



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

28 AUGUST 1996

Wednesday, 28 August 1996

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The Assembly met at 10.30 am.

(Quorum formed)

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

PETITION

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

By **Mr Hird**, from 30 residents, requesting that the lease and development application for the community sporting facilities in McKellar be approved.

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

National Soccer Centre

The petition read as follows:

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Parliament that: the undersigned residents living in the Belconnen area can identify huge benefits to our community from the proposed project to introduce much needed community, sporting and other amenities by the Belconnen Soccer Club. This project is to be located in McKellar at Section 71, bounded by William Slim Drive and Owen Dixon Drive.

Your petitioners therefore request urgent attention by the Assembly to approve this lease and development application.

Petition received.

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NOISE CONTROL (AMENDMENT) BILL 1996

MS HORODNY (10.33): Mr Speaker, I present the Noise Control (Amendment) Bill 1996.

Title read by Clerk.

MS HORODNY: I move:

That this Bill be agreed to in principle.

Today I am presenting a Bill to amend the Noise Control Act 1988 which will have the effect of including under the Act noise emitted by motor vehicles that are entering, leaving or on private premises. The Bill is primarily aimed at addressing the issue of truck parking in residential areas, which has been the subject of much controversy in recent years. Unfortunately, it is also an issue on which there has been little action by the Government. Members will recall that last May the Government announced new rules for the parking of heavy vehicles in residential streets. Despite the much-vaunted year-long public consultation process, the outcome was a set of rules that almost totally favoured truck drivers' interests and gave nothing to those residents who have trucks parking in their streets and who suffer regular disturbances by trucks. The Government's rules on truck parking represent little change from the status quo.

Mr De Domenico: That is rubbish, and you know it. It is absolute rubbish. Like your milk bottle tops, it is nonsense. You do not know what you are talking about.

MS HORODNY: You obviously do not live near a truck, Mr De Domenico. There are bans on the very limited range of trucks that are unlikely to be found in residential areas anyway. Neighbours can still be disturbed from 5.30 in the morning until midnight by the noise of trucks coming and going. Truck operators have been "urged" to minimise vehicle noise, but there is no legal backup for neighbours to object to those truck operators who act irresponsibly. It is pitting neighbour against neighbour, and the Government thinks that is quite fine.

Under the Government's new rules, the onus is really on the neighbours to complain about a truck if it is not conforming with the rules, and it puts a lot of pressure on neighbours to have to confront a truck driver. For most people, this is very stressful. Many people are putting up with the nuisance caused by neighbouring trucks because of the fear of causing a scene. It cannot be said that just because there have not been many complaints there is no problem. We believe it is better for trucks in residential areas to be controlled by a legislative means rather than by relying on neighbours to lodge complaints.

In other cities there is no question that there should be controls over large trucks being kept in residential areas. Many local councils have planning restrictions on the parking of trucks in residential areas. Why is it that Canberra, the national capital and a city known for the quality of its environment, cannot come to grips with this issue? Why do trucks have such a high priority over residents in a city that is supposed to be so carefully planned to maintain a high standard of urban amenity? The Greens think that it is time for the truck issue to be resolved once and for all. In the Assembly on 15 May I put forward

a motion setting out a comprehensive package for addressing the issue, because it was quite clear to us that the Government has not been able to adequately address this issue, despite spending a year trying to do so. It was also clear to us what the solutions were, as they had been raised many times over the years in various reports and public debates but had been ignored by the Government.

Mr De Domenico: Are horses and carts okay?

MS HORODNY: It is quite clear, Mr De Domenico, what residents want. They do not want to live next to big, noisy, smelly and polluting trucks.

Mr De Domenico: How many residents, Ms Horodny?

MR SPEAKER: Order! Ms Horodny is introducing this legislation. Members will have the opportunity to comment on it or refute it at a later time.

MS HORODNY: You will have your time, Mr De Domenico. These trucks rip up the footpaths. They endanger children in quiet streets and disturb the sleep of the neighbourhood. I have had phone calls this morning from people who are praising what the Greens are doing on this issue. We continue to receive numerous letters and phone calls from constituents complaining about large trucks in their streets and being forced to deal with insensitive and sometimes intimidating truck drivers. For every truck parked in a residential area, there are at least eight neighbours who are immediately affected and many more neighbours up and down the street who have to put up with trucks coming and going. It is commonly accepted that residents have a right to live - - -

Mr De Domenico: What do you want to do - to push them along to work?

MS HORODNY: Mr De Domenico, you will have your opportunity.

MR SPEAKER: Order! You have my protection, Ms Horodny. Continue.

MS HORODNY: It is commonly accepted that residents have a right to live in peace and quiet within their homes; yet the current situation favours truck drivers, to the detriment of the neighbourhood. The key point in our approach to the issue which sets it apart from the Government's approach is that we want the largest trucks and semitrailers actually stopped as soon as practicable from parking overnight in our suburbs. Trucks of over 20 tonnes have been the major source of dispute between neighbours, and the Government's response has done little to resolve this. Trucks of over 12 tonnes also cause considerable disruption to neighbourhoods, and a process needs to be set in place to phase them out of the suburbs as well.

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Mr De Domenico: What about ACTION buses? Are they okay? They are over 12 tonnes, are they not?

MS HORODNY: Mr De Domenico, you would do well to listen. You may learn something. The major criticism that has been levelled at our proposal by some in this place is that it is too costly and inconvenient to park trucks elsewhere. But let me repeat what I have said previously about the costs. There is a real question of equity here, and the Government needs to take note of this.

Mr De Domenico: How will we pay for it?

MS HORODNY: At present, Mr De Domenico, we are asking the neighbours of truck operators to bear the environmental costs of trucks being parked in their residential areas. This is also translated into real financial costs, as there has already been a case where a resident has had his rates valuation reduced because of the impact on his property's value of a truck parked next-door. If every resident in a similar situation across Canberra also applied for a rates reduction, it would have a significant impact on government revenue. I am sure you would agree with that, Mr De Domenico. The Government is also bearing a financial cost in terms of the damage that these large trucks cause to pavements and footpaths of residential streets that were not designed for regular use by heavy vehicles.

Truck operators have complained that if they had to park their trucks in remote car parks the trucks would be more vulnerable to vandalism. I find it quite extraordinary that the truck operators seek to rely on the relative security of their residential neighbourhoods as a way of protecting their trucks, yet they are not prepared to compensate their neighbours in any way by being more considerate as to when and how they operate their trucks. The simple fact is that truck operators are getting free parking for their vehicles and free security, when many other people have to pay to park their cars at work and businesses have to pay for the provision of parking for their employees' vehicles and for their company vehicles. This is inequitable.

