti, I do not think that anybody here would suggest that a 10-, 15-, or 20-year gaol term for spray painting a road sign is appropriate. Perhaps Bill Stefaniak may have at one stage in his tough law and order approach days, but perhaps even he has mellowed. It is far more sensible for minor property damage to be a summary offence, with a smaller penalty unit.

The other classic example is making off without payment, which does happen from time to time when people do the dinner dash. There is one person who is notorious for ordering a meal and a reasonably expensive bottle of wine and then having no money to pay for them. Again, that is the sort of matter that probably should not have a two-year gaol term. Perhaps, when you have done it on 50 occasions, you might be looking at a stiffer penalty.

This is a sensible amendment which produces some greater flexibility for the prosecution to charge people with less serious offences. That can be very important. Look at property damage: Those offences of causing property damage currently relate to quite serious situations where you perhaps put on a train line something which could derail a train and injure people. For a young person to have that on their record can count against them in later years. Creating a lesser offence is of benefit to the person charged, as well as to the system. We will be supporting this Bill.

MR HUMPHRIES (Attorney-General) (4.36), in reply: I thank members for their support. This will be a sensible way of reducing the cost of our system and potentially preventing people from being tried before juries for minor offences. I welcome the passage of this Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Assembly Building - Leaks

MR MOORE (4.36): I rise in the adjournment debate today to refer to a small article that appeared yesterday morning in Column 8 in the *Sydney Morning Herald*. That small bit of information in the *Sydney Morning Herald*, according to the article, was provided by MLA Terry Connolly. This is Terry Connolly of the Labor Party, although, as you read the article, you might think he was from the Democratic Labor Party, the DLP, and one who now seems to take advice from Bob Santamaria.

The particular issue that the member referred to was the flooding of my desk. It was pointed out in Column 8 that it was the very desk upon which the euthanasia Bill was drafted. Where the euthanasia Bill was drafted does not leak at all. But why let facts stand in the way of a good story? The irony is - and I had to laugh most of all at this - that Terry Connolly's office, out of all members' offices, and certainly while he was a Minister, was the one that was most notorious for leaks.

Government members: No.

MR MOORE: I hear cries from the Liberal Party of "No". But let me assure you that it is the case. This was seen in some way as a possibility of the wrath of God coming down to punish me for taking such terrible actions by putting such legislation to the Assembly.

They missed a much better story. After the euthanasia Bill went down in this Assembly I was to do a live cross with Prime television at the front of this house. We were waiting for the news item to come on at about three minutes past six. We were standing out the front of the Assembly at about three minutes to six; the cameras were all set up and wired up; and everything was going well. Suddenly, there was a great crack of thunder and lightning. Roley was the cameraman. Everybody here is familiar with him. Roley said, "Come on; this is going to be my Walkley Award". All he was doing was waiting for the lightning to strike the member who had put up this legislation. He would be there.

We completed the live cross to Prime television. Then the skies fairly opened and the rain poured down. Whoever was protecting me - and it may well have been Mr Osborne's prayers - at that stage, the live cross was completed; and it allowed me to get the message through that I would be reintroducing that Bill in due time. I understand that even today the story continues. Today WIN television has interviewed Mr Osborne.

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Mr Osborne: The parting of the Red Sea.

MR MOORE: He is talking about the parting of the Dead Sea or the Red Sea.

Mr Osborne: You are the expert on Scripture.

MR MOORE: The interjection is that I am the expert on Scripture. You had it right. It is the Red Sea. I thought that it was necessary to draw this to members' attention: Although it is important to ensure that a good story gets through, do not be bogged down by facts.

Assembly Building - Leaks

MR CONNOLLY (4.40): I must confirm that my office did leak profusely when we were in government and had moved to this new building. As Minister for Urban Services and the person providing the service to the then Speaker, I was somewhat concerned that in the first week after we moved into this building I had to have the bucket brigade in, as the water literally poured through the roof of my office. Mr Moore is correct to say that my office did leak.

In relation to the issue of water on the desk and the suggestion of perhaps some divine involvement in relation to legislation before this Assembly - without reflecting on any vote in this place - I was wrongly informed that it was Mr Moore's desk. I assumed that it was the one in his office. As I understand it, the desk that water did pour on was the desk that is within only a few centimetres of where Mr Osborne sits. Yet, miraculously, Mr Osborne's desk apparently remained dry. Perhaps the story, although slightly inaccurate as to fact, would have been even more interesting if the full facts were known.

MR SPEAKER: Mr Connolly, I have a little problem. I do not think, if it is divine intervention, I can refer it as a matter of privilege.

Mr Moore: Look at the flash marks on his desk.

Assembly Building - Leaks : Women

MR OSBORNE (4.42): I just stand up here and say that there is not a mark anywhere on my desk. I can put it down to only one thing: Divine intervention. I have told my friend Mr Moore that I do pray for him. I call him Saul. On the road to Damascus we are going to have a major conversion. But, seeing he is an expert on Scripture, he needs to be blind for only a day because he knows it already.

On a serious note, I did mean to stand up yesterday - I did have to rush off - and say a few words on behalf of the so-called weaker sex. Having witnessed the birth of my son last week, let me say that any man who claims that women are the weaker sex has not been through that experience. I stand up here very much as a humble man. I thank the good Lord for delivering a healthy baby. I thank my wife for going through what I could only say would be a terrible experience. They say that if men delivered babies or gave birth there would be only one-child families. I can understand why. To all the mothers in this house and to all the women, let me say that you have my undying respect.

Question resolved in the affirmative.

Assembly adjourned at 4.43 pm