



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

28 MARCH 1996

**Thursday, 28 March 1996**

Paper (Statement by member) .....	751
Visitors .....	752
Chief Minister and Minister for Health and Community Care (Motion of censure) .....	752
Questions without notice:	
Health budget .....	794
Taxi industry .....	794
ACTION - Gungahlin services .....	796
Visiting medical officers .....	797
Carnell Ministry .....	798
Housing Trust - loans .....	798
Australian Federal Police - alleged corruption .....	800
Housing Trust properties - asbestos removal .....	803
Stirling and Copland colleges .....	804
Mental health funding .....	805
Cardio-thoracic unit .....	806
Bank charges .....	807
Auditor-General - Report No. 4 of 1996 .....	809
ACTEW Corporation Ltd .....	809
Sexist remark .....	810
French products - implementation of Assembly resolution .....	810
Remand Centres (Amendment) Bill 1996 .....	810
Administration and Probate (Amendment) Bill 1996 .....	811
Family Provision (Amendment) Bill 1996 .....	813
Ombudsman (Amendment) Bill 1996 .....	814
Order of business .....	815
Leasehold administration .....	816
Planning and Environment - standing committee .....	834
Assembly business - precedence .....	836
Administration and Procedure - standing committee .....	836
National Museum at Yarramundi Reach .....	837
Adjournment:	
Public Accounts Committee report - Government response .....	840
Public Accounts Committee report - Government response .....	840
Canberra Raiders .....	840
Government responses to committee reports .....	841
Canberra Raiders .....	841
Mr Laurie Daley .....	842
Government responses to committee reports .....	842
Answers to questions:	
Disability services - Dell report (Question No. 139) .....	843
Family Services - management changes (Question No. 152) .....	865

28 March 1996

Family Services - management changes (Question No. 153) .....	866
Family Services - management changes (Question No. 154) .....	867
Waste Management Initiatives Trust Account (Question No. 167) ..	868
Waste disposal - revised arrangements (Question No. 168) .....	869
Landfill sites - cameras (Question No. 169).....	872
Motor vehicles - defect notices (Question No. 170).....	873
Phillip Vehicle Testing Station site (Question No. 171) .....	874
Fairbairn Park - lease (Question No. 172) .....	875
Fairbairn Park - management arrangements (Question No. 174) .....	876
Fairbairn Park - users (Question No. 175).....	877
Legislative Assembly - misleading by Ministers (Question No. 177)	878
Healthpact - allocations and campaigns (Question No. 192) .....	879
Appendix 1: Voluntary parent contribution scheme .....	883

Thursday, 28 March 1996

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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.

**PAPER**  
**Statement by Member**

**MR WOOD:** Mr Speaker, I seek leave to present a petition which does not conform with the standing orders, as it does not address the Assembly nor does it contain a request, and leave to make a brief statement.

Leave granted.

**MR WOOD:** Mr Speaker, I present an out-of-order petition from 185 residents of Watson, Downer and Hackett, stating:

I/we the undersigned have never/not yet given:

Julie Smith,  
Mark Dunston,  
Stan Cronin or  
Lyn Davey

The right or permission to speak or take any political action on my/our behalf concerning the A.C.T. or the suburb of Watson, with particular reference to the Watson Community Association and the Northside Community Association.

Mr Speaker, these names are additional to those provided in a petition during the last sitting. That tabling aroused considerable interest inside and outside this Assembly. Contrary to assertions published in the *Canberra Times*, no other member of this Assembly was approached by the organisers of this petition and asked to table it. In the letter asking me to table the petition the organisers said:

The reason we are writing to you is that we want it known to the decision makers within our local Government that these people are not and do not represent the people of Watson. Nor do the general Watson residents seem to know who they are, except for what we read in the papers.

28 March 1996

We have both grown up in Watson -

they are the people who organised the petition -

and now operate family businesses within the local shops at Watson. For the last 2.5 years we keep hearing our customers commenting with anger and frustration how they are being misrepresented in the media and in political circles by these people claiming to represent Watson.

... We feel it is time the real People of Watson are heard to be the Community we really are and not the outspoken, radical suburb that these people are portraying us as.

I should also point out that, contrary to another assertion as represented in the paper, there was considerable interest in the petition in this Assembly. I was pleased to satisfy Mr Humphries's immediate interest, and I know that all members were very interested.

## VISITORS

**MR SPEAKER:** I acknowledge the presence in the gallery of students from Lyneham High School. We extend a warm welcome to you all.

## CHIEF MINISTER AND MINISTER FOR HEALTH AND COMMUNITY CARE Motion of Censure

**MR BERRY:** Mr Speaker, I seek leave for the Leader of the Opposition to move a motion of censure of the Minister for Health and Community Care.

Leave granted.

**MR WHITECROSS** (Leader of the Opposition) (10.34): Mr Speaker, I move:

That this Assembly censures the Chief Minister and Minister for Health and Community Care for recklessly misleading this house over the claimed savings arising from the visiting medical officer contracts.

Mr Speaker, this is an extremely serious matter for the ACT. This matter that we are discussing this morning goes to the very heart of the credibility of this Liberal Government. Mr Speaker, when Mrs Carnell took over the reins as Chief Minister about a year ago, she made the signing of a contract with the VMOs - - -

**Mrs Carnell:** What did I take over?

**Mr De Domenico:** What did she inherit? Do you know?

**MR WHITECROSS:** She made the signing of a contract with the VMOs one of the defining symbols - - -

**Mr De Domenico:** That is why you are on the backbench.

**MR SPEAKER:** Order!

**MR WHITECROSS:** Mr Speaker, it seems clear from the beginning that the Government is sufficiently nervous about this motion to interrupt. Perhaps they would prefer to listen.

Mr Speaker, Mrs Carnell made the signing of a contract with the VMOs a defining symbol of the difference between her Government's approach and that of the previous Labor Government. Just to recap, Mr Speaker, the previous Labor Government went through a process of negotiation with the VMOs and then a process of arbitration, which was heading towards an agreement which was going to save the community \$1½m. It was, in fact, the oncoming election that stalled those discussions. I have no doubt that, if Labor had been returned, we would have got an agreement. But the promise from Mrs Carnell of a better deal kept the VMOs holding out in the hope of something more. And, sure enough, Mr Speaker, when Mrs Carnell did come into government she gave them that better deal. But she sold this generosity to the VMOs - the highest paid VMOs in Australia - by saying that this deal was going to save the community \$2.6m; that this deal was going to be better for the people of Canberra.

Mr Speaker, at the time, the Labor Party was extremely sceptical about this. At the time, the Labor Party was extremely doubtful about the merits of Mrs Carnell's claims - and we were all the more sceptical because of the secrecy with which she approached the whole business; we were all the more sceptical because Mr Connolly was unable to extract from her any concrete information about exactly what the deal was that she offered. Again and again, Mr Connolly asked for and was unable to get information out of Mrs Carnell. Mrs Carnell tries to rewrite history, but the *Hansard* record stands as testimony to Mrs Carnell's secrecy during that period.

**Mr De Domenico:** That is not true. Who told you that? George Wason must have told you that, I think. He has told you what to say.

**MR WHITECROSS:** Mr Speaker, Mr De Domenico once again realises that I have made a telling point and seeks to interrupt.

**Mr De Domenico:** You have just smacked her wrist with a moist tram ticket.

**MR SPEAKER:** Order!

**MR WHITECROSS:** Mr Speaker, what we have found now is that those suspicions that we had were completely justified. The Auditor-General has come out with a report that completely refutes Mrs Carnell's claim that this was going to save the community money. It completely refutes Mrs Carnell's claim that this was a good deal for the Territory.

28 March 1996

**Mrs Carnell:** Where does it say that?

**Mr Wood:** From cover to cover it says it.

**MR WHITECROSS:** Absolutely; from cover to cover. Mrs Carnell claimed that these VMO contracts were testimony to her ability to negotiate. What they were was testimony to her ability to capitulate to the visiting medical officers and to fob the community off with false savings - savings which she was never going to achieve. She disguised the inability of her Government to achieve those savings right up until the Auditor-General reported just this week. Mr Speaker, let us not be under any illusions about this: The reason why the Auditor-General was reporting was that we never believed her.

Mr Speaker, one of the key points in my motion today is the recklessness with which Mrs Carnell has misled the community, the recklessness with which Mrs Carnell has misled this house about this matter. Not once, but again and again, Mrs Carnell claimed that those savings were in the bag. Again and again, Mrs Carnell claimed that these savings were going to make the hospital system more efficient and were going to offset the additional costs to the VMOs. Yet it now appears that the whole cost-saving basis of Mrs Carnell's approach was fatally flawed. As the Auditor-General himself says, the key way in which they were going to save money was by reductions in services by the hospital.

**Mrs Carnell:** No, he does not say that. What he says is that he cannot see how it could be done without reduction in service.

**MR WHITECROSS:** He does say that, Mrs Carnell. That is a conclusion of the Auditor-General: Mrs Carnell was going to save the money to pay for the VMOs by reducing services in Woden Valley Hospital. Mr Speaker, that is the record of this Carnell Government. So-called "efficiencies" turn out, on closer inspection - - -

**Mr Berry:** On a point of order: The Government is squirming on this issue. I wish that they would not squirm so loudly, so that the rest of us could hear.

**MR SPEAKER:** Order! I think it is perhaps timely to make a comment from the chair at this point. A censure motion is a serious matter, and I would hope that this debate could be conducted sensibly and without interjections, as far as possible, from either side. There is no substitute for facts in debate. You cannot replace them with mindless interjections. I address that remark to all members of the house.

**MR WHITECROSS:** Thank you for that, Mr Speaker. It is instructive to note that the loudness of the Government - and we have seen plenty of it this week - is in direct proportion to the uncomfortableness they feel.

Mr Speaker, this motion is about Mrs Carnell's recklessness; her unwillingness to be open and honest with the community about what she is doing; her inability to come up with solutions which are real solutions, as opposed to imaginary solutions, as she has done in this case. This recklessness is a matter of increasing concern to all members of this Assembly. Again and again, we have heard complaints from the people on the crossbenches, as well as from people in the Labor Party, that Mrs Carnell's assurances to

people in this place turn out to be hollow and unjustified. Again and again, we have heard members in this place say, "She said that she would do this", and Mrs Carnell has come back in with weasel words to explain that she did not mean what she said, again and again. That is why we have a censure motion today, Mr Speaker. That is why this motion has been moved.

The Government bleats endlessly about devaluing the currency of these motions. The only reason why the Government has been the subject of censure motions, Mr Speaker, is that they deserve it; that they are mismanaging the Territory; that they are misleading this house; that they are doing the wrong thing by the people of Canberra. That is why they get censured. Far from the problem in this place being that the Opposition devalues the censure motion, the problem in this place is that the Government devalues the whole business of government and the whole credibility of self-government in this Territory through its manifest and repeated mismanagement. Mrs Carnell is at the centre of this, because Mrs Carnell has made this Government her personal government, her personal fiefdom. She does not let Mr De Domenico, who has a lot to say today, loose on industrial relations. She tries to keep Mr Stefaniak out of the limelight. She will not let them loose on the community, because she knows what an embarrassment they are. Mrs Carnell, quite frankly, has too much on her plate, and she was not up to what she gave herself in the first place.

Mr Speaker, one of the really alarming things about Mrs Carnell's misleading in relation to the VMO contracts, her complete deception about the ability to achieve any savings from these contracts, is the fact that she has used this promise and others like it to build her claim that she has a realistic three-year budget - a three-year budget which is going to restore the finances of the Territory, which is going to bring us back into surplus, which is going to address the issues of accumulating debt. And what do we find? Not only do we find that the Auditor-General says that she is not going to get the savings from the VMO deal, but also we have Mrs Carnell revealing that her own health budget - the budget that she is personally responsible for - has blown out by \$14m.

We hear that she is going to have to come back to this Assembly to borrow more money to fund her budget. She cannot pay the public servants because she has run out of money. Someone who criticised us for drawing on the Treasurer's Advance in previous years has to actually come back and ask the taxpayers to put their hands in their pockets again because she is overrunning her budget. That is the contrast. The Labor Party brought in the health budget on budget in our last year in government. Mrs Carnell has blown out her health budget by \$14m in her first budget and is going to have to come back to the taxpayers to make up her shortfall. That is why this is such a serious matter. That is why we are so concerned about her deception in relation to the VMO contracts. It reflects a pattern which we see again and again from Mrs Carnell - her inability to manage and her desire to cover up her inability to manage.

Let us look at her rhetoric this morning: "It is all the unions' fault". She did not mention Laurie Brereton this morning, as she does traditionally; but this week Mrs Carnell has developed this new and fascinating line that Laurie Brereton is somehow responsible for the industrial dispute, and therefore Laurie Brereton is presumably also responsible for the budget blow-out in Health. I am sure that the Canberra community will be shocked and amazed to find that a politician who lives in Sydney has somehow been responsible for the



28 March 1996

budget blow-out in Canberra; but I am sure that we will hear some of that rhetoric from Mrs Carnell, because that is the logic she has been applying to this - that somehow or other it is someone else's fault. Again and again, it is someone else's fault. This week it was Laurie Brereton's fault.

Mr Speaker, the fact is that, as we said throughout the industrial dispute, the industrial dispute was something that she was dragging out, that she was provoking, that she was costing the community with. This morning we hear the reason for that. Of course, Mr Berry must claim some credit here, because he predicted this. This morning Mrs Carnell is saying that the reason why she has all these financial problems, the reason why she has got exactly nowhere in reforming the Health Department, is that it is all the unions' fault; it is all the fault of the industrial dispute. So, she provokes an industrial dispute and then she turns around this morning and says, "It is all their fault that I cannot manage my health budget". Mr Speaker, that is the kind of thing we are up against with Mrs Carnell. That is why the community has a right to be so concerned. That is why members in this Assembly should be so concerned about what has happened in relation to the visiting medical officers.

Mr Speaker, my colleague Mr Berry will go into this in a great deal more detail. Mrs Carnell's record in this matter is just appalling. Mrs Carnell is not smiling at the moment, and she has no reason to smile, because she has mismanaged the VMO negotiations; she has mismanaged her health budget; she has mismanaged the ACT budget; she has blown the confidence of the community; she has imposed needless pain on the entire community with cuts in services again and again; and now the bad news today, Mr Speaker, is that the Canberra community are not even going to get any benefit from it, because she has mismanaged the budget as well.

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (10.49): Mr Speaker, I am confident that, as this side of the house did show some restraint, shall we say, the other side will do so also. I think, Mr Speaker, that it is extremely important - - -

**Mr Wood:** Come off it! What nonsense!

**MR SPEAKER:** Most showed the restraint.

**Mr Wood:** I do that all the time.

**MRS CARNELL:** It is true; Mr Wood actually does show restraint all the time.

Mr Speaker, what I will do now is actually address the issue rather than just go through a whole heap of diatribe. I will have a look at the real issue here, because the issue of this VMO contract situation has a very long history and I think it is important to set out the whole sorry history of the VMO case that I inherited in taking up government. The history goes back to 1986, when the then Department of Health challenged the contract arrangements that were established with Medicare in 1975 under the Labor Government. Despite more than a year of negotiations, in March 1987 the relationship between the VMOs and the Commonwealth Government broke down, to the point - - -

Opposition members interjected.

**MRS CARNELL:** I think that the Independents and the Greens are actually interested in this report and what the background of it is - or I assume that they are.

Despite more than a year of negotiations, in March 1987 the relationship between the VMOs and the Commonwealth Government broke down, to the point that the VMOs withdrew their services for public patients for eight months. In November 1987, ACT Health - still under the Labor Commonwealth Government - reached an agreement which included the most extraordinary document, a deed of understanding. This deed was alleged to give VMOs rights in perpetuity to choose their own contract arrangements, sessional or fee-for-service; and to have annual indexation, which had a cumulative effect of increasing income well beyond the salary increases of ordinary workers.

The deed was "tested" in 1990 when the contracts were renegotiated, and the only changes made were to the arrangements in the fee schedules. Every VMO working at that stage was able to choose to continue working on the contract of their choice. The managers were finding it very hard to manage under these arrangements, and VMO costs were escalating. This, of course, was under Mr Berry, and under Mr Humphries as well. In 1993, when the three-year contracts once again came up for renewal, the department decided to seek fundamental changes to the contract arrangements to ensure that managers did have the capacity to make decisions about the types and quantity of services required. Obviously, this was a fundamental challenge to doctors who had worked under the other contracts for over 10 years.

**Mr Wood:** Yes. They overcame it all right, did they not?

**MRS CARNELL:** When the new contracts were offered by the then Labor Government under Mr Berry's auspices, they were rejected once again, and the ACT was again plunged into dispute.

**Mr Wood:** It was a challenge. They mastered it. They got on top of it all right.

**MRS CARNELL:** I thought you were the one who did not do this, Mr Wood. I am sorry; I just must have forgotten.

This resulted in VMOs withdrawing all services for eight weeks. So, under Mr Berry, we had another dispute, and VMOs withdrew all services for eight weeks. The essential problem was the legality of the deed of understanding. The whole Canberra community will remember the absolute trauma for families of patients. They were placed in the position of having to manage emergency evacuations, additional costs and family separation. In November 1993 the department took the matter to the Australian Industrial Relations Commission, but the VMOs did not accept the recommendations of the commission, and the strike continued. In December 1993 the Australian Medical Association took the matter of the deed to the Supreme Court. The court found that the deed did not bind the parties in the way that it had been utilised since 1986, and the

28 March 1996

parties agreed to undergo arbitration auspiced by the Supreme Court - something, by the way, on which this side of the house when in opposition supported the then Government absolutely. The AMA appealed the Supreme Court decision about the deed in the Federal Court, without success, and VMOs returned to work under the old contract arrangements to await the outcome of the arbitration process.

I assume that everyone in this house would accept that this is a very sorry history of relationships between the Government and the AMA. The arbitration continued throughout 1994, with new contract arrangements being determined in November 1994 and finalised in February 1995. The new contract arrangements were significantly different. They had contract type determined by the employer; they had considerably reduced remuneration rates for sessional work and on-call, and the fee-for-service schedule maintained the status quo; and there were also increased facility fees. I suppose that the question one has to ask is: Has this been translated into a good outcome for the employer, and really what has happened here?

Mr Berry and Mr Connolly, in their pursuit of sessional arrangements at all costs, increased the rates that had been arbitrated. So we get back to this. Mr Berry and Mr Connolly, because they believed - - -

**Mr Berry:** No, Mr Berry did not. He was not there; remember?

**MRS CARNELL:** Okay; Mr Connolly. I am sorry. Mr Berry does not want to be part of this now. Mr Berry and Mr Connolly, in their pursuit of sessional arrangements at all costs, increased the rates that had been arbitrated. This brought the sessional rates into line with New South Wales; but these Labor Ministers did not take into account the fact that sessional arrangements were not the best service arrangements in all cases. They did not seem to worry about the fact that their ruthless pursuit of sessional arrangements was, once again, precipitating the Canberra community into another VMO strike, but at the same time lifting the amount of money that had been offered for sessional payments.

This, Mr Speaker, is the legacy of what was handed to me when I came to government last year - a legacy of mismanagement by the Commonwealth and Territory Labor governments.

**Mr Wood:** You had a balanced health budget.

**MR SPEAKER:** Order!

**MRS CARNELL:** When I took up government I literally had two months to settle a problem that had been going on for years.

**Mr Wood:** You had a balanced health budget, I repeat.

**MRS CARNELL:** We had two months to settle the new contractual arrangements, when we had strikes and when we had all sorts of cases in the High Court.

**Ms Follett:** You had been collaborating with the VMOs long before that. They saw you coming.

**MRS CARNELL:** It was a very complex negotiation with a large number of specialty groups, and we did it. It is interesting to hear those opposite make the interjections they are making, because the main problem - - -

**Mr Wood:** My interjection was that you had a balanced health budget.

**MR SPEAKER:** Order! If people wish to participate in this debate, they can have the courage to get on their feet and debate - not by cheap, lousy interjections as though it were some sort of bar-room brawl. Now, would everybody come to order.

**Mr Wood:** He sets the standard.

**MR SPEAKER:** Be quiet, Mr Wood.

**Ms Follett:** Mr Speaker, on a point of order: Mr Whitecross's speech was totally inaudible because of the interjections by Government members throughout his speech. As a result of that, you accused the entire Assembly of interjection. That was quite wrong. However, the Government has set the standard, and you have yourself, Mr Speaker. I am afraid that, if you regard interjections from one side as being interjections from the whole, that is exactly what you will get.

**MR SPEAKER:** I do not accept any interjections, and I will tolerate none from here on. Is that clear to all members?

**Mr Wood:** Okay; fine by me.

**Ms Follett:** Ask them over there.

**MR SPEAKER:** Continue, Chief Minister.

**MRS CARNELL:** Now we get to the report brought down yesterday by the Auditor-General. The major complaint that the Auditor-General had was that the cost model that was used to predict savings was flawed.

**Mr Berry:** It is your cost model.

**MRS CARNELL:** I am sorry, Mr Berry; it was your cost model.

**MR SPEAKER:** Watch yourself, Mr Berry!

**MRS CARNELL:** The information provided to me by the department when I came to power, according to the same cost model which had been used throughout the whole four years of negotiations and arbitration, has now been assessed. We have looked at the whole situation now and the Auditor-General believes that the cost model that Mr Berry used, Mr Connolly used and certainly I used was fundamentally flawed. It is interesting

28 March 1996

that the same cost model was used for the modelling that Mr Berry produced and submitted to arbitration when the VMOs dispute was on. So, if this cost model is fundamentally flawed - and I have certainly asked for an urgent investigation into the cost model - it is the same cost model that Mr Berry used as well.

Clearly, the budget process is not the same as a cost model. The Auditor-General has said in here that he is concerned that the figures that were used in the budget are not exactly the same as the ones that the cost model showed. The cost model is put together totally to predict savings, not as a budgetary method. But, certainly, if the cost model is even half as flawed as the Auditor-General said, then we need a new cost model.

**Mr Moore:** I reluctantly take a point of order, Mr Speaker. I would really like to draw the Chief Minister's attention to the issue at hand. It is about recklessly misleading the house over claims. I can understand her putting in a history - that is important - but I draw the Chief Minister's attention to the time. I am sure that we would be prepared to give her as long an extension as she needs; but I would draw attention to the actual import of the motion, which is about recklessly misleading this house.

**MR SPEAKER:** I do not uphold the point of order. I think that the Chief Minister is explaining the circumstances.

**MRS CARNELL:** I am interested in that point, Mr Moore, because what I am doing is explaining the Auditor-General's report, which I would have assumed was absolutely essential for the position that I am taking. My Government will obviously be referring the Auditor-General's report to the Public Accounts Committee. I must admit that I would have assumed that this debate would have been better held at that stage; but that is fine.

I think that it should be noted, and must be noted, that the same cost model was used by three different Health Ministers. So, certainly, when I came to the job I was given a cost model that was used by Mr Berry, that was used by Mr Connolly, that was actually used by Mr Humphries as well, I believe, and I had no reason whatsoever to doubt that that cost model was right. It had been used by all of the Health Ministers for various purposes. Obviously, I have learnt something by this exercise and I will now question all models that are sent my way. So, again, I come back to the fact that, if any Minister is given information that has been used by previous governments and there is no indication that there is anything particularly wrong with it, as it was used by both sides of the house, it must be questioned. I have to admit to not having questioned the cost model and what that cost model actually produced.

My preliminary assessment of the report is that the Auditor-General has had only a very short time to have a look at how the department's figures actually panned out. The Auditor-General does make the point that we will not achieve the savings this year; but savings will be achieved in the future if management is tight. I can guarantee that management is tight. I do not believe that I ever indicated in this house that we would make \$2.6m or \$2m savings in the first year. I indicated to this house time and time again, from the information that I had, that the contracts would result in \$2m a year savings.

**Mr Wood:** That is a nice backdown.

**MRS CARNELL:** It is not a backdown at all. The question here is whether I recklessly misled the house. Recklessly misleading means using information that does not have backup, that you could have every reason to believe was flawed. The information that I had was the same information that was used by Mr Berry and Mr Connolly.

**Mr Berry:** Oh, cut it out!

**MRS CARNELL:** It was the same information, Mr Berry. The Auditor-General may well be right, that in the short term the potential for savings is not as good as we would have liked; but certainly the longer-term savings can be achieved. He has concentrated almost exclusively, too, on the cost model and the predictions for savings, rather than also looking at the potential for fundamental reform that the VMO arbitration and the new contract arrangements have finally achieved. I refer to things like having the orthopaedic surgeons have a purchasing contract so that they buy only one form of hip or knee, and we get the best price. We have already saved, I think, fairly close to \$100,000 just by taking that sort of approach. That was part of the contractual arrangements; but the Auditor-General has not chosen to take that information on board in his critique of the agreement.

His report is helpful to the Government and to the department for future improvements; but it should be made clear that the cost model information was provided to this Government by the department and it indicated that savings in the order of \$3m could be made. I provided that information to this house, straight from the department - information that I do not believe I had any reason to doubt. The Minister can only rely on departmental information. If it is wrong or needs to be better developed, then you certainly have to have some basis upon which to do that. We certainly have that basis now, and we will have a look at our cost modelling. Clearly, the Auditor-General has also indicated that, given the additional matters he has considered, this level of saving will not be achieved in the short term. However, he has said that the new arrangements will have "significant impacts on the incomes of some VMOs". (*Extension of time granted*) Also, the department acknowledges that the use of cost models is less than perfect and it is now working on a new approach.

In summary, Mr Speaker, Mr Berry and Mr Whitecross, I believe, have a lot to answer for. Again, we did do our absolute best to ensure that the information that was provided to me was right, was accurate and could be relied upon. I had every right to believe that, apart from the fact that we used the same model as had been used by the previous Government, because Rosemary Follett's media release on 30 January 1995, which was a policy position about health for the last election, said:

Labor will build on the work to secure Canberra's health system by:

- . reducing waiting lists by providing an extra \$3m for surgery ...

The \$3m was going to come from the VMO savings, based on their cost model, which was the same as my cost model. It then went on to say:

28 March 1996

- . enabling heart bypasses to be performed in Canberra, by creating a \$1.1 million cardiothoracic surgical unit ...

That was using VMO savings. So, it seems that those opposite also believed, on their cost modelling, that it was possible to achieve, not just \$2m savings, but \$4m savings. In fact, in *Securing Canberra's Health System* - again a policy document - it says:

The November 1994 decision is expected to save \$4 million a year, which will be reinvested in the health system.

I am very happy to table those Labor Party policy documents, for the interest of Assembly members. I think that is very interesting because it indicates that, using the cost model that I used, those opposite believed that there was \$4m in savings. There were certainly some changes to that November decision, between that and the contracts that were signed, but they were very minor. We believe that that would certainly mean that we would not save quite the same amount; but the savings were, as in line with the same cost modelling, \$2.6m. But what is very interesting is the document that Mr Berry gave to the arbitrator, which gave a position that the Government was pursuing at that stage. What do we have? We have the same cost model, but how much in savings? We have \$1.072m. So, Mr Berry, using - - -

**Mr Berry:** No; that is Connolly.

**MRS CARNELL:** No, that was not. Using the same cost model as I did, he comes up with \$1.07m - - -

**Mr Berry:** What date?

**MRS CARNELL:** Mr Berry, you cannot say that it was not your Government. Again, I will table this document. It is interesting to note that the cost modelling can show \$1.07m and their own policy shows \$4m. It is very difficult to understand.

Now let me say, for the Assembly's interest as well, that one of the other minor problems with the Auditor-General's report, as it now stands, is that the Auditor-General did not take into account that in this year's expenditure on VMOs there is a figure of \$1.8m for bills from previous years. The \$1.8m is an exceedingly high figure - much higher than usual in terms of the flow from last year to this year. The problem with that was that the previous contract, which was overseen by Mr Berry and Mr Connolly, did not have a requirement for VMOs to claim within a period of time. So, we are still getting bills from two years ago. There was no requirement to put in a bill within 30 days, 60 days or whatever. So, of the amount of money that the Auditor-General has put down here for the expenditure this year, \$1.8m is for services provided in previous years, and some of those services are from a year ago - really quite old services. They are things that, I must admit, when I put together the budget I did not know existed. I did not know that we had a liability for services provided by VMOs two years ago. I can tell you that the new contract does not have that in it. The new contract has a requirement for bills to go in within 60 days and be paid within 28 days after that. So, you have to take off \$1.8m.

The other issue that the Auditor-General did not take into account when looking at the expenditure on VMOs this year was the fact that at December, when he was looking at this, we had served 1,000 extra patients. When you serve 1,000 extra patients or look after 1,000 extra patients, fascinatingly, you have to pay your doctors more. It is just one of those things that go with the system. To make matters worse, the reduction in the number of private patients at the hospital has exceeded, as always, all capacity. Members may not know that when a public patient is looked after at Woden Valley Hospital it is the hospital that pays the VMO. If it is a private patient, the money comes from the private health fund. So, if we have lots more public patients, it means that the amount we pay VMOs goes up substantially. So, taking into account that on 30 December we had \$1.8m - some of that being for unexpected bills - we had seen 1,000 extra patients, waiting lists had come down, or were starting to come down anyway, and we had a situation where the number of private patients that were being looked after at the hospital had dipped dramatically, the amount of money we paid VMOs, rather than the health funds paying VMOs, had gone up substantially.

I think the Auditor-General has been somewhat harsh in his approach to the cost per patient, which he has not ever thought about. He has not determined how much we are paying per patient. He is just looking at the macro bill. Certainly, he has every capacity to do that. We believe that the savings are there. We fully accept that they will not all be achieved this year. Certainly, we believe that some of them will be - probably in the vicinity of \$200,000, or maybe more - by the end of the year. But, along with the Auditor-General, we believe that the savings are there in the future. It will require tight management. Now that we appear to have industrial peace at our hospital and a capacity to go ahead with the reforms, I believe that the future can be rosy.

**MR BERRY (11.12):** Mr Speaker, Mrs Carnell has just done her level best to try to distract us from what this censure motion is about; that is, recklessly misleading this Assembly. I need to deal with a couple of the issues that she has raised, because she seems to have tried to rewrite history again. Mrs Carnell went to a lot of trouble to describe some of the historical events about the VMOs in the Territory since before self-government. She conveniently glossed over the period when her colleague Mr Humphries was the Health Minister and gave the VMOs the tick for everything they wanted. That was the mess that Labor had to clean up when we went to deal with the issue. Mrs Carnell also forgets, conveniently, that she was dead quiet on the issue of VMOs when Labor had decided to take on this issue. It was also interesting that she glossed over the silence of the VMOs when it came to the deal that she offered them. It suggested that they were happy. In my experience in this Territory, the only time that VMOs are ever happy is when they are doing all right. Those are the facts of the issue. Those are the industrial facts of life.

Mr Speaker, I want to go now to an issue on which Mrs Carnell has tried again to mislead us; that is, the issue of the cost model. Mrs Carnell was the one that came swaggering into this chamber, asking us to believe that these savings were in the bag. She was the one that alleged that she had her finger on the pulse. She was the one that ridiculed Labor over these issues. She was the one that ridiculed the then Opposition health spokesperson, Mr Connolly, on these issues and claimed that she had these savings in the bag. All she had to do, if she was so confident and competent, was look at the date



28 March 1996

on the cost model. She was using a 1991-92 cost model, which was the one for Woden Valley Hospital and Royal Canberra Hospital, which has long since been closed. What a joke! She had the gall to say that this was the cost model used by Gary Humphries. Mr Humphries was gone by the time that cost model was developed. So do not try to mislead us again.

We should also go to a further point in the Auditor-General's report, on page 18. This goes again to the issue of cost models. He said:

The matter of budget setting was not guided by the cost model ...

**Mrs Carnell:** But nor should it be.

**MR BERRY:** What Mrs Carnell tries to mislead us on again is that her whole process of developing these cost savings was based on the cost model. The budget was not developed on it because it is clearly set out in the Auditor-General's report that it was not. He said:

... budget targets were set by hospital managers, taking into account their service provision arrangements.

Did you not know that? If you did not know it, you are incompetent as well. Mr Speaker, we should then go to Mrs Carnell's promises on the budget. She said, in a report in the *Canberra Times* on 20 September 1995:

In the lead up to this year's election, we stated that reform of our health system was our number one priority.

And, of course, without going into all the issues, this is what Mrs Carnell said in her speech:

Within two months of coming to government, I was able to reach agreement with visiting medical officers on new contracts, after more than two years of hostile negotiations with two previous Ministers. These contracts will deliver savings of close to \$3m a year.