The Government tells us that it is going to cost millions to build truck parking areas in the industrial areas, but that is not what we are asking for. We think that the Government should think laterally on this issue and should think about finding parking spaces for these trucks. There are already acres of car parks around the city in the industrial and commercial areas. They are away from residential areas and are empty overnight. The Government should first be looking at how these areas could be utilised for truck parking before any consideration is given to building new truck parks. Even if this became necessary, and we doubt that it would, we believe that such truck parks should be run on a commercial basis just like many other car parks around the ACT.

In summary, the Government's rules are biased against the rights of residents to enjoy peace and quiet in their homes. Truck drivers have been getting away for too long with being able to park wherever they like. There are many other places where trucks can be parked. Trucks do not belong in our suburbs. The Bill I am presenting today will not solve all the problems relating to truck parking. It also represents only one part of the Greens' total package to control truck parking. In the Assembly in May we attempted

to put a motion calling on the Government to implement a series of specific actions about truck parking, but the Government adjourned the debate. We are also still waiting to see the Government's promised amendments to the Motor Traffic Act to enforce its new rules. The Greens are not going to wait any longer for action by the Government. This Bill represents a part of our package that can be initiated by us through the Assembly. Its implications could, however, be far reaching in terms of resolving the conflicts over truck parking in the suburbs.

At present the Noise Control Act specifically excludes noise from motor vehicles. The Act explicitly excludes it. I understand that this is because the Motor Traffic Act covers noisy vehicles while they are being driven on the street. However, there is a gap, in that motor vehicles on private land are not specifically covered under either Act. One of the major problems with trucks being parked in the suburbs is that the trucks can come and go at all hours of the night and day. There is a potential disturbance to neighbours each time this occurs, and obviously this can be worse at night or in the early morning when neighbours are trying to sleep. The Noise Control Act recognises this fact for other sources of noise by defining excessive noise as noise that exceeds background levels between the hours of 10.00 pm and 7.00 am. Between 7.00 am and 10.00 pm noise is allowed to be up to five decibels higher than background levels. In our original proposal we suggested that trucks could be allowed to operate from 6.00 am, but our community consultation on this issue demonstrated to us that this time was still too early and inconsistent with the Noise Control Act. We are therefore quite happy to modify our original proposal to take this into account.

What is quite wrong about the Noise Control Act as it stands is that noise from stationary sources and noise from vehicles are treated quite differently. Currently, a person is not allowed to operate a loud piece of machinery like a motor mower or building equipment before 7.00 am, yet they could have a loud truck idling in the driveway next to the neighbour's bedroom window for as long as they like and at any time of the day or night. This is very unfair and very inequitable. This Bill amends the Noise Control Act by ensuring that it covers motor vehicles that are entering or leaving, or are stationary on, private land. It also ensures that noise direction notices can be issued to truck drivers and owners and that these people can be fined for non-compliance with an order. These amendments will give environment protection inspectors the power to direct truck operators to stop excessive idling and will put pressure on truck operators to act with more consideration for their neighbours when they park their trucks.

The measurement of noise levels is a technical subject, so at this time it is difficult to go into great detail about when a particular truck would be breaching the rules in the Act regarding excessive noise. In general, however, a car or small truck pulling into or out of a driveway is unlikely to affect the normal background noise levels. The measurement of background noise levels is based on noise levels over 90 per cent of a specified time, so it allows for short-term peaks in noise levels. However, a truck that sits idling in a driveway for more than a couple of minutes before 7.00 am is almost certain to generate noise above background levels as currently measured.

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Mr De Domenico: So would a car.

MS HORODNY: No, a car would not, Mr De Domenico. You need to go and do some homework. Some trucks are left idling for up to half an hour, which would be totally in breach of this Bill. The Noise Control Act provides for the preparation of a noise control manual, a disallowable instrument, which contains details of the procedures to be followed in measuring noise. This manual already exists, although I note that it has not been updated since 1990. If this Bill is passed, then I would expect the Government to amend the existing manual to reflect the changes to the Act.

In conclusion, let me say that this Bill does not provide all the solutions to truck parking, but it is a very good start. It is certainly more than the Government is prepared to do to assist the many residents of Canberra who are suffering from the negative impacts of large, smelly trucks being parked in their supposedly quiet neighbourhoods. I commend this Bill to the Assembly.

Debate (on motion by **Mr De Domenico**) adjourned.

MEDICAL TREATMENT (AMENDMENT) BILL 1996

MR MOORE (10.51): I present the Medical Treatment (Amendment) Bill 1996.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

In introducing this Bill, Mr Speaker, I would like to point out that there are two main parts to the Bill. The first one deals with the issue of pain relief and the second deals with broadening the scope of advance directives, which are also called living wills. I will come back to the second part, the broadening of the scope. I will deal first with the issue of pain relief, which is the issue that has already received a substantial amount of publicity. There has been a move throughout our community to more patient autonomy, particularly with reference to the issue of pain. Only the patient knows whether or not he or she is in tolerable pain. We ought to be aware that almost everybody has a different level of pain tolerance.

This issue of pain is a particularly interesting issue and was the subject of considerable discussion in the Select Committee on Euthanasia. I will come back to the report of the Select Committee on Euthanasia because I have introduced a Bill which is consistent with the recommendations of that select committee. The Bill removes a modification made by Mr Terry Connolly. He added a test for pain. I think the most important thing that we deal with in the initial instance is this issue of power and the autonomy of the patient.

It is not a black-and-white situation. It is not a situation where either the patient has the complete power to make a decision or the doctor has the complete power. It is about a relationship between the doctor and the patient. This legislation, I believe, has the effect of altering the power relationship to a small degree towards the interests of the patient. It does that by removing the test. At the moment, when a patient asks a doctor for more pain relief, the doctor cannot simply make their decision on the way they perceive the patient's request. They have to keep in mind that there is a test and that they may well be sued for providing more than what their colleagues would consider adequate pain relief. Under those circumstances there are difficulties for the doctor.

It is really important to understand that this legislation in no way compels any medical practitioner to be involved. The legislation provides that, if a medical practitioner receives a request for pain relief and it does not make sense to him or her, the medical practitioner can simply say, "I cannot provide that kind of pain relief, because I believe the risks are too great in the circumstances". That professional management remains. It is, of course, open to the patient to find an alternative medical practitioner who may be prepared to provide a little more pain relief.

One of the interesting developments in pain relief over the last few years is that doses of pain relief that have previously been considered inadequate are now being given in quite a number of cases. When pain management experts came before the Select Committee on Euthanasia - we spoke to them in Melbourne and in South Australia - it was confirmed again and again by different people that, in spite of all the advances in medical treatment and pain care, 10 to 15 per cent of people who are in the terminal phase of illness and in pain care are not able to be treated. A year or so ago one notable pain specialist from the United Kingdom claimed a 100 per cent success rate. When she was questioned closely on that, though, it was revealed that the only way they can get a 100 per cent success rate is by effectively anaesthetising the 10 to 15 per cent of people who for a series of reasons do not seem to respond to our current methods of pain control. The choice between being anaesthetised until death and trying for further pain relief is an issue that belongs with the patient and not with a doctor. The real question this amendment raises is who should decide how much pain is bearable. That decision does not belong entirely with the doctor, as is the case now, or even entirely with the patient. The legislation seeks to alter the power relationship somewhat.

Mr Speaker, I draw attention to the report of the Select Committee on Euthanasia. Paragraph 4.8 on page 9 of that report states:

A copy of the draft bill -

which is completely consistent with what I have just tabled -

was circulated, in confidence, to the following for their considered opinion:

- . The President of the ACT Branch of the AMA;
- . The Chair of the ACT Nurses Board;

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- . The Head of the School of Nursing, University of Canberra; and
- . The Anglican and Catholic Bishops of Canberra and Goulburn.

Paragraph 4.9 states:

In general there was major support for the provision of the Bill; although each of the opinions sought raised particular matters of concern - none of which, in the opinion of the Committee, impinged on the integrity of the Bill itself.

There was no negative comment about the clause on pain relief. The report goes on:

The matters of concern were considered by the Committee and, where appropriate, were incorporated into the Bill.

A copy of that Bill was appended to the report. It really formed the basis of the report and the Medical Treatment Bill itself.

Mr Speaker, I have spoken a number of times in this house on health promotion and the need for empowerment of individuals. My understanding is that almost all members in this Assembly seek, where possible and where appropriate, to provide as much power as we can to individuals when it does not affect others. This Bill continues that process of providing individuals with more power, but it is not a black-and-white situation. We are not taking the power to make such a decision away from the doctor and giving it to the patient. It simply does not work that way. Whenever decisions of this nature are made, they are made in consultation through a negotiation process.

The second part of the Bill, which has not yet received any publicity, has to do with advance directives, sometimes referred to as living wills. In our legislation, we narrowed the scope of a living will by providing that somebody had to have a specified condition. You could write a living will stating what you wanted done only if you already had a particular illness. For example, if someone was terminally ill with cancer, they could write a living will which referred just to how they would like to be treated for cancer, in terms of the removal of life support systems. If someone had AIDS, they could write a living will only with respect to the fact that they had AIDS. The 1994 South Australian legislation had no such restriction. It allowed people to give a general description of what they wanted to happen if, for example, they were left in a coma. Under such circumstances they could request the removal of life support systems. When I say "in a coma", I am talking about no prospect of recovery. Mr Speaker, it seemed logical to broaden the scope of this legislation in the same way. I have introduced an amendment to remove the restriction. My Bill is consistent with the South Australian legislation passed in 1994.

The issue here is not, as some people have claimed, whether or not it is active euthanasia. I do not believe that that is the case. I have said publicly, and I reiterate it in this house, that I believe in carefully constructed legislation to provide for active euthanasia with a series of particular protections in place. I believe that that would give us much more protection than we have in the current circumstances. Mr Speaker, I foreshadow

that I shall be introducing legislation to that effect again prior to the end of this Third Assembly of the Australian Capital Territory. This is not an attempt to deal with that issue at all. This is about empowering people who are in pain. I believe that somebody who is in great pain ought to be able to make that decision.

I give one very quick example of a situation that I perceive this having an impact on. Somebody may share with a medical practitioner that they are an opiate dependant, a regular opiate user or even a constant user of some of the opiate-based drugs. Having built up a tolerance, such a person in great pain would invariably need a significantly larger dose of morphine than somebody who had not been using opiate-based drugs. Under those circumstances it may well be that the doctor is sworn to secrecy about the practice of the particular patient. A doctor then giving a large dose of morphine may well be seen by his peers to have acted inappropriately. That is just a small example of how the test can put extra pressure on a medical practitioner not to comply with a patient's wishes. We do not expect that that would happen particularly regularly. It would be a very rare occurrence. But it does show that a tone is added to the relationship between a doctor and a patient by the test that was added by the previous members of the Assembly. I believe that the test is unnecessary. It was seen to be unnecessary by the range of people I referred to before. I believe that we should remove the test so that the balance of power between the doctor and the patient moves just a shade further towards the patient.

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

PUBLIC HOUSING

MS REILLY (11.03): Mr Speaker, I move:

Noting that changes to the funding of public housing programs by the Commonwealth Government for the ACT in the 1996-97 and following years will allow the ACT government to sell public housing without the requirements as contained in the previous Commonwealth State Housing Agreement that the revenue from such sales be returned to public housing programs for the development of further public housing programs,

this Assembly directs the Government to ensure that:

- (1) proceeds from the sale of public housing will be used for the purpose and construction of public housing and related programs which assist people in the Territory who are eligible to receive assistance for accommodation and the home purchase programs;

- (2) the mix of housing types and sizes including the location of public housing throughout the ACT community be maintained; and
- (3) public housing tenants are not subject to any diminution of the tenancy rights which they currently hold in the Territory.

I am moving this motion and seeking support to recognise the great concerns that have arisen in the community about the sell-off of public housing in the ACT. Public housing, which is a large percentage of housing in the ACT, is a very important community asset in the ACT. It is not something small that you can hide. It is something that is very important. We have had lots of discussion about the fact that our position is negative about a number of issues, but here we have a very positive asset in the ACT, and we are looking to sell it off. We are not looking at all the very positive parts of the community.

We have a situation - and we saw it yesterday in relation to schools - where we have a Liberal government that seems to consider that every community asset is for sale. It seems that every community asset has a price, but we do not consider the real value to the community. I ask: Why are we not proud of this asset? Why do we have to look to sell it? Do we sell off all the family silver? Do we sell off all the positive parts of community assets? We hear negative comments such as, "Why do we want to keep public housing? There are maintenance costs. Do we realise how much maintenance costs every year?". Surely, any good landlord would consider the fact that to maintain an investment you have to spend money on maintenance. You cannot just keep an asset and not do anything to maintain it, but this seems to be the attitude of the current Government. If there is a bit of a problem they say, "Let us just sell it and then we can pretend it is not there".

There are many good things about public housing in the ACT. We have 12,500 public housing units in the ACT. This gives us a higher rate of public housing than that in any other State or Territory. It is higher than the national average. Rather than thinking that this is something that should be cut down, we should look at it as a positive. This is a good thing for the ACT. As well as having such a large number of public housing units, we also have many different types. We have three-bedroom houses; we have one- and two-bedroom units. We have a very strong and good program of taking care of aged persons through the development and construction of aged persons units, which have been built in places that are accessible and within the communities where aged people lived previously. Obviously, as the Government would know, these units are extremely popular. There is a long waiting list for them. What is going to happen to aged people if we stop constructing, if we stop having a strong public housing sector?