The budget figure was set, not on the cost model, but by hospital managers. Mrs Carnell then went on to say it on every opportunity when she came into this chamber - and she was questioned closely on this issue, Mr Speaker, by the Labor Opposition. I will just read out a number of her quotes. I think there were about 15 times when she said that she had the savings in the bag. On 2 May 1995 - this is about the VMOs and the Government working together - she said:

It has also created a situation where more than \$2m will be saved by the Government ...

That was informing this Assembly of what was going to happen - "\$2m will be saved".

Mrs Carnell said again:

... and, I state again, we have saved over \$2m ... We will end up with savings ... and I again state that that means that there will be a \$2m saving ...

And on we go. She said:

I am very happy to table the document from the previous Government's submission, which shows total savings of just over \$1m.

She mentioned it here again today. She said:

So, it appears that we have doubled the savings ...

**Ms Follett:** "We have"; is that what she said?

**MR BERRY:** "... we have doubled the savings". On 2 May 1995 she said:

What we have managed to do in seven weeks is reach a situation where we have \$2m worth of savings - double what even Mr Berry asked for.

She said:

We have had not one patient flown to Sydney. ... What we have is \$2m worth of savings ...

**Mrs Carnell:** How is that recklessly misleading the Assembly?

**MR BERRY:** Because it is not true; it is a lie.

**MR SPEAKER:** Order!

**MR BERRY:** It is a lie. That is how it is recklessly misleading the Assembly, Mrs Carnell. If you have not worked that out by now, I am afraid that we have a long way to go, and I expect that you will not be voting for this motion on that score. Here we go again:

I would be very happy for any group in the ACT to accept a wage package with a saving of \$2m.

We go on again:

What we have now is a situation where we have \$2m in savings in an area that has traditionally been very difficult ...

28 March 1996

**Ms Follett:** On what date was that?

**MR BERRY:** That was on 2 May. She said:

We had two weeks to solve the problem, and we did - with \$2m in savings;  
with a cooperative approach ...

No wonder they were cooperating with you! There were not going to be any savings.

**Mrs Carnell:** That is not what the Auditor-General said.

**MR SPEAKER:** Order!

**MR BERRY:** The Auditor-General says that. He says that you were \$1.9m behind at the end of last calendar year. Mrs Carnell said:

We have said quite categorically that the VMOs are the first cab off the rank  
in savings right across the board in health ... We have \$2m worth of savings  
up front there -

“up front there” means “in the bag” -

and ongoing savings in areas such as better utilisation of theatres ...

Now deny that you said this: “We have \$2m worth of savings up front there”. Would you say that “in the bag” is a fair representation of “up front there”?

**MR SPEAKER:** Stop asking questions across the chamber. Continue with your speech.

**MR BERRY:** So, Mr Speaker, on we go:

About 20 per cent of VMOs have now signed contracts that are expected to  
lead to savings of more than \$2m in a full year.

**Mrs Carnell:** They are expected to lead to savings of \$2m a year.

**MR BERRY:** You said that you had them in the bag, Mrs Carnell, over and over again. You said, “We have, we have, we have”. That is what this all boils down to. I will just go to the million dollar consultancy in health, where she said that she was going to get savings on a ratio of 8 : 1. Next minute she will be saying that the reason we do not have the savings on an 8 : 1 ratio is that she has not paid the bill yet. So, you cannot multiply it by eight. Of course, those consultants discovered that the VMOs were receiving more than they should.

Mrs Carnell said, “We are pleased with the \$2m figure”. We would have been pleased, too, if she had achieved it - and she told us that she would, over and over again. She said, “What we have achieved is savings in excess of \$2m”. She swaggered into this place and told us - to say it was “misleading” is to be very kind, Mr Speaker - what were,

I would say, out-and-out lies, because she did not have the money in the bag at all. So, Mr Speaker, we have a very clear situation, from the *Hansard*, of where Mrs Carnell had swaggered into this place and recklessly misled the Assembly.

**Mrs Carnell:** How was I supposed to know that your cost model was wrong?

**MR BERRY:** Because you are the Minister for Health, Mrs Carnell. You are the one that came in here and said that you had the savings. You created the atmosphere in this place and attempted to convince all of us that you had \$2m in savings. There is no doubt about that when you read the *Hansard*. You, I think, deliberately tried to create the impression that you had the \$2m in your pocket. You came in here, over and over again, crowing about it. This Assembly cannot be treated with contempt in that way, and it has a history of not being treated in that way. I do not think you ought to get away with it.

One of the things I heard earlier in this debate was the Deputy Chief Minister saying in relation to the motion of censure that it was “a couple more marshmallows”. So that is the way the Government regards motions of censure. This Assembly’s action - if it has the hide to disagree with the Government, catch it out and censure it - will be regarded as a couple of marshmallows. I say to you, Mr Speaker: If that is the attitude of this Government, it will not be here long - and that would be a good thing. (*Extension of time granted*)

We do not believe that Mrs Carnell is fit to govern. We do not believe that the Assembly should be led by a Liberal government, and we have made no secret about that from day one. On this occasion, we believe that we have demonstrated very clearly that Mrs Carnell has, over and over again, recklessly misled this Assembly, in an arrogant attempt to create the impression that a situation existed which clearly did not. Those are the facts of the matter. When Mrs Carnell says, “We have the savings”, it is clear that you cannot believe her. When Mrs Carnell says that she is going to be a better health administrator, it is clear that you cannot believe her. When Mrs Carnell says that she has reached an agreement with the highest paid health workers in the Australian Capital Territory, it is clear that those savings are illusory. When Mrs Carnell and the Liberals do deals with the highest paid people in the health system, you can bet that it is going to cost the people of the ACT.

All of those factors might well be believed by the community; but when Mrs Carnell comes into this place and says that she has the money in the bag, when she says that she has the savings, she has proved that you have to take it with a grain of salt. But what is most insulting about this whole process, Mr Speaker, is that she still has not accepted that she came into this place and misled it. That is what demonstrates this Chief Minister's refusal to accept the authority of this place. That is what demonstrates that this Chief Minister treats this place with contempt. Anybody that can swagger into the place, mislead it and then refuse to accept that she has misled it is deserving of the strongest censure. We believe that she is unfit to govern. We know the numbers in this place, and we believe that this motion should be supported. The community deserves to know, Mr Speaker, that this Chief Minister will walk into this place, mislead the parliament that represents the community, and pretend that it did not happen. This censure motion will demonstrate that to them.

**MR DE DOMENICO** (Minister for Urban Services) (11.26): Mr Speaker, if anything could prove how vindictive Mr Berry is, I think his speech did that. I think Mr Berry has still not forgotten that the only person I am aware of in whom there was a vote of no confidence for misleading this Assembly was Mr Berry himself. I think that, from the very day that happened, Mr Berry wanted to vindicate himself in any way possible. It is a pity that that is his attitude; but it is his attitude, and he has to live with that. Mr Berry gave no evidence as to why this censure motion should get up. It was a personal attack on Mrs Carnell. He always makes personal attacks on individuals. That is the legacy he is going to leave to this Assembly.

Mr Speaker, I did interject and say that Mr Whitecross's attempt to show that he was the ACT's answer to Tony Blair was like chucking a marshmallow across at this side and having it land over there. That is what happens when you take acting lessons; you tend to forget that you have to be yourself. When you do not have a self to be, of course, that is the best way to do it. So, that is what I was alluding to - the political ability of those opposite, because there simply ain't any. No-one actually got into the nitty-gritty of reading exactly what the Auditor-General said. So, let us finish with the politics of it and let us have a look at the report. Let us have a look at the report carefully. I do not think anybody over on the other side read it, to be very honest. Well, you read it, Mr Wood. Your contribution might be a bit better than that of the people you have in front of you. Mind you, that would not be difficult, I have to say, and it is a pity that you do not have the numbers to reflect that in this place.

Before I go any further, Mr Speaker, I would like to point out that the Auditor-General's report is quite narrow in its focus. No-one has had a look at that issue. The Auditor-General has concentrated on the cost model and the realisation of the predicted savings in 1995-96. That is what he has concentrated on. If you read the report, you will see that that is what he said. However, it is also important to take a broader view of the issue and look at the potential for reform that the VMO arbitration and new contract arrangements achieved. The Auditor-General acknowledged that. He said that there will be "significant impact on the incomes of some VMOs". This suggests that we have set in place some important changes to build on in the future. Of course, the people opposite are not interested in the future; they are interested in scoring some political points. Let them continue to do that and let them live in squalor in their opposition for year after year. Notwithstanding how many leaders they have over the next month or so, it is not going to change their plight.

Mr Speaker, hospital costs in the ACT have to be brought back into the national average levels because the Commonwealth Government, whether it be Labor or Liberal, is not going to tolerate anything else. All we are going to get to spend on health is what the Commonwealth believes ought to be spent - the national average. If we spend more than that, we have to find it from somewhere else. So, let us get that into perspective as well. I think members of the Assembly, and especially members of the crossbenches, ought to realise that. What you do not have you cannot give away. You have to get it from somewhere else. So, if hospital costs in the ACT are to be brought back into the national average levels - a fundamental plank of this Government, by the way - the contract arrangement with the VMOs must continue to be at the forefront of the reform agenda, and it will continue to be under this Government. I believe that the Government's settlement of the long-running dispute was a vital step on this road.

The Auditor-General also makes some comments about the model. Once again, let us read the Auditor-General's report - which is what we are debating here today - and see exactly what he says. The Auditor-General's main criticism concerns the doubtful validity of the model used by the department for estimating the 1995-96 VMO costs and savings. Let us have a look at the report. At page 3 it says:

During discussions on the audit, Health Department and Woden Valley Hospital management provided comment that the contracts, while being a significant reform, are only part of an integrated approach which is being progressively developed to change medical practices at the hospital.

That is an important statement. He is saying that the VMO contract is only part of the reforms. He goes on to say:

Management also commented that over a period of years, it could be expected that changes in medical practices will produce significant benefits.

So, he is saying that, over a period of time, because this Government did settle the dispute with the VMOs, because of the contract that this Government put into place, it can be expected that changes in medical practices will produce significant benefits in the future. But in here we do not want to talk about the future, do we? We try to think of the past; we try to make some political points because it might make a good headline tomorrow in the *Canberra Times*. But members on this side of the house do think of the future, notwithstanding what members opposite might think from time to time.

Mr Speaker, the Auditor-General's report goes on - this is the significant part:

The scope of this audit did not extend to an assessment of potential benefits which may be generated from the medical practice changes referred to in the previous paragraph.

So, its scope was to have a look at the VMO contract and the projected savings this year - not at what is going to happen in the future. What did it say on page 4? Let us have a look at what it said, because there has been some conjecture about whether this model is good or whether this model is bad. The Auditor-General said this:

... there is considerable doubt as to the validity of the cost model developed by Health to predict potential savings from changes in contract mix ...

On page 14 he went a step further and said:

... there are concerns about the robustness of the model for detailed cost forecasts. Some of the reductions forecast are substantial and appear unachievable, at least in the short term.

28 March 1996

If you have a look carefully at the Auditor-General's report, you will find that what Labor has said in this house just does not stack up. But that is not surprising, because they have a new leader this week - there will be another one next week perhaps - and because it was probably somebody else who wrote their speeches. It was probably George Wason or someone from the CFMEU. I do not know. Only they know that. But what they should have done was give that person a copy of the report to read so that they might have been able to make some sustainable arguments in this place.

But let us go on to the Auditor-General's conclusion on the point. The Auditor-General, in his analysis, has highlighted that the 1991-92 activity data was used. Mr Berry came in here and said that it was not used. The Auditor-General highlighted the fact that the 1991 activity data was used to estimate savings in the model. Mr Berry should have known that, because he used the same model when he was Minister for Health. He should be censured for misleading people. It has happened to him before, and this house voted on it. He did not read the Auditor-General's report, which contradicted what he says. So, I am more inclined to believe the Auditor-General, Mr Speaker, when he highlighted the fact that the 1991-92 activity data was used to estimate savings in the model.

The model, therefore, fails to take into account the considerable changes to activity since 1991-92. If the Auditor-General acknowledges that the 1991-92 data was used, and it is now 1996 - and Mr Berry should know that - it means that the model fails to take into account the considerable changes to activity since 1991-92. I dare say that the pendulum, as far as activity changes are concerned, has swung very widely since the Carnell Government took office, because we on this side of the house have the guts to realise that we have a problem and we have to fix it. It might take time; but we have to fix it, because we think of the future. We do not languish in the past; we think of the future. It is something that perhaps Mr Whitecross, now that he is the new leader, should think about from time to time.

As you know, Mr Speaker, VMO costs for public patients are met directly by the hospital. The VMOs' bills for patients with private health insurance are paid for by the health insurance companies and Medicare. As an indication of the growth in public separations, in 1991-92 there were 26,227 public separations at Woden Valley Hospital compared to 32,252 in 1994-95. The Auditor-General, of course, did not take that into account, because he acknowledged that 1991-92 data was used. Largely as a result of this growth, VMOs' costs paid by Woden Valley Hospital increased by \$2.5m from \$9m. Mrs Carnell outlined the fact that there was \$1.8m in extra payments, backdated because the contract that Mr Berry presided over and that Mr Connolly presided over did not have a limit of 60 days in which to present a bill. That has been fixed now by this Government, so that is not going to be happening again.

On that basis, it appears to me that poor advice was given to Mrs Carnell, Mr Connolly, Mr Berry and Mr Humphries. That is perhaps languishing in the past, which is what I said members opposite should not do. We will not do it either. As you know, this Government has made changes to personnel at Woden Valley Hospital and in the health area. We will continue to make those changes, as necessary, to make sure that the data and the information provided to this Assembly and its Ministers are first class. I think, if we do look into the future, that is what you will see happen, Mr Speaker.

I would like to finish my comments with a couple of quotes. I want to quote from a transcript of WIN News of 22 November 1993, concerning the former Health Minister, Wayne Berry, to show the attitude that members opposite have to all these sorts of things. He said:

You can't wander around this town with a big smile on your face, saying doctors are very good chaps when you're boring it into the sick and injured. I mean, you just can't get away with that.

That is the sort of industrial relations language for which Mr Berry is very famous and which he has used today in this place. He makes personal attacks on individuals and groups. He does not deal with the facts. That is the simplistic way in which Mr Berry plays politics. Let us have a look at another quote, because a lot has been said about \$2m, \$1.07m and the like. This is a quote from an article by Chris Uhlmann on Tuesday, 14 March 1995. It reads:

Mr Connolly said the VMOs' current fee structure saw them paid 90 per cent above the national average. The changes he had been proposing as health minister would deliver \$4 million in savings while leaving the doctors among the most handsomely paid specialists in the country.

Mr Connolly did not boast about \$2m. With the same contract, the same model and the same VMOs, we have \$4m. Mr Berry got advice from the department - \$1.072m. Mr Connolly quadrupled it, as Mr Connolly was wont to do from time to time.

**Mr Moore:** Come on! He was talking about different contracts.

**MR DE DOMENICO:** In a political context, Mr Moore, I acknowledge that; but - - -

**Mr Moore:** Why did he not sign it?

**MR DE DOMENICO:** I do not know why he did not sign it. You will have to ask Mr Connolly that. Perhaps Mr Berry did not let him sign it; I do not know. He is not here. I cannot answer that question. So, what it gets down to is this, Mr Speaker: If people have a look at it, they will find that the Auditor-General said, "Yes, in this first year, we are not going to get the \$2m savings". He did not say that we are not going to get any savings at all. The fact is that there was a projected saving out of the VMO contract of about \$200,000. But the Auditor-General did say that in years to come, in the future, if we let good administration run its line, savings will occur. He was looking at only one area - the VMO contract. He acknowledged that in his report. So, what I am saying to members opposite is: Do not come into this place and waste our time by putting on censure motions to make great headlines. Their idea is to do it early so that they can get on television, so that it gets onto the 12 o'clock news on the radio. They say, "Let us do it. It is the last day. We have to try to make Mr Whitecross look good. Although it is very hard to do that, let us do it anyway. We have picked out this thing. Let us quote half-truths out of it. Let us blend them in with some personal attacks on Mrs Carnell and anybody else that wants to get involved and gets in the way.



We have the numbers”. This censure motion is about No. 17 since this Opposition took over as the opposition. There seems to be one a day, or one a week at least. They say, “Let us debase the value of this Assembly and the censure motion by putting one on because it might make the ACT's answer to Tony Blair look a little bit more like Tony Blair”. Well, it will not, because attempts to censure us by members opposite are like being smacked on the wrist with a moist tram ticket. They are playing politics. That is all they are doing. They do not care about the future of the ACT. They do not care about the future finances of the ACT. I say to them, “You continue to play your politics, and we will fix the problem that you left us”.

**MR WOOD (11.39):** Mr Speaker, what a lot of nonsense that was, and in particular the tirade of gobbledegook in the last two minutes. It was nothing more than that. It was a remarkable speech by Mr De Domenico. He began by asserting that Opposition members had not read the report. We have, of course. It is a fairly clearly written report. It is a short report. It is easily read and easily understood. Despite the protestations of Mr De Domenico and Mrs Carnell, it is a very clear report and it is highly critical of this Government's administration in Health, beyond any doubt. Mr De Domenico claimed to read from the report, but he misread that report. More than that, he misrepresented the report, and I think that is a grave sin from a Cabinet Minister.

Let me go back and tell you what he said. Early in his speech he quoted from page 3 and he inferred from that constantly that the Auditor-General acknowledges that there will be savings down the track. It was not the Auditor-General who said that. The Auditor-General was quoting what management said; he was reporting quite fairly what management said. I read from page 3:

Management also commented that over a period of years, it could be expected that changes in medical practices will produce significant benefits.

Management said that. Mr De Domenico tried to present it as the Auditor-General having said that, and Mr Domenico was quite wrong, seriously wrong, in doing so. That, frankly, was the calibre of the whole of Mr De Domenico's speech. The Government's response from the two Ministers we have heard thus far has been very disappointing, but is typical and consistent with what they have done in the year and one or two months they have been the Government. “Oh, it is not my fault; it is never my fault; it is nothing to do with me. I got bad advice”, says the Chief Minister, “They told me wrong things”. Or she says, “The Auditor-General did not quite pick up the point”. It is anybody's fault but their own. That has been a consistent thread of this Government over a long period. Mr De Domenico said the same thing - that poor advice was given. He said, “It is nothing to do with me; it is not my fault; it is the bureaucrats' or someone else's”.

Let me pause on that point about bureaucrats. This is totally and completely Mrs Carnell's responsibility. They are her bureaucrats. She has turned upside down, tossed out, or thrown over the whole of our bureaucratic top structure. The people who are now giving her advice are not people who have been there for years; they are her people, her appointments, and her appointments alone. It is completely and totally her responsibility for those people who are now giving her advice. It is her administration.

Never in the history of this Territory, nor, would I suspect, in the history of most governments, has there been a top administration so much under the dominance of the Chief Minister. We have not seen it before. She has the gall to say, "I got bad advice". What a shocking dereliction of responsibility! She does not want to accept it at all. It is disgraceful administration, in my view.

Mr Berry, I thought, gave a most effective speech. Point by point he showed the times that the Chief Minister had come into this Assembly and said, "We have saved money" - time after time. That was very pertinent to this motion, which criticises the Chief Minister and which censures the Chief Minister for recklessly misleading the Assembly. That is exactly what she did, and Mr Berry showed that most graphically. I think the Chief Minister will get off very lightly if all she suffers from this is a censure. There will be further debates down the track as we look at the hole that the health budget is now in, and there will be other motions arising, I should think, from that. The Chief Minister must accept the responsibility; but, poor soul, she has to pass it on to somebody else.

Let us talk about promises. This morning I read some of the promises in the Chief Minister's campaign policy launch, in her policy speech. Would you believe what she said? "We have not promised what we cannot deliver", she said. I repeat, "We have not promised what we cannot deliver". That is exactly what she has done. She made promises and she could not and did not deliver. What else did she say at the time? She said, "There is a crisis in Health because Labor cannot manage". Chief Minister, have a look at yourself. Where do you stand? I repeat the point that it is your management and nobody else's.

"Labor cannot manage", she said. What the Chief Minister inherited was a balanced health budget. She went through a long litany of complaints about the build-up to the VMOs dispute, omitting, as Mr Berry said, Mr Humphries's part in it; but nowhere did she want to acknowledge her own role in that and, above all else, that the last budget under the ACT Labor Government was a balanced budget - something which, with all her new management, all her new moves, everything she has done, she has been unable to emulate. Her management is simply not up to it. I come back to the specific point of today, and that is a censure motion for recklessly misleading the Assembly. That has been amply demonstrated and she must be strongly censured.

**MR KAINE** (11.46): I intend to be quite brief and I intend to address my remarks to Mr Osborne, Mr Moore and the two Greens because they have it in their power to support this motion or to reject it. We have listened to four speakers so far and there has been a bit of emotion there. In fact, from the Opposition side - - -

**Mr Wood:** Five speeches. One, two, three, four, five.

**MR KAINE:** Five; I am sorry. I do not count too well. I am not much of an accountant.

28 March 1996

**Mr Moore:** You are not good on numbers.

**MR KAINE:** I am not too good on numbers. We have heard a certain amount of emotion and you can understand why the Opposition might be out for blood. They are seeking to make a political point and are not too concerned about the facts of the case. The facts are quite simple and we did not need an hour-and-a-quarter or so of debate so far to try to establish them.

When we are talking about misrepresenting, the Leader of the Opposition said in his opening remarks, "The reason why this report is before the house is that we, the Labor Party, did not believe what the Government said when they were negotiating the VMOs dispute". That is simply not the case. This report is before this Assembly because the Public Accounts Committee asked for it - not Mr Whitecross, not even the then Leader of the Opposition, Rosemary Follett. The Public Accounts Committee asked for it because there had been a previous report on this subject back in 1993. The Public Accounts Committee, of its own volition, had taken on a reference to look again at the subject. In view of the renegotiation of the contracts, we felt that it was the responsibility of the Auditor-General to review what he had said two years before. The Leader of the Opposition comes in here and misrepresents; yet he expects to be believed when he says that the Chief Minister is misrepresenting. The facts are clear.

Let us look at the allegations made in this motion. You people are asked to vote on a motion that says that the Chief Minister recklessly misled the house. If the Chief Minister had had advice from her officials that she set aside and said, "I do not believe that", and came in here and made comments, she could be accused of recklessly misleading the house. If before now it had been brought to her attention that the expected savings from the VMOs' arrangements were not delivering the goods and she still came in here and said that the situation was other than what it is, she could be charged with recklessly misleading the house. She has done neither of those things.

The crux of this matter, in my view, is very simple. It is the question of whether or not the Chief Minister was entitled to rely on the information that was put to her by her officials, using the very model that Mr Berry now disputes as being valid. He did not know until yesterday that it was invalid. It was as a result of the Auditor-General looking at it, at the request of the Public Accounts Committee, that he now has evidence to suggest that it may not be valid. We can rely on the Auditor-General's report for this because on page 18 he says this:

The actual implementation of the contract arrangements -

the ones that are now in place with the VMOs -

was negotiated by two governments before the final arrangement was put in place.

In other words, Mr Connolly was negotiating, using the very same information and the very same model that the Chief Minister continued to use after she became Minister for Health a year ago. If it was unreliable and therefore the Chief Minister was misleading, except for the strange quirk of fate that a year ago the government changed,

Mr Connolly would be sitting here and he could be charged with recklessly misleading, because he was relying on exactly the same cost model that the Chief Minister relied upon. Are you four people going to judge that the Chief Minister is not entitled to rely on such a model, particularly when you read further in the Auditor-General's report that "the model was developed for use in the arbitration case ..."? In other words, that was the model that went to the industrial relations commissioner during the arbitration process. Is Mr Berry really going to sit there and say that a model, that was accepted by the commissioner as being reasonable and fair, two years later should be ruled by this Assembly to be unfair? Not in my book.

I do not believe, Mr Speaker, that the case put forward by the Opposition has been proven. In fact, I think that the Auditor-General's report itself indicates quite plainly that an assertion of recklessly misleading this Assembly cannot be substantiated. If the four members on the crossbenches in this place find the Chief Minister guilty of the assertion put forward by the Opposition merely to make a political point, if they are going to substantiate that, they become conspirators in something which I believe, simply, to be totally unfair.

**MR HUMPHRIES** (Attorney-General) (11.52): I was a bit surprised about this motion today. I must admit that, having seen the report from the Auditor-General on VMO contracts arrive last night, and having had a look at it, I had come to the conclusion that what was probably going to happen today was a motion attacking the Government, or even censuring the Government, for its handling of the negotiations over VMO contracts, or its projection about what it would be able to achieve in the long term about those contracts. In a sense, the last thing I expected was a motion suggesting that the Chief Minister and Minister for Health had misled the house.

What was clear to me from this report was that there was very much a criticism of the way in which the Department of Health had produced its projections for this saving to occur. That is what my reading of the report suggests. Mr Berry obviously can read between the lines and read something else. We have all benefited over the last few years from reports which have demonstrated problems with the way in which the department, at various stages, has gone about its business of accounting for the money that it receives from the Treasury. There have been many problems in that respect. Mr Berry would know about that because he presided over two budgets that blew out in the course of his stewardship.

Mr Speaker, what negotiations had happened and what expectations had been created were the sorts of issues I expected to be the subject of debate today. Instead, what we have is a motion essentially saying that the Chief Minister knew, or should have known, that these projections were not going to be achievable. Mr Speaker, I do not think, reading this document, that that is really a fair conclusion to draw. I think that what comes out of this document is that there is a problem with the way in which the department has traditionally - not just under this Government, but traditionally - handled costing arrangements for visiting medical officers, and that what is needed is a review of that structure and that cost model, rather than an attack on the Government, which has accepted, as previous governments have, the advice of the department on that score.

28 March 1996

Mr Speaker, I think it is unfortunate that we should do what I think we have not done before, and that is censure a Minister for essentially applying accepted models that they have inherited with their departments. Mrs Carnell is not the first Minister to preside over a blown-out budget. I plead guilty on that score. Mr Berry would, if he were prepared to be honest about it.

**Mr Kaine:** Two out of four ain't bad.

**MR HUMPHRIES:** Indeed, two out of four ain't bad. I also say in my credit that I am also one of only two Ministers to have presided over a budget which came in on target, namely, the 1989-90 health budget.

**Mr Berry:** You did not.

**MR HUMPHRIES:** I did, too. Mr Speaker, the fact of the matter is that what we have today is a need to change a culture in health financing, which is going to be a task of mammoth proportions. Our health system is a huge part of the total ACT budget. It represents a quarter of our total expenditure in the Government. It is obviously an area which for a period, ever since self-government and long before, no doubt, has experienced a number of unfortunate accounting and other work practices which have led to its being a substantial problem for successive governments.

We put a number of measures in place in the early part of 1990, for example, under the Alliance Government, which we believed, as a result of a report we had received late in 1989, would fix the problem with health budgeting. It was a most forlorn expectation. It did not do that. There have been successive problems each year with the way in which the health budget has been operated and delivered. The problems outlined in this Auditor-General's report are merely the most recent in a succession of those problems. We have never before, however, censured a Minister in this place for having applied an inherited model and drawn conclusions and created expectations, if you like, from that inherited model. We have always used this model. The one we are using that is criticised in this report has been used since day one of self-government, and probably long before. No doubt it has been one of a large number of factors that have led to problems in our health budget. It is unfortunate that we - - -

**Mr Berry:** Mr Speaker, this point of order was raised earlier and I would like you to look at it again. It is the issue of relevance. Mrs Carnell went over the historical features of this whole debate once. Could Mr Humphries demonstrate to us why saying "I state again that we have saved \$2m" is not misleading this Assembly? That would help in the course of this debate.

**MR SPEAKER:** There is no point of order, Mr Berry.

Government members interjected.

**MR SPEAKER:** Order! I will handle this. Mr Humphries has a legitimate personal reason for involvement in this, as a previous Minister. He is elaborating, and I am sure that he will explain the situation, as he sees it, to my satisfaction as well as everybody else's.

**MR HUMPHRIES:** Mr Speaker, I am very happy to respond to the point Mr Berry raised, even though he has now run off the floor of the chamber. Let me make this point: The fact is that governments often describe things or make predictions which do not come true. The Treasurer, for example, in presenting last year's budget, laid out a series of projections for revenue that the Territory expected to receive in the course of this financial year and expenditure it expected to incur. She made, in a sense, predictions about economic activity, Government performance and all sorts of things in the course of that budget. Very often, in fact almost invariably, those predictions are not met exactly. Often they are met approximately, which is a sign, perhaps, of sound budgeting and good management; but very rarely are they met exactly. Sometimes they are not met even approximately.

The question before us today is not whether Ministers in government have crystal balls and can predict what is going on. The question is whether they had information which should have told them that what they were doing or saying in public, particularly in this place to the members of this Assembly, was not likely to be accurate. That is the crux of this matter. The crux of the matter is not that what Mrs Carnell has projected has not come to pass, or probably will not come to pass. The question is whether or not she had a right to rely on the costing methods being used by her department in saying to the Assembly, "We expect to get savings of \$2m".

Mr Speaker, if she was not entitled to rely on that costing, why did previous governments rely on the costing? Why does the party which attacks this Chief Minister and Minister for Health rely on the inaccuracy of this costing method now, when it was not prepared to do so just over 12 months ago when it was using it to project a saving of something like \$4m to the budget from VMO contracts?

**Mr Kaine:** Hindsight is a wonderful thing.

**MR HUMPHRIES:** Hindsight, as Mr Kaine says, is a wonderful thing. The remarkable thing, Mr Speaker, is that, if the former Government had been re-elected and Mr Berry or Mr Connolly had been sitting on this side of the chamber as Minister for Health, they presumably would have to be defending a promise of a \$4m saving on VMO contracts. You did promise \$4m, Mr Berry.

**Mr Berry:** We would not lie. We would not swagger in here and lie about it.

**MR HUMPHRIES:** But you did. You projected - - -

**Mr Berry:** We would not say that it is in the bag.

**MR SPEAKER:** Order!

28 March 1996

**MR HUMPHRIES:** You did, before the last election - - -

**Mr Berry:** We would not swagger in here and lie about it.

**MR SPEAKER:** Order! I said that I did not want interjections in this debate, and I meant it.

**MR HUMPHRIES:** Mr Speaker, Mr Berry and his party did project savings of \$4m from VMO contract renegotiations before the 1995 ACT election. This Government has promised much more modest savings and has not been able to achieve them. What position would the Labor Party have been in today had it been returned to this side of the chamber? It is hypocrisy of the worst order to be censured for having set a fairly modest target and not having achieved it, when those who are moving the motion themselves were setting a target twice as ambitious and presumably would have been in exactly the same position of being unable to achieve it.

Mr Speaker, the comments I am making today are directed to the crossbenches, obviously, particularly to Mr Moore and Mr Osborne. I note that the Greens have supported every censure motion brought against the Government in this place up until now and none, incidentally, against the opposite side of the chamber - and there has been one.

**Ms Tucker:** We did. Yes, we did.

**Mr Moore:** Yes, they supported my censure motion against Rosemary Follett.

**MR HUMPHRIES:** You did support it? I withdraw that in that case. I say simply that they have supported every censure motion brought against this Government, and my conclusion from the comments by Ms Tucker on the ABC this morning is that they intend to support this one.

Let me say to those on the other side of the chamber, and on the other part of the crossbench, that moving this motion once again, and supporting it, constitutes a debasing of that currency which I have warned about on several occasions in the past. (*Extension of time granted*) I thank members. Moving this motion again detracts from the quality and the strength of a censure motion. Ms Tucker said on radio this morning that she hopes that Mrs Carnell will not ignore the motion. The fact is that every time you move a censure motion on unwarranted grounds you, yourself, contribute to a situation where governments can afford to ignore them. Every time a censure motion gets pushed back to page 3 or page 5 of the *Canberra Times* or the third item on the TV news, or whatever, it weakens the power of that device to make a point to the Government. If we are to be censured for having used a costing model which every other previous government in this place has used, and for making projections and promises, if you like, on the basis of that model, then so be it; but we are going to be very busy in future years under this Government, and under future governments, censuring governments very frequently for using inherited models.

The Auditor-General's report has pointed out something very important to this Government and to the whole Assembly: We have to revise this particular system of accounting within the health budget; but to conclude from that that we need to witch-hunt the Minister is a conclusion that I think we simply cannot draw. I would ask members again to reconsider whether they really think a censure motion is warranted, and, if they do, what the consequence will be for every other decision the Government takes based on inherited financial models.