Through the history of the development of public housing within the ACT, you will find that public housing has been built throughout the whole of the ACT. It is not clustered at the margins. It is not clustered miles from services. In fact, you will find public housing in the centre of Civic and through all parts of the ACT. It means that people can move into housing close to their work or services that they might need. They can stay close to the communities where they may have grown up and close to family. They are not forced,

as they are in other places in Australia, to move to the margins, to move to areas where there are no services. Even though we have such a strong public housing sector, there is still a waiting list. It means that there is still a need for public housing, so we need to be very cautious about looking at what we do with this great asset.

A number of studies have been done within Australia and overseas in relation to housing-related poverty. If people are forced to pay a considerable part of their income for public housing or for any type of housing, then they are not able to meet other basic needs such as food and heating. They are not able to access health and other services. That is why it is important that we maintain a strong public housing sector. People will know what their rental costs will be. They will not suddenly find themselves paying 40 or 50 per cent of their income in rent. They will know that rent will be 20 to 25 per cent of their income, the amount that it has been found should ensure that people are not living in poverty after paying for housing. Obviously, the Commonwealth Government has considered this. Of course, it was a Labor government initiative to look at increasing rental assistance. It is very pleasing that there are at least some Labor policies which this Government is keen to maintain. Usually, we hear that any Labor policies should be immediately put down.

In the ACT rental assistance has been an extremely good program, but what are we going to do in the future? If we cannot move people into public housing, what is going to happen to those in the private rental market? Yesterday, in her response to the Commonwealth budget, Mrs Carnell said that there was a surplus of housing in the ACT. In fact, she said that there was a current excess supply of housing. She said:

In view of the current excess supply of ... housing in the ACT and likely changes to the Commonwealth-State Housing Agreement that will mean a shift towards rental assistance, we will be able to absorb this cut in housing grants and still maintain a supply of public housing at well above the national average levels.

If you look at the HIA figures for June 1996 that were reported in the *Canberra Times* of 19 August, you will find that there is a vacancy rate in rental housing of 3.4 per cent. This is a very low vacancy rate. This is not a vacancy rate that will allow people who have difficulty in obtaining private accommodation to access such accommodation. A vacancy rate as low as 3.4 per cent is almost getting to the stage where you could say that there were no vacancies at all.

By cutting the public housing budget and by selling off public housing we are going to push more and more people into private rental accommodation, even though in June 1996 there were very few vacancies. Looking at that figure combined with the fact that housing prices have slumped, I would also suggest that there are not likely to be more vacancies coming on stream. Housing starts have also been reduced, so where is all this private rental housing going to come from?

Mr Whitecross: There is not any. She has just admitted that.

MS REILLY: As you say, there is none, but we are going to be pushing people into private accommodation. We are going to be pushing people into the private rental market, a market that is not concerned for the renter. We are pushing people who at times have trouble accessing private accommodation for a number of reasons. There are people within our community who have trouble maintaining their accommodation.

Obviously, for a private landlord, the core business is profit. They are not going to be concerned about whether these people are maintaining their accommodation, whether they are going to end up homeless, whether the families are going to have no way of surviving or whether people are living in cars. They are concerned about the payment of the rent. That is their major concern. That is fair enough. They are private landlords. But I do not think the Government needs to follow that path. It needs to recognise its responsibilities in assisting a number of people to maintain their accommodation and to maintain their housing, because without housing other things do not happen either. Housing is a most important basic need. If people are not properly housed, it affects their access to education, affects their access to training and affects their access to jobs.

If we push people into private accommodation, we also have the further problem of the tenancy laws within the ACT. We have a very old Landlord and Tenant Act, and this Government has been very slow to introduce a new one. It has been discussed. It has gone to the Law Reform Committee, but nothing has been done to introduce it. It has been listed - - -

Mrs Carnell: You had four years in government.

MS REILLY: You have had 18 months and you have done nothing to expedite it. If it had been of genuine concern, I am sure you could have managed to put the Bill up much quicker. You have had the opportunity. The Bill has been listed, but I note from talking to people within the community who will be affected by it that there has been no consultation and no discussion of what is in the Bill. If it is introduced this session, there will be quite a lag before it can be passed. People are being forced into private rental accommodation, with very poor laws to protect them in any way at all.

How can we go on ignoring the needs of people who need assistance with housing? Let us say that we do not worry about that and we go ahead and sell off the mass of public housing stock we have. We now say that it is not likely that we will sell off the whole lot at once; that 12,500 units coming on the market would rather flood it. Even a smaller amount would cause problems. Consider the number of houses on the market at any one time in the ACT. Apparently, there are about 1,600 on the ACT market now. Figures that have been in the paper - and who can say whether they are right or not? - would suggest that you are looking to sell about 1,300 or 1,400 units. What would be the impact of putting that many houses on the market again?

Mrs Carnell: Mr Stefaniak told you yesterday that it was between 180 and 200.

MS REILLY: There are a number of figures that you can choose. What would the impact of putting further houses on the market at this time be? The market is already delicately balanced, considering the fact that there is a slump. Prices went down by 5 per cent in June alone. What is the impact going to be? When you put the public housing onto the market, what prices will be obtained? Are we going to be looking for replacement as required under the Commonwealth-State Housing Agreement or for market? In a low market, does that mean we will not get sufficient to replace, even if you decide that you will replace? This is a grave concern for the people within the industry. What is going to happen if additional houses are placed on the market at this point?

The cut of \$10.4m in the housing budget, we are told, will have no impact. It must impact on the construction of new housing. I understand that yesterday you said that there will be \$26m for new housing within the ACT and this would get 180 to 200 new units, the number you now claim is all you would sell off, so there would be no change to the housing market. The amount allocated this year is considerably less than the \$40m that was allocated last year. There will be a cut in construction. What is going to be the impact on jobs if we take this amount of money out of construction? What is going to happen to builders who are building on spec? Last year there was a quite large purchase program. What will happen to those units? What will happen to the market if we do not ensure that the right type of housing is built?

We talk proudly about the building of APUs. It is an extremely good program and an extremely popular program, but without public assistance there is no way that older people can access good quality housing at a reasonable price. Those dwellings on the market that are targeted at older people are, in the main, at the higher end of the market. This is not the type of housing that older people can access, unless they have considerable sums of money.

You talk about new public housing that will allow flexibility, but you seem to have great reluctance to maintain the asset which we have. You have to consider the impact of sales on the whole market, not just what access people will have to public housing. You have to look at what impact it will have on the private rental market and on the private housing market.

Mrs Carnell: You just said there was not enough on the private rental market, so putting some more on is going to be a good thing.

MS REILLY: It is not likely in the ACT at the moment, with the market as it is, that some institutional buyer is going to fly in from interstate and take up the slack, which I understand is one rescuing angel that is being hoped for. I think it is unfortunate and unfair that the public housing sector has to bear the whole brunt of the black holes which have appeared in the ACT budget. The money that has been cut out of the budget should be restored. If we are going to sell public housing - and obviously any dynamic housing market must have buying and selling - the money should be reinvested in public housing.

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MR STEFANIAK (Minister for Education and Training and Minister for Housing and Family Services) (11.19): There are a number of things about this motion which are of concern. I am not quite sure from the terms of the motion whether Ms Reilly actually appreciates what the situation is. The start of the motion reads:

Noting that changes to the funding of public housing programs by the Commonwealth Government for the ACT in the 1996-97 and following years will allow the ACT government to sell ...

It will not for the 1996-97 year, because under the terms of the 1996 Commonwealth-State Housing Agreement, and indeed its predecessor, all proceeds from the sale of public housing must be reinvested in the purchase or upgrading of replacement stocks or related activities. Under the current agreement we simply have to reinvest in public housing anything we get from sales. Until the new arrangements are in place, which will be no sooner than the start of the 1997-98 year, this requirement will continue to apply.

Mr Whitecross: That is not what he told us yesterday.

Mrs Carnell: Yes, it is. It is exactly what he said yesterday.

MR STEFANIAK: I think you might be confusing it with what the new agreement will actually do. If you look at what we are actually doing, Mr Whitecross, you will see that the Government is proposing that from the sale of housing we will be able to build more appropriate housing - the 180 to 200 properties I spoke of yesterday.

The Commonwealth and the States and Territories are discussing new arrangements whereby all low-income tenants, including public housing tenants, will receive rent assistance from the Commonwealth Government and will have a greater opportunity to rent with either the public or the private rental sector. These reforms were initiated by the former Federal ALP Government, by Brian Howe. Details of proposed new arrangements are still unclear, with further information to be provided by the Commonwealth in mid-September of this year. The States and Territories will agree to the proposed new arrangements only if the detailed terms and conditions are satisfactory. I think that is something that needs to be appreciated. Under the proposed new arrangements there is no plan to do away with public housing, only to provide greater choices for tenants who may choose to use their subsidies to rent in the private market.

You have to appreciate that there always will be a need for public housing to pick up where the private sector cannot and does not, so there will always be a need for public housing. What the new agreement will provide, though, is greater flexibility. Ms Reilly talked about tenants paying 70 per cent of their income in the private sector. Under the new Commonwealth-State Housing Agreement - and I was very pleased that Jocelyn Newman stressed this on radio the other week - the proposal is that tenants who cannot afford more pay 25 per cent of their income towards their rent. The whole theory behind the new arrangements is that the Commonwealth will basically top up the rest. That does create a lot more flexibility.

The amount of public housing available in the ACT in the longer term has not yet been determined, and it will depend on the extent to which tenants choose public over private housing options. Those are things that will pan out once this new agreement is in place. It will not be in place until the second half of next year. This motion, if passed as it is, would seek to bind this Assembly after the new Commonwealth-State Housing Agreement is signed. I think that would be a step fraught with danger and something that this Assembly should avoid doing.

The second part of the motion deals with the mix of housing types and sizes. I would certainly hope that Ms Reilly does not mean, as the motion appears to read, that we should always have the same mix of housing as we have at present, because that is very inappropriate for what the clients want, for what the clients need and for the demography of Canberra. It is ACT Housing's policy to continue to provide public housing right across the city in all but a few of the more expensive suburbs, and it is our policy to avoid concentration of low-income tenants. ACT Housing is in the process of adjusting its stock holdings in a number of ways. The upgrading, sale and purchase of public housing stock will continue this financial year, with the emphasis on making the best use of resources to meet the needs of ACT Housing customers. On average, public housing comprises 11 per cent of ACT dwelling units, but this currently varies from around 32 per cent of the stock in Ainslie and 46 per cent in Braddon to 0 per cent in O'Malley - one of the few suburbs without public housing - and 2 per cent in Campbell. One of ACT Housing's objectives is to have a reasonable spread of public housing stock right across the majority of ACT suburbs. At the moment the stock is also concentrated in pockets - for example, whole streets of some suburbs and concentrations in some flat complexes.

Our current mix also reflects historical circumstances rather than the needs of current ACT public tenants and applicants for assistance. ACT Housing has a relative surplus of three-bedroom houses and an undersupply of one- and two-bedroom units, particularly those suitable for aged people or people with disabilities.

Mr Whitecross: What is a relative surplus? There are still 4,000 on the waiting list.

MR STEFANIAK: It is a lot less than when you lot were in. ACT Housing also needs to be able to meet the changing needs of its tenants over their lifetime.

Mr Whitecross: "Relative surplus" means that the waiting list is a shorter list, does it?

MR STEFANIAK: Perhaps if you listen, you might learn something, Mr Whitecross. For example, in North Canberra 26 per cent of our stock is suitable for single people, but 58 per cent of current tenants and applicants are in this category. All over the ACT 50 per cent of our stock is in the three-bedroom category. I think blind Freddy could tell you that that needs to change. In paragraph (2) Ms Reilly wants the mix of housing basically to remain the same. I think it would be totally inappropriate if 50 per cent of our total stock was three-bedroom stock.

Mr Whitecross: She did not say that, though, did she?

MR STEFANIAK: Have a look at the motion. Also, 32 per cent of current public housing tenants are 55 years or over, but only 10.5 per cent of the current stock is purpose built for aged persons.

We also have a situation where one-third of our current public housing properties are over 30 years old, and 10 per cent are over 40 years old. Many of those properties are becoming expensive to maintain, and they are nearing the end of their economic life. Some of our properties are also inappropriately designed, making them expensive to heat and unpopular with tenants. For example, there are about 300 properties of monocrete sheeting. A further 630 properties are weatherboard, and that too is costly to maintain in an adequate condition. These are all the sorts of considerations that face a housing trust such as ours. Some of the stock is being used for purposes for which it was not designed. For example, some of the blocks of flats providing long-term accommodation for tenants were built originally as temporary accommodation for public servants moving here for employment in the 1950s, 1960s and early 1970s.

Mr Speaker, the moneys paid by the Commonwealth under the Commonwealth-State Housing Agreement are for capital works. They are not for funding the day-to-day operations of ACT Housing. The Government has still been able to establish a capital works program that will provide up to 200 new units this financial year. The amount of money provided this financial year for public housing has been boosted by \$8.2m allocated from the better cities program. The bulk of these funds was originally allocated for the proposed North Watson development that did not go ahead and is now available for the Condamine Court flats redevelopment program - a program that is very popular with tenants and opens up some exciting possibilities on Northbourne Avenue, the gateway to Canberra. When one looks at that, we are talking about an extra \$8.2m going directly towards public housing.