**MR STEFANIAK** (Minister for Education and Training) (12.05): Mr Speaker, I will be fairly brief. There is much in what both Mr Kaine and Mr Humphries have said. Specifically addressing the issue of recklessly misleading in the censure motion, I think we do need to have a look at that. As Mr Humphries has said, just to reiterate, what was costed was based on a costing model which every other government, including the present Opposition, had used, and had used for a number of years.

If you look, Mr Speaker and members, at page 1 of the Auditor-General's report, how more open and honest and accountable could the Chief Minister have been than the actions which are described there which she took on 1 June 1995? It is hardly a case of someone recklessly misleading the house. I think those two points are terribly important, Mr Speaker - the costing model that was used, and had been used in the past, and the actions taken by the Chief Minister which led to this report coming before the house. I think that is very responsible indeed.

I find it somewhat incongruous, Mr Speaker, when I look at what the Opposition has put up. We heard Mr Connolly indicate, as Health Minister, that he intended saving about \$4m, not \$2m. We have heard this Opposition bragging about how they brought in a balanced budget. It might have been, Mr Speaker, on the books perhaps; but I think the debt this Government inherited is a fairly significant factor. When we look at what was in the kitty, which was zilch, zippo, nothing, when about five years beforehand we had about \$160m, I think that is a fairly significant factor too, which probably makes the Opposition's artificial balanced budget on one occasion very artificial indeed.

There are a few other points which I think are relevant in this debate because it does involve health. I think the previous Government did increase expenditure in the health budget in one year at least, but no extra patients were treated. In the first six months of the financial year 1995-96, 1,000 more patients were treated at Woden Valley Hospital. I think the Health Minister can take a lot of credit for that. That is what hospitals are all about - treating people.

**Mrs Carnell:** Supposedly.

**MR STEFANIAK:** Yes, supposedly. Really, Mr Speaker, I think we have to keep all this in perspective. I hark back to the points both Mr Kaine and Mr Humphries raised. I would like people on the crossbenches, especially, to have a little bit of a think about the costing method that was used, and also the very proper actions taken by this Chief Minister on 1 June.



28 March 1996

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (12.08): I seek leave to speak again, just briefly, on this issue. I notice that an amendment is being circulated which I would like to speak to separately.

Leave granted.

**MRS CARNELL:** Thank you very much, Assembly colleagues. There are issues that need to be stressed in respect of the motion. First, the word “recklessly” has been referred to a number of times. “Recklessly” would indicate that somehow I knew that the cost model used by the previous Government was incorrect and therefore should have known, when I used that cost model, that anything that came out of it was necessarily wrong.

It is also interesting to note some of the things that the Auditor-General did in this particular report. One of the things that he has not been willing to take on board is productivity improvements. Part of the savings, quite outwardly, was improvements in productivity. We made that clear here. It was on all of our documentation that the \$2.6m was made up of some savings as a result of the cost model, some savings as a result of on-call amounts, and some with regard to productivity.

The Auditor-General has suggested that he was not willing to take on-call savings on board in this particular document. The on-call area is progressing well; but the Auditor-General, for whatever reason, has determined that that should not be seen as part of the contracts. It was always part of the contracts. It is interesting to me because it was the Auditor-General himself who actually suggested that we go to a situation of having a flat rate on-call allowance. That was in his first report on the VMOs. Obviously, that was taken on board and we now do have a flat rate on-call allowance for VMOs. The Auditor-General recommended it and then proceeded not to take it on board in this report. I am surprised at that, but that is going ahead and it was always part of our savings targets.

The other thing that was always part of our savings targets was productivity areas. The Auditor-General has said that, because productivity savings at this stage are hard to pin down to actual costs, he has not taken them on board in this report. They always were, as you know, taken on board in our cost savings. The areas of productivity are things that I would have assumed that this Assembly would have supported - things like efficient use of clinical procedures, and hospital procedures in obstetrics requiring less intervention. Some really good things have come forward from that. I hope in the near future to be able to present to the Assembly information to show that our intervention rate is falling, which I think is very exciting, as part of - - -

**Mr Berry:** What has that to do with it? Absolutely nothing. Relevance.

**MR SPEAKER:** Order!

**MRS CARNELL:** It has everything to do with it because they are cost savings. They are also about better outcomes for patients. Yes, we save money with fewer interventions, but I think they are exactly the sorts of things we should have had as part of the negotiations on the contracts. Also, there have been increases in procedures performed in rooms rather than in operating theatres. That has happened as well. There has been more efficient use of theatres.

We have already spoken about the fact that we have seen, I think, 1,400 extra patients this year. We believe that it will be 2,000 by the end of the year. Last year the previous Government spent an extra \$14m on their health budget and did not see one extra patient. I am proud that we are going to see an extra 2,000 patients. I am proud that the waiting lists are coming down. I do not perceive that to be something that we should be ashamed of. I have spoken already about the more efficient use of prosthetics in orthopaedics. That is producing very real savings. There are now joint emergency rosters for Woden Valley and Calvary. That is happening. These are things that will produce a much better approach and will produce savings; but the Auditor-General has not taken them on board because, as he says, at this stage of the contract it is very hard to put dollar figures on them, as you would expect. In our projections there was \$200,000 put aside - I think it was \$200,000 of the \$2.6m - which was productivity based. The Auditor-General has ignored those things.

I think the other thing that the Auditor-General has not taken on board is the increase in patients. The Auditor-General has compared previous VMO payments with this year's, not taking on board necessarily that, as at December, we had seen 1,000 extra patients. Obviously, if VMOs see more patients, they are going to be paid more money, because they are on a fee-for-service basis. Unfortunately, that was not taken on board. What I am saying is that there are very good plans in place to achieve the savings that we have suggested. I am disappointed that we have not achieved them in this year. Part of the reason for that, as I said earlier, was a \$1.8m bill from previous years. It is interesting that, if you take that off the amount of money we have spent this year, the overrun does not look all that bad as well.

I believe that to recklessly mislead this house you have to do so knowing that what you say is not true, or have every reason to believe that what you are saying is not true. There is absolutely no way that I could have known from the information that was presented to me by the department that the savings may not have been able to be produced in this particular year. Some of those savings will be produced this year. They will be produced in future years. I do not think that at any stage I said that the money would be produced in the first year. In fact, newspaper reports indicated that I suggested \$2.6m over three years, but I think that might have been the *Canberra Times* getting it wrong again. The reality is that we have not achieved the \$2m savings that I would like to have achieved this year; but the information that we used, and, for that matter, the information that the Auditor-General has used, is not the whole story. I do not believe that anybody can be regarded as recklessly misleading this place as a result of using information presented by the department in good faith and as a result of an Auditor-General's report that is extraordinarily narrow and says quite categorically that it has not taken on board two of the major areas of savings.

**MR MOORE** (12.16): Mr Speaker, we have had a number of censure motions in this house and I always consider them very serious matters indeed. I have been reluctant to support a number of censure motions. I believe that I have voted against a number of censure motions that have been put by the Labor Opposition. It is the role of an opposition, whenever they can find the opportunity, to put such motions to try to ensure that a government is held accountable. Compared to what happens in many parliaments, it is in some ways a very unusual role that we play on the crossbenches, because in each case we have to consider the merits and listen to the debate particularly carefully. In most parliaments censure motions are put by an opposition and they are defeated by a government which has the majority of members on the floor. It is almost a game. The opposition knows that if they put them up too often they will lose all value and all credibility. If they do not put them up often enough they will not be seen to be doing their job.

In this chamber and other places where there are minority governments the process works very differently. From discussions I have had with my crossbench colleagues this morning, we all take them particularly seriously. That is why it is, Mr Speaker, that I want to look at the three possible ways that I see that a Minister can mislead the house. A Minister can accidentally mislead the house. In fact, Mr Humphries at one stage accidentally misled the house. He came back almost immediately and said to the house, "I have inadvertently misled the house". There have been other occasions as well. Mr Humphries was the first person that I recall doing that in this Assembly. When I say "this Assembly", I mean since 1989. He said, "This was inadvertent. The information I had been given was incorrect. I now know it to be different and therefore I am informing you that this is the reality of the situation. I accidentally misled the house". Providing the Minister informs the house that that is the case, I think the situation is resolved when the Minister corrects an inadvertent mistake.

Then there is deliberate misleading of the house. If a Minister deliberately misleads the house, I believe that they cannot remain as a Minister. Mr Berry is aware that this house considered, although I know that he believes still that he did not, that he deliberately misled it. When that had been found, he resigned from his position, and that was a credit to him as far as that goes. Mr Berry has used the term here - it is the first time I have seen it - "recklessly misleading" the house. My interpretation of "reckless" is that it is a high-risk activity. In other words, you are taking the risk that it might mislead the house. That is what we are dealing with. It is almost as serious as deliberately misleading. It is like saying, "It is a high risk, but it is not likely to mislead. There is enough of a case here to say that what I am providing for the house is most likely to be right, but there are some risks associated with it". That is how I have interpreted the words "recklessly misleading the house" - as a high-risk activity.

I heard Mrs Carnell say, in her defence - I am paraphrasing - "It is not my fault; I just used the wrong model and therefore we got the wrong figures". That was part of her argument. I wonder whether she will be willing to accept that excuse from a contract-driven chief executive officer. What if that officer says, "It is not my fault that I have blown out the budget and that the contract says that we must not blow out the budget. It is not my fault; I was just using the wrong model, and it is the model that my

officers provided for me.”? Of course she could not accept that excuse. That would be totally unacceptable as far as she is concerned. We would hope that she would not accept that excuse; that she would require a greater level of professionalism than that from her officers.

Mr Speaker, it is interesting that the Chief Minister, as the then Leader of the Opposition and the then Opposition spokesperson on health matters, again and again said to Mr Berry and to Mr Connolly, “Of course I can manage better. You have to do this and you have to do that”. She would certainly not have accepted from them an excuse that they had got their model - - -

**Mrs Carnell:** We did not push censure motions on these sorts of things.

**Mr Humphries:** She did not move a censure motion when they blew out the budget.

**MR MOORE:** Indeed, censure motions were not a tool that was used by the Opposition at that stage, and I have various views about whether that was correct or not correct. I have said to Mr Berry and Mr Whitecross, and I think I have said publicly, that censure motions have been used too often in this house, which is why I have voted to defeat a number of them, and that they have been devalued on particularly serious matters.

Another issue that Mrs Carnell raised as part of her defence was the notion that a series of old bills for \$1.8m had come in. She was still going to make a \$2m saving on VMOs, but that \$2m saving was effectively - - -

**Mrs Carnell:** No, I did not say that. I said “about \$200,000”.

**MR MOORE:** Okay. I misunderstood. It was \$200,000.

**Mrs Carnell:** So there would be some savings, but next year there is a capacity to make the whole lot.

**MR MOORE:** So for this year a \$200,000 saving and next year a capacity of about \$1.8m as well. Perhaps it is the way I expressed it. My understanding was that there was an extra \$1.8m in bills coming in this year.

**Mrs Carnell:** That is right.

**MR MOORE:** That is how I meant it. There was an extra \$1.8m of saving, which basically is close enough to the \$2m she indicated that she was saving. In fact, she had made the saving, except that it was all used up, effectively, by these extra bills that had come in and that had not been accounted for. I am surprised that Mrs Carnell did not then come into the chamber and say, “This is what happened. We are still making our savings, but I am going to spend those savings on the bills from before that have come in”. There is a question over that.

28 March 1996

Mr Speaker, additional to that, we know that Mrs Carnell has indicated publicly that she is going to, or is likely to, come back to the Assembly and ask for a further appropriation. She is going to do that because of an admitted \$14m-odd blow-out in the health budget. I think these two matters are inextricably linked. The issue of whether she has recklessly misled over the VMOs is all about ensuring that she can manage the health budget appropriately, that she can get the savings that she is looking for, and that she can meet her budget targets. She talks constantly about meeting those budget targets and she talks constantly about ensuring that she can have the appropriate chief executive officers on contract to be able to force them to meet those targets, and that is her responsibility.

That is why it is, Mr Speaker, that I have circulated an amendment to this motion. I now move this amendment circulated in my name:

After "contracts" add "and her inability to meet her own financial standards as demonstrated by her failure to control the health budget".

If this amendment were passed, Mr Speaker, the whole motion would read:

That this Assembly censures the Chief Minister and Minister for Health and Community Care for recklessly misleading this house over the claimed savings arising from the visiting medical officer contracts and her inability to meet her own financial standards as demonstrated by her failure to control the health budget.

It seems to me, Mr Speaker, that with these two inextricably linked issues it is appropriate for this house to say to this Chief Minister, in the severest possible terms, "If you set the standards yourself, you have to meet them yourself". That has not been done. It follows a long history, with her sitting in the Opposition benches, particularly where Mr Whitecross sits now, and saying, "It can be done. We can do it, and it ought to be done".

**Mr Humphries:** Has not everyone done that, Michael? Every Minister has done that, not just Kate.

**MR MOORE:** Mr Humphries interjects that every Minister has done that, not just Kate. In this case we are talking about her setting the standards; her looking at getting the health budget under control; her telling us that it can be done, that she could do it; and then finding that there is a \$14m blow-out in the health budget. Mr Speaker, I believe that both of these things are inextricably linked. The Chief Minister should be censured on the combination of these issues, and I am prepared to vote that way.

**MR HUMPHRIES (Attorney-General) (12.26):** Mr Speaker, I have a very brief contribution to make to the debate based on the amendment read by Mr Moore, and it is really a question to him. The present budget is the fourth budget, on my reckoning, since self-government to have blown out. Mr Moore was present since the beginning - - -

**Mr Berry:** Connolly's did not.

**MR HUMPHRIES:** There have been six budgets.

**Mr Berry:** It did not blow out.

**Mrs Carnell:** It did. He put \$14m in up front.

**MR SPEAKER:** Order! Mr Humphries has the floor.

**MR HUMPHRIES:** I will educate Mr Berry. The budgets I am talking about are the 1990-91 budget, the 1991-92 budget, the 1992-93 budget, and now the 1995-96 budget. They are the four budgets I am talking about which have blown out.

**Mr Berry:** It does not matter.

**MR HUMPHRIES:** It does not matter? Millions of dollars do not matter, says Mr Berry. The question I pose to Mr Moore - I hope that he will listen to me because he was present throughout those four budgets blowing out - is this: Why is Mrs Carnell being censured when none of the other three Ministers responsible were censured for their budget blow-outs? It is true that Mrs Carnell promised higher standards in budget accounting - - -

**Mr Moore:** And promised to fix it - - -

**MR HUMPHRIES:** And promised to fix it. Then again, so did I in 1989; so did Mr Berry when I blew out my budget in 1990; so did I again in 1991 when his budget blew out; so did Mr Connolly when he took over from Mr Berry. He criticised Mr Berry for his handling of budget matters, and so did Mrs Carnell. Why is Mrs Carnell the first to suffer from this new standard?

**MRS CARNELL** (Chief Minister and Minister for Health and Community Care) (12.28): One of the interesting things about Mr Moore's amendment is that this is the first time it could have happened, because this is the first time any Health Minister has ever made the information available on a monthly basis. The reality is that the reason it has never happened before is that no other Health Minister has ever come clean. It is interesting to be censured for providing information to the Assembly. We have made very clear, the whole way through this year, exactly where the health budget is up to. In all of our reports we have explained where it is up to, why it is there, where the cost pressures are, and, hopefully, what we were planning to do about it. All that information has been made available every single month. As nobody else had ever done that, I suppose that it came as a bit of a surprise to Assembly members.

The other thing, of course, is that the level of information now available to the Government and to the Assembly on the health budget is about four million times better than it was, say, when Mr Humphries was Minister, when it was very difficult, really, to determine where the health budget was up to. We know where it is up to now; but, certainly, there is no doubt that the level of management still leaves an awful lot to be desired, despite the sorts of things we have done in just 12 months to try to bring this whole situation back under control. This situation was not produced just this year; it has existed every single year.

28 March 1996

Mr Berry said, "Mr Connolly brought his budget in on track". Yes, he did, because all they did was add the money up front. They just poured a lot of money in up front, did not service any more patients, and managed to bring in the budget target. Certainly, a bit of extra money was spent in terms of business rules and so on; but, taking all that into account, anybody can bring in a budget on target if you put in \$14m up front and do not treat any more patients. Maybe that is the approach we should take, if that is what this Assembly believes; but what happened as a result of that approach was that waiting lists blew out. Waiting lists have blown out every year. What normally has happened in Health is that we have had a blow-out in expenditure and we have had a blow-out in waiting lists, both together.

This year I make no apologies. The budget situation is unacceptable in the extreme. We have attempted to put in place quite substantial changes to overcome that. I remember when I put on Booz Allen, back at the beginning of this financial year, the absolute screams of horror from those opposite. "You must not do this", they said. "You cannot possibly spend \$1m on a consultancy to show you where your problems are". When we got the report there were screams of horror. How could you possibly suggest that you might want to get rid of a few people from certain areas, particularly the clerical areas and the support staff areas? Shock, horror! You cannot possibly do it. Well, we did it. We got the Booz Allen report. We then determined to put it in place, and that is where the wheels fell off. We determined that it was important to bring the staff with us, so we set up committees of the various people involved to work through the recommendations of Booz Allen. I believe that that is an important process, but it certainly took a lot longer than I believed it would. I am not walking away from the fact that that is my responsibility; it is. But I believed that it was important that the staff understood the changes, and understood what needed to happen. Of course, that then ran into the dispute on wages, which has meant that at this stage virtually none of the Booz Allen changes are in place.

The budget was predicated, as everybody here would know, on substantial reform. Mr Moore is right; from opposition I made consistent comments that I believed that there needed to be fundamental changes in Health. I still believe that there need to be fundamental changes in Health. If we do not fundamentally change Health, this will happen every year, as it has happened every year in the past. We will blow out budgets or we will put more money in up front. We will end up with longer waiting lists and the most inefficient health system in this country. In fact, the recent national report shows yet again that the cost of treating a patient, at the same quality level, at Woden Valley Hospital is still 30 per cent above the national average. Those figures were not collected in my time as Health Minister; they were figures collected in 1993-94, I think, potentially, when Mr Berry was Health Minister. I am not suggesting that we have got to the heart of this yet; but we do have a new head at the hospital, somebody with experience, somebody who is making a real difference. That person has been in place only since Christmas, so I do not think we can expect absolute miracles. In fact, a large amount of this blow-out, as the monthly reports will show, happened in the first four months of this financial year. Certainly, we have not got it under control since then. The new head of the Department of Health started only in the last few weeks. Those people with whom we do have performance contracts certainly have not been in place long enough yet to help make the fundamental differences that we plan to make; but they will be made.

Of the costs that have occurred in this financial year, how the \$13m or possibly \$14m is put together is: About \$3.2m is for increased activity - the, so far, 1,400 extra patients. We have seen a reduction in the waiting list of 350. I cannot believe that this Assembly is planning to censure me for reducing the waiting list, for treating more patients. It seems like a remarkable thing to do; but, for all of that, it appears that that is what is going to happen. The cost of that has been about \$3.2m.

Because we have not been able to make the fundamental changes in the way we do things at Woden, the costs are on top, obviously; but I was not willing to close beds, as previous Health Ministers have done. I suppose that I could have done that. It was what Mr Berry did. During the last Labor term, I think, over 200 hospital beds were closed - not just for a while, but permanently. It is a way to go, but it is a way that blows waiting lists. I think the waiting list blew from about 1,879 to 4,500, basically. If that is the sort of financial management that this Assembly perceives is good, if that is the way the Assembly believes that Health should be managed, so be it. You certainly do not want me, then, as Health Minister, because I refuse to go down the path of closing hospital beds and letting the waiting list blow out as our approach to Health. Again, none of the Health Ministers who blew waiting lists or blew budgets and closed hospital beds were censured; but I am going to be censured, supposedly, for treating more patients and bringing the waiting list down, and for the same sort of blow-out as happened in the past.

There are other areas of concern at Woden Valley Hospital. We have already spoken about the VMOs' costs. There was a significant cost in delaying the sale of Upper Jindalee, as you would see from your budget papers, from 31 December through to March. We did that, as all of those here would know, because there was a certain amount of pressure from this Assembly and, most importantly, so that we could properly look after the staff and make sure that they all had options. In fact, another significant cost to this budget is that approximately 16 of the staff have not chosen to take a redundancy option and have not easily been redeployed. I think they are working at Lower Jindalee. That was not in our budget calculations, but we will look after our staff. So it is there now.

We also have some problems in the disability services area, with about a \$1m overrun because the disability services review is subject to significant community consultation at this stage. I would like to have implemented changes earlier; but it seems that those changes recommended by the review may or may not be appropriate, or some of them may not be appropriate. In recent days, just in the last two days, it appears that we do have an enterprise bargain with staff, at least in its infancy, based upon new rosters and, I hope, a much better approach to disability services. All of these things are things that have happened to every other Health Minister, and there is no doubt that the management and the systems in our Health Department need to change significantly. That has not happened yet; but, for that matter, it did not happen under other Health Ministers either. The new enterprise bargains, the new arrangements we have with unions, will go a long way, I believe, in achieving those quite fundamental changes in the way we operate; but to achieve those fundamental changes I will need the support of this Assembly - pregnant pause; I will need the support of this Assembly.



28 March 1996

I am confident that nobody in this Assembly wants a continuing situation of budget blow-outs, waiting list blow-outs, no extra patients, blow-outs in VMO payments, blow-outs in wages - all the things we have heard time and time again since self-government. The only way to change that is to change fundamentally the way we run Health. We will be doing that over the next couple of months. The plans are in place. We now have enterprise agreements, and we now have agreements with the unions. I believe that it is possible, but I am fascinated that for doing those things this Assembly believes that I should be censured.

**MR BERRY** (12.38): Mr Speaker, I want to speak briefly to the amendment that Mr Moore has placed before the chamber. I suppose that it could be said that it is an efficiency measure which removes the requirement to move another censure motion later on. Mrs Carnell complains and asks why she should be picked out. Nobody in the history of self-government has bragged so much about her ability to manage Health or has made all of the promises that Mrs Carnell has made. We all remember: "Cut \$30m from Health; 50 new beds; cut waiting lists". She made all of the promises to the people of the ACT, so nobody should be under the microscope more than Mrs Carnell. All of us recognise that Health is a tough deal, but nobody has bragged so much about her ability as Mrs Carnell.

Mr Speaker, this is not an amendment which we have proposed, but we are prepared to support it. We regard Mrs Carnell's bragging approach before the election to what she was going to do and the actual outcomes as a fair reason for placing her management of the health system under scrutiny. Nobody in the ACT will forget the way that Mrs Carnell harassed the Labor Party when we were in government with the pretence that she was going to do things much better and that all would be okay if she led a government. She has misled us all. For those reasons we will be supporting the amendment.

Question put:

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

The Assembly voted -

*AYES, 9*

Mr Berry  
Ms Follett  
Ms Horodny  
Mr Moore  
Mr Osborne  
Ms Reilly  
Ms Tucker  
Mr Whitecross  
Mr Wood

*NOES, 6*

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

Question so resolved in the affirmative.

**MS TUCKER (12.42):** After listening to the debate this morning, we will be supporting this censure motion. I am disappointed that this discussion has happened in the way it has, but out of it have come some points that I think are very important. That has influenced my decision and Ms Horodny's decision.

It has become clear that there were certain statements made by Mrs Carnell about how she would manage Health and what she would achieve. She came into that election campaign on that platform and it was very convincing. You got the feeling that she really did have it in order. Since then, when I have seen consequences for social justice, particularly, which have been very worrying and I have gone to Mrs Carnell, she has said, "When we have achieved the savings this will be looked after". She said, "Yes, I understand that this is a concern, but when we have achieved the savings we will be fine. We will look after that". I was not happy about that answer anyway, but the point is that at least there seemed to be some light at the end of the tunnel.

The feeling I have after the discussion today is that that light is not guaranteed at all. All I have had is people coming in and saying that they are going to fix everything up. That may be the case, but this is the first time we have been here. Maybe people should stop saying that they are going to fix everything up if they do not know that they can. Maybe we need to have a little bit more humility in politics. Maybe we need to hear people say, "There are lots of problems here and I am going to keep you informed of them". Mrs Carnell says that every month.

**Mrs Carnell:** We do. Every month.

**Mr De Domenico:** We do. Every month we tell you what we are doing.

**MS TUCKER:** That is right. Every month, Mr De Domenico, we have heard that the information has been available. I heard Mrs Carnell - - -

**Mr De Domenico:** You did not have it under the other lot. You were not here, though.

**MS TUCKER:** Yes, that is very good. I am very pleased to see that there is information available, as remarked. But then - - -

**Mr De Domenico:** Good. Then change your mind and vote sensibly.

**MS TUCKER:** Would you listen, please? Every month that information has been available. Then I heard Mrs Carnell say quietly, when Mr Moore challenged her, that she had not presented this information on that before because she did not know that the Auditor-General's report would say this stuff. The point is that the Auditor-General has said this because of the information that has been available. I notice that the report says:

The model was developed for use in the arbitration case ...

28 March 1996

It also says:

The cost model was not intended to be used as a budget management tool.

Anyway, it has been used and it has not worked, we are told. Mrs Carnell also said, "Why should I doubt it?". I have heard her doubt just about every other single thing that Labor did, and she has brought in accrual accounting to challenge a lot of the past practices. She has challenged a lot of what Labor said when they were in government; but in this case she says, "Why should I doubt it?". There is an inconsistency there that I find very worrying.

There is also a lack of responsibility being taken by her as a manager, and that is probably the most worrying thing for us. What we are hearing - it has come up in a few instances - is things like, "I have not imposed one ban". It is a nonsensical answer to serious concerns about industrial action which has upset the community. When we hear discussions about the costs of industrial action, we hear Mrs Carnell say, "I did not impose one ban". That is not an intelligent answer to that. We all have to take responsibility to - - -

**Mrs Carnell:** It is a true answer.

**MS TUCKER:** It is a simplistic answer. It is not acknowledging that there are two parties here who have to take responsibility. If you are just going to say that it was someone else's fault, that is not taking responsibility. When you fail, you say, "Oh, it was a faulty model. I am sorry, but that is not my fault". I would like to see how your Government responds to a community group to which you give money to do particular tasks and when their budget blows out they say, "We did not have the correct information, so it did not work out how we wanted". With the prospect of a lot of work being tendered out, the situation is different again. If the person who gets the tender, maybe quite cheaply, cannot deliver the services, who is going to suffer then? It will be the person at the receiving end of the services, and perhaps that company no longer will be successful in tendering. Once again, where is the accountability, and who is going to suffer in the end? I am afraid that the people of the ACT are going to suffer.

I do not have confidence in Mrs Carnell's ability to manage financially. I was thinking that at least in that area she had it together. I was hoping that, because she had it together in that area, we would then see attention given to the environmental and social concerns we keep talking about. We hear groans and moans from the Liberals because we keep talking about these things, but now I do not see that we can even have confidence that there is going to be the financial wherewithal to deal with these problems.

**Mr De Domenico:** No, because you reckon that you are the one who has invented them. That is why we groan.

**MS TUCKER:** Mr De Domenico does not think there are any problems. I am particularly happy to support this motion after that comment.

**MR WHITECROSS** (Leader of the Opposition) (12.48), in reply: Mr Speaker, the debate this morning has been important. It has raised some important issues about the way this Government goes about its business. The glib and superficial way that the Government has responded to the concerns being expressed by this house is a characteristic of the Government, Mr Speaker, that we are unfortunately only too familiar with. In the face of criticism from the parliament elected by the people to keep this Government accountable, this Government seeks to make light of their concerns.

**Mr De Domenico:** I raise a point of order, Mr Speaker. Under standing order 62, I suggest that relevance might come into it, Mr Speaker.

**MR SPEAKER:** Mr Whitecross, come back to the motion. I am sure that you are moving rapidly in that direction.

**MR WHITECROSS:** Thank you, Mr Speaker. I think it is all highly relevant. What we are talking about, Mr Speaker, is the arrogance of this Government and their lack of respect - - -

**Mrs Carnell:** We are not talking about that.

**Mr Kaine:** I thought we were talking about “recklessly misleading”, not arrogance.

**MR WHITECROSS:** Mr Speaker, are you going to uphold the standing orders here?

**MR SPEAKER:** Order! Yes; go on.

**MR WHITECROSS:** We are talking about their disrespect for this chamber and their disrespect for the business of being accountable to this chamber. Mrs Carnell is the one who, as Mr Berry amply demonstrated, came in repeatedly, again and again, and said, “We have made these savings”, and those savings have not been made. He gave chapter and verse. Mr De Domenico is always a useful deputy to have in these kinds of debates because he has more front than Myers. Not two minutes after Mr Berry got up and gave chapter and verse, he got up and said that Mr Berry provided no evidence.

**Mrs Carnell:** Mr Speaker, I take a point of order under standing order 62. You did suggest relevance and that he get there eventually.

**MR SPEAKER:** Order! I uphold the point of order. The motion talks about “recklessly misleading this house over the claimed savings”. I am still waiting for us to get there. So far, all I have heard about is arrogance. Would you mind getting back to the motion, or I will have to rule you out of order.

**MR WHITECROSS:** Thank you, Mr Speaker. I would have thought that Mr Berry's clear information about where Mrs Carnell had misled again and again is extremely relevant. Mr Speaker, I am not surprised that they are taking lots of points of order, because they are all sitting there like Mr Glum, all of them with their heads down and their little frowns, because they know that they are doing a bad job. They know that they have to do better.

28 March 1996

**Mr Humphries:** We have a kangaroo court in front of us. That is what we know.

**MR SPEAKER:** Order! Mr Whitecross has the floor.

**MR WHITECROSS:** Mr Speaker, Mrs Carnell is the master of doublespeak. Her explanation of her reckless misleading of this Assembly is a classic example of that. On the one hand she says, "It is not my fault. I could not recklessly mislead because it was not my fault. The cost model was wrong, and how was I to know that the cost model was wrong?".

**Mrs Carnell:** Well, that is true.

**MR WHITECROSS:** That is her argument. Of course, she blames her Health advisers for that. Her Health advisers knew enough to say, "That is not how we put together the budget". Her own advisers knew that there were deficiencies in the cost model and did not use it as the basis for the budget. Regardless of that, Mr Speaker, she then turns around and says, "But we will make the savings". On the one hand she says, "We will not make the savings, but it is someone else's fault", and then on the other hand she says, "But we will make the savings".

**Mrs Carnell:** Next year.

**MR WHITECROSS:** The Auditor-General does not say that she will make the savings, Mr Speaker. The Auditor-General says that she might make the savings. The reality is that it was not the Auditor-General who said that there was a problem with the cost model; it was her own department who told the Auditor-General that they did not believe the cost model. So Mrs Carnell cannot hide behind that in her remarks.

In this debate there have been some classic pieces of misleading, Mr Speaker, in the contributions of some of Mrs Carnell's colleagues. Mrs Carnell's colleagues have sought to put words into the Auditor-General's mouth. For instance, Mr De Domenico said that the Auditor-General had found that they could expect to make savings in future years. What the Auditor-General did was report that management in the health system expected to make savings in future years. The Auditor-General did not say that they were going to make savings in future years.

Mr Kaine said that the Auditor-General had found that the implementation of the contract arrangements was negotiated by two previous governments and that the current Government had expressed the view that all new contracts would be sessional wherever. Mr Kaine tried to say that the Auditor-General had found that, but the Auditor-General was quoting the Department of Health as saying that the Government did not expect to make these savings. Mr Speaker, both Mr De Domenico and Mr Kaine have quoted from this report; but they have quoted comments from the Department of Health, not comments which the Auditor-General was endorsing.

This is where I want to leave this debate, Mr Speaker. Mrs Carnell said that the issue of improving the efficiency of the Department of Health, of getting the health budget under control and of delivering services through the health system to the Canberra community were important issues and that she hoped that she would get the support of this Assembly

in that effort. That is what she said. Mr Speaker, she might, one day, get the support of this Assembly for that effort; but she will get that support when she does not engage in recklessly misleading the Assembly about the savings she is going to get from the VMO contracts. She will get that support when she does not put in her budget a figure showing how much money she is going to spend on health, knowing that that budget is not achievable, and then turn around to this Assembly later on and say, "Can I have an extra \$14m because I am running a bit short?". Mrs Carnell will get the support of this Assembly and the Canberra community to do a better job on Health when she treats this Assembly with the respect that it deserves, when she treats the community with the respect that they deserve, when she does not engage in reckless misleading, when she does not engage in deceptive budgeting, and when she comes clean about the problems in Health.