Some of the funds for capital works will come from the sale of existing properties. This is in line with the policy of selling off hard-to-let and uneconomic properties and replacing them with smaller properties to better match the needs of our clients. This is not a new policy. It has been the practice over a number of years. For the years 1995-96, 1994-95 and 1993-94, sales of 64, 80 and 82 dwellings were made respectively. This has been a longstanding practice adopted by all States and Territories. It is not, as the Opposition might have us believe, something new. It was going on while they were running the ACT.

I come now to the rights of public tenants. The rights of public tenants will be protected. Tenants will be required to move from their dwellings only in special circumstances such as if major refurbishment is required. In these circumstances consultation with tenants will take place, as it has been undertaken for the Condamine Court redevelopment, and tenants will be offered other suitable accommodation. The rights of public housing tenants will also be strengthened as a result of the proposed new ACT residential tenancy law soon to be introduced into the Assembly. Subject to consideration of a number of key issues relating to the scope and nature of public housing, the Government has agreed in principle that ACT Housing tenancies will be brought under the protection of the proposed new law. Under this proposed new legislative regime our housing tenants,

for the first time, will have protections identical or equivalent to those enjoyed by the private sector tenants in key areas such as rent setting, fitness of premises, urgent maintenance, access for inspections, resolution of tenancy disputes by an independent tribunal, tenancy termination and the treatment of abandoned goods.

Mr Speaker, this really is a motion that is not deserving of support. It is a motion that does not seem to appreciate the current situation in relation to public housing and the fact that for this year all moneys we get from any sales will go directly back into public housing. It also seeks to bind this Assembly to an agreement which has not yet been finalised, an agreement which the States and Territories still have not seen in its final draft form, which still needs to be worked out and which will open up a number of other possibilities. If this motion were to be adopted, it would mean that the ACT simply could not move forward and could not in fact keep up with the rest of Australia once the new Commonwealth-State Housing Agreement was finally signed.

Mr Speaker, Mr Berry has an amazing amendment in relation to putting back in the \$10.4m. It is quite clear from everything the Government has been saying that we are having a very significant development program this year. Where on earth does Mr Berry expect that \$10.4m to come from if it goes back in? Will it come from health, education or somewhere else? I think that would be an absolute nonsense amendment for people to support.

I might deal with just some of the very exciting public housing programs we have going on this year. The Condamine Court redevelopment is a central feature of the better cities program.

Ms Reilly: It was a Labor initiative, was it not?

MR STEFANIAK: The Condamine Court project is something we initiated. We certainly do not mind the money coming from the Federal Government. This is a big project, a \$15m project involving the refurbishment of some existing buildings, the construction of new buildings in quality urban design and the introduction of innovation in resource and energy efficiencies. Access to services such as transport and employment is a central feature of this development. It is an excellent development in keeping with this Government's commitment to community consultation. This project has also been widely discussed with the community, including existing tenants who are directly involved, the immediate neighbourhood, the Turner Residents Association and the local area planning advisory committee.

Demolition has been completed for the first three stages of the development. The building program is well under way. The first new units will be available progressively from December of this year. It is an excellent program. We have a number of other programs which we are currently undertaking. The final stage of the Ainslie Village redevelopment is proceeding, at a cost of about \$1.95m. The old barrack-style accommodation blocks there, which date back to World War II, are being replaced with accommodation consistent with the style and material of that provided in the previous development phases.

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Around other parts of Canberra, under our development programs this year there are additional programs for new public housing to provide a better mix for our tenants. I think that is essential. I am a bit worried by this particular motion by Ms Reilly. She does not seem to appreciate that times change. You cannot stay still. I would hate to see us bound by something that meant that 50 per cent of our public housing always had to be three-bedroom homes or that we always had to have 12,349 properties in the ACT - no more, no fewer. That would not give any government any flexibility. It would not service the needs of our tenants properly.

Mr Speaker, there will always be a need in the ACT for public housing. There will always be people in our community who need public housing, who will not be taken up by the private sector. That does not mean to say, however, that there will not be people who cannot be taken up by the private sector under the proposed new arrangements which are yet to be finalised. I do stress that there will always be a need for public housing here - I would think, a significant amount of public housing - but this motion would greatly restrict the ability of this Government or any other government to adequately meet the demands as they occur for proper public housing for its tenants. Situations change; times change; demography changes. We are seeing that now. We are doing our best to ensure that we cater for the needs of our tenants. If this motion were passed, it would restrict a lot their real needs. I would ask members to consider that very carefully when they think about voting for it.

MR SPEAKER: Mr Osborne, before you begin, I would like to welcome to the Assembly students from Kaleen High School who are studying local government. I hope you are enjoying attending this particular session of your Assembly. Welcome.

MR OSBORNE (11.34): I was just talking to Mr Moore about Mr Berry's foreshadowed amendment about moving money around in the budget. How interesting it is that he wants to do it now when he was not prepared to last year when we tried it. It is very different this time because it suits him.

A good public housing system is one of those essential things that we definitely need to provide for the people of Canberra. It is one thing that has kept my office busy. We have had many reasons to discuss things with Housing, with Mr Stefaniak and with his department. Sometimes we have been quite satisfied with the result. Other times we have been quite disappointed. Such is life. I am loath to use the word "hypocritical" in referring to the amendment, but I would find it very hard to support a budgetary amendment such as Mr Berry's, when last year we attempted to do pretty much the same type of thing and were voted out en bloc by the Liberal-Labor coalition. Mr Speaker, I will not be supporting that amendment. I am willing to accept that it is a budgetary decision. As I have said before, the Labor Party, by their actions last year, have made it much easier for me to make my decision on this occasion.

Mr Speaker, I must admit that I was greatly concerned to hear the Minister say yesterday that there are 4,000 Canberrans waiting for public housing. He seemed to think that was okay. He also seemed to think it was okay that there is a six-month waiting list on maintenance for Housing residences. I think that is quite outrageous.

Mr Berry: So you are not going to support my amendment to put \$10.4m back into the budget and fix up those problems, Mr Osborne? Outrageous!

MR OSBORNE: The same as the \$3.5m would have fixed up education last year.

Mr Moore: But would Labor do it?

MR OSBORNE: No, they would not. Mr Speaker, the maintenance situation is very disappointing for me. I visited a young family in Wanniasa who lived in a three-bedroom house. They had five children, and their heater was on the blink. I must admit that it was very distressing for me, as someone with young children, to walk into that house and see children the same age as mine running around inside their house in parkas and gloves. I was very disappointed to hear the response from the department that the heating in that place was adequate. While I was talking, I could see the frost coming out of my mouth. It was very sad. I am very thankful that at least I can keep my kids warm at night.

Mr Speaker, I think it would be silly of us to set parameters, knowing full well that there will be a new Commonwealth-State Housing Agreement in the near future. I think it would be silly of us to force the Government to abide by certain rules when in actual fact the Commonwealth could change it all around on us in a very short time. I am very sympathetic to what Ms Reilly is trying to achieve here. Housing is one issue that is very dear to me and one that keeps my office very busy. Unfortunately, due to the fact that there will be a change to the Commonwealth-State Housing Agreement shortly and the fact that the Labor Party has given me no choice other than to vote against Mr Berry's proposed amendment, that is the way that I will be voting when the time comes.

MR MOORE (11.40): I would like to rise to concur with my Independent colleague, Mr Paul Osborne, for a number of reasons. The most fundamental of those is what is going on with the Commonwealth-State Housing Agreement. The Commonwealth-State Housing Agreement, we know, is undergoing review, interestingly in the way suggested by Mr Brian Howe, a left-wing member of the Labor caucus and a person for whom I have a great deal of admiration. However, in this particular instance I think Mr Howe got it wrong. Indeed, my understanding is that when he tried to achieve the sorts of changes that are now being proposed it was the Labor caucus and the Labor Cabinet that actually told him that he had got it wrong and that they were not prepared to change it. From my perspective, Mr Howe deserves a great deal of credit.

However, it does appear that the sorts of proposals that were being put up by Mr Howe are now being flagged for the new Commonwealth-State Housing Agreement, except that we do not know. To pass a motion that would put in place a set of parameters as to what our Government can and cannot do, when we do not know what will be in the new Commonwealth-State Housing Agreement, would be entirely inappropriate. We may need to come back and revisit this and see how much room we have to move.

Let us look at the current Commonwealth-State Housing Agreement, because that certainly has some important issues. It seems to me, from my reading of Ms Reilly's motion, that it does not actually achieve anything beyond what the current Commonwealth-State Housing Agreement achieves. Ms Reilly may be able to correct me on that when she exercises her right of reply, but that is certainly how it looks to me.

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The main problem I have with the motion before us is that it seeks to set parameters for something that we do not know about yet and something over which we will have little or no control. We are not advising the Minister on how he should act or how it is going to go.

We also have on the table Mr Berry's foreshadowed amendment. It deals with the amount of money that he wants to move out.

Mr Berry: I raise a point of order, Mr Speaker, on the ground of relevance. I do not think Mr Moore is entitled to speak to an amendment which has not been moved yet.

MR SPEAKER: No, indeed he is not. I am sure Mr Moore is not going to speak on that. Mr Moore will no doubt speak about it later; but you will not at the moment, will you, Mr Moore?

MR MOORE: Mr Speaker, under those circumstances, I note that Ms Reilly's motion talks about general Assembly funding of the public housing budget. Tied in with that is the issue of the \$10.4m which was the subject of a series of questions in question time yesterday. In dealing with that issue, I think it is very important for this Assembly to recognise that there are certain commitments I have made. Those commitments are to allow a government to have its budget, as indeed I did with the previous Government, with one exception - education. That exception was in my platform. I said that I would consider it entirely inappropriate for a change to be made to the education budget. Labor had the opportunity to put some action where their mouth was on education.

Ms McRae: So did you, Mr Moore.

MR MOORE: They could have ensured that there were no cuts to the education budget; but they did not, in the hope that they could roll the Government, in the hope that they could become the new government. They refused to protect education.

MR SPEAKER: Order! Mr Moore, we are discussing housing.

MR MOORE: Indeed, Mr Speaker, but associated with that is education. They refused to protect education. I mention that to illustrate to you, Mr Speaker, and to illustrate to the students here today, whose education is affected, that this is just a stunt. Labor can crow from where they are. They put up the option to vote against a line in the budget, to vote against the budget and to bring down the Government so that they could be the government. They traded off the possibility of assisting education for a chance at government. That is what they did. That is what the community knows. That is what the education community knows, too.

Mr Berry: I raise a point of order, Mr Speaker. We all know how Mr Moore is prone to try to grab a headline and take every opportunity, but it would be better if he just stuck to the issue as required by the standing orders.

MR SPEAKER: I have been drawing that to his attention for some time, but no doubt he could not hear me for the noise emanating from other parts of the chamber.

Mr Berry: You will have to make the point more firmly, Mr Speaker.

MR SPEAKER: Mr Moore, relevance. We are discussing a motion on housing.

MR MOORE: Mr Speaker, just to clarify the point, I heard the point you made, but I believe that in dealing with this issue as an issue which affects the budget it is important to set the parameters as to how the budget is affected and how actions of the different members can affect the budget. That is the point.

The issue of housing becomes very interesting when we also see the foreshadowed amendment of the Greens. It is a very interesting amendment. It seeks to add to the motion the following words:

the current levels of public housing stock as a percentage of rental housing are maintained and the Government commits to further expansion of public and community housing.

In fact, it is a contradictory amendment, because it is likely that we will see a drop in the level of housing in the ACT, particularly if the Federal Government keeps ripping into Canberra in the way it is. Under such circumstances there would actually be a reduction in the amount of rental housing. To retain the percentage and, at the same time, to commit to further expansion is contradictory. There is a problem with that amendment as well. I take the opportunity to say that now, so that I will not need to speak again.

Mr Speaker, it is very important that we retain a system of public housing in the ACT. I have spoken in this chamber on a number of occasions about the difference between public housing and welfare housing. It is very important that we retain a system of public housing and do not marginalise our public housing tenants. I continue to hold to that important principle. I do not believe that this motion will achieve that.

MRS CARNELL (Chief Minister) (11.48): Mr Speaker, I think one of the things that we had better get back to in this debate is what the motion actually says. I would like to read the preamble to Ms Reilly's motion. It says:

Noting that changes to the funding of public housing programs by the Commonwealth Government for the ACT in the 1996-97 and following years will allow the ACT government to sell public housing without the requirements as contained in the previous Commonwealth State Housing Agreement that the revenue from such sales be returned to public housing programs for the development of further public housing programs ...

How can you support a motion that is fundamentally wrong? Before you even start, Ms Reilly is wrong, because the Commonwealth-State agreement for 1996-97 does require - not does not require - any money that we get from selling public housing to be put back into the purchasing of replacement stock, upgrading or other purposes. Fundamentally, Ms Reilly, your motion is incorrect. You cannot possibly support a motion that is incorrect.

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Mr Whitecross: The Minister did not know that yesterday, did he? Your Minister did not know that yesterday.

MRS CARNELL: That is exactly what he said yesterday. The preamble states that changes in the current Commonwealth-State housing arrangement for 1996-97 will allow the ACT Government to sell public housing without the requirement of reinvesting the money. The fact is that it does have that requirement. Before we even start, the motion is fundamentally flawed. The motion goes on to say:

this Assembly directs the Government to ensure that:

- (1) the proceeds from the sale of public housing will be used for the purpose and construction of public housing - - -

The fact is that the current Commonwealth-State Housing Agreement does require that, Mr Speaker. We cannot talk about what the next Commonwealth-State Housing Agreement will say, because at this stage we do not know what it is going to say.