Mrs Carnell made the rod for her own back with her glib claims that the health system was easily fixed, that you could cut \$30m from it, increase the number of beds and reduce the waiting list. She is the one who made all those claims. If she comes back to this Assembly and says, "It is not that easy. It is very hard to reduce the waiting list. It is very hard to get a lower budget result", we might get somewhere. When we see her acting in good faith in relation to her own employees in the Department of Health and elsewhere in the bureaucracy, we might be willing to believe that she deserves our support. Until she can treat this Assembly and the Canberra community with some honesty, respect and humility in relation to her past mistakes, I do not think we can expect her to get the support of this Assembly that she is asking for.

Question put:

That the motion (**Mr Whitecross's**), as amended, be agreed to.

The Assembly voted -

*AYES, 10*

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

*NOES, 7*

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

Question so resolved in the affirmative.

**Sitting suspended from 12.58 to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### Health Budget

**MR WHITECROSS:** My question is directed to the Chief Minister in her capacities as Minister for Health and Community Care and Treasurer. When you were preparing your budget last August, is it true that executives of the Department of Health told you that in their opinion your proposed budget - that is, the budget you ultimately brought down, which involved slashing \$8m off your already sparse health budget - was unachievable? Did you choose to ignore their advice? If you did, as seems apparent, whose advice did you seek and take, which advice you considered to have more weight than the advice of your executives in the Department of Health?

**MRS CARNELL:** No, my executives did not tell me that. In fact, my executives signed off on the budget.

**MR WHITECROSS:** I have a supplementary question, Mr Speaker.

**Mr De Domenico:** Are you sure?

**MR WHITECROSS:** I will not comment on Mr De Domenico's interjection on this occasion.

**MR SPEAKER:** Ask your supplementary question, Mr Whitecross.

**MR WHITECROSS:** My supplementary question is this: Are you, Mrs Carnell, then saying that if these officers were to appear before an Assembly committee and say that this conversation did take place they would be lying?

**MRS CARNELL:** I would never say that any of my departmental staff would ever lie, under any circumstances, as they did not lie when we sat around the table and determined what the bottom line of the budget would be.

### Taxi Industry

**MR HIRD:** I direct a question to Mr De Domenico in his capacity as Minister for Urban Services. Is the Minister aware of the remarks made by Mr Whitecross, this week's Leader of the Opposition, on radio today about the taxi industry? Would he like to comment on what the Government is doing to ensure that the ACT is served by an efficient and viable taxi industry?

**MR DE DOMENICO:** I am aware that Mr Whitecross made some comments on the radio; but I do not listen to the radio at lunchtime, so I did not hear him. I am glad that the honourable member asked me what the Government is doing about the taxi industry, because, as members would be aware, the Auditor-General recently released a report into the 1995 taxi plate auction. I am pleased to announce that the findings of this report confirm that the selection of the auctioneer was fair and unbiased and that the selection process was not influenced by either Mr Hird or me. That is one thing the Auditor-General said.

**Mr Berry:** But the documentary evidence was a bit light on, was it not?

**MR SPEAKER:** If Mr Berry keeps interjecting, his seat will be for hire, like some taxis around the place. Continue, Mr De Domenico.

**MR DE DOMENICO:** Thank you, Mr Speaker. The Government is pleased to receive this complete vindication of the probity of the process followed.

Turning to Mr Whitecross's comments today, members should be aware that the Auditor-General also noted that the decision to release 15 taxi plates was made on the comprehensive and accurate information and recommendations available. The documentation identified that the objective in issuing the high number of plates in comparison with previous years was to increase availability of taxis to the community, not the generation of income. For once, the ACT community has been put first. The Government notes that the price paid for taxi plates at the 1995 auction fell, in comparison to the price in previous years. Of course, this was to be expected, given the larger number of plates released. This brings the price of ACT taxi plates more into line with current values in other major cities.

Members will also be aware that a range of questions relating to the taxi industry has been referred to the Assembly Committee on Economic Development and Tourism. I am sure that that committee will also take into account the findings of the Auditor-General when making recommendations to this Assembly. The Government itself is undertaking a review of the taxi and hire car industry and will be taking into account the committee's recommendations, the Auditor-General's report and, of course, the views of all stakeholders.

The Government recognises that the public transport industry is a sector requiring some reform. However, unlike those opposite when they were in government, we will not put this matter in the too-hard basket; rather, we will be working to achieve sensible changes to the existing regulatory regime rather than unconstrained deregulation. The changes that we will put into place will ensure increased efficiency of the industry for the benefit of both the consumers and the operators and will increase the range of services available to meet community needs. Whilst Mr Whitecross spends his time sniping to the media, this Government is doing something to ensure that Canberrans are put first.



### **ACTION - Gungahlin Services**

**MS HORODNY:** My question is directed to the Minister for Urban Services, Mr De Domenico. There are currently no ACTION bus services that go directly to Civic from the suburbs of Gungahlin outside of Palmerston. Residents of most of Gungahlin who wish to travel to Civic by bus, therefore, must take a wider route via the Belconnen bus interchange. I have received complaints from Gungahlin residents that they have no alternative but to find the money for a second car where they do not have one, because they cannot rely on the public transport service in Gungahlin. Does the Minister believe that an increase in the number of cars on the road, particularly through the streets of North Canberra, is preferable to the provision of a good public transport service to the expanding suburbs of Gungahlin?

**MR DE DOMENICO:** I thank Ms Horodny for her question. Yes, I am aware of the media release issued today in which you have spelt Gungahlin wrongly. I do not blame you for that; you probably do not even know where it is. It is spelt wrongly, for a start. In answer to the second part of the question, the answer is no, we do not think cars come first; we think people come first.

Let me also correct you on your assumption that the only services available serve Palmerston. I can inform you that direct services are available from Gungahlin to Civic in the form of route 500, which serves Palmerston, and also route 750, which serves Ngunnawal and Nicholls. Other Gungahlin residents are served by routes 510 and 511, which travel to the Belconnen interchange, where they can readily connect to Civic bound 333 services which leave every three or four minutes in the peak periods and every seven or eight minutes in the off-peak periods. It is possible for routes 510 and 511 passengers to interchange in Gungahlin with route 500, to travel more directly to Civic.

Gungahlin is a growth area, as you are aware, and bus services are being progressively upgraded in line with population growth. Services were expanded in October 1995 and will be significantly upgraded again in Network 96 - and I can tell you that that is planned for mid-April - and in the future as the suburbs grow.

**MS HORODNY:** I have a supplementary question, Mr Speaker. Are there plans to introduce express buses from Gungahlin directly to Civic?

**MR DE DOMENICO:** I will take that one on notice. I do not know. But I can tell you that express buses at this stage travel only out of interchanges. There is no interchange in Gungahlin. I doubt whether there are express buses from Gungahlin to Civic; but, as I said, direct services are available already from Gungahlin to Civic on route 500, which goes through Palmerston, and on route 750, which goes - - -

**Ms Horodny:** That is one suburb.

**MR DE DOMENICO:** Hold on; I have not finished - on route 750, which goes through Ngunnawal and Nicholls. So it was incorrect for you to assume that it was only through Palmerston.

### Visiting Medical Officers

**MS REILLY:** My question is directed to the Chief Minister in her capacity as Minister for Health and Community Care. The Auditor-General in his report on the VMO contracts raised some concerns. One of these was that some of the visiting medical officers will seek to maintain their incomes by overservicing, for example. What will the Minister for Health do to ensure that the VMOs do not succeed in this?

**MRS CARNELL:** I would very much like the member to quote from that Auditor-General's report again, so that I can get the question right.

**MR SPEAKER:** Proceed.

**Ms Reilly:** The quote is:

... some practitioners will seek to maintain their incomes, by over-servicing ...

**MRS CARNELL:** The actual quote is "could". I wanted to make sure that everybody here was aware of what the Auditor-General meant. What it says is that it is a possibility. Certainly, my memory is that he said that this could happen; he did not say that it will definitely happen. I think that is very important. The Auditor-General has made it very clear that under the current deal there is a possibility. He makes it very clear that he has no information that it has happened. He is saying that there is a possibility that VMOs will do so.

Obviously, we will do everything in our power to ensure that VMOs do not overservice. We will also do everything in our power to make sure that salaried doctors do not overservice. In fact, we do not want anyone to overservice. We will make sure that that is the case and we will be very keen to have any information whatsoever that the Auditor-General or, for that matter, anybody opposite can bring forward to suggest that overservicing is occurring. Overservicing is bad for the public purse, but it is also bad for the patient. On that basis, as I said, we will do everything in our power to make sure that that is not the case. But I do not believe that the Auditor-General brought forward any evidence whatsoever to suggest that it was happening or that it had cost anything at this stage. He suggested that it was a possibility. On that basis, the system should do everything in its power to stop it, and it will.

**MS REILLY:** If the Chief Minister looks at page 4, she will see the words "will seek". My supplementary question is this: You have raised the fact that the Auditor-General says that it is not happening at the moment. Could the Minister for Health agree to report, at the next sitting of this house, on what methods she has put in place?

**MRS CARNELL:** What measures I put in place to ensure that patients at Woden Valley Hospital are not overserviced? I am very happy to organise briefings for any member of this place who would like to go out to Woden to have a look at how it works; and, for a new member, that is very important.

### **Carnell Ministry**

**MR OSBORNE:** My question is directed to the Chief Minister, Mrs Carnell. Given that the health budget is clearly out of control and is going to require a quite focused effort to get it back on track, and that it is quite obvious that you have a very busy workload, with the biggest jobs in the Government, are you now prepared to include a fifth Minister, to make better use of the talent currently going idle on your backbench?

**MRS CARNELL:** I do have lots of talent on my backbench; there is no doubt about that. I answered a question earlier this week and said that there had been no discussions and that there was no view at all from this Government to go to a fifth Minister. In fact, one of the commitments that I made at the last election was that we would not go to a fifth Minister.

**MR SPEAKER:** Do you have a supplementary question, Mr Osborne?

**MR OSBORNE:** Yes. Chief Minister, can you assure this Assembly that you will be able to focus enough attention on this health budget to turn it around?

**MRS CARNELL:** Yes.

### **Housing Trust - Loans**

**MR KAINE:** Mr Speaker, through you, I have a question to Mr Stefaniak.

Members interjected.

**MR SPEAKER:** Order! Mr Kaine is asking Mr Stefaniak a question. Behave yourselves!

**MR KAINE:** I must comment, Mr Speaker, that I thought he was lobbying on behalf of Mr Hird. My question is directed to the Minister for Housing and Family Services, Mr Stefaniak. I note that low income families will no longer have to go on the waiting list for an affordable housing loan through ACT Housing. Can you tell us how this new process works and how many families you expect will benefit from this new process?

**MR STEFANIAK:** I thank the member for the question; it is an absolute beauty. I am very pleased to provide a response.

**Ms McRae:** You have announced it already; we do not need to hear it again.

**MR STEFANIAK:** You probably were not listening the first time. In the past and under the previous Government, the waiting times for a Commissioner for Housing loan varied considerably. On occasions, it might have been just a few months; on other occasions,

it could be in excess of a year. The waiting process was frustrating, for both prospective home buyers and the various stakeholders that made up the housing and construction industry here in Canberra. This Government has introduced a zero wait list concept, under the HomeBuyer program - - -

**Ms McRae:** Why did you not invite Mr Kaine to the launch? Then we would not have to put up with this.

**MR SPEAKER:** Order!

**MR STEFANIAK:** Thank you, Mr Speaker. This Government has introduced a zero wait list concept, under the HomeBuyer program, to align home loan application processes to private sector best practices and to give effect to our commitment; that is, this Government's customer service commitment. To complement this Government initiative, ACT Housing has developed a home loan information kit to take prospective home buyers, step by step, through the loan eligibility and assessment processes. This new arrangement encourages prospective clients to discuss with ACT Housing client service officers home purchase options and prevailing terms and conditions under the program, and to receive a home loan information kit to assist them in their deliberations prior to the lodgment of a formal loan application. The information kit includes a number of useful guides, such as a self-assessment pro forma and a budget planner, and these things are to assist in confirming the affordability of a home loan for that particular client. It also includes a check list, outlining the minimum information required in support of a loan application.

The combination of the zero wait list initiative and the availability of the home loan information kit will enable the client to undertake a self-assessment of the application and, when ready to proceed, contact ACT Housing and book the next available interview session. This strategy eliminates the need for a formal waiting list and is similar to the private sector lending institutions' commercial practices. The new arrangements cut down on processing time by enabling clients to examine their best financing options before preparing themselves for the assessment interview. In the past, it often took several weeks to determine the outcome of an interview. Now, a client may expect to proceed with an application when ready, and obtain a response some five working days or thereabouts after the interview. Client feedback indicates that the self-assessment guide, the budget planner and the checklist are easy to use and provide a level of consumer comfort in the overall process. Demand for the information kits has certainly been high, with approximately 900 kits distributed to date and a further 2,000 on order.

The HomeBuyer housing assistance program does help low and moderate income families to buy or build a home in the ACT. In 1994-95 over 480 families received their home loans through this program. In this financial year this Government has provided around \$66m in affordable home loans to some 600 Canberra families, and that is good news for a lot of low- and medium-income families in Canberra.

28 March 1996

### **Australian Federal Police - Alleged Corruption**

**MR MOORE:** My question is directed to Mr Humphries, the Minister for Police, and follows the question asked by Mr Whitecross yesterday. In response to Mr Whitecross's question on what he would do about accusations of police corruption, Mr Humphries said that there had been one allegation in relation to a certain AFP officer in the region over an issue that happened on Christmas Island. I think it is fair to say that we also have mention of a number of Federal Police officers at the Wood royal commission. We also have the police officer who went on *60 Minutes* on Sunday night to talk about the corruption that he considered endemic in the police force. Mr Speaker, I have in front of me a letter from the Commonwealth Ombudsman. I need to take a little time to give the background, being careful not to mention any names. I quote from this letter:

... in the absence of any independent confirmation of either your or the police claims in regard to the second part 2 -

there is a series of claims listed -

of your complaint, I am unable to come to any conclusion on what actually happened. In these circumstances, there really is nothing more we can do.

This was not an investigation just by the Ombudsman; it was by a senior officer doing a second investigation, and the Ombudsman responding. Another paragraph in the Ombudsman's letter states:

Finally, I agree that part 8 -

of the series of claims -

is substantiated, in that the AFP did not properly record the seized articles.

The person had claimed that articles had been seized and then not returned. The letter continues:

I consider that this occurred because the AFP was acting on behalf of the New South Wales Police Service ... and some confusion arose as to who would provide you with a record of the items seized. It is certainly the case that the AFP did not properly record the seized articles.

There is mention of a number of people, whom I did not mention, as I said that I would not. In light of this sort of issue where the Ombudsman is often left with no choice but to record an open finding, Mr Humphries, will you urge your Federal counterpart in charge of the Australian Federal Police to do what the Australian Federal Police Association said that they would welcome and urge him to conduct a royal commission into the Australian Federal Police to ensure that any such accusations are cleaned up, so that people can have confidence in our police force?

**MR HUMPHRIES:** The question that was asked of me by Mr Whitecross yesterday concerned the Australian Federal Police, and I think he was talking about police in the context of the ACT. That is the impression which I had.

**Mr Moore:** This situation I mentioned related to Australian Federal Police and ACT police officers.

**MR HUMPHRIES:** Mr Moore is talking about the Australian Federal Police across the board.

**Mr Moore:** Except that the example I used from the Ombudsman is of an ACT police officer.

**MR HUMPHRIES:** I will come to that. There are clearly serious allegations at the moment being levelled against officers of the Australian Federal Police concerning corruption of a very serious order, which any government responsible for such officers would be very concerned about. I repeat my statement of the other day that if there were such allegations made against officers serving in the ACT, for whom the ACT was responsible, I would certainly be concerned and would certainly want to put in place measures to both address those particular complaints and deal with the root causes of such complaints.

But what Mr Moore has done, I think, has been to confuse the issue of the Ombudsman's investigation of a complaint against, presumably, an ACT serving policeman, or policewoman, with the wider question of corruption. It is certainly the case that the Ombudsman makes investigations of ACT police quite frequently. It is also the case that from time to time she finds that allegations have been proved or that there has not been enough evidence to make a decision either way and the allegations, in a sense, are left open. From what Mr Moore quoted of this particular case, it appears that there have been some allegations that documents seized presumably in the ACT - - -

**Mr Moore:** No; goods.

**MR HUMPHRIES:** I am sorry; goods - - -

**Mr Moore:** Worth significant sums of money.

**MR HUMPHRIES:** Yes; that goods seized by police in the ACT were not properly documented. I do not know the rest of the circumstances of that matter. Mr Moore, I think, just said that it was money. Money was apparently seized by AFP officers on behalf of the New South Wales police. I am flying in the dark here. I assume that there is some allegation that there may have been money kept to one side by these AFP officers and not passed on. To be quite frank, I really do not know what the allegation is. I want to see what the allegation is.

I repeat the assertion I made the other day that if I see allegations which suggest problems in the Australian Federal Police I will act upon them. The worst allegations that I have seen about the Australian Federal Police, in this context, range from allegations that "the officer was curt and rude to me when he pulled me over to book me for speeding",

28 March 1996

to “the officer dealt with my son in an inappropriate fashion and did not call me in to attend the interview soon enough”, to “I called the police three times; they did not attend to the fire outside the house in my street until 25 minutes after I had rung the police for the first time”. I can say, in all honesty, that I have not seen any allegations that lead me to believe that there is any problem at all with corrupt behaviour on the part of Australian Federal Police officers serving in the ACT. I am happy to investigate, even if they are wild claims, claims made by people who could be considered unreliable. I might point out that the person referred to by Mr Moore a moment ago is a person who has confessed to being a corrupt former police officer. If there are claims that are reliable or unreliable - I do not care where they come from - if they come forward they will be investigated. I cannot and will not investigate claims which are not specific to ACT police and which are not clear in expressing any level of corruption by ACT police.

You might be able to construct some sort of argument that says that a person did not attend quickly enough at a crime scene or an incident, for corrupt reasons; but I do not know that that is particularly sustainable. If there is the faintest whiff of smoke I will assume that there is fire and I will have a look. With respect, I do not think it is reasonable to investigate - I repeat that I will investigate if there is a concern - the general amorphous claim that there might be corrupt police in the ACT. It is simply too vague to be able to be followed through.

**MR MOORE:** I have a supplementary question, Mr Speaker, if I can get a word in before Mr Wood asks his question. Mr Humphries, the issue that I raised and the reason that I chose to use a specific example, or, if you like, a whiff of smoke, was to show what happens when the Ombudsman investigates some matters. Exactly the same thing happened in New South Wales, where the Ombudsman had investigated matters, the internal investigation unit had investigated matters and the ICAC had investigated matters. The outcomes were not as revealed by the New South Wales royal commission. What I would ask you is this: If we can do this - and I am quite happy to get a person to come in and talk to you, if that person is willing - will you encourage your counterpart to set up a royal commission? I realise that the ACT is not likely to be able to afford the style of royal commission that will be necessary to investigate this sort of issue. Would you be prepared to encourage your new Federal counterpart to consider, at least, a royal commission which will, if nothing else, clear the air and ensure that the vast majority of police officers who, we are sure, are all honest are not tainted by these sorts of allegations?

**MR HUMPHRIES:** Mr Speaker, I feel encouraged to speak for a little longer than others of my colleagues because I get fewer questions than they do, but let me say - - -

**MR SPEAKER:** You certainly could not speak for as long as Mr Moore on that.

**MR HUMPHRIES:** The short answer is that I will be speaking to Mr Williams next week and I will raise with him the question of allegations against the AFP. I will not undertake to urge him to hold a royal commission, because I want to know what the nature of the allegations is in detail. I will certainly say to him that his decision in respect of the Federal Police federally impacts on the Federal Police in the ACT; if there are any problems, he should investigate them fully and appropriately.

In terms of things that the Ombudsman might find in her investigations, I should point out that I do meet with the Ombudsman and discuss with her and her officers, on a continuing basis, the way in which they deal with complaints against the Australian Federal Police.

**Mr Moore:** They do not have the powers of a royal commission, though, do they?

**MR HUMPHRIES:** It is not a question of powers. You do not need powers to pick up what is going wrong, with respect, Mr Moore; you do not need to be a royal commissioner to know that something is wrong.

**Mr Moore:** That is not how it worked in New South Wales. It took an Independent member to get a royal commission.

**MR HUMPHRIES:** Plenty of people in New South Wales knew before the royal commission started that things were wrong in New South Wales. I do not get the same signals about the Australian Federal Police in the ACT; nothing like it. If I get those signals, whether they are formal signals or informal signals, I will respond to them.

### **Housing Trust Properties - Asbestos Removal**

**MR WOOD:** My question is directed to Mr Stefaniak, the Minister for Housing and Family Services. Can you advise whether the Housing Trust has recently undertaken renovation work in Scullin - work which involved the removal of asbestos sheeting from the wet areas of the house? Will you further indicate whether the tenants were informed, at any time and especially during the removal, of the presence of asbestos in their house? Can you inform the Assembly whether the removal of the asbestos was carried out in accordance with the specified guidelines? Finally, in what manner and at what location was the asbestos disposed of?

**MR STEFANIAK:** The Housing Trust, as I think I said yesterday, has about 12.8 per cent of all the properties in the ACT, including quite a few in Scullin. It does have a regular maintenance program, and as the stock is quite old there is considerable call for that. If Mr Wood can give me details of the particular house or houses, I will investigate those points that he raised and get back to him on that.

**MR WOOD:** Yes, I will certainly do that. Does Mr Stefaniak have a concern that all the requirements should be followed, bearing in mind the questions that we asked earlier when asbestos was removed in a way that was not approved? Do you have a concern to protect the welfare of the residents?

**MR STEFANIAK:** Of course I have a concern, not only for the people living there but also for the workmen themselves.



### **Stirling and Copland Colleges**

**MS McRAE:** My question is directed to Mr Stefaniak in his capacity as Minister for Education. Can you confirm that enrolments at Stirling and Copland colleges are at an alarmingly low level? Can you outline what you have done to ensure that these colleges remain open?

**MR STEFANIAK:** I thank the member for the question. I would hardly call the enrolments at Copland alarming, although I saw some people from Copland late last year in relation to declining enrolments at Copland. As Ms McRae well knows, there are declining enrolments at a number of Canberra high schools, colleges and, indeed, primary schools as a result of demography as much as anything else.

As Ms McRae also should know in relation to the issue of declining enrolments, the ministerial advisory committee, as its first point of reference, is considering that very question and is considering the hitherto unasked question of capping, which is certainly something which I do not think the previous Government looked at but which is certainly something that the Copland community and other communities were keen about. That is certainly one of the points that will be looked at in the general question of declining enrolments which affect a number of schools across the ACT and which will continue to affect them as a result of demographic changes. It is a real concern in our community, and that is why it is the first point that is being looked at by the ministerial advisory committee this year.

**MS McRAE:** I have a supplementary question, Mr Speaker. Mr Stefaniak, I asked you specifically about Stirling and Copland and about what you are doing. I understand that you have an advisory committee. The numbers are low this year. Is it the case that you do not care whether schools close?

**MR STEFANIAK:** What a silly question! Of course this Government cares.

**Ms McRae:** We saw what happened to Charnwood.

**MR STEFANIAK:** Of course this Government cares. In that case, of course, the Government acted in the best interests of the students. It is to stop situations like that, Ms McRae, where your Government did nothing, absolutely nothing, and let that college decline for about six years, that the matter is being looked at. I would expect the committee to report mid-year, well in time for us to take any actions that we might take.

In the meantime, I have also spoken, of course, to concerned people at Stirling and at Copland. They are taking steps themselves. There should be some very good recommendations coming out of this particular review. I want it to be as wide-ranging as possible. When we consider controversial issues such as capping, all the relevant community has to be consulted. That obviously includes Year 12, Year 11 and Year 10 kids, parents and colleges; it should be system-wide. That is a very crucial issue, as indeed are other issues relevant to declining enrolments.

When that committee reports, I would expect to have a number of recommendations which we can then consider. In the meantime, I have spoken over the last six months to both of the schools that you mentioned. They have expressed their concerns to me. We have discussed a number of matters in relation to that. They are also working through that particular problem. I have also encouraged a couple of other potential developments in relation to one of those colleges, which the college may wish to take up. There are a number of things that we are doing as a government, Ms McRae. I would expect a very comprehensive report and some very good suggestions to come from the advisory committee for us, as a government, to consider.

### **Mental Health Funding**

**MS FOLLETT:** My question is directed to the Minister for Health and Community Care. In the budget speech, you identified a 7 per cent increase in mental health funding, and that increase included provision for the appointment of a professor of psychiatry at the Clinical School. As I understand it, the professor of psychiatry has not yet been recruited. My question is: Will you therefore release the money that had been put aside for the professor of psychiatry to be used instead in what I understand is a very cash strapped area - mental health - this financial year?

**MRS CARNELL:** Thank you very much for the question. It is true that a professor of psychiatry has not been appointed yet; although one almost was at one stage.

Members interjected.

**MRS CARNELL:** I think it must have been my fault. There was a quite extensive recruiting process which came up with somebody who would have been, I believe, very good in the professor of psychiatry position. That particular professor, from South Australia I understand, in the end determined not to come to the ACT, for a number of reasons - some of which were family; some of which were the way that the ACT operates. There were a number of reasons. I spoke to him personally about his decision, because I was very disappointed. We have decided to go back to the drawing board, basically, and we are recruiting again. It would be very unwise to spend the money for the position, when we are right in the middle of a recruiting process.

**MS FOLLETT:** I have a supplementary question, Mr Speaker. I can understand that Mrs Carnell might want to retain provision for such a position; but surely, given that we are three-quarters of the way through the financial year, there must be funds there which have not yet been used and which could and should, in my view, be available this financial year.

**MRS CARNELL:** I can vouch for the fact that those funds will not end up outside Health. In fact, there are a number of mental health initiatives going on, not the least of them being the Warren l'Anson Memorial House. Obviously, there will be requirements for some funding for staffing of that particular facility. There has been substantial work done in areas such as the Mental Health Crisis Service and so on. We have also had a higher than usual occupancy rate of our psychiatry beds at Woden Valley.

28 March 1996

It is not as if the money has not been spent, but we will certainly make sure that mental health continues to be a priority. It is an area in which, if anything, we underspend. That is one of the reasons why we have to change the way that we operate in the rest of the hospital. We have this stupid situation where we spend 30 per cent more than we should on an average patient in our hospital and do not spend enough on mental health. I do not think that is acceptable, and that is the reason why we adopted the Booz Allen approach. It is the reason why we are looking for changes to rosters approaches; it is the reason why we are looking for a number of other approaches. Mental health is a priority for this Government.

### **Cardio-thoracic Unit**

**MR BERRY:** My question is directed to the Chief Minister in her capacity as Minister for Health and Community Care. The budget contained spending on health that was to be earmarked for improvements such as a cardio-thoracic surgery unit, and increased activity was to be funded by savings of almost \$3m. In the budget speech you said that these contracts would deliver savings of close to \$3m a year. Does the failure to achieve those savings mean that projects such as the cardio-thoracic surgery unit will not go ahead as promised?

**MRS CARNELL:** I am fascinated by Mr Berry. Mr Berry just named two things, the cardio-thoracic unit and increased throughput. I spent quite a long time this morning explaining to this house that the increased throughput is almost better than we had expected it to be and that the reality is that we did not do what the previous Government did. What they did - it is in their policy - was directly fund things like increased throughput by savings from VMOs, shall we say. We did put an extra \$2m in the budget for extra throughput. We have actually spent more than that on increased - - -

**Mr Berry:** On a point of order, Mr Speaker - - -

**MRS CARNELL:** That was exactly what you asked about.

**Mr Berry:** My question was: Does the failure to achieve the VMO savings mean that projects such as the cardio-thoracic surgery unit will not go ahead as promised? That was my question.

**MRS CARNELL:** That is right. The other project that you mentioned was increased throughput. Do you want to read the question all the way through again?

**Mr Berry:** No.

**MR SPEAKER:** The Minister for Health is coming to it.

**Mr Berry:** No. On a point of order: That was my question. Lest there be confusion about this, I will read it again. Does the failure to achieve the VMO savings mean that projects such as the cardio-thoracic surgery unit will not go ahead as promised? That was what I asked.

**MR SPEAKER:** We may end up with a very cryptic answer, but I suppose that that is up to the Chief Minister.

**MRS CARNELL:** Mr Berry made two points. He talked about increased throughput, which I was addressing. It is certainly true that this Government is committed to a cardio-thoracic unit at Woden Valley Hospital. Planning is in place. With the current budget situation, it certainly will not be happening in the next couple of months; otherwise, the situation would become substantially worse. But we always did plan it for late in 1996. I am hopeful that that can be achieved, but obviously the budget situation is fairly tight.

**MR BERRY:** Can this Assembly take it that the promised cardio-thoracic surgery unit is not guaranteed?

**MRS CARNELL:** That was not what I said at all. I said that the plans for a cardio-thoracic surgery unit are continuing. It is something that this Government is committed to. Obviously, we will have to take into account budgetary pressures, but there is an absolute commitment to have a cardio-thoracic surgery unit at Woden Valley Hospital.

### **Bank Charges**

**MS TUCKER:** My question is directed to Mr Humphries as Minister for Consumer Affairs. I have given the Minister notice of this question. It has been brought to my attention that ACT customers of at least one Canberra bank are paying New South Wales State government charges on their accounts if they open them over the phone. The specific case that I refer to is that of a customer who sought to attach a cheque account to an existing ACT St George Keycard account, and the cheque account was opened over the phone on a 008 number. It was not until the customer checked his bank statement some months later that he found in the fine print that he had been charged a New South Wales State government bank tax and that this tax had been regularly removed from his bank account. Can the Minister inform the Assembly whether he believes that it is appropriate for this sort of practice to occur? Are there any steps that he can take to change the practice? It is not a political question; it is seeking information, basically, for a change.

**MR HUMPHRIES:** I do thank Ms Tucker for giving me advance notice of this question, although I do notice that she has actually issued a press release in which she says that ACT bank customers are being ripped off by the New South Wales State Government. With respect, I would have thought she should have awaited my answer before she actually made that decision. It may not be the case that they are being ripped off at all. I accept that one has to take one's points when one can get them.

28 March 1996

Let me say that I have certainly followed this through with the Consumer Affairs Bureau, and it appears that an ACT customer who opened a St George cheque account via a 1800 number, not a 008 number, paid \$15 in New South Wales tax. That tax is the so-called BAD tax, the bank account debits tax, which is imposed in New South Wales and other jurisdictions - not in the ACT, however - and is paid on money withdrawn using a debit card or a cheque. There is a sliding scale that ranges from about 30c for a transaction of \$1 to \$100 through to \$4 on transactions of above \$10,000.

My advice at this point in time - and I am not committing myself so fully that I might get censured later, I can assure you, for giving information that might not be accurate - is that the account attracts the New South Wales debit tax when it is opened in New South Wales. Of course, when someone goes to a branch of a bank in New South Wales and opens an account, it is fairly clear that it is being opened in New South Wales. The problem with a 1800 number being used to open the account by telephone is that the question becomes: Where is the account being opened - where the person is, where the branch the account is being opened at is, or somewhere else?

On this question, my advice from the St George Bank has been, unfortunately, unclear. Officers of the Consumer Affairs Bureau have spoken now to two different people within that bank. One officer advised that accounts opened on the 1800 number are automatically deemed to be New South Wales accounts and attract the tax. However, someone else, admittedly more senior in the bank, said that in fact the bank had a system of checking the postcode of the person who was opening the account; and, if the postcode fell outside New South Wales, then the tax would not be debited against their account. Frankly, I do not know which of those two versions of events is true, and I am certainly asking the Consumer Affairs Bureau to follow through urgently with that bank, particularly, what the situation is.

It is not, I might say, a question of the ACT Government's policy or expectation on this score; it is a question of what the laws of New South Wales say about the payment of tax on accounts operating in their jurisdiction.

**Ms Follett:** On a point of order, Mr Speaker: I understand that you have gone deaf in the ear that listens to that side.

**MR SPEAKER:** Be careful.

**Ms Follett:** I draw your attention to the length of this Minister's response. Surely he is required to be concise.

**MR SPEAKER:** It is a fairly detailed question. I think Ms Tucker is benefiting from the detailed answer, Ms Follett. There is no point of order. It is a complex subject.

**MR HUMPHRIES:** I am sorry if at the moment Ms Follett has an appointment at the beauticians or somewhere that she has to get to; but I shall try to be brief, Mr Speaker. The fact is that we need to follow this through with New South Wales. If the tax has been paid inappropriately, we will ask for it to be repaid to the account holder concerned.

If, however, there is a problem of interpretation of the New South Wales legislation, that is a matter that we can take up with the New South Wales Department of Consumer Affairs.

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

**AUDITOR-GENERAL - REPORT NO. 4 OF 1996**  
**Land Joint Ventures**

**MR SPEAKER:** I present, for the information of members, Auditor-General's Report No. 4 of 1996 - Land Joint Ventures.

Motion (by **Mr Humphries**), by leave, agreed to:

That the Assembly authorises the publication of Auditor-General's Report No. 4 of 1996.

**ACTEW CORPORATION LTD**  
**Papers**

**MR DE DOMENICO** (Minister for Urban Services) (3.14): Mr Speaker, for the information of members, I present the ACTEW Corporation Ltd Statement of Corporate Intent for 1 July 1995 to 30 June 1998, pursuant to the Territory Owned Corporations Act 1990, and its Corporate Plan 1995-2000, its Environment Management Plan 1992-2000 and its performance guarantee. I move:

That the Assembly takes note of the papers.

Mr Speaker, this Government is proud of achieving the corporatisation of ACTEW in its first six months in office. Our expectations on performance can be achieved only within an accountability framework where there is a proper balance between commercial freedom and accountability through the Legislative Assembly to the Canberra community.

Today I am tabling ACTEW's statement of corporate intent in partial fulfilment of that accountability. This document focuses strongly on providing, and continuing to provide, cost-effective water, sewerage and electricity services to the Canberra community. This document contains ACTEW's commitment to maintaining competitive prices to consumers, even in the face of significant changes in its wholesale market. This document also signals ACTEW's willingness to enter into new ventures and explore new options. Therefore, in accordance with subsection 19(3) of the Territory Owned Corporations Act 1990, I have presented the 1995-96 Statement of Corporate Intent for ACTEW Corporation to the Assembly.

Question resolved in the affirmative.

### **SEXIST REMARK**

**Ms Follett:** Mr Speaker, I raise a point of order. Mr Speaker, I would have risen on this matter earlier, only I wanted to check that my hearing had been correct. Mr Humphries interjected or made a remark, when I was taking a previous point of order, that I appeared to be rushing to get to a beautician's appointment. I believe that that is an extremely sexist remark that is unworthy of this chamber and it ought to be withdrawn and/or an apology issued.

**Mr Humphries:** Mr Speaker, if Ms Follett is sensitive about this subject - and I think she is a little oversensitive, with respect - I withdraw and apologise.

### **FRENCH PRODUCTS - IMPLEMENTATION OF ASSEMBLY RESOLUTION Paper**

**MR HUMPHRIES** (Attorney-General): Mr Speaker, for the information of members, I present the March 1996 report on the implementation of the ACT Legislative Assembly resolution on French products.

### **REMAND CENTRES (AMENDMENT) BILL 1996**

**MR HUMPHRIES** (Attorney-General) (3.17): Mr Speaker, I present the Remand Centres (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** I move:

That this Bill be agreed to in principle.

Mr Speaker, this is a very short Bill which aims to clarify the meaning of one clause inserted into the Remand Centres Act 1976 by the Remand Centres (Amendment) Act of 1995. The Remand Centres (Amendment) Act was passed by the Legislative Assembly last October. Its purpose was to enable some additional categories of convicted prisoners to be held in the Belconnen Remand Centre. This was a practical measure, mainly designed to cope with short delays in transferring convicted prisoners to New South Wales gaols and to enable prisoners who are transferred back to the ACT for further court proceedings to be held in the Belconnen Remand Centre instead of in police cells.

One category added by the 1995 amendments was persons who have been convicted and sentenced by an ACT court and who have appealed against their conviction. A parallel amendment was made to the Magistrates Court Act at the same time. That amendment provides a mechanism by which the Magistrates Court can, after a person is convicted by that court and appeals to the Supreme Court, consider whether it is appropriate for that person to be held in the Remand Centre during the course of the appeal. If the court believes that that is the appropriate course, it can make an order to that effect.

In the case of persons who appeal to the Federal Court against a conviction by the Supreme Court, there are provisions in the Federal Court Rules for that court to order that a prisoner be brought before the court to attend their appeal hearing and to make orders for the custody of the prisoner during that process. That procedure is not changed by the present Bill. What this Bill does is to make it clear that the previous amendment to the Remand Centres Act does not, of itself, give a prisoner who appeals against their conviction an entitlement to be held in the Remand Centre during the course of their appeal. It merely provides a capacity for the Remand Centre to hold such a prisoner if a court considers the issue and makes an order to that effect.

The Bill does this by, in clause 4, omitting paragraph 15(1)(m) of the Remand Centres Act 1976 which was inserted by the Remand Centres (Amendment) Act 1995. In its place is inserted a new paragraph 15(1)(m) which makes the original intention of this provision clear. It is important to clarify that intention because otherwise there could be operational and resource problems for the Remand Centre. When the earlier Bill was debated in the Legislative Assembly last year, some concern was expressed that the provisions should not become a means for the Remand Centre to become a de facto place of imprisonment. I reassured the Assembly at the time that that was not the intention and that it was only in very limited circumstances that convicted prisoners should be held in the Remand Centre. That remains the view of the Government, and the present amendment is designed to make that quite clear. Mr Speaker, I commend the Bill to the Assembly.

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

### **ADMINISTRATION AND PROBATE (AMENDMENT) BILL 1996**

**MR HUMPHRIES** (Attorney-General) (3.21): Mr Speaker, I present the Administration and Probate (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** Mr Speaker, I move:

That this Bill be agreed to in principle.

The main purpose of this Bill is to correct several anomalies in the law as it now stands. At present, when a person dies without leaving a valid will, his or her estate is distributed according to the provisions of the Administration and Probate Act 1929.



28 March 1996

Where the deceased person is survived by a spouse - that means a married husband or a married wife - but no children or other descendants, the spouse inherits the whole estate. Where the deceased person is survived both by a spouse and by issue, usually children, the estate is divided between the spouse and the issue. At present the spouse takes the first \$100,000 of the value of the estate, together with interest from the date of death to the date of payment and the personal chattels. The spouse also takes one-third or one-half of the balance of the estate, depending on the number of issue.

While the formula in general provides a fair basis for distribution, there is one group of people conspicuously not provided for. Where the deceased is not married to his or her domestic partner and has not left a will, the partner receives nothing from the estate. This Bill addresses this anomaly by including what are termed "eligible partners" in the list of those entitled to inherit on intestacy. An eligible partner is a person other than the legal spouse of the deceased, whether of the same gender or otherwise, who lived with the deceased as a member of a couple on a genuine domestic basis and either lived on that basis for at least two years continuously prior to the death of the deceased or is the parent of a child of the deceased under the age of 18.

The Bill also covers the situation of a person who dies leaving both a legal spouse and an eligible partner. If the deceased had lived with an eligible partner for more than two years but less than five years, the share of the estate that at present would go to the legal spouse is divided equally between the legal spouse and the eligible partner. If the deceased and the eligible partner have lived together for five years or more, the eligible partner will take the whole of the spousal share. None of the new provisions have any application where property is owned jointly by the deceased and the legal spouse, the partner or anyone else, or, of course, if the deceased left a valid will.

The Bill also increases the amount of the statutory legacy from \$100,000 to \$150,000. The statutory legacy is the amount which a spouse receives from an intestate estate before the balance of the estate is divided between the spouse and the children, if any, of the deceased. The figure of \$100,000 has not been changed since 1984 when, I am advised, the then Commonwealth Government increased the amount to correspond with that in New South Wales. In New South Wales it was changed to \$150,000 in 1993, and I believe that it is appropriate for the ACT to be consistent.

The opportunity has also been taken to make a number of minor and technical amendments to the Act, including the removal of gender specific terms. I commend this Bill to the house, Mr Speaker.

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

**FAMILY PROVISION (AMENDMENT) BILL 1996**

**MR HUMPHRIES** (Attorney-General) (3.25): I present the Family Provision (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES:** Mr Speaker, I move:

That this Bill be agreed to in principle.

This Bill makes a number of important amendments to the Family Provision Act 1969. The purpose of the Family Provision Act is to ensure that the family of a deceased person receives adequate provision out of the estate. If a person is not satisfied with what he or she receives under the will of a deceased person or, if there is no valid will, under the rules of intestacy, that person may be able to apply to the Supreme Court for provision from the estate of the deceased person. To be eligible to apply to the court, a person must fit into one of the categories set out in section 7 of the Act. Legally married spouses may apply, and also children. In certain circumstances, former spouses, stepchildren, grandchildren and parents of the deceased may also apply.

However, a domestic partner who was not married to the deceased cannot make application under the Act. The only legal recourse available to a domestic partner is to apply to the Supreme Court for relief under the laws of equity. This is both uncertain and potentially expensive. In addition, the present situation conflicts with the principles of the Domestic Relationships Act 1994, which confers rights on parties to domestic relationships regardless of marital status.

This Bill adds what are termed “eligible partners” and “domestic partners” of the deceased to the list of those eligible to apply under the Family Provision Act. An eligible partner is a person other than the legal spouse of the deceased who, whether or not of the same gender as the deceased, was living with the deceased at any time as a member of a couple on a genuine basis. The Bill further provides that, to be an eligible partner, a person must have lived with the deceased for two or more years continuously or be the parent of a child of the deceased. A domestic partner is a person who lived with the deceased in a domestic relationship where one partner provided personal or financial commitment and domestic support to the other for at least two years continuously. This could include a long-term carer.

The Bill sets out in detail the criteria which the court is required to apply before making an order for provision from an estate. Briefly, these are: The character and conduct of the applicant and the nature and duration of the relationship between the applicant and the deceased; any financial and other contributions by the applicant or the deceased or both of them to the property or financial resources of either or both of them; any contributions by the applicant or the deceased to the welfare of the other or to any child of either person; the income, property and financial resources of the applicant and the deceased; the physical and mental capacity of the applicant and the deceased; the responsibilities of the applicant or the deceased to support any other person; any order under the Domestic Relationships Act 1994 adjusting the interests in the property of the applicant or

28 March 1996

the deceased; any payments to the applicant or the deceased by the other person in respect of the maintenance of the other person or a child of the other person; and any other matters the court considers relevant. These criteria are a combination of the criteria in the corresponding New South Wales legislation and the criteria applied by the court on an application under the Domestic Relationships Act 1994 for a property order.

A number of technical amendments to the Act are also made in the Bill, and the opportunity has been taken to correct a number of gender specific references. I commend the Bill to the Assembly.

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

### **OMBUDSMAN (AMENDMENT) BILL 1996**

**MR HUMPHRIES** (Attorney-General) (3.29): Mr Speaker, I ask for leave of the Assembly to amend the notice for this Bill by adding “and for related purposes”.

Leave granted.

**MR HUMPHRIES**: I thank members. I present the Ombudsman (Amendment) Bill 1996, together with its explanatory memorandum.

Title read by Clerk.

**MR HUMPHRIES**: Mr Speaker, I move:

That this Bill be agreed to in principle.

The Ombudsman Act 1989 establishes the office of Ombudsman and enables the Ombudsman to investigate complaints about action that relates to a matter of administration taken by a department or a prescribed authority. The office of Ombudsman provides the community with a most important means of having a complaint investigated independently of the agency about which the complaint relates.

The Ombudsman (Amendment) Bill 1996 will amend the Ombudsman Act in three significant ways. Firstly, the Bill will ensure that the Ombudsman has a jurisdiction to investigate complaints about the administrative actions of bodies which become Territory-owned corporations and their subsidiaries by ensuring that the act of corporatising a public body does not mean that that body ceases to be an agency for the purposes of the Ombudsman Act. At present, incorporated companies and associations are not agencies, although such bodies over which the Territory is in a position to exercise control may be brought within jurisdiction by regulation. ACTEW Corporation Ltd became an agency by specific amendment of the Act, and this amendment will mean that ACTEW Corporation Ltd, Totalcare Industries Ltd - the only other Territory-owned corporation at the present time - and any Territory-owned corporations created in the future will be under the coverage of the Ombudsman Act.

Secondly, the Bill will overcome an anomaly in respect of the Ombudsman's jurisdiction in relation to the Supreme Court and the Magistrates Court. The Ombudsman is not authorised to investigate the actions of a number of office-holders, including the judges and the magistrates. The Supreme Court also has a Master who exercises the jurisdiction of that court. The registrars and deputy registrars of the Supreme Court and the Magistrates Court perform functions of a judicial nature. The Bill will remove from the Ombudsman's jurisdiction action taken by the Master and also action taken by the registrars and deputy registrars when performing functions of a judicial nature.

Thirdly, the Bill will provide the Ombudsman with a greater flexibility in deciding how best to handle a matter by providing a power to decide not to investigate, or not to investigate a matter further and to refer the matter, together with any relevant documents or information, to another statutory office-holder. Before doing so, however, the Ombudsman must have formed the opinion that the complaint could have been made to that other office-holder, that it could be more conveniently or effectively dealt with by that other office-holder, and that it is appropriate in the circumstances to refer the complaint. To allow as much flexibility as possible in order better to serve the interests of an applicant, the Ombudsman will be able to refer a matter not only to another Territory statutory office-holder but to any Commonwealth, State or other Territory statutory office-holder as well if that is appropriate and if that statutory office-holder has consented to the referral.

The Bill makes a number of consequential amendments flowing from these above amendments, and also makes some technical amendments aimed at improving the structure of this and other Acts. I commend this Bill to the Assembly.

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

### **ORDER OF BUSINESS**

#### **Suspension of Standing Orders**

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

That so much of the standing orders be suspended as would prevent order of the day No. 5, Executive business, relating to the Report on the Administration of the ACT Leasehold, being called on forthwith.

28 March 1996

**LEASEHOLD ADMINISTRATION**  
**Report of Board of Inquiry**

Debate resumed from 14 December 1995, on motion by **Mrs Carnell**:

That the Assembly takes note of the paper.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (3.34): Mr Speaker, I ask for leave of the Assembly to speak again on this matter and without limitation of time. Mr Wood will be handy with his little impromptu gong if I get too carried away.

Leave granted.

**MR HUMPHRIES**: Mr Speaker, I thank members for that courtesy.

On 22 June last year I presented a ministerial statement entitled "Planning for the Next Generation". It was the first step among many that had been taken by the Carnell Government to respond to the challenge of planning for Canberra's future - our next generation. Since then, we have taken the major initiative of establishing the metropolitan growth strategy review to provide the much-needed strategic, whole-of-government planning framework that no previous government has been able to deliver.

Today's statement is the next major step towards achieving our objectives for planning and managing Canberra's land. It also provides the framework for our detailed response, not only to the recommendations of the Board of Inquiry into the Administration of the ACT Leasehold, chaired by Justice Stein, but also to the Mant/Collins review of ACT planning functions and structures and to several recommendations of the Red Tape Task Force report that relate to planning and land administration to which the Government has not yet responded.

I begin with the centrepiece of the current Territory land system - leasehold itself. As I have said on earlier occasions, this Government makes no secret of its policy objective of bringing the ACT's land tenure into line with mainstream Australia. Freehold, or at least perpetual leasehold, has always seemed to us to be the obvious system for a city and Territory which needs to assume its proper place in mainstream Australia. We no longer live in a special enclave run by the Commonwealth. We no longer have the subsidies that went with that special status and we are now competing with the rest of the country for business and investment.

That being said, one of the board of inquiry's central recommendations is to continue with the current system of leasehold, and I have already said publicly that this Government will not seek, during the term of this Assembly, to change the current system of tenure to freehold or perpetual leasehold, notwithstanding our preferred policy to move towards perpetual leasehold. Our decision to accept the board of inquiry's recommendations on this issue, while we continue discussions with the business community and the broader community about the future of the leasehold system, was not taken without political cost to the Government. The Government is very conscious that the Territory is much in need

of land reform and that this will not occur in the present Assembly without give and take on all sides. The debate about the best form of land management for Canberra will not draw to a conclusion unless all are prepared to give and take in the interests of the community as a whole.

I will therefore be outlining a package of reforms that does not include all the elements we, as a Liberal government, would like to have included. In doing this, we are, reluctantly, departing from our policy position; but I challenge other members to do this, where necessary, in the interests of the future of this city and the community as a whole. In putting the issue of land tenure into context, the Government noted the board of inquiry's view that "in many ways public leasehold is not different from freehold". In both cases the Government has the right to compulsorily acquire land; owners can transfer land; land can be leased or sublet; and the Government makes rules about permitted uses and development control, and levies taxes and rates. The main difference is that leases are time limited; freehold title is not. This is, however, a very important difference and, in our view, the greatest deficiency of the leasehold system.

While agreeing to retain leasehold, the Government remains committed to providing maximum security of tenure for lessees. This is an issue of particular concern to existing and potential commercial lessees. Noting the board of inquiry's confirmation that there is no legal limitation on the term of a lease, the Government will implement the following policies: We will make 99-year leases, which form the vast majority of the 140,000 leases in the Territory, renewable at any time, on payment of an administrative charge; and we will consider requests to convert commercial and rural leases issued for less than 99 years to 99 years so that they can be renewed at any time, on payment of an administrative charge and a fee that captures any resulting increase in land value. In some cases it will not be possible to grant the requests. For example, the Government could not agree to convert a rural lease to a 99-year term if the land were required for urban development in the short term.

The Government is very conscious that over many years, and particularly with the advent of the Territory Plan, our planning system has been moving from a lease-based system to one that is based in statute. We have given serious consideration to adopting a system that is totally based in statute, as in other jurisdictions, while retaining leasehold purely as a system of land tenure. If we are to retain leasehold, this is a change we would like to have made to that system. It will probably come to pass at some future time, as the current land system continues to evolve. For the moment, however, the Government believes that the ACT community as a whole is not ready to make that change.

There are, however, a number of achievable improvements to the leasehold system. To promote further certainty and simplicity of administration, the Government will progressively simplify and standardise lease purpose clauses. The first step in this process is already under way. Standard panel leases for residential purposes will be introduced by the end of this year. Work is also under way on other classes of leases for progressive introduction during 1996 and 1997. These will apply as leases are renewed. We will also streamline the way lease purpose clauses are enforced through statutory processes; but I will explain how we intend to do this in dealing now with organisational structures for planning and land management.

28 March 1996

The Territory has had an elected Assembly for seven years. Planning is as much a function of the executive government as health and education. And, as an executive function, it is the responsibility of the elected government to establish the broad strategic planning framework and related policy, and to ensure that services are delivered in accordance with this framework. Strategic planning and land use policy is advised by the political process, including the Assembly's Planning and Environment Committee, the community and professionals within the Government's administration. The Land Act, the Territory Plan and the regulations that go with them are the instruments put in place to ensure that development occurs in accordance with government policy or community standards.

The Government is committed to delivering a simple, transparent and effective system for land planning and development in the ACT. It is committed to doing so within the framework of the democratic process. For these reasons, the Government does not support the further separation of planning and land administration functions proposed by the board of inquiry. Much of the current complexity exists because of the artificial separation between lease administration, planning and development processes and decision-making. Creating two separate statutory authorities - one for land, the other for planning - will only exacerbate the difficulties currently experienced. In addition, while acknowledging the need for improvements in our delivery of planning and land administration services in the ACT, the Government believes that the structures recommended by the board of inquiry are inconsistent with an integrated customer-focused approach to planning and development activities.

Mr Speaker, the Government proposes the following arrangements: Firstly, as to strategic planning, whole-of-government strategic planning is vitally important, not only to provide the framework for the Territory Plan, and hence control of land use, but also to provide the necessary longer-term planning for the Territory's economic, social and environmental future. This should not be the responsibility of the land use planners and land managers alone, since this kind of strategic planning has a much broader focus than simply land use. Accordingly, responsibility has been given to the Chief Minister's Department to manage the Territory's first strategic plan since self-government. Such a function belongs, naturally, at the apex of government. It is crucial to the whole growth of our city.

The second element is independent planning and leasehold decision-making. Separating decision-making from administration is critical if the system is to be credible and transparent. The Government will establish a statutory office of Land and Planning Commissioner and will fill the position with a person with expertise in disciplines relevant to land and planning. The functions of this strong, statutory, independent decision-maker will be principally to make determinations about development and lease variation applications under the Land (Planning and Environment) Act, without undue formality.

The Land Act was developed with the express intention of enabling any member of the community to formally pursue complaints through the orders process. This will be retained along with the informal complaints procedure. The Government proposes that the Land and Planning Commissioner have the power to issue orders to enforce the Act, while in some minor cases, such as untidy blocks, powers may be delegated to enable





28 March 1996

will advertise nationally, commencing this Saturday, for a team of experienced senior managers to head the Planning and Land Management Division. While existing officers are free to apply, they do so on a competitive merit basis against others who may apply from outside the existing planning and land management structures or the ACT Public Service.

Before I move on from the subject of organisation, I should speak briefly of the potential for further integration of Canberra's planning through a closer cooperation with the new Commonwealth Government. Members will recall that in my ministerial statement, "Planning for the Next Generation", I advocated a rethinking of the respective roles of the Commonwealth and the ACT in Canberra's planning. In the recent Federal election the Liberal and National parties adopted a commitment to a more streamlined planning system for the ACT, one that maximises the ability of the ACT Government and the residents to determine planning and land management issues within the context of a "national interest" framework.

In light of this commitment, the time is ripe for us to build on the cooperation established through the joint strategic review of the Metropolitan Plan. The Government has already had discussions with the new Commonwealth Minister, Warwick Smith, seeking his review of the Australian Capital Territory (Planning and Land Management) Act 1988, a Commonwealth Act, consistent with the coalition's election policies. We will also be looking to build closer relationships and to align processes such as the amendment of the National Capital and Territory Plans. This gives effect to a recommendation of the Red Tape Task Force and can be done in the context of amendments to the Land (Planning and Environment) Act.

Establishing the necessary processes to ensure that the community is involved in planning processes continues to have a high priority. The Government supports the idea of specific area "development control plans", as proposed by the board of inquiry. The Government sees these as complementary to the current precinct management and local area planning advisory committee processes. Procedures to develop specific development control plans will be put in place in areas where redevelopment pressure is greatest, and will be done in close consultation with local community and commercial stakeholders.

Precinct management is a technique that allows for the coordination of departmental functions by area. Precinct managers will work within the context of the current initiatives. Upon completion of the current trial of local area planning advisory committees, these and the precinct management program will be reviewed, in consultation with the community, to determine the best approach. It is possible that different areas will require different structures and processes, depending on the nature of the issues at the local level.

Through the process review initiated in 1994, several initiatives have been taken to streamline the application and approval procedures. Implementation of the process review, which is now complete, has seen the following initiatives: An applications secretariat has been established to streamline the processing of building and development applications; preapplication meetings have been introduced to help clients properly

complete their applications before they lodge a formal application; an applications coordination committee has been established to ensure that decisions about any necessary referrals are made quickly; a single combined building application form has replaced the four previously required forms for building application, building permit, design and siting, and heritage.

Further reforms will result from the Government's acceptance and implementation of the recommendations of both the board of inquiry and the Red Tape Task Force. These include introduction of an integrated development application, replacing previously separate consideration for lease variation, design and siting, heritage and environmental requirements; information packages, to be developed in consultation with key industry organisations, including an understandable outline of the land development process - something much needed in this Territory; a mechanism which allows customers to easily determine the stage that their application has reached; and eliminating "stop clocks" and introducing a standard 30-working-day time limit for processing, on the expiry of which the applicant may begin to exercise their appeal rights as if the application is deemed to be refused. The applicant may request further time in order to respond to issues or concerns raised during the notification process, and there are some complex cases in which a limit longer than 30 days will apply. But, in all other cases, the stop clock provisions, as they have applied to benefit government departments and agencies but delay applicants, will be abolished. The only party which can delay proceedings by using a stop clock is the applicant. Indeed, the board of inquiry found that there is no legislative basis for the using of unilateral stop clocks by the Government, even though officers had, on occasion, used them. This practice will cease.

Further reforms include the Planning and Land Management Division of DUS being responsible for public notifications, replacing the previous system under which notification was the responsibility of the applicant; and, finally, establishing separate development application files for the life of the application. The information on these files will be available for inspection during the life of the application, without a freedom of information request in most cases. This demonstrates a commitment to accessible information on the part of the Government. The Government is committed, through its customer commitment and other programs, to ensuring the highest possible level of customer service quality. Following the establishment of the Planning and Land Management Division, a process of continuing improvement will be implemented to build on the achievements of the process review.

For some time, Mr Speaker, there has been criticism of the operation of the Land and Planning Appeals Board. The Government will introduce legislation this session to transfer the jurisdiction of the Land and Planning Appeals Board to a new planning division of the Administrative Appeals Tribunal. Among other improvements, this will impose a requirement for decision-makers to comply with the Code of Practice for Notification of Reviewable Decisions and Rights of Review. Applying this code will ensure that applicants are advised of why a decision was taken and of their right to further information. The ACT's leasehold system is unique in Australia. The Government is confident that we have the skilled and talented people within the administration to make these new arrangements work. Special attention will be given to staff training and development to ensure that the quality of service is at the leading edge of public administration in Australia.

28 March 1996

Mr Speaker, the Government acknowledged the view of the board of inquiry that “the increase in the value of land resulting from new use rights belongs in whole, or in part, to the Government and the community”. The Government, therefore, proposes to scrap the current betterment regime and replace it with a so-called “use rights charge”.

**Mr Berry:** Get out! I will tell you what it is going to be. It is going to be a development rights clause, Gary. Forget what you think you are going to see.

**MR SPEAKER:** Order! Interjections are out of order. They are particularly out of order when you are out of your seat.

**MR HUMPHRIES:** Mr Speaker, the board of inquiry notes that “unless the owner of public land takes the full increase in value (or close to it) there will be little betterment”. In the interests of simplicity and consistency, the same rate of use rights charging should apply to all classes of land, irrespective of location.

**Mr Moore:** Explain the reason why you changed from development rights to use rights?

**MR SPEAKER:** Order! This is a ministerial statement. Would you proceed, Mr Humphries. We will have the debate later, I have no doubt.

**MR HUMPHRIES:** However, Mr Speaker, the Government recognises the potential for “use rights charges” to be used as a tool to help in the achievement of the Government's economic, planning and land management objectives. While it is necessary to have a consistent system to promote a clear understanding of the Territory's planning and development “rules”, it is also appropriate to provide for some flexibility within that system, subject to appropriate accountability.

Acknowledging the recommendations of the board of inquiry and the stated views of a majority in this place, the Government proposes to levy a “use rights charge” at 100 per cent - - -

**Mr Moore:** No; let me tell you, you will not.

**MR HUMPHRIES:** That is what I am saying, Mr Speaker. It proposes to provide for remissions within the context of the Government's strategic plan, on the basis of specific published policy objectives. An example would be encouraging development in and around neighbourhood centres. It also proposes to table details in the Assembly when the Government decides to waive or remit a “use rights charge”, including its reasons for doing so. This should provide the necessary transparency to ensure public accountability, and hence remove the need for future inquiries of the kind we have just seen.

I turn now to concessional leases. Concessional or free-of-charge lessees will be able to remove the concessional status of their lease after 10 years by paying to the Territory the full market value of the lease, providing the proposed use is consistent with the Territory Plan and any necessary development or leasing approval has been given. The process for effecting this change will be in accordance with the policies outlined today. It will be transparent and accountable.

The Government proposes, as recommended by the board of inquiry, to use "Method A" for assessing the increase in land value in calculating the quantum of "use rights charge" that will apply to a development. To ensure that there is a high level of certainty and stability, the Government proposes to enshrine the method of calculation of "use rights charge" in the Land Act proper, rather than in the regulations, as at present.

The Government recognises that in the process of arriving at a valuation, both parties have the right to seek and provide further information. In order to minimise the requirement to have valuations settled at the Administrative Appeals Tribunal, a new process is proposed. The applicant will have the opportunity to present matters which should be considered by the Australian Valuation Office - the Government's valuer - before the valuation is done. The applicant will also have the opportunity to comment on the completed valuation. If the Australian Valuation Office agrees to alter the valuation, the reasons for doing so will be recorded on the application file as an amendment to the valuation and will be available to interested parties. The Commissioner for Land and Planning will be the decision-maker in relation to the "use rights charge" where the valuation is amended or disputed. A developer who is unhappy with the commissioner's decision will retain the right to appeal to the Administrative Appeals Tribunal.

Mr Speaker, the Government is committed to the development and release of land which meets the needs of the ACT community. This must be on a commercial basis, consistent with the wider needs of the Territory. The Government's participation in joint venture land development is predicated on these outcomes. The Government's major objectives in developing land jointly with the private sector are to achieve the best possible financial return to the Territory, with the minimum requirements of a payment to the Territory of a premium for the value of the raw land and a 50 per cent pre-tax profit share; the creation of estates and neighbourhoods which provide a high level of amenity and which foster innovative urban and housing design; the provision of land which satisfies a range of market sectors, including land for buyers of limited means; and the maintenance of a viable and competitive land development industry in the Territory.

The Government recognises that there are some concerns in the community about the Government's role in joint ventures. The Government is totally committed to transparency in the joint venture process, along with full accountability. The recommendations in the Auditor-General's performance audit of land development joint ventures will be accepted by the Government. Our aim will be to improve public reporting and accountability. All future joint ventures in which the Territory has a major shareholding will be audited by the ACT Auditor-General.

Mr Speaker, a balance has to be struck between retaining the qualities of the city which people value and allowing more flexibility for different forms and density of housing. We must protect Canberra's heritage. But we must face the reality that the Canberra community cannot afford to continue to grow at the fringe along the lines of the Y-plan; we simply cannot afford it. Completing Gungahlin to the local community's expectations is going to be hard enough. The current metropolitan growth strategy review is one of the Government's top priorities.

28 March 1996

The Government remains committed to ensuring that planning decisions are responsive to economic and social needs and to the rights of Canberrans, with proper community consultation. Our commitment to local involvement through precinct management, local area planning advisory committees and precinct committees demonstrates this. We are committed to undertaking balanced and acceptable development, including planning of the city centre and carefully managed urban consolidation. Completing the metropolitan growth strategy review is central to achieving this objective. Also we are committed to ensuring an adequate supply of affordable land and support for alternative housing concepts that are available in all price ranges.

The need to simplify the Territory's complex legislation is also well recognised. The Government proposes to take the opportunity presented by these reforms to effect some other improvements in the operation of the planning legislation. Our objectives include a clear planning framework for decisions about the Territory's future physical development; a simple, transparent and expeditious process for assessing and determining all land-related applications; a simply structured legislative and regulatory framework to remove any ambiguity from the process; and integrating, to the maximum extent possible, Territory and national capital planning and development policies and processes. To assist with this process, the Government will be establishing a planning and land management consultative panel, drawn from the private sector, from professional groups and from the community. Advice on the implementation of the reforms I am announcing today will be the first task of this group as part of an ongoing consultative role. The legislative aspects of those reforms will come before the house, I hope, in these autumn sittings. We will not be letting the grass grow under our feet.

Mr Speaker, one thing upon which I wish to comment prior to concluding is the creativity and genuine willingness to tackle problem areas which have been demonstrated by staff in the land and planning administrations. Obviously, and understandably, many were shocked and disappointed by some elements of the board of inquiry's findings, but they have seen this as a crucial opportunity to make changes to the processes and practices. I would like to thank the many staff who have been involved in the development of this response.

**Mr Wood:** Yes, the staff have done a good job.

**MR HUMPHRIES:** I thank Mr Wood for that comment. They are not just planners and land managers, but people from many other agencies as well. Many people have joined together to develop and implement the changes which the Government has decided upon.

To return to the challenge issued early in this speech, planning and land management in the Territory is in urgent need of reform. It is in the interests of the entire Canberra community - not just pockets of it - that this reform occur. Despite this, there are many and diverging views on what changes are required, as we have heard. The Stein, Mant/Collins and red tape reports have given us much useful direction, but they also illustrate the divergence of views. Give and take is required on all sides, and the Government is taking the lead in this respect by putting forward the model I have outlined today. I challenge members and all in the community with an interest in planning and land management to enter into the debate that will follow in the same spirit. Mr Speaker, I present the Government response to the report.

**MR MOORE** (4.03): Mr Speaker, I had intended to adjourn the debate on this issue at this stage so that we could have a more thoughtful response.

**MR SPEAKER:** Mr Moore, I am reminded by the Clerk that you have already spoken.

**MR MOORE:** I seek leave to speak again.

Leave granted.

**MR MOORE:** Thank you, members, for granting me leave. The Government's response to this report is, to say the least, extremely disappointing. Mr Speaker, we have the Minister explaining that he has looked not just at Stein but also at Mant/Collins and a series of other reports and has come up, therefore, with this response and we should all be pleased with it. He did say, as he finished his speech, that the debate will start now and that he welcomes it. Indeed, it is appropriate for the debate to start now, but it should be carried out in an appropriate way.

Mr Speaker, the Planning and Environment Committee has already indicated to this Assembly that it has taken on an inquiry to look at the implementation of the Stein report. While that committee is looking at the implementation of this report, it is hardly appropriate for the Minister to move away from what was said in the Stein report and then begin advertising, as he indicated he would, on Saturday. It is entirely inappropriate. If he had said, "We are going to adopt this in toto and each one of the responses is agreed", I would say that we have no argument with that. But, in fact, there is a whole series of issues that need to be considered in very careful detail. We would like to consider in the Planning and Environment Committee why it is that they have rejected a statutory Territory planning authority and why it is that the Government has rejected the establishment, particularly, of a land management authority. That is absolutely fundamental to what Justice Stein said is necessary to protect the leasehold system and the land within the ACT.

It may well be that Mr Humphries or his delegates, whom I am sure he will make available to appear before the committee, have such overwhelming arguments that we are convinced that he is right, that the majority of members of the Assembly are convinced that that is the appropriate way to go; but, if he has done all his advertising to establish something else and has appointed people for these other proposals that he has that, as I read it, are largely based on Mant/Collins, then the perspective is very different. That is why, Mr Speaker, I have circulated a motion that I will seek leave to move in a short while. That motion, which I am foreshadowing, says that the Government should take no action to implement its response to the Stein report until the Planning and Environment Committee has reported on its inquiry into the implementation of the Stein report. I think that this is an entirely appropriate way to go, Mr Speaker, when we are talking about what Mr Humphries asked for - a multiparty, multimember approach to such a fundamentally important issue.

The fundamental importance of the issue is demonstrated most clearly in what appears at first glance to be one of the very minor issues that Mr Humphries has chosen to deal with and which brought about a series of interjections from members. I refer to the word "betterment". Stein said, "No, do not call it betterment; call it a development rights charge so that people know what you are talking about". Then Mr Humphries comes into this house and says, "No, we are going to call it a use rights charge". Well, it is not a use rights charge. The implication of that is that we are going to charge people, including you, Mr Speaker, to use your lease. Of course, we do not charge you for the right to use your lease; that is not what betterment is about. Betterment is about when somebody wishes to change the use of their lease, when they wish to develop their lease, which is why Stein sought to make it a development rights charge and to use that term so that people would understand what the levy is about. It is a charge for when somebody wants to develop their lease. It is that sort of issue that makes me feel very nervous about the signals that Mr Humphries is trying to send to the people of Canberra. They are trying to send signals that undermine the leasehold system.

Mr Speaker, I have had a chance to have only a quick glance at the Government's response. I must say that Mr Humphries was kind enough to provide me with a copy at lunchtime. I have been able to have a look at it for only about half an hour because I was committed right through lunchtime, particularly as the Assembly sat until much later than we had expected. I appreciated that chance. The appropriate way for us to have a much better look at this response to this very important issue is through the committee.

Let me emphasise, Mr Speaker, that this was a very expensive consultancy - unlike Mant/Collins, which I understand was worth about \$20,000, give or take a bit. We are talking about the best part of half a million dollars.

**Mr Wood:** It was \$630,000.

**MR MOORE:** More than half a million dollars was spent on getting this report. It cannot be dealt with lightly. It is appropriate that it go through the committee process and be considered very carefully, that the Government's response to it be considered very carefully, that we understand why it is that the Government wants to take a different approach from what was recommended by Justice Stein, and that, if necessary, the committee ask Justice Stein and his two colleagues - Mr Yeomans and Professor Troy - what they see as the impact of the Government's response. It may well be that all three of them say to us, "Look, what we wanted was a land management authority, and that is what we recommended; but the Government's response to it, of establishing a new Planning and Land Management Division with some statutory officers, meets what we had hoped to achieve. It does it in a different way, but we can see the sense in it". I must say that I do not think that will be the case. I think that just the opposite will be true; that they will explain to us why they came to the conclusions that they did and that what we see here is something else that will allow the leasehold system to be run down even further.

Mr Speaker, this was a balanced response to the concerns about the leasehold system. There certainly have been some criticisms of the Stein report and I am open-minded enough to listen to them. I have been critical of it in some ways myself, but it was designed as a response that ought to have been a compromise where nobody is satisfied because there are no winners and everybody comes out feeling that at least some things are recognised.

Mr Speaker, up to now I have been quite negative in my approach, but I must say that a series of things in the Government's response are quite positive. In fact, if you look at the majority of the recommendations that the Minister deals with, they say, "Agreed, agreed, agreed, agreed, agreed". I talked of very fundamental issues that I thought needed criticism. One of the agreed issues that will be of great interest for people involved in development, for example, is what I refer to as the 30-day rule. If the development is not approved in 30 days because the department has not acted, it is automatically refused and therefore the person has the right to appeal and will get their application through that way. I think that is a fair description of how the system will operate.

There are a series of very positive moves in here that the Government has accepted, and I do not miss those; but a number of fundamental issues need to be dealt with. They need to be considered carefully by the appropriate committee of the Assembly, and that needs to be done before there is any pre-emptive action taken by this Minister or the department. Hence the foreshadowing of that motion which, after this debate is finished, I will be seeking leave to move.

**MS McRAE (4.13):** Mr Speaker, I was quite sanguine in my response to this and I have already spoken to the press. For the record, I received the report at about 2 o'clock. I was very pleased to see how much the Government had concurred with the will of Stein and how many of the recommendations it had taken on board, albeit through gritted teeth, knowing how much this Government would prefer to see freehold. My initial reaction on seeing the acceptance of leasehold was very positive. I accept Mr Moore's concerns about the user rights charge and I will be very interested to participate in that debate; but the fact that 100 per cent betterment has been retained, I think, is sending out a clear message that this Government is listening quite seriously to a lot of things that a lot of people say. The Government might not want, in their heart of hearts, to agree with them, but they have conceded to the will of the community.

The thing that I am interested in and a little concerned about is that Justice Stein did identify four objectives for the leasehold system. In the response that Mr Humphries provided the comment was made that the board has modified the original objectives of the leasehold system as Justice Stein interpreted them originally and has reworded them. Now the Government is taking it upon itself to try to come up with the right sort of wording.

This highlights to me the heart of where planning becomes, at its centre, the worst problem for any government - never mind this one - and that is the crossroads of the political will with what is ostensibly this pure asset that we have. It is like trying to combine the will of the people with a goldmine. We are sitting on our goldmine,



28 March 1996

which is land, which is the only asset that we have. Anybody's reaction to a goldmine is to try to get their hands into it quick smart and get as much out of it as they possibly can, as we saw in the gold rushes here in Australia in our past. The analogy, I think, is not a bad one; each person is trying to maximise what they can get out of the asset, and, of course, most of all, any government, this being the most important asset that the ACT has.

The management of the leasehold system and the return to the ACT on its basic capital are of central importance. This crossing over of a strategic plan, being led by the Chief Minister's Department with these four clear objectives, is where I see a great area that needs a lot more thorough consideration. To be fair, the Government has conceded that and said that that will be the case. But this morning, having sat in on a briefing to BOMA about the strategic plan, I must say that I am deeply concerned. It is being done very rapidly. It all has to be together by September. It has the potential to profoundly change the forces that are shaping our city and taking us toward the future. I really wonder whether the right level of resourcing and backup has been given to what will essentially overtake the Territory Plan and overtake the planning and future of our city if it is articulated in the way that its proponents at the moment are taking it. Given that this is going on - as Michael says, the Mant/Collins idea coming at a crossroads with the Stein idea - quite where we are going is an area of concern for me, and it will be for our party.

The whole proposal is to administratively deliver services better. Of course, one can only hope that we can come to that. Mr Moore has already flagged some concerns about the type of authority that has been placed on the record here. I cannot claim any expertise. I think it probably does need a second look. Certainly, my reading of the Government's proposal does offer hope that some sort of streamlined, better focused, easier to follow, less bureaucratic and less cumbersome process is being offered. I, for one, would like to see something happen, and happen quickly; but the review that Michael is proposing is probably necessary.

I was very pleased to see the Government take on board all the concerns about FOI. The difficulty that people have had made for quite sad reading. There is probably fault on both sides, but I think that anything that strengthens the spirit of the FOI Act and then enables the administration of it to come out much more clearly would be helpful to everyone concerned with planning in the community. I was very interested to read in the Stein report how other authorities managed their files, and how much more open and transparent the processes are. I read into the Government's proposals about the FOI changes some coming to that process and some tacit agreement that really a much more open process is essential. That is what I would be looking for and monitoring in that process, because there really is no excuse, in the end, for the community being denied vital information about our communal assets. For information to be lost through bad administrative processes rather than bad legislation made for sad reading, and I am very pleased to see that the Government is taking that on board.

The essence of Stein, I think, has been followed; the detail, I think, does need closer examination. I understood that the Planning and Environment Committee had already taken on the brief of looking at the Government's response to Stein and its implementation. I think the depth and the passion of community concern about Stein

means that the work of the Planning and Environment Committee could be very important and positive in allowing a further input into the implications of the Government's response and the better implementation of it.

I foreshadow that I will be supporting Mr Moore's motion, but very much with the intent of expediting that inquiry in a very helpful and positive manner rather than in a negative manner, because, from my reading of it, the intent of Stein has been followed. It is the detail that seems to be a bit of a bother, and I do not see why we cannot clear that fairly quickly and ensure that the community and all parties are comfortable with the new arrangements that offer a new and very positive approach to the management of our leasehold system and land in the ACT.

**MR WOOD (4.20):** Mr Speaker, I seek leave to speak again.

Leave granted.

**MR WOOD:** The first thing to be said is that a great amount of highly competent and dedicated work has been done; but that has always been the case. I am pleased that the Minister has been able to draw on the high calibre of work that the planning and land management people in our bureaucracy have done and that we can ignore the nonsense on that matter that was in the Stein report. I congratulate all officers concerned in putting together a coherent document at the end of this stage. Therefore, I think the response to recommendation 24 is appropriate. It rejects the suggestion in Stein that a great number of positions in those two agencies should be thrown open.

Again it is an acknowledgment of the calibre of those officers that the Minister has produced a workable document from a flawed report, and that is a considerable achievement. I note that the Government has accepted the great bulk of the recommendations. Many of those, of course, are at a lower level, if you like, and rather more of a practical nature. The Government has not agreed with quite a number of very significant recommendations. For example, it has not agreed with the four identified objectives of the leasehold system, and in doing so it might get back to the text of the Stein report and reconsider the action it took at least in respect of one of the officers who was transferred to a different position.

The Government has not agreed to a statutory planning authority as detailed in Stein; it has not agreed to the land management authority; it has not agreed to the statutory corporation to join those bodies together; and it has not agreed to the development rights register. It will be well explained to the Planning Committee, when they get to hear the rationale for that, that they will be altogether too cumbersome, too complex and outrageously expensive.

I have always said that this report was not about leasehold. That was never in question. Leasehold in this Territory was never going to change. So, while I applaud the recommendation that the leasehold system be retained, it was never really an issue. After its tabling last year I criticised, in some ways quite strongly, aspects of this report. Today I think the Government, using other reports as well, has come up with a workable arrangement.

28 March 1996

Members may recall that the impetus for the report ostensibly arose from consideration by the Assembly's Standing Committee on Planning and Environment of concern expressed about proposed developments at the Yowani golf course and the Watson drive-in. That committee sought this Stein inquiry; so it is appropriate, Minister, that you report back to the committee, as Mr Moore asks. There were public allegations at that time which have subsequently been shown to be quite unfounded, and we still wait to see what happens with Yowani and the Watson drive-in. I am not sure that those events - I think Mr Moore would agree with me - were really significant in setting up the Stein inquiry. I think they were the prompt.

**Mr Moore:** The catalyst.

**MR WOOD:** Well, the last thing. I think Mr Moore made it clear, and his actions make it clear, that after the election he intended to have an inquiry, no matter what, and he went to the Government and made that, I think, as I said before, a condition of his support.

**Mr Moore:** It is not true, Bill.

**MR WOOD:** Not true?

**Mr Moore:** It is not true. Thank you for getting that on the record.

**MR WOOD:** Well, it was certainly a very strong part of your agenda, Mr Moore, that there be an inquiry. We also had the move, that I did not agree with, to join the planning and environment committees together. I do not think that has proved to be a very sound move.

The commissioners were appointed. I claim again - I wait for Mr Moore to agree with me - that at least two of the commissioners were his names and therefore put that particular stamp on the report, for example, that we would never get recommendations against leasehold; but then the commissioners took the report, as they are entitled to do, very much in their own direction.

**Mr Moore:** I do not think Justice Stein is anybody's man, in any way, in any perception.

**MR WOOD:** That is right. There is no question about that. But you knew what his perceptions and his approaches were. There is no question about that.

While we now express some satisfaction with the outcome of the report, I think there is something of the revenge of the old guard against the new guard expressed through the report. The bureaucrats in recent years have had to deal with the planning situation and I think there was an element of bitchiness in the report that was unfortunate. Now we have the response that we look to. The Planning Committee will again assess that. I think we are now in a position where we can go forward and build on the good work that has been done over a long period in Canberra in planning, to see that our city remains the best planned in the Commonwealth, if not further afield.

**MR KAINE** (4.27): Mr Speaker, I must say that I am rather surprised to find the Assembly debating a foreshadowed motion that this matter go to the Planning Committee.

**Mr Moore:** No, we are not. We are debating the Stein report.

**MR KAINE:** It is a foreshadowed motion. Mostly, what everybody has said up to now was predicated on the matter going before the Planning Committee. In fact, we are debating it, whether you think we are or we are not. Mr Speaker, if this occurs, in essence the Planning Committee is going to substitute itself for the Government as the policy-making organisation of this place. It seems to me that what we have here is a report put together at great expense, at Mr Moore's request, I might add; so when he talks about how much it cost he wants to remember that it was he who instituted the thing.

**Mr Moore:** Trevor, you might recall that you were part of the committee that called for it.

**MR KAINE:** I have no difficulty with that; but it is no good now, after the event, saying, "It cost \$620,000". How much money do you think you need to spend on this thing? If you did not want to spend the money you should not have asked for the inquiry. I have no compunction about spending the money because I think it was well spent.

The point is that we have this report. The Government has this report. It has 96 recommendations in it. The Government has looked at that report and it has come back with its response. To the extent that what the Government proposes to do is different from what was put to it by the Stein board of inquiry, the Government has to resolve those differences. The Government should be going out to the community and to groups that are concerned about this and saying, "This is what Stein recommended and this is what we intend to do. Do you have an opinion about that?". They can get the replies and make up their minds as to whether they still want to go that way or whether they want to stick to their guns and go their own route. Why are we trying to impose the Planning Committee in this process?

**Mr Moore:** To get it right.

**MR KAINE:** I do not believe, Mr Moore, that you are the fount of all wisdom on planning and that your judgment, which you will attempt to inject into the report that comes back here, is superior to that of the Minister.

**Mr Moore:** Yes, but you will inject, as you always do, in a very forceful way. There is no doubt about that. I do not see you sitting quietly by and letting me do what I like, Mr Kaine.

**MR KAINE:** That may be so; but it seems to me that the responsibility is that of the Minister and the Government. They have a proposal that they paid dearly for. They have said, "This is what we intend to do". Let them sort it out with, to use this new in-phrase, the stakeholders, whoever they are, and justify to the stakeholders why they want to take a different course from that proposed by the Stein inquiry. If they can persuade them that that course of action is the right one, okay; if they cannot, they have

28 March 1996

to think about it again. But, no; we are going to take it out of this place. We are going to take the debate right out of here. We are going to take the heat right off the Minister and right off the Government and we are going to say, "The Planning Committee will impose itself into this process, and the Planning Committee will take the heat out of the argument, if there is going to be any heat". I just do not see the logic or the rationality of it.

What can the Planning Committee contribute to this debate, except the personal views of its members? The people who are going to come and give evidence to the Planning Committee are the ones who have already put their view forward in this report, and it has been reflected in this report. The Conservation Council of the South-East Region and Canberra will come along and give us the same argument that they gave to the Stein committee. Are we going to change the Stein committee's recommendations because we hear the same evidence again?

I do not know how, as a member of the Planning Committee, Mr Speaker, I can contribute usefully to this debate. I can do it on the floor of the house because I can ask the Minister, "Did you ask the conservationists and everybody else what they think about the ways in which you intend to deviate from the recommendations that you got?", and the Minister is bound to reply; but, as a member of the Planning Committee, I cannot see what I can contribute through that process, except to hear the same old evidence presented by the same people from which we must come to the same conclusion or we find ourselves in conflict with the Minister. What good is that going to do? I just do not understand the logic of it.

I would suggest that the people who have already spoken on the premise that this is going to go to the Planning Committee ought to be clear that the motion is not even before the house yet. Maybe they ought to think twice about whether or not it should go to the Planning Committee. Personally, I do not think it should, because I do not see that we can add anything to the process. I believe that the Minister needs to take the heat out of this and do the negotiating himself, not allow the Planning Committee to cart it away and perhaps inject more heat into the argument at the end of the day than what is in it already. I think a certain amount of logic and sense needs to be applied to this and I do not think that going the route that is proposed here is the right one. I presume that members will carefully consider the matter and come to their own conclusions; but, frankly, I do not see that it is a good thing to do.

**MS HORODNY (4.33):** Mr Speaker, I seek leave to speak again.

Leave granted.

**MS HORODNY:** I want to say, first of all, that I am very disappointed with the way Mr Humphries has distributed his response to the Stein report. I asked him at 3.30 pm whether he would be presenting his response today. He referred me to the daily program and said that that is when it would be available. Indeed, that is when it became available, when he started speaking; but I understand that other members had access to the report as early as 12 o'clock.

**Mr Moore:** Two o'clock.

**MS HORODNY:** Well, 2 o'clock is better than 3.30 pm, I suggest; so there is not much democratic process happening in this place. That makes me very suspicious of what Mr Humphries has in this document, which, of course, I have not had time to look at.

There is a particular point that is rather distressing. The whole strategic planning behind the ACT 2000 document is now sitting very much in the Chief Minister's Department, and Mr Humphries's response says:

... responsibility has been given to the Chief Minister's Department to manage the Territory's first strategic plan since self-government. Such a function belongs, naturally, at the apex of government.

I suggest that that is an absolute furphy. I think the strategic plan for the ACT belongs to the Assembly, to the whole Assembly, so that there is a whole-of-community contribution to this supposedly very important document which, already, I have great problems with.

If Mr Humphries wants a reasonable response to papers as he presents them he needs to ensure that the distribution is fair and equitable. At this stage I am unable to say anything more about his response, except that I will be supporting Mr Moore's foreshadowed motion that no action be taken to implement this document. There is no way that this document should be implemented when people have not had a chance to look at it. There has been no scrutiny of this document because access by the community to the Stein inquiry was fairly limited. I do not believe that it was a process that was friendly to the community to participate in. That is all I have to say at this stage.

**MR MOORE:** I seek leave to make a statement under standing order 47.

**MR SPEAKER:** Proceed.

**MR MOORE:** Inadvertently, Mr Speaker, I have misled the house. I indicated that the Planning and Environment Committee already has an inquiry into the implementation of the Stein report.

**Mr Hird:** Will the Speaker accept your resignation?

**Mr Kaine:** Misleading. Resign.

**MR MOORE:** I hear members calling for my resignation; but I am not quite ready for that, Mr Speaker, with these things here. That was why I wanted to correct it as quickly as I could, before somebody beat me to it, Mr Speaker, and I was given no option but to do the right thing. Members of the committee had informally agreed to inquire into the implementation of the Stein report. For that reason, the foreshadowed motion I have circulated has been modified to make it a reference to the committee as well.

Question resolved in the affirmative.

**PLANNING AND ENVIRONMENT - STANDING COMMITTEE**  
**Reference - Leasehold Administration**

**MR MOORE** (4.38): Mr Speaker, I seek leave of the Assembly to move a motion similar to the one circulated in my name.

Leave granted.

**MR MOORE:** Mr Speaker, I said "similar" because Mr Humphries has requested that I put in a reporting date; that I add, at the end of the motion circulated, "for report by 30 June 1996". Mr Speaker, the motion that I now move is this:

That:

- (1) the Government take no action to implement its response to the "Stein Report" until the Standing Committee on Planning and Environment has reported on the "Stein Report" and the Government response to it; and
- (2) the "Stein Report" and the Government's response be referred to the Standing Committee on Planning and Environment for report by 30 June 1996.

Mr Speaker, it is a very tight reporting time. In fact, it will be my goal to see whether we can report before that time, because we are all interested in ensuring that we move as quickly as we possibly can to get the best and most effective planning system and protection for our leasehold system. I believe that, unlike many inquiries, a lot of the work has been done. There is the report by Stein, the report by Mant and Collins, and the report by the Red Tape Task Force. Those reports that have an impact here have been available to members and I believe that all members probably, and certainly members of the Planning and Environment Committee, have read them. We already have a very good start. What I think we are seeking to do is to understand what the Government is trying to achieve and then to refer to key players within the community whether or not the goals in Stein have been addressed by the Government's response. Those are the sorts of issues, and I believe that we can do this relatively quickly.

Mr Speaker, it may also be necessary to come back to the Assembly, depending on how the timing goes, to request of the Assembly permission to report out of session; but I think the committee can deal with that. It is a matter of bringing it back to the Assembly if we need to. Finally, Mr Speaker, let me say that Mr Humphries approached me and said that they have already taken action to put advertisements in the newspapers which in one sense would pre-empt the inquiry. Provided it is made very clear to people, once they have asked for the associated papers when they respond to the advertisement, that it is subject to the report of the Standing Committee on Planning and Environment,

I have no difficulty with those applications going out and some work being done to assess who are the sorts of people who would be appropriate. It would seem to me, even if we were to recommend and to put a motion through the Assembly to establish a land management authority, that the people who apply for that are likely to be the same people who would apply for the positions in the system that Mr Humphries has presented here. I would not read this motion as precluding Mr Humphries from making those advertisements under those circumstances.

**MR HUMPHRIES** (Attorney-General and Minister for the Environment, Land and Planning) (4.41): Mr Speaker, I have to agree with Mr Kaine. I am not sure that there is a great deal of merit in referring this matter to the Planning and Environment Committee; but, clearly, there have been discussions already on the floor of the chamber about doing that. Obviously, we are presented with a fait accompli; so I will not spend too much time crying over it. I do welcome the reporting date. It will be quite useful.

I want to refer to what Ms Horodny said about having had advance copies of the document. Mr Speaker, I did make two advance copies of the document available to two members on this floor. One was Ms McRae, as the Opposition spokesperson on planning; the other was Mr Moore, because he has shown a very strong interest in this issue. I felt that in a sense the person who engendered the Stein report in the first place deserved some capacity to see that in advance. It was not a case of saying, "I will play the Labor Party and the Independents off against the Greens", or anything like that. It was just a case of doing so. Ms Horodny invites me to generate more cooperation with the Greens on - - -

**Mr Berry:** You thought the Greens were interested only in the trees. You got a big shock.

**MR HUMPHRIES:** I was saving paper.

**Ms Horodny:** Why did you not just make it available generally to everyone? Why did you make that decision?

**MR HUMPHRIES:** No, I am sorry; this was a sensitive document which ought to have been carefully embargoed until it was delivered. I am sorry; making it available to everybody was not my intention. I would not have done so. I would make it available to people with a particular interest in this, for particular reasons. Had you asked me, I would certainly have made it available. I am sorry; I did not think of making it available to you.

**Ms Horodny:** I asked you on the floor. You still did not make it available.

**MR HUMPHRIES:** Let me make a point here about cooperation with the Greens. You say that we should be giving you some incentives to cooperate. With respect, we have given you plenty of those incentives in the past and it has not done the Government one iota of good. Look at your voting record.



28 March 1996

**Ms Horodny:** Why don't you listen to your own rhetoric? It might do you some good.

**MR HUMPHRIES:** You look at your voting record, Ms Horodny. We talk to you about things in advance, we discuss things, we make things available to you in the form of papers and so on, and it does not get the Government anywhere.

**Ms Horodny:** But that does not mean that we are going to vote with you.

**MR HUMPHRIES:** Look at your voting record, Ms Horodny. You need to give us some incentives to be cooperating with you.

Question resolved in the affirmative.

#### **ASSEMBLY BUSINESS - PRECEDENCE Suspension of Standing Orders**

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

That so much of the standing orders be suspended as would prevent notice No. 1, Assembly business, relating to the reference of proposed temporary orders, being called on forthwith.

#### **ADMINISTRATION AND PROCEDURE - STANDING COMMITTEE Reference - Proposed Temporary Orders**

**MR HIRD** (4.44): Mr Speaker, I move:

That the proposed amendments to the standing orders which provide temporary orders relating to addresses to the Assembly (notice of which stands on the *Notice Paper*, as Executive business in Mr Humphries's name) be referred to the Standing Committee on Administration and Procedure for inquiry and report.

I think members are aware of this. It is straightforward.

Question resolved in the affirmative.

## NATIONAL MUSEUM AT YARRAMUNDI REACH

**MS HORODNY (4.45):** I ask for leave to move a motion relating to the ACT Legislative Assembly's support of the National Museum at Yarramundi Reach.

Leave granted.

**MS HORODNY:** I move:

That this Assembly:

- (1) supports the new Federal Government's policy on building the National Museum at Yarramundi Reach; and
- (2) calls on the Chief Minister to write to the Prime Minister urging him to abide by the policy and commence work on the National Museum at Yarramundi Reach.

I bring this issue forward today because I believe that there is an urgency in finding out from the Federal Government just what is going on about the National Museum, and to reinforce our desire - I believe that it is probably the desire of this whole Assembly - that the Yarramundi site be used for this museum. Mr Humphries spoke earlier this afternoon about his discussions with the new Minister for Territories, Warwick Smith; so he may know something more about this issue.

**Ms McRae:** Mr Speaker, has the motion been circulated?

**MR SPEAKER:** It is being circulated now.

**MS HORODNY:** There are copies of it. There is urgency over this matter because I believe that if the National Museum is now to be built at Yarramundi, as promised by the Liberal Government at the Federal election, the Kingston-Acton land swap agreement is thrown into complete disarray. This land swap agreement was predicated on the use of Acton Peninsula for part of the National Museum - that is, the Gallery of Aboriginal Australia. If this is not going ahead on Acton we are back to square one regarding the Acton site and the use that it should be put to.

Regarding the museum itself, the Greens are urging the Federal Liberal Government, and I hope that the Assembly supports this motion, to stick to its promise to build this National Museum at Yarramundi. We are very concerned that they may renege on this promise. Yesterday Warwick Smith, the new Federal Minister for Territories, said on the ABC that the Federal Government intends to spend \$1½m on investigating yet again a site for the National Museum. We have had investigations for over 10 years now on where this museum should be sited and all the reports have favoured Yarramundi.

The National Museum was established by legislation in 1980 and we are still waiting to see the buildings. This is really a national disgrace, I believe. The museum will fulfil an important role in Australia by expressing in a coherent and accessible way what it is to be an Australian, and the historical influences that shaped our society. This will be of significant interest not only to the Australian people but also to visitors to this country.

28 March 1996

At the local level, the development of the National Museum will be a significant boost to the ACT economy, not only in jobs created but also in extra tourist activity that it will generate. I had hoped that Mr De Domenico would be here to listen to this; he loves the idea of many more jobs.

The National Museum concept has developed around three themes of Australian history. Firstly, it is the Aboriginal and Torres Strait Islander history and culture; secondly, it is the Australian society and history since 1788; and, thirdly, it is the people's interaction with the Australian environment. These themes all interrelate. The museum was intended to be built large enough to enable exhibitions on these themes to be presented together so that visitors to the museum would get a comprehensive picture of Australian life.

The design of the museum buildings was also originally intended to reflect the Australian landscape and its indigenous architecture. The original plans for the buildings showed a sprawling complex of low buildings interspersed with outdoor displays and activities, reflecting the style of Australian homesteads. The Yarramundi site is very suitable for these concepts of the National Museum. It is a big site - 88 hectares - and it is unencumbered with existing structures, unlike the Acton Peninsula. Its location includes a wonderful backdrop of the lake and the Brindabella ranges, and this reflects the great Australian landscape that we should, and do, all treasure.

The previous Federal Labor Government modified the original museum concept by promoting the idea of a distributed national collection rather than having a single museum site at Yarramundi, and I recall Paul Keating saying words to the effect that Australia does not need another museum building in Canberra. A part of the National Museum dealing with political history was thus established in Old Parliament House. The Aboriginal part of the museum was to be built on Acton Peninsula, and there have been travelling exhibitions of National Museum objects to other parts of Australia. The problem with this whole approach is that it separates different aspects of the museum and destroys the idea of presenting to Australian people and to overseas visitors a holistic view of Australian society and the interactions within it. Building a National Museum in Canberra, the national capital, provides Australians with a central physical focus within which to consider their sense of national identity.

To emphasise this point, just consider what impact the presence of the War Memorial in Canberra has had in reinforcing awareness of Australia's military history. The National Gallery and the National Library have also had a significant impact through recording and expressing Australia's cultural life. The same must be allowed to occur with the National Museum. It is critical that Australian residents and visitors have the opportunity to see in one place, in one very suitable location at Yarramundi, detailed, comprehensive and integrated displays of all aspects of Australian life. I therefore commend this motion to the Assembly.

**MR MOORE (4.52):** Mr Speaker, I rise to speak feeling that I may have indicated incorrectly to Ms Horodny that I would support this motion. Certainly, I have no problem with supporting the tenor of the motion. I have just had a discussion with the Labor Party and, because there is some confusion for us - and I will explain that in a minute - I think it may be best that we adjourn the debate so that we can sort out this particular aspect of it and perhaps reword the motion a little.

I have sat for quite some time on a committee looking at this issue with reference to Acton Peninsula, and in that committee we have heard a large number of Aboriginal people talking about the Gallery of Aboriginal Australia. They have expressed very clearly to us that it is their wish that the Gallery of Aboriginal Australia go on Acton Peninsula. I cannot recall the policy of the Federal Government in terms of building the National Museum at Yarramundi Reach and whether that includes the Gallery of Aboriginal Australia.

I have no problem with the motion that says that the National Museum goes to Yarramundi Reach, and that is how the motion reads on the surface. Before I would support this I would have to understand whether the Aboriginal people who appeared before us still believe that it is appropriate for the Gallery of Aboriginal Australia to go to Acton Peninsula or whether they are happy for it to be part of the National Museum at Yarramundi. Unfortunately, I do not know the answer to that question at this stage. What worries me is the way this motion is now worded. It may well be that in supporting the National Museum at Yarramundi Reach I may also be supporting the Gallery of Aboriginal Australia at Yarramundi Reach. It may well be that one of the members of the Liberal Party can clarify that for me.

I want to indicate that I am very supportive of the concept that Ms Horodny is putting up. That causes me no problem. It is just that this other issue is fundamental to the whole consideration of Acton Peninsula. It is fundamental in terms of our attempts at reconciliation with Aboriginal people around Australia. They have made it very clear that on almost every occasion they are given some cast-off, second-hand site - something that puts them as second rate. Acton Peninsula is clearly the pre-eminent site in the Australian Capital Territory at the moment. It would be a great step for us to say, "Yes, we are going to support a Gallery of Aboriginal Australia on Acton Peninsula".

This matter could be remedied by removing the words "the new Federal Government's policy", so that the motion would read "supports building the National Museum at Yarramundi Reach"; but it is still not completely clarified. I am happy to be guided by members, but I think the appropriate approach at this stage is for us to adjourn the debate, recognising the appropriate sentiment that Ms Horodny and the Greens have put forward, but seeking to clarify this particular position and bringing the matter back on and dealing with it either by amendment or by modifying the motion in some other way. I am saying that I am supportive of the concepts being put forward, but I have this particular concern. I believe that that may lead to the adjournment of the debate, if that is acceptable.

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

28 March 1996

## ADJOURNMENT

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

That the Assembly do now adjourn.

### Public Accounts Committee Report - Government Response

**MS McRAE** (4.57): I would like to raise a matter of concern. I remember hearing Mr Stefaniak say that by the end of this sitting we would have the Government's response to the PAC report on voluntary contributions. I would be greatly appreciative if you would circulate it, Minister. The motion to adjourn has just been moved, and we have not seen it. It is an issue of grave concern to the community. The Minister made a public promise that this report would be circulated. I would very much appreciate a copy of that report, as it is an issue of major concern to the community.

### Public Accounts Committee Report - Government Response

**MR STEFANIAK** (Minister for Education and Training) (4.57): I have no drama with that. In fact, I am amazed that no-one wanted to let me present it today. I was chafing at the bit to do so. I would like to table it.

**Mr Humphries**: We asked them whether they wanted to go to that item and they said, "No".

**MR STEFANIAK**: Yes. Get your act together. I table the Government's response to the Public Accounts Committee report on voluntary contributions. I do not appear to have my tabling speech with me. I seek leave to have it incorporated in *Hansard*. I will get that to your officials at the appropriate time.

Leave granted.

*Speech incorporated at Appendix 1.*

### Canberra Raiders

**MR MOORE** (4.58): I have a very important issue that I wish to raise. I think many people in Canberra will be delighted that the Canberra Raiders are finally back on the field, although it is under some interesting circumstances indeed. Nevertheless, they are back again. I know that lots of fans will be out there supporting their Canberra team. No doubt people like Mr Osborne and others who have been supportive in the past will be there with them, at least in spirit.

### **Government Responses to Committee Reports**

**MR BERRY** (4.59): As an issue of business in this place, I raise this matter for consideration by the Government. I think Mr Stefaniak indicated that it was his intention to make available the Government's response in the course of consideration of Assembly business order of the day No. 1. That is a most unusual way to deal with that sort of business.

**Government members:** No, it is not.

**MR BERRY:** Hang on a minute. We will do it in chorus, if you like; we will get up together. Let me have a go, and then you can all have a crack as well. It is usual to deal with the report of the standing committee first. The motion was that the report be noted. Once that motion is dealt with, it is usual for the Government to provide its response and place the matter on the notice paper. This is a debate about a motion that the report be noted; so it seems a little unusual to approach it in that way. I ask the Government to consider that in future, because, in business terms, the process seems to be much tidier; it will let us deal with the motion before the house before the Government makes a response.

### **Canberra Raiders**

**MR STEFANIAK** (Minister for Education and Training and Minister for Sport and Recreation) (5.00): I am not going to talk on this particular issue; I have already said something on it. Like Mr Moore, I want to put on the record that I am delighted that our Canberra Raiders will be playing in a competition, albeit not in the competition that they would desire to play in. That, in itself, is most unfortunate. At least they will be playing. Hopefully, the court case will decide the future of rugby league in general in Australia, in the five-day sitting starting in late May. At least our team is on the paddock. Regardless of what competition they are in, I certainly support them in whatever they do and wish them well.

**Mr Berry:** On a point of order, Mr Speaker: You must have swallowed the whistle. The second rower over there has disobeyed all the rules, and you are not blowing the whistle on him.

**MR SPEAKER:** I am sorry; I thought he received leave. In this orgy of self-congratulations, I thought he might have received leave. Is leave granted for Mr Stefaniak to speak?

Leave granted.

**Mr Moore:** Provided he does not get any more time.

28 March 1996

**MR STEFANIAK:** I do not want any more time. I had virtually finished. I wanted to put on record my wishes and those of the Government that the Raiders have a successful season, albeit in a competition that they would not necessarily like to play in. They are Canberra's team, and I think everyone in Canberra supports them, whatever they do. I wish them well and look forward to some excellent rugby league at Bruce Stadium this year.

### **Mr Laurie Daley**

**MR OSBORNE (5.02):** I would like to follow on from some words of my learned colleague Mr Moore. Finally, we get some sense out of the man. I would like to speak on one issue regarding the Raiders saga, and that is the involvement of Laurie Daley. He came in for a fair bit of criticism, I suppose, for being very forthright in his opinions. I have to say that my experience of Laurie in the three years that I was with the Raiders - and that friendship has been ongoing since then - is that Laurie is one of the most loyal players that we have ever had here in town. It is unfortunate that he has been criticised in the way that he has. I would like to remind people of the many occasions when he was approached by different clubs over the years. In 1991, when the Raiders were faced with disintegration, he was one of the first to re-sign for a lot less money. I would like to put on the record my support for and admiration of him. He is one of the most talented and, I would suggest, one of the most humble footballers going around. I hope that he has a big year, as I am sure the rest of them will. I stand by the commitment that I made to Kevin Neil. I am available for \$200,000, if he needs me.

### **Government Responses to Committee Reports**

**MR HUMPHRIES (Attorney-General) (5.03), in reply:** I am very happy to respond, as Mr Berry has invited me, to the suggestion that we should change the procedure for giving Government responses.

**Mr Berry:** I think we should go back to the old one. That was what I meant.

**MR HUMPHRIES:** This is the old one; this is the way that we have always done it. Do not take my word for it; check with the Clerk. We always respond to reports from committees by moving that the paper be noted, which puts it on the notice paper, and then the Government's response comes - - -

**Mr Berry:** I yield.

**MR HUMPHRIES:** You yield; good. I should hope so, because it was discussed by the Administration and Procedure Committee, I am told, and you agreed to do it this way.

Question resolved in the affirmative.

**Assembly adjourned at 5.04 pm until Tuesday, 16 April 1996, at 10.30 am**

**ANSWERS TO QUESTIONS**

**QUESTION NO. 139**

**Disability Services - Dell Report**

**MS McRAE** - asked the Minister for Education and Training on notice on 20 February 1996 - What program has there been in the implementation of each of the recommendations of the report on a review of intellectual disability services conducted by Sunny Dell.

**MR STEFANIAK** - The answer to Ms McRae's question is attached.



Recommendation	Government Response	Action taken
<p>Dell 1.0 That the Community Access Program and the Residential Program adopt the values underpinning the ACT Disability Services Act 1991 (the DSA) and its accompanying Disability Service Standards (the Standards) as the minimum requirement for the services they provide.</p>	<p>Community Programs Branch will develop a training program for all Branch staff which focuses on the principles and the values of the DSA, the Standards and the disability reform agenda. This program will underpin all future training.</p> <p>Community Programs Branch will implement strategies to ensure that the Standards and the requirements of the DSA are met by both direct and funded services. These strategies will embrace continuous quality assurance and improvement and will focus on client outcomes and quality of service.</p>	<p>Training programs have been developed and have been delivered to staff in Community Programs Branch and a number of people from non government organisations.</p> <p>Trainers have been trained for an ongoing Standards training program for staff.</p> <p>Training relating to values, principles, Standards and Duty of Care will also be integrated into 'in-house' training through staff's individual Personal Development Plan options and into orientation for new staff members and trainees.</p> <p>A regional structure for disability Services is being implemented which will facilitate client focused services which meet the requirements of the DSA and the Standards.</p> <p>Wide consultation on the proposed new structure was conducted in August/September and November 1995.</p> <p>Details of workplace reform are being negotiated in the Enterprise Bargaining context.</p> <p>Quality assurance plans and strategies to evaluate all direct and funded services against the Standards are being developed and will be incorporated into the new structure.</p>

Recommendation	Government Response	Action taken
<p>Dell 1.1 That the first essential criterion for the recruitment and management of staff be a demonstrated commitment to and the understanding of the values underpinning the DSA and the Standards followed by experience in the disability field.</p>	<p>Staff selection criteria are being reviewed. The future criteria will include applicants' understanding of and commitment to the DSA and the Standards and the underpinning values and principles. Experience in the disability field will also be considered.</p> <p>National competency standards have been developed for the disability sector. These competency standards will be reflected in the revised selection criteria and other HR applications.</p>	<p>Work level standards, role and duty statements and the selection criteria for disability support workers, have been drafted for consultation as part of the planning for regionalisation of Disability Services.</p> <p>Role and duty statements and selection criteria for psychologists, social workers, speech pathologists, occupational therapists, recreation officers and administrative staff are being revised to reflect this recommendation.</p> <p>Community Programs has been involved in validation of the National Competency Standards and has membership of the course reference group for the development of a CIT course based on these competencies to commence in 1996.</p> <p>Australian Vocational Training System traineeships in Developmental and Disability Support have been negotiated with the Health Services Union of Australia (the HSUA) and commenced on 30 October 1995.</p>

Recommendation	Government Response	Action taken
<p>Dell 2.0 Short term staff contracts to be ceased and permanent appointments made</p>	<p>The use of short term contracts for employing long term employees has ceased since the introduction of the new ACT Government Service. We have established a casual relief pool of trained employees who can be called on for emergency backfilling, or when staff are on leave. The shortage of suitably qualified professional officers in the disability field sometimes necessitates the engagement of staff on contract prior to the completion of recruitment action.</p>	<p>The use of short term contracts within Residential Services has largely been ceased with the exception of circumstances where suitably qualified staff are not immediately available to fill permanent positions.</p>
<p>Dell 2.1 Acting positions where there is no incumbent should be advertised and filled.</p>	<p>Agreed.</p>	<p>Acting positions have been advertised and filled on an ongoing basis. An exemption from the current ACT Government Service staff recruitment freeze has been obtained for direct care workers in Residential Services to enable this strategy to continue.</p>
<p>Dell 2.2 Acting positions vacant for more than three months to be externally advertised and filled by applicants with an understanding and commitment to people with disabilities.</p>	<p>See comments under 2.1. Where suitably qualified staff cannot be recruited internally, positions are advertised externally for permanent filling. It is government policy that all vacancies be advertised internally and only then, after it has been determined that the field of applicants is poor can positions be advertised externally. Duty statements and selection criteria are being reviewed to ensure they better reflect an understanding of and commitment to working with people with disabilities.</p>	<p>A program of regular recruitment for all positions has been instituted.</p> <p>All duty statements and selection criteria are being reviewed to be in line with competency standards and other requirements, and will be tabled in the Enterprise Bargaining context.</p>

Recommendation	Government Response	Action taken
<p>Dell 2.3 Responsibility for recruitment to devolve to Director CAP and Director IDS with a maximum six week turnaround to appointment.</p>	<p>The recruitment of direct-care staff in the group houses is now the responsibility of Community Programs Branch with delegations being held by the Executive Director. All recruitment action is required to be completed within a 3 month period. Recruitment delegations for office-based staff are held by the General Manager, Community Division. A more stringent process of monitoring recruitment at the Branch level has improved response times.</p>	<p>Has been implemented.</p>
<p>Dell 2.4 Negotiations with HSUA to address staff movement, rostering and house management issues. The maintenance of current agreements is not an efficient use of resources and cannot be allowed to continue.</p>	<p>The current reform process aims to improve staffing and human resource management practices, including staff movement, rostering and house management, and to ensure that staffing arrangements are flexible to allow for efficient use of resources. Staff and the HSUA will be consulted at every stage of the reform process.  The Memorandum of Understanding will also be considered and reviewed if necessary.</p>	<p>Consultation has taken place with the HSUA, staff, families and advocates during August/September and November 1995 regarding regionalisation of disability services and broad future directions of these services. Changes to workplace practices are the subject of Enterprise Bargaining negotiations with the HSUA and the initial changes to line management responsibilities along regional lines were implemented on 22 January 1996. Progress with these changes is subject to continuing negotiation with the HSUA and the CPSU Professional Division.</p>

Recommendation	Government Response	Action taken
<p>Dell 2.5 Further expansion of Residential Services should only occur through the non government sector. Staff numbers should not increase though resident numbers may rise.</p>	<p>Residential Services will be treated like other service providers in the funder/provider split and will be required to compete for any funds which become available for expansion of services. Residential Services will be required to meet the same service standards and quality standards as community based service providers and vice versa.</p>	<p>There has been a policy of 'no growth' in place for several years. A small number of clients have been accepted into Residential Services - usually as a result of extreme emergencies. There are also six 'Choices' clients from Woden Community Services.</p> <p>Negotiations for Individual Support Packages for six individuals in Choices houses are nearing completion.</p>
<p>Dell 2.6 Policy and guidelines for the management of Residential Services and Community Programs need to be developed so that the managers can manage within these parameters thus allowing for greater decision making capacity at the sub program level.</p>	<p>Policies and guidelines will be developed for Client Services to enable managers to carry out their role within clear parameters and as close as possible to the interface with clients.</p>	<p>Operational policies and procedures for Residential Services which are in line with the DSA and Disability Service Standards are being developed in consultation with clients, advocates, parents, staff and the HSUA. These procedures include response to sexual assault or harassment.</p> <p>Policies and procedures relating to regional services are being developed and implemented.</p>
<p>Dell 2.7 Leadership must be committed to the values underpinning the DSA and the Standards and to recruitment and training practices which reflect this commitment if services are to be more user driven.</p>	<p>See action under Recommendation 1.0</p>	<p>See progress under Recommendation 1.0 and 1.1.</p> <p>The DSA and Standards are being used as the cornerstone for all program planning and in staff recruitment and training.</p>

Recommendation	Government Response	Action taken
<p>Dell 3.0 Amalgamate CAP support and respite services with Residential Services and regionalise teams into ground floor, transport friendly locations in Tuggeranong, Woden and Belconnen areas.</p>	<p>Following discussion with stakeholders Disability Services teams, which incorporate Residential Services and Community Access services, will be established in the Belconnen, Central Canberra and Tuggeranong areas. The regionalisation of these services will provide a more easily accessible service at a local level to clients and potential clients. It will also foster the further implementation of the case management model approach to meet individual client needs.</p>	<p>A regional model of disability service delivery has been endorsed and is in the process of being implemented in three regions. It has received widespread and consistent support from stakeholders.</p> <p>Details of workplace reform are being negotiated in the Enterprise Bargaining context.</p> <p>Regional teams have been formed and have commenced operating as teams within the Callam office complex in preparation for moving out into the three regions when accommodation is available. It is planned for this move to take place by mid 1996.</p>
<p>Dell 3.1 All CAP and Residential Services should be called by one name to avoid confusion.</p>	<p>We have agreed to the amalgamation of all our client service provision so Disability Services will be adopted as the generic name for all service delivery.</p> <p>Within this regional structure there will be three specialist teams providing therapy, behaviour intervention and respite and recreation services.</p>	<p>Both of these areas have become more identifiable and integrated as part of Disability Services in the regional structure.</p>
<p>Dell 3.2 Promote the service to potential users.</p>	<p>Agreed. Regionalisation of Disability Services will facilitate the provision of information about services to potential service users within the ACT at the local level.</p>	<p>The Disability Services Advisory Committee held two consultations during 1995. The need to improve information services for people was a significant outcome of these consultations and strategies to promote this form a part of DSAC's work plan for 1996.</p> <p>Disability Services offices will be an accessible point of contact and information.</p>

Recommendation	Government Response	Action taken
<p>Dell 3.3 Establish formal networks with other agencies in each region to make it easier for users to access information and the services they require.</p>	<p>Disability Services will seek to improve the links with other service providers and the community generally. This will be a major focus of the reform process.</p>	<p>Disability Services is represented on the Divisional catchment coordinating committees. Other government and non-government service providers will also be invited to participate in regional networks when regional offices are established.</p>
<p>Dell 3.4 Eligibility for support should not be assessed by an IQ test. Replace this practice with a broad statement of eligibility and a vulnerability criteria to determine priority. This will result in fewer people falling through the service gaps.</p>	<p>Eligibility criteria will be reassessed to ensure the provision of support services is focused on the relative support needs of the individual, not on the cause of the disability.</p>	<p>Eligibility for support is now based on individual need. An eligibility statement based on vulnerability criteria is being prepared.</p>
<p>Dell 3.5 Point of contact staff should be trained to ensure they are well informed, empathic and have the capacity to follow up enquiries.</p>	<p>See comments against Recommendations 1.0.  Training for point of contact staff in regional offices will be a high priority and will be conducted prior to the establishment of offices in regions.</p>	<p>See progress against Recommendations 1.0.  The need for training in customer service orientation, referral and networking skills has been identified and will be addressed as appropriate for each individual staff member who is a point of contact within regional offices.</p>
<p>Dell 4.0 Increase the Community Disability teams so that each team has a therapist in each discipline and four community support positions.</p>	<p>The three specialist teams will work with regional offices to pick up on service needs and capacity for individual case management for those clients with high or complex support needs. Also refer to comments against Recommendation 3.0.</p>	<p>Disability Services will provide both a regional structure and a series of specialist teams to manage client needs.</p>

Recommendation	Government Response	Action taken
<p>Dell 4.1 Community support positions, excluding therapy, should be advertised and filled on the basis of the applicant's values, skills and experience in relation to people with disabilities, NOT health related qualifications.</p>	<p>Recruitment processes and selection criteria are being reviewed. It should be noted that the number of professionals working in the disability field is limited and at times it may be only possible to attract employees with health related qualifications. Also see Recommendation 1.1.</p>	<p>Selection criteria have been changed to reflect the Disability Services Act and Disability Services Standards</p>
<p>Dell 4.2 Develop policy and procedure for CAP that provide clear guidelines on: - service values and standards - services offered and description - service eligibility. - school therapy services - service aims and objectives - exit and entry procedures - complaints mechanism.</p>	<p>See comments on Recommendation 2.6., 3.4. and 4.3.</p>	<p>See comments on Recommendation 2.6, 3.4 and 4.3.  Discussions have taken place with CHADS to clarify areas of service responsibility, so as to create a seamless service. This cooperative problem solving approach will continue.</p>
<p>Dell 4.3 Establish a Complaints Mechanism which is easily understood, is widely promoted and guarantees that service users' concerns will be acted upon.</p>	<p>The establishment of an accessible and responsive complaints mechanism will take place in the second half of 1995.</p>	<p>The Health Complaints Commissioner covers services for people with disabilities within Public Sector service provision.</p>



Recommendation	Government Response	Action taken
<p>Dell 4.4 Establish a database that has the capacity to identify current unmet need and indicate future need.</p>	<p>Community Programs is currently in the process of finalising a proposal for the establishment of a database which will assist in identifying unmet and future needs. There are major resource implications for the development and upkeep of a database. It is important that this is consistent with Division wide needs.</p>	<p>The Community Branch database requirements have been identified both in terms of changes arising out of regionalisation and future planning. They have been incorporated into the Department of Health and Community Care IT strategy work program. Until more resources are available data collection will be confined to providing management support for existing services, rather than for testing unmet need.</p>
<p>Dell 5.0 That Residential Services develops a policy and procedures manual for the operation of the group homes, establishing guidelines for staff covering: - residents' rights - financial guidelines - complaints procedure - resident's personal finances, recreation, clothing etc - parents' rights and responsibilities - staff rights and responsibilities.</p>	<p>See comments against Recommendation 2.6.</p>	<p>See comments against Recommendation 2.6.</p>
<p>Dell 5.1 Management need to take some of the hard decisions aimed at improving service quality. They will need the support of their senior management to do so.</p>	<p>Achieving total quality management will be an integral part of the reform process. The Community Programs Branch will ensure all services it delivers, both funded and direct, meet the requirements of the DSA and the Standards.</p>	<p>See comments against Recommendations 1.0, 2.4, 2.5 and 3.4.</p>

Recommendation	Government Response	Action taken
Dell 5.2 Staff, particularly in CAP, need to have their program ideas and proposals encouraged and supported.	Agreed.	All staff have the opportunity to develop and progress service initiatives. Recent examples would include a monthly, joint service, brief intervention drop in; public information displays; and a new adolescent siblings group.
Dell 5.3 Leadership needs to be committed to a vision for people with disabilities.	Refer to comments against Recommendation 1.0.	
Dell 6.0 Aged and Disability Services draw up proposals for shared care, informal fostering and co fostering programs and that tenders be called for the provision of these services.	These issues will be taken into consideration in developing future programs for people with disabilities in the ACT.	Program priorities will need to be considered within funding constraints. The current arrangements for Respite services are being incorporated into the regional structure for Disability Services. The future of respite is being addressed in a paper presently being developed within Aged and Disability Policy and Planning Section of the Department's Community Services Purchasing and Human Resources Branch. Consultation has commenced on this issue and the Department is about to tender for a range of innovative respite care options.
Dell 6.1 Host family respite care be provided either through an existing agency or the establishment of a new service.	As above in Recommendation 6.0.	See above.

Recommendation	Government Response	Action taken
Dell 6.2 That when 6.0 and 6.1 are in operation Birralee should be sold and a six bedroom home be purchased for the use of children and adolescents from 6 to 18 years. Based on age usage rates.	Birralee as a centre-based respite facility is not appropriate for children. The Department is presently looking into other respite options. Final implementation will depend on the effectiveness of new proposals that may arise from implementing Recommendation 6.0 as above.	Negotiations are currently underway to replace the ten-bed Birralee facility with two six-bed houses.  It is proposed that one of these houses will be for younger children and one for adolescents. However, the final configuration of beds and access to them will be determined by individual client needs assessments and the availability of suitable accommodation.
Dell 6.3 That the ACT Government allocate funds for the provision of after school and school holiday programs for adolescents with a disability.	The allocation of funds for these services will need to be considered in the context of priority needs for accommodation and support services for people with disabilities and in the budget context.	The provision of a wider range of recreation and community access programs is a priority and will be addressed subject to funding availability.
Dell 6.4 That additional funds be provided to existing home based respite services, FaBRiC and ACT Respite to meet at least the high priority waiting list requirements.	Additional resources for respite care services are included in the 1994-95 Home And Community Care funding package which was announced following agreement to the proposals by the Commonwealth Minister for Human Services and Health.	Implemented.
Dell 6.5 That respite alternatives for adolescents and adults that offer individual and integrated support be considered for funding.	This has been done to some extent through the development of Individual Support Packages for people with high support needs. A future directions strategy for the delivery of respite care, community access and independent living skills training will be prepared in the regional context, focusing on an integrated approach to support arrangements.	Further work is progressing innovative ways to support families through respite, recreation and community access programs. Funding will be subject to the availability of funds through the Budget process.

Recommendation	Government Response	Action taken
Dell 7.0 Residential Services must develop policy and procedures for the operation of their group homes and hostels.	See comments under Recommendation 2.6.	See comments against Recommendation 2.6.
Dell 7.1 Residential Services must develop a document of guidelines for the management of group homes and hostels for use in each facility. The role of the Committees of Management should be included in this document. The composition of these committees should include two residents from each house.	Refer to comments on Recommendation 2.6.  The role and structure of Committees of Management, including client involvement, will also be reviewed in the regional context.	Refer to comments on Recommendation 2.6.  The role and structure of Committees of Management will be considered in the near future when regional structures are established as a basis for these arrangements, and when resources are available to carry out these tasks..
Dell 7.2 Residential Services should standardise its financial operations so that it is the same for all houses and hostels.	This will be considered as part of the reform process.	Financial management in all houses has been reviewed. A financial management policy is being developed which will result in standardisation of all financial arrangements within disability services accommodation units.
Dell 7.3 All staff should have training in the values underpinning the DSA and the Standards.	Refer to comments against Recommendation 1.0.	Refer to comments against Recommendation 1.0.

Recommendation	Government Response	Action taken
<p>Dell 7.4 An audit of equipment and furnishings should take place in each house and hostel to ensure that a minimum standards of 'hominess' is maintained.</p>	<p>In the regional structure it will be the responsibility of house managers to ensure that an annual review is conducted for each house, which includes an audit of equipment and furnishings to ensure they meet required standards. Clients, families and staff will be involved in the review.</p>	<p>Audits will be conducted in the near future to establish urgent needs within houses. A regular program of review will then commence to ensure houses are suitably furnished.</p>
<p>Dell 7.5 Reviews of all houses and hostels should occur on an annual basis. The review should involve residents, parents and staff. It would be the responsibility of the area coordinators to arrange and implement.</p>	<p>Refer to comments against Recommendations 1.0 and 7.4.</p> <p>Individual client support plans will be reviewed on a regular basis to ensure that the needs of each person are being addressed within the house or hostel.</p>	<p>Refer to comments on Recommendations 1.0 and 7.4.</p> <p>Individual client support plans will be reviewed in the context of individual needs assessment and future planning for individuals, (see comments against Recommendation 3.4) and will then be reviewed on a regular basis.</p>
<p>Dell 7.6 That negotiations commence between CIT and Residential Services to develop a course/model based on core competencies for Residential Services staff.</p>	<p>Community Programs Branch will cooperate with CIT to ensure that training is available for workers in disability services which is based on core competencies.</p> <p>The Department has entered into an agreement with the Department of Urban Services Staff Development Unit to provide accredited training based on competencies, for disability support workers.</p> <p>See comments against recommendation 1.1.</p>	<p>An entry level traineeship for disability support workers, based on nationally agreed competencies, has been negotiated and commenced on 30 October 1995.</p> <p>Community Programs has membership on the CSH ITAB Standing Committee and the CIT Disability Studies Course Reference Group. This group provides advice to the CIT which is revising the courses in disability studies to align more closely with the national competency standards. Entry level trainees and other participants in the Community Programs course, will be able to articulate into the revised CIT courses at the next level from 1996 onwards.</p>

Recommendation	Government Response	Action taken
<p>Dell 7.6a That Residential Services explore the option of introducing relevant tertiary qualifications as a minimum requirement for all Technical Officer positions. This option could be introduced in stages so that existing staff were not disadvantaged.</p>	<p>The eligibility requirement for Technical Officers level 2,3,4 is an Associate Diploma or equivalent qualification in a relevant field and/or relevant experience and training and/or a competency assessment determining an equivalent level of skills in this particular field.</p>	<p>The Department has embarked on a skill development strategy that will result in all staff meeting competency based standards. The first step in this process was the introduction of the traineeship program that will increase entry level skills.</p>
<p>Dell 7.7 A thorough audit needs to be carried out on all group homes and hostels to determine the appropriateness of current staffing ratios and the effectiveness of staff support. This is a major undertaking and would require two skilled staff, working full time for a minimum of three months.</p>	<p>There is a need to ensure that the support provided matches the needs of individuals and the group of individuals who share a home. The process to achieve this will involve the assessment of individual needs and review of staff ratios against the needs of the people living in a house. This process has commenced with the move of John Knight Hostel residents out into the community.</p>	<p>The review process will match individual support needs with staffing support levels within group homes.</p> <p>Refer to comments against Recommendations 1.0 and 3.4.</p> <p>This issue forms part of current workplace reform being negotiated in an Enterprise Bargaining context.</p>
<p>Dell 7.8 Use information from 10.7 to identify people currently in a group home who do not require the level of support provided. As outlined a gradual process to move these people to less restrictive support needs to occur. While IDS may provide this support in the medium term it is desirable that this function would devolve to the community in the long term.</p>	<p>Those clients who are assessed as requiring minimal support could be offered other accommodation options in the community. This then creates vacancies for other clients who are on waiting lists.</p> <p>It is proposed that in future accommodation support services will be able to provide services to people who own or rent their own home, either privately or through the Housing Trust, or live with family or friends or in other ordinary community arrangements.</p>	<p>Individual client needs assessment and future planning process will identify these people and will develop strategies to enable them to move on to less restrictive arrangements.</p> <p>Assessments have been completed for people living in a group house and Choices houses and some ISP applicants. An evaluation of the assessment has been conducted and implementation of agreed recommendations is now underway. Assessments of other Residential Services clients will occur and the coordinated needs assessment process will be used in future in both government and non-government sectors.</p>

Recommendation	Government Response	Action taken
<p>Dell 7.9 An effective Individual Service Plan (ISP) or similar, must be devised and implemented for residents to ensure that they have control over their own lives. This process should be gradual, the imposition of mandatory ISPs for all residents will only serve to create more paperwork for direct care staff and will become just another part of bureaucratic procedure. To be effective ISPs must be used as a developmental tool that enables staff to support the resident more effectively. The ISPs sighted by the consultant are not designed or used in a way that is likely to achieve this outcome.</p>	<p>Residential Services is currently reviewing the individual program planning process to reflect the principles of the DSA and to ensure these plans are used as developmental tools which focus on outcomes for clients. Staff will be trained to utilise this process effectively and the process will be linked with the assessment and future planning process.</p>	<p>See comments against Recommendation 3.4.  A review of the process and protocols has been completed. . The individual planning process for Residential Services clients will flow from the future planning exercise to be conducted for each client.</p>
<p>Dell 7.10 Residential Services must explore options other than the group home model for the residents of John Knight Hostel. At this stage the group home model is planned for every resident affected by the imminent closure of this facility.</p>	<p>Options for accommodation other than a group home model are being explored for individual clients as a priority.</p>	<p>Dual occupancy was introduced as one alternative model for some people moving out of John Knight hostel. Other models of service provision are being investigated.</p>

Recommendation	Government Response	Action taken
<p>Dell 8.0 That the Management Assessment Panel be examined to determine its applicability to ACT needs.</p>	<p>Interstate models of service delivery will be used to inform the ACT reform process. ACT Mental Health is currently looking at the South Australian Assessment Panel as a model that may be of value to the ACT. The continuing role of the ABMS and the interpretation of the new Mental Health Act will be considered within this framework.</p>	<p>Funding has been approved for a project to investigate the establishment of a Management Assessment Panel in the ACT which will have formal links with the Behaviour Intervention Service as well as with other relevant areas of service provision.</p> <p>The proposed function of the panel is to provide a forum for the establishment of a network of support for people who are unable to be supported through regular arrangements. BIS may play a role in consulting and training service providers who are involved in the network which is developed by the Panel.</p> <p>A body of information about interstate practice has been collected and is being used to inform planning in the ACT.</p> <p>A Behaviour Intervention Service will manage the ongoing role of ABMS and BIT within the Disability Services Section of Community Programs. This Service will be available for people of all ages, will provide both family-based and community based services and will focus on assisting carers and support workers to continue on with behaviour management strategies, following a time-limited intervention by BIS.</p>
<p>Dell 8.1 That a model utilising the strengths of the Management Assessment Panel model be established in the ACT.</p>	<p>Refer to comments against Recommendation 8.0 above.</p>	<p>Refer to comments against Recommendation 8.0 above.</p>



Recommendation	Government Response	Action taken
<p>Dell 8.2 That the ABMS be reviewed by the CAP program Director to increase effectiveness in the short term.</p>	<p>The provision of behaviour services has been reviewed to produce an appropriate and effective service model in the ACT which fits with the regionalisation of other disability services.</p>	<p>The broad structure and role of behaviour services has now been reviewed in a regional context and the proposed regionalisation has been endorsed by the General Division of the Community and Public Sector Union. Some final details are still being negotiated with the Professional Division.</p>
<p>Dell 8.3 That no further staff be appointed to the ABMS and that it cease operation on introduction of a service adapted from the Management Assessment Panel.</p>	<p>See Recommendations 8.0 and 8.2 above.</p>	<p>See Recommendations 8.0 and 8.2 above.</p>
<p>Dell 8.4 That the model adopted for the ACT be managed by a Department that is more appropriate to the purview of the service, such as ACT Health.</p>	<p>Refer to comments against Recommendation 8.0.</p>	<p>See Recommendations 8.0 and 8.2 above.</p>
<p>Dell 9.0 That training in behaviour techniques be developed for staff of Residential Services and CAP and that this training be open to community agencies.</p>	<p>Agreed. This has recently occurred with training programs on behaviour management techniques provided to staff of Residential Services, Community Access and community organisations, including: Sharing Places, Centacare, Carers Association, Hartley Court and Koomarri.</p>	<p>A Behaviour Intervention Services team will be formed. The function of this team will be consultation and training on behaviour management techniques for other service providers. It will also conduct time-limited interventions in the establishment of programs or in crisis situations. This will be in addition to the psychologist based in each region, who is accessed through referral by other members of the team or through the usual referral processes within Disability Services..</p>

Recommendation	Government Response	Action taken
<p>Dell 9.1 That the option of developing formal linkages with the NSW Department of Community Services Training Resource Unit be examined.</p>	<p>The possibility of formal linkages with the Training Resource Unit will be investigated in recognition of the need to seek specialist services not available in the ACT because of its size and geographic location.</p>	<p>This option has been examined and it has been determined that formal linkages are not currently required, on the basis that the ACT does have resources to provide specialist services required in most situations. In cases where specialist services are not available in the ACT individual arrangements may be negotiated with the Unit. There have been informal linkages with NSW recently in relation to Disability Services. These have been beneficial to the individual clients concerned.</p>
<p>Dell 9.2 That the program implementer position on the team be converted to a psychologist position on the proviso that the position be filled by a person with expertise in the area of intellectual disability.</p>	<p>The staffing of the Behaviour Intervention Team and the Acute Behaviour Management Service and their functions are currently being reviewed. See also comments on Recommendation 8.0.</p>	<p>See comments against Recommendation 8.2.</p>
<p>Dell 9.3 That the eligibility for BIT intervention be extended to adults.</p>	<p>Service parameters of both the Behaviour Intervention Team and the Acute Behaviour Management Service need to be jointly considered in the context of client service delivery and this will be undertaken as part of the reform process during 1995.</p>	<p>See comments against Recommendation 8.2.</p>
<p>Dell 9.4 That the team be based in one of the regional locations but reports to, and is accountable to, the Director of the Community Access Program.</p>	<p>The team will be based in one of the regions and will report to the Director, Client Services.</p>	<p>See comments against Recommendations 3.0 and 8.0.</p>

Recommendation	Government Response	Action taken
<p>Dell 10.0 That CAP community workers (excluding therapists) assume the role of case managers for users of the Community Disability Services.</p>	<p>All Community Access positions, with the exception of one TO2 position not currently filled, are therapists. The case management function is being addressed in the regionalisation process. Also refer to comments against Recommendation 4.0.</p>	<p>See comments against Recommendation 8.2 With regionalisation, CAP community workers no longer exist. Each region will have a social worker, a psychologist and administrative support and will be backed up by cross regional specialist teams.</p>
<p>Dell 10.1 That a case management model based on the Clinical model and incorporating the principles of the Strengths model be adopted as the case management model for Community Disability Service workers.</p>	<p>The case management model adopted needs to be appropriate to the needs of its clients, which may involve using some aspects of the models cited.</p>	<p>Individual Support Packages and individual needs assessment are being used to determine the mix of services required by clients. Where it is appropriate to use a case management model, eg for clients with multiple or complex needs, this will be done.</p> <p>The role of Behaviour Intervention Services in case management will be considered in this context.</p>
<p>Dell 10.2 That staff training in case management occurs across the CAP and Residential Services programs and that other government departments and community agencies with linkages be encouraged to participate.</p>	<p>There are many benefits in involving other government departments and community agencies in staff training. There may also be benefits in extending the case management model to include Residential Service's House Managers and in refocussing their roles to include case management. Currently the Aged and Disability Section provides a training program which could be adapted and utilised across the community services sector.</p>	<p>Case management training has been provided to government and non government staff . A number of staff have indicated a need for further training and this will be provided as resources permit.</p>
<p>Dell 11 No recommendation.</p>		

Recommendation	Government Response	Action taken
<p>Dell 12.0 The ACT Government needs to state its position on access to its various departmental services for people whose disability is covered by the definition used in the DSA.</p>	<p>This will be an integral part of the reform process and will be undertaken as resources became available. Procedures will be instituted to ensure the effect of legislation on people with disabilities is taken into account.</p>	<p>The review of Cabinet Submissions now includes consultation with the Disability Services Advisory Committee where appropriate. Submissions for funding for major new works are checked to ensure the needs of people with disabilities are taken into account. Cabinet is soon to consider a submission from the Attorney-General which seeks agreement to undertake a review of all ACT legislation for its compliance with the ACT Disability Discrimination Act 1991 and the Commonwealth Disability Discrimination Act 1992.</p>
<p>Dell 12.1 The ACT Government must examine its direct and funded services to ensure that people with disabilities have equitable access to resources.</p>	<p>It is important that people with disabilities have equitable access to resources in line with the Government's social justice principles.</p>	<p>Access to services is to be considered as part of the planning processes of all ACT Government Departments.</p> <p>Also see comments against Recommendation 3.4.</p>
<p>Dell 13.0 Residential Services must clearly define its role in accommodation provision. It is usual for governments to provide some accommodation to people with disabilities and generally it is to those people with the highest need for support. However a person's need for support should not necessarily be equated with their degree of disability.</p>	<p>Refer to comments against Recommendations 2.5 and 3.4.</p>	<p>This approach is supported by Community Programs Branch and will be the basis for future developments.</p>

Recommendation	Government Response	Action taken
<p>Dell 13.1 Evidence of current and future need for accommodation in the ACT should be determined prior to the funding of any new accommodation initiatives. Data collection would be the responsibility of the Aged &amp; Disability Services program so that accommodation services are of a type and quantity the community needs.</p>	<p>There are enormous pressures for expanded accommodation support services for people with disabilities. The development of a Branch database would assist in the data collection. Also refer to comments against Recommendation 4.4.</p>	<p>See 4.4.  The Department is continuing to develop means of assessing individuals' needs and assisting people to access required services and support. Individual Support Packages for which the Government announced increased funding in the 1995/96 Budget, are one means of obtaining a better fit of support and need.</p>
<p>Dell 13.2 Future accommodation options should be small, community based and designed around the needs and wants of the people who need them.</p>	<p>The policy development requirements for future accommodation options will be part of the reform process and will address this recommendation.</p>	<p>The government allocated an extra \$450,000 to the provision of Individual Support Packages in the 1995/96 Budget.</p>

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 152**

**Family Services - Management Changes**

**MS McRAE** - asked the Minister for Housing and Family Services on notice on 21 February 1996

What was the basis of the changes to the management of Family Services; (a) was it simply to reduce expenditure; (b) was it based on a review; if so (c) who undertook it.

**MR STEFANIAK** - The answer to Ms McRae's question is:

- (a) The basis for the proposed changes was not to reduce expenditure.
- (b) The new Children's, Youth and Family Services Bureau has been considering the most effective way to coordinate its services and to use its resources to support service delivery as part of a departmental wide process to promote integration of services to children, youth and families. In so doing, the Bureau is taking a hard look at all its positions which do not provide direct services.
- (c) The Chief Executive initiated this process as a part of the integration of the Children's, Youth and Family Services Bureau into the ACT Department of Education and Training and Children's, Youth and Family Services Bureau. A proposal is currently with staff for consultation.

28 March 1996

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 153**

**Family Services - Management Changes**

**MS McRAE** - asked the Minister for Housing and Family Services on notice on 21 February 1996

What was (a) the level of cuts to the budget of Family Services; (b) why was it imposed and (c) what positions and/or services are going to be cut to enable the cuts to be made.

**MR STEFANIAK** - The answer to Ms McRae's question is:

- (a) There will be no cuts to direct services to Family Service clients as a result of the proposal.
- (b) The reasons for the proposed changes are outlined in the response to Question Number 152.
- (c) The proposed changes will largely affect the Family Services' Policy and Administration Unit resulting in a redirection of some services from policy and administration to direct service. In the proposal, Family Services and the other Bureau functions (Children's and Youth) will be supported by a new service planning and development unit. This unit will undertake the functions currently provided to Family Services as well as the strategic planning and service support necessary to provide integrated and innovative approaches to children, young people and their families.

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 154**

**Family Services - Management Changes**

**MS McRAE** - asked the Minister for Housing and Family Services on notice on 21 February 1996

- (1) Why are the number of policy positions in Family Services being reduced from 9 to 4.
- (2) What will the impact of these proposed changes be on (a) the management of children's services and (b) the services coordinated and offered by Family Services.

**MR STEFANIAK** - The answer to Ms McRae's question is:

- (1) The new Children's, Youth and Family Services Bureau has been considering the most effective way to coordinate its services and to use its resources to support service delivery as part of a departmental wide process to promote integration of services to children, youth and families. A number of changes have been proposed as part of this process. Consultation with staff and unions is still under way. In the proposal, policy functions will be performed by the new Bureau-wide service planning and development unit which will continue to provide the same level of service to Family Services.
- (2) The impact of these proposed changes will be:
  - (a) An Executive Director will manage all of the Children's, Youth and Family Services and a Director, Family Services will maintain responsibility for child protection and juvenile justice.
  - (b) Family Services will continue to be supported by the Children's, Youth and Family Services Bureau.



28 March 1996

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 167**

**Waste Management Initiatives Trust Account**

**Mr Whitecross** - asked the Minister for Urban Services:

How much was in the waste management initiative trust account on:

- (a) 31 December 1995;
- (b) 1 January 1996; and
- (c) 31 January 1996.

**Mr De Domenico** - the answer to the Member's question is as follows:

The Waste Management Initiatives Trust Account was established on 21 January 1996. Due to industrial bans on banking and Information Technology Services, banking of monies did not occur until after 31 January 1996. Therefore, there were no monies in the account on the dates nominated.

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 168**

**Waste Disposal - Revised Arrangements**

**Mr Whitecross** - asked the Minister for Urban Services:

In relation to the revised arrangements for waste disposal

- (1) How many vehicles (excluding heavy vehicles) were charged to dispose of waste for the period 1 January - 31 January 1996 (inclusive).
- (2) How many vehicles -
  - (a) paid the three dollar levy between 1 January 1996 - 31 January 1996; and
  - (b) paid the five dollar levy between 1 January 1996 - 31 January 1996.
- (3) How many domestic users were charged commercial fees because they exceeded the weight limit delimiting domestic and commercial use.
- (4) In relation to tip fees -
  - (a) how much has been spent on advertising the introduction of tip fees;
  - (b) how much was spent to upgrade and alter the external and internal access to Belconnen and Mugga Lane landfill areas as part of the introduction of tip fees;
  - (c) which organisations have been used to advertise the introduction of tip fees;
  - (d) how much was paid to each organisation to advertise tip fees; and
  - (e) how long will the advertising run.
- (5) How many contractors were engaged to police illegal dumping -
  - (a) for the period 1 July 1995 - 31 December 1995 (inclusive); and
  - (b) since 1 January 1996;
  - (c) how much was spent to engage contractors to police illegal dumping;
  - (d) how many permanent staff were engaged full time on the policing of illegal dumping prior to the introduction of tip fees;
  - (e) what was the cost of policing illegal dumping for the period 1 July 1995 - 31 December 1995 (inclusive);
  - (f) what is the estimated cost of policing illegal dumping for the period 1 January 1996 - 30 June 1996 (inclusive); and
  - (g) how many prosecutions were successfully pursued for the period 1 July 1995 - 31 December 1995 (inclusive).
- (6) How many instances of illegal dumping of -
  - (a) domestic (household) waste were recorded for the period 1 July 1995 - 31 December 1995 (inclusive); and
  - (b) domestic waste recorded for the period 1 January to 31 January 1996.

28 March 1996

- (7) How many staff are engaged in the collection of the environment levy at the landfill sites.

**Mr De Domenico** - the answer to the Member's question is as follows:

- (1) 14508 vehicles (excluding heavy vehicles) were charged to dispose of waste during the period 1 January - 31 January 1996.
- (2) (a) 4 423 vehicles paid the three dollar levy between 1 January - 31 January 1996;  
(b) 10 085 vehicles paid the five dollar levy between 1 January - 31 January 1996;
- (3) 185 domestic users were charged commercial fees, because they exceeded the weight limit delimiting domestic and commercial use, for the period 1 January - 31 January 1996.
- (4) (a) \$21,069.48 was spent on advertising the introduction of tip fees; including design, printing and distribution of a brochure, newspaper and radio advertisements and signs at the landfill sites. Thiess Environmental Services were paid \$4,800 to include information relating to the use of the domestic garbage bins in the brochure.  
(b) To upgrade and alter the external and internal access to Belconnen and Mugga Lane landfill areas as part of the introduction of tip fees will cost \$175,000 and \$351,000 respectively when works are completed in the near future.  
(c) The organisations used to advertise the introduction of tip fees where the Canberra Times, Queanbeyan Age, and Radio Stations 2CC, 2CA and Canberra FM.  
(d) The amounts paid to each organisation to advertise tip fees were -  
Canberra Times \$2905.00  
Queanbeyan Age \$ 304.48  
2CC \$ 360.00  
2CA \$2240.00  
Canberra FM \$2560.00  
(e) The newspaper advertisements ran from 9 December 1995 to 7 March 1996 and radio advertising was limited throughout January 1996 only.
- (5) (a) There were no contractors engaged to police illegal dumping during the period 1 July 1995 - 31 December 1995 (inclusive).

- (b) Since 1 January 1996 there have been two contractors engaged to police illegal dumping.
  - (c) The cost of engaging contractors to police illegal dumping for the period 1 January 1996 - 31 December 1996 is \$3640.
  - (d) There were no permanent staff engaged full time on the policing of illegal dumping prior to the introduction of domestic tip fees.
  - (e) The cost of policing illegal dumping for the period 1 July 1995 - 31 December 1995 (inclusive) is not known as this work is included with other duties performed by Rangers and land managers throughout the ACT Government Service.
  - (f) The estimated cost of policing illegal dumping for the period 1 January 1996 - 30 June 1996 (inclusive) for contractors is \$1820 however the cost of policing undertaken by Rangers and land managers cannot be identified as the function is included with other duties.
  - (g) There were no prosecutions successfully pursued for the period 1 July 1995 - 31 December 1995 (inclusive).
- (6)
- (a) During the period 1 July 1995 - 31 December 1995 (inclusive) there were 229 instances of illegal dumping investigated by the City Rangers Office, City Operations Branch but records do not accurately define the origin of the waste.
  - (b) During the period 1 January - 31 January 1996 there were 30 instances of illegal dumping were investigated by the City Rangers Office, City Operations Branch. Records do not accurately define the origin of the waste.
- (7) There are 19 staff employed at ACT landfills. As the landfills are open seven days a week, 362 days a year, the staff are rostered to undertake a range of functions including weighbridge operations, traffic control and environmental management. While no staff are engaged solely for the collection of the waste management levy, the additional workload equates to four full time equivalent positions.

28 March 1996

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 169**

**Landfill Sites - Cameras**

**Mr Whitecross** - asked the Minister for Urban Services:

In relation to the use of surveillance cameras at landfill sites -

- (1) What is the purpose of the cameras at the weighbridges.
- (2) How much does it cost to operate the cameras.

**Mr De Domenico** - the answer to the Member's question is as follows:

- (1) The purpose of cameras at the weighbridges is to provide verification of all transactions queried by members of the public and commercial clients. The system provides the basis for proof of debt in legal actions, provides additional security at the weighbridges and fulfils audit verification of commercial transactions as per internal audit recommendations.
- (2) The annual costing to operate the cameras is estimated at \$6,300; of which \$500 is for electricity, \$2,000 for maintenance and \$3,800 for labour.

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO 170**

**Motor Vehicles - Defect Notices**

**Mr Whitecross** - asked the Minister for Urban Services.

- (1) How many vehicles were found to be defective in the ACT for the period 1 January - 31 December 1995 (inclusive).
- (2) What revenue was raised by the issuing of defect notices between 1 January 1995 and 31 December 1995.
- (3) Under sections (a) 108B and (b) 108C of the Motor Traffic Act how many defect notices were issued for the period 1 January 1995 to 31 December 1995.
- (4) How many defect notices were issued by (a) the Australian Federal Police; and (b) Motor Registry Staff for the period 1 January 1995 to 31 December 1995.
- (5) What is the breakdown of defect notices by category of defect.

**Mr De Domenico** - the answers to the Member's questions are as follows:

- (1) 2449 vehicles, when inspected on road during 1995, were found to be defective by either Australian Federal Police or Transport Regulation staff, and issued with a defect notice.
- (2) Issuing defects is not about collecting revenue. However, it is estimated that 20% of these vehicles defected on road were registered interstate and obtained clearance in the jurisdiction of registration. Revenue from inspection of the remaining 80% (1960 at \$32.00 per inspection) is estimated to be \$62,720.
- (3) (a) 115 defect notices were issued on-road under section 108(B).  
(b) 2334 defect notices were issued on-road under section 108(C).
- (4) (a) 1449 defect notices were issued by the AFP - 1423 under section 108(B) and 26 under section 108(C).  
(b) 1000 defect notices were issued by Transport Regulation - 911 under section 108(B) and 89 under section 108(C).
- (5) Of the defects issued by Transport Regulation staff, reasons were as follows: tyres 564, exhausts/noise 180, unapproved modifications 128, cracked or broken windscreens 116, lights 116 and 149 for other faults. Some vehicles were found to have multiple faults. Similar numbers would apply to the defects issued by the AFP.

**MINISTER FOR URBAN SERVICES  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION NO. 171**

**Phillip Vehicle Testing Station Site**

**Mr Whitecross** - ask the Minister for Urban Services - In relation to the former testing station at Phillip -

- (1) What is the station to be used for now that it is no longer being used as a vehicle testing station.
- (2) Is it the intention of the Government to sell the site.
- (3) What capital equipment remains at the station.
- (4) If any equipment remains at the station and what is to become of it.
- (5) Has the Government been approached by any private organisation to buy the station.
- (6) What would the site be expected to sell for if it were to be sold.
- (7) Are there plans to relocate Emergency Services to the station; if so, (a) what will become of the Emergency Services Centre on Hindmarsh Drive; (b) how much would it be expected to sell for; and (c) what is the estimated cost of the relocation.

**Mr De Domenico** - the answers to the Member's questions are as follows:

(1), (2), (5), (6) & (7)

The Phillip Vehicle Testing Station is no longer required for that purpose, and as such is surplus to requirements. The Government is considering options for future use including allocation for other Government uses, such as the possibility of a rationalisation of Emergency Services sites, or sale.

(3) & (4)

The capital equipment remaining at the Phillip Test Station is: Three car pit jacks; one truck pit jack; four brake testers; four light testers; eight gas heaters; four electronic boom gates; one electronic queuing system; two cash registers; one computer emissions analyser; two fans; one autosense computerised car service unit; one 12 speed heavy duty press; one welder; two car stands; one 12 volt battery charger; one oxy trolley and cylinders; and one sidchrome tool set.

This equipment will remain on site for the present. Disposal will be considered when arrangements are finalised for the introduction of private sector participation in vehicle testing.

**MINISTER FOR SPORT AND RECREATION**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 172**

**Fairbairn Park - Lease**

**Ms McRae** - asked the Minister for Sport and Recreation - In relation to Block 306 Majura known as Fairbairn Park -

- (1) who is currently the leaseholder;
- (2) when will the lease expire;
- (3) will there be open invitations for new potential leaseholders when the lease expires;
- (4) how will the beginning of a new leasing period be notified; and
- (5) who will be eligible to apply to lease the Park when the lease has expired.

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

- (1) Fairbairn Park Control Council;
- (2) the lease is currently operating on a continued occupancy clause from quarter to quarter (3 monthly) and can do so indefinitely;
- (3) as the land is currently leased, and the lease can continue indefinitely, it is not expected there will be a requirement for invitations for a new leaseholder;
- (4) should the lessee apply to vary the lease in any way the proposal will be subject to full public notification under the Land (Planning and Environment) Act 1991 which includes a notice in the Canberra Times; and
- (5) the Fairbairn Park Control Council is the legal lessee of Block 306 Majura and have not indicated that they wish to surrender title.



**MINISTER FOR SPORT AND RECREATION**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 174**

**Fairbairn Park - Management Arrangements**

**Ms McRae** - asked the Minister for Sport and Recreation - In relation to the use of Fairbairn Park -

- (a) what are the management arrangements;
- (b) who is allowed access to the Park;
- (c) what conditions are imposed; and
- (d) who is responsible for its maintenance.

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

The lessor of the site known as Fairbairn Park is the Fairbairn Park Control Council (FPCC). Under the terms and conditions of the lease the FPCC is not required to provide the Government on a regular basis the information sought.

However, the FPCC has provided the following information in response to this question:

- (a) management by FPCC which is made up of the five resident clubs (Canberra Kart Racing Club, Canberra Mini Bike Club, Formula 500, Canberra Road Racing Club and Motor Cycle Club of Canberra);
- (b) club members, visiting competitors, and spectators;
- (c) each club is governed by the rules set down by its national controlling body for the safety of spectators and competitors; and
- (d) each club is responsible for the maintenance of their allocated land.

**MINISTER FOR SPORT AND RECREATION**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION NUMBER 175**

**Fairbairn Park - Users**

**Ms McRae** - asked the Minister for Sport and Recreation - In 1995 -

- (a) how often was Fairbairn Park used;
- (b) by which groups; and
- (c) was there any time in 1995 that the Park was not used.

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

The lessor of the site known as Fairbairn Park is the Fairbairn Park Control Council (FPCC). Under the terms and conditions of the lease the FPCC is not required to provide the Government on a regular basis the information sought.

However, the FPCC has provided the following information in response to this question:

- (a) regular use of Fairbairn Park by all the five resident clubs (Canberra Kart Racing Club, Canberra Mini Bike Club, Formula 500, Canberra Road Racing Club and Motor Cycle Club of Canberra) to conduct restricted club events, as well as open state and national events. Private practice was also conducted on a regular basis.
- (b) all clubs; Canberra Kart Racing Club, Canberra Mini Bike Club, Formula 500, Canberra Road Racing Club and Motor Cycle Club of Canberra.
- (c) Yes. Facilities were not used outside of restricted hours (accepted hours of use are between 10.00 am and 5.00 pm daily).

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 177**

**Legislative Assembly - Misleading by Ministers**

**MS FOLLETT:** Asked the Chief Minister upon notice on 29 February 1996:

In relation to the Parliamentary Convention that Ministers who mislead Parliament should resign do you -

- (1) Undertake to abide by this convention.
- (2) Differentiate between deliberate misleading, inadvertent misleading and failure to fully inform the House.
- (3) Accept that if a correction of an inadvertent misleading of Parliament is to be accepted as exonerating the Minister concerned that such a correction must be on the same day.
- (4) Undertake to inform this Assembly immediately you become aware of any possible incidence where Minister may have misled this Assembly.

**MRS CARNELL:** The answer to the Member's question is as follows:

- (1) The act of knowingly misleading a Parliament is an extremely serious issue.

Ministers of this Government take their responsibilities very seriously to ensure that, to the best of their knowledge, they provide accurate information to the community and to the Assembly.

- (2) It is difficult to fully answer this question without details of the particular issue that the Member has in mind.

No Minister in this Government would seek to knowingly mislead the Legislative Assembly.

Should a Minister become aware that he or she has potentially misled the Parliament, either inadvertently or through providing incomplete information, every effort would be made to correct this situation as soon as was practicable.

- (3) If a Minister became aware of a situation where he or she has potentially misled the Assembly, they would certainly undertake to inform the Assembly as soon as was practicable.
- (4) If a Member believes a Minister may have misled the Assembly, the Member should write immediately to the Minister involved and draw his or her attention to the specific issue or raise the matter in the Assembly at the earliest opportunity.

**MINISTER FOR HEALTH AND COMMUNITY CARE**

**LEGISLATIVE ASSEMBLY QUESTION**

**Question No. 192**

**Healthpact - Allocations and Campaigns**

**Mr Berry** - asked the Minister for Health and Community Care upon notice on 26 March 1996.

In relation to the Healthpact -

- (1) How much money has (a) gone to the fund since it was set up; and (b) been allocated from the fund.
- (2) Which groups have (a) benefited and (b) what was their allocation.
- (3) What themes and campaigns have been (a) targeted; and (b) how much was given to each of them.

**Mrs Carnell** - the answer to the Member's question is:

- (1) (a) \$2.092 million has been allocated to Healthpact in 1995-96.  
(b) \$0.969 million has been allocated from Healthpact.
- (2) (a+b) A list of groups and allocations is attached.
- (3) (a+b) The following campaigns have been promoted through the year:

	\$' 000
Preventable cancers:    - smoking	292
- skin cancer	133
Cardiovascular disease	212
Mental Health	31
Injury Prevention	106
General Health Promotion	195
	\$ 969

28 March 1996

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Canberra Youth Theatre	5000.00
Mental Health Foundation	16000.00
ACT Motor Neurone Disease	6500.00
Migrant Resource Centre	4950.00
YMCA of Canberra	3000.00
Toora Single Womens Shelter	5000.00
Arthritis Foundation of the ACT	13636.00
Mental Health Resource	5000.00
Rape Crisis Centre	23500.00
Belconnen Community Service	28000.00
Marymead Childrens Centre	20000.00
Northside Community Service	2500.00
O'Connor Family Centre	11000.00
Tuggeranong Community Service	5000.00
Volunteer Centre of ACT	5500.00
North Canberra Baptist Church	5000.00
AIDS Action Council	5000.00
ACT Asthma Association	5000.00
Sports Medicine Australian ACT	20000.00
ACT Council of the Ageing	12000.00
Relationships Australia	6000.00
ACT Deafness Council	10500.00
ADD Inc	18000.00
ACT Eden Monaro Cancer	10000.00
Youth Coalition - Youth Week	6855.00
Tobacco Inter-Agency Committee	15000.00
RNCA - Canberra Show	12800.00
ACT Soccer Federation Inc	15000.00
ACT Orienteering Association	10000.00
ACT Badminton Association	5000.00
Canberra Cannons Basketball	5000.00
Canberra International Dragway	7500.00
ACT Athletics Association Inc	7500.00
Squash ACT	4500.00
ACT Volley Ball Association	9700.00
ACT Waterski Association	3000.00
ACT Triathlon Association Inc	9500.00
Phil Bates Sports Promotion	10000.00
Australasian Rally Sports	30000.00
ACT Touch Association	10000.00
ACT Tennis Association	17000.00
ACT Softball Association	10000.00
ACT Cricket Association	20000.00
ACT Netball Association	18000.00
Canberra Cycling Club Inc	6500.00
ACT Bowls Association	10000.00
ACTAFL Association	18000.00
Street Machine Service Pty Ltd	7500.00
ACT Ice Skating Association	3000.00
Canberra Capital Basketball	20000.00
ACT Eightball Association	3000.00
Confederation of Australian Sport	5000.00

29/03/96

Page 1

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ACT Cross Country Club Inc	3000.00
Australian Federal Police Association	2000.00
ACT Sport	2000.00
ACT Rowing Association	3000.00
ACT Disabled Sport and Recreation	14000.00
ACT Indoor Cricket Association	6000.00
ACT Showjumping Inc	10000.00
ACT Swimming Inc	2500.00
ACT Sporting Recreation Fishing Council	5000.00
Professional Golf Association	15000.00
ACT In-line Hockey	1000.00
ACT Cancer Society Inc	144050.00
National Heart Foundation ACT	98076.00
Aust Sports Medicine Federation	2000.00
Child Accident Prevention Foundation Aust	5000.00
2XX	5000.00
Rock Eisteddfod Pty Ltd	20000.00
National Folk Festival Ltd	10000.00
Ausdance	15000.00
Tuggeranong Community Arts Association	8500.00
Neville Minch	5000.00
Art/y Magazine	3000.00
Federation Assoc of Teachers Branch	2000.00
ACT Festivals Inc	8000.00
Austereo Ltd	10000.00
Ethnic Communities Council	5000.00
Sing fest	2000.00
Early Music Festival	3000.00
Musica Viva	5000.00
Eureka Theatre	5000.00
Canberra Philharmonic Society	5000.00
<b>TOTAL</b>	<b>969567.00</b>

*28 March 1996*

**APPENDIX 1**: Incorporated in Hansard on 28 March 1996 at page 840.

RESUMPTION OF DEBATE

GOVERNMENT RESPONSE TO THE  
PUBLIC ACCOUNTS STANDING COMMITTEE

*REPORT ON THE VOLUNTARY PARENT CONTRIBUTION  
SCHEME  
IN THE AUSTRALIAN CAPITAL TERRITORY*

Circulated by authority of  
Mr Bill Stefaniak MLA  
Minister for Education and Training and Children's, Youth and Family Services  
Bureau



28 March 1996

Mr Speaker, I present the Government's response to the Standing Committee on Public Accounts' *Report on the Voluntary Parent Contribution Scheme in the Australian Capital Territory School System*.

My thanks go to the committee for its inquiry into this matter. While over 98% of all funding for government schools is provided by way of appropriation and grants, voluntary parent contributions (in both financial and non-financial terms) play a very significant part in the life of a school.

In financial terms, some \$3m is raised annually among ACT government schools from voluntary contributions and fund raising. This is a very important source of discretionary funds to supplement the funds schools receive by appropriation.

Mr Speaker, the committee has drawn attention to the voluntary nature of these contributions.

I want to take this opportunity to emphasise that voluntary contributions (and I include subject levies in this category) are just that - voluntary. If parents choose not to make that contribution then no student should be discriminated against as a consequence. This is a fundamental premise which all previous governments have stood by, and one which we will reinforce at every opportunity.

The Council of Parents and Citizens Associations has written to me recently citing examples of students being denied access to courses because of non payment of subject levies.

Some school handbooks omit to mention that subject levies are voluntary. This concerns me. I have asked the department to investigate and take steps to rectify this situation.

But we **do** encourage parents to make these contributions if they can. There is a long tradition of such contributions in government schools and they represent a source of discretionary funding and a degree of flexibility which schools value.

Mr Speaker, the issue is **not** about situations where some parents are unable to make contributions. Schools have always had confidential arrangements to assist students in these cases. The issue is about the impact felt on a school when parents who have the capacity to pay, choose not to make the contributions, but expect to receive the benefits made possible by the contributions of others. In such cases, for example, schools may need to consider whether to continue with a relatively expensive elective, when it is clear that not all parents are willing to contribute.

Where a shortfall in discretionary funding from voluntary contributions occurs, neither the government nor schools are committed to providing funds to cover that shortfall.

Mr Speaker, I believe that there will always be a tension - and I want to stress, a healthy tension - between the aspirations of a school community and a government's ability to fully fund these aspirations.

28 March 1996

This Government has honoured its commitment to maintain education funding over the next three years. The 1994-95 Government Schooling Budget has been adjusted annually by the CPI to provide an additional \$20.3m by 1997-98. This is in contrast to other ACT government agencies, which are required to make substantial savings to ensure the Territory lives within its means.

Within that funding commitment, per capita grants to schools will be maintained in real terms over the life of this government. As well, any school operating funds which are devolved to schools for them to manage under school based management arrangements will also be maintained in real terms.

Mr Speaker, many of the committee's recommendations involve increasing the level of appropriation funding to schools. Since, as I have already said, we have honoured our commitment to maintain funding, any additional funds for schools must come from within the Government schooling program. I have earlier made the point that, neither the Government nor schools are under any obligation to fund any shortfall in discretionary funding due to a fall off in voluntary contributions.

Within that framework and within existing resources the department, in consultation with stakeholders, will continue to work to improve efficiencies and to direct available resources to meet new and emerging priorities including increasing the level of discretionary funding to schools.

Initiatives have been taken jointly with schools to make available resources go further. I particularly want to mention initiatives in the information technology area because the committee saw this as a critical issue - and I agree with the committee.

Bulk leasing arrangements, on very favourable terms, have been negotiated to enable schools to acquire new computers without having to outlay the initial capital upfront. These arrangements are also being extended to photocopiers.

Most colleges and all new schools are being connected to the ACT Government data network and they are being assisted to install cabling for Local Area Networks.

During 1995-96, primary schools will receive around 180 computers acquired from government departments. Although the computers are not new, they provide a valuable learning resource for students.

Most schools now have easy and inexpensive access to Internet. We are also contributing to the Commonwealth's development of an Australian Education Network (commonly known as EdNA) which will provide access to curriculum and course material, and a communication medium with other teachers and students around the country.

All new schools are being cabled for information technology and the department is exploring options for a rolling program for upgrading the cabling in all schools.

28 March 1996

And, of course, many schools are acquiring information technology through the efforts of their community and sponsorship.

Mr Speaker, the Government acknowledges that the issue of voluntary parent contributions is a sensitive and complex matter. The government will ensure that the department provides assistance to schools on communicating with parents. School boards will be required to give clear and consistent messages to parents on the policy and the uses made of voluntary contributions.

In light of the committee's findings I have asked the department to review arrangements for communicating and negotiating with schools on resourcing issues. This review will be conducted in consultation with school communities. A review of the qualification criteria for Commonwealth disadvantaged schools funds will also be undertaken.

Finally, we will continue to encourage parents to make the contributions if they have the capacity to do so. Schooling functions as a partnership between parents, communities and schools - and the contributions (both financial and otherwise) made by parents is a very important part of this partnership.

In saying this, I am also mindful that schools must continue to monitor the overall cost to parents of extra curricula activities such as excursions and formals to ensure demands are kept to a minimum.

Mr Speaker, my thanks again to the committee for its report. I commend to the Assembly the Government's response to the *Report of the Standing Committee on Public Accounts into Voluntary Parent Contribution scheme in the Australian Capital Territory*.

ends