Some discussions we have spoken about already would indicate a fundamental change as a result of Brian Howe's initial work in the area and work that is still going on. That would change the situation where the States are given significant lumps of money to provide public housing to a situation where the tenants themselves will get rental assistance. No longer will the States be the custodians of the money. The tenants themselves will get rental assistance, and it will be up to the States to manage the public housing portfolio, to ensure that it is reflective of what the tenants who get rental assistance actually want. The tenants themselves will be able to seek assisted housing in either the public sector or the private sector. That is what is on the table. I must admit that I have some significant problems with that and how that may affect Canberra. We will be debating that strongly with the Federal Government, but we will not be alone. A number of other States similarly have some issues that we believe have not been addressed. The reality is that the only agreement we can talk about today is the 1996-97 one, which, as I said, does require that any moneys from the sale of public housing be reinvested in the purchase or upgrading of stock or related purposes.

The second part of the motion says:

the mix of housing types and sizes including the location of public housing throughout the ACT community be maintained;

That is absolutely at odds with everything that members in this house, including people on the other side of the house, have spoken about. Mr Lamont spoke on this issue. He actually started significant public consultation on this issue. The reason that there needed to be some significant changes in the mix of public and private housing in some suburbs was that we believed, as I believe this whole Assembly believed, that we should not have suburbs with significantly more, or for that matter significantly less, public housing than other suburbs.

We did not want suburbs that were predominantly public housing or, for that matter, suburbs that had no public housing. That is what we currently have, Mr Speaker. In Braddon 46 per cent of dwellings are public housing. I am sure everyone in this house would say that that is far too much in any one suburb. In Ainslie 32 per cent of dwellings are public housing. Again, that is far too much. Campbell and a number of other suburbs have 2 per cent or 3 per cent and O'Malley has 0 per cent. We have always said that we want public housing shared all the way across our city in a totally integrated and fair manner. Mr Lamont, the previous deputy leader of the party opposite, started significant public consultation about this issue. We have discussed it in this place before, and we have determined that the current mix in some suburbs is simply wrong and needs to be changed.

Fifty per cent of public housing is in the three-bedroom category, but only 8 per cent of those on the waiting list are actually eligible for three-bedroom houses. The mix is simply wrong. Thirty-two per cent of our public housing tenants are aged 55 or over, but only 10.5 per cent of our current housing stock is actually purpose built for aged people and appropriate for those people. Twenty per cent of our public housing is three- or four-bedroom dwellings with one person in them. We believe that a lot of single people in three- and four-bedroom houses would prefer to be in more appropriate accommodation. Many of them are actually aged people. We need more APUs. We need more one- and two-bedroom units for people. The motion says:

the mix of housing types and sizes including the location of public housing throughout the ACT community be maintained;

I think that is at absolute odds with what we want. As an Assembly, not just on this side, I thought we wanted to change our mix of housing types and sizes to more adequately reflect what the people who need public housing want in our community.

We also want public housing located right across Canberra, not concentrated in some suburbs rather than others. What we want, certainly on this side of the house, is public housing in every suburb, not a concentration of public housing. We do want a mix of housing types and sizes. We do want an equitable distribution of public housing right across Canberra, but the current mix of housing types and sizes does not reflect what the people who need public housing in Canberra want. That is not just our view but the view of the public housing tenants themselves. They too would feel that this was a dumb motion. They want a change.

Mr Whitecross: I would not go that far.

MRS CARNELL: That is true. A significant number of people want APUs. They want one or two bedrooms. If you pass this motion, the current mix will be maintained. The current mix is 50 per cent three bedrooms. Tenants do not want 50 per cent three bedrooms. Could I have an extension of time, Mr Speaker?

MR SPEAKER: You have a few seconds to go. Keep going and I will ask for an extension when the time comes.

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MRS CARNELL: Thank you very much, Mr Speaker. Mr Speaker, the third part of the motion is the only bit that is sensible. Certainly, we do believe that public housing tenants should not be subject to any diminution in their tenancy rights. We support that. The other two bits, though, are either fundamentally incorrect or not reflective of what public housing tenants in this city need. Just very quickly, with regard - - -

MR SPEAKER: The Chief Minister's time has expired.

MRS CARNELL: Can I have a short extension?

MR SPEAKER: Is an extension granted?

Mr Berry: No.

MRS CARNELL: Could I have an extension, please?

Mr Berry: I said no.

MRS CARNELL: Okay; fair enough.

Mr De Domenico: Let us take a vote.

MRS CARNELL: No. It is okay. It is a precedent.

Mr Berry: Everybody else is sticking to their time in this place. It is private members business - - -

MR SPEAKER: Order! Ms Tucker has the call.

Mr Berry: We intend to try to stop the Government from filibustering on this issue and trying to run us out of time.

MR SPEAKER: You will not do it just now. Ms Tucker has the call.

MS TUCKER (11.59): Mr Speaker, the Greens will be supporting Ms Reilly's motion. I am extremely disappointed to hear the response of the Independents on this particular issue. Both of them claim to be very deeply concerned about social justice. The response they have given is just a very crude way of trying to get out of the motion. Ms Reilly's motion and our amendments do not set parameters. They attempt to set a basic guarantee for low-income housing consumers. Mr Moore always argues that this Assembly should retain power to set parameters and conditions that are best for the ACT, regardless of agreements made by the Ministers. I have heard Mrs Carnell pick on interpretations. I agree that some of the wording in Ms Reilly's motion is a little bit loose, but to focus the debate on that is once again to totally ignore what is the essence of this motion and the essence of our amendments. People in this community who are disadvantaged are very frightened that we are losing our basic safety net in this city. That is what this motion is about and that is what our amendments are about.

I have been following with great concern the developments in housing, not only over the past couple of weeks but since my arrival in the Assembly. I have taken many calls and letters from public housing tenants who are facing difficulties or people who are unable to get public housing. I think that to say that all is rosy, even without further cuts or reform, is quite misleading. We are talking about the most vulnerable people in our community. Access to affordable, appropriate and secure housing is one of the most fundamental rights, first and foremost because it reduces poverty. The social benefits from having high-quality housing stock are also widely felt through reduced crime rates, greater social cohesion, stronger communities and so on.

Mrs Carnell: We all agree with that.

Mr Moore: We are all agreed on that.

MS TUCKER: I am glad members agree. That is why it is so perplexing to hear the arguments put forward. This motion, I repeat, is about guaranteeing some kind of safety net. None of the arguments and none of the presentations from this Government have given any assurance at all that that safety net is being met. No wonder people are getting worried.

Many of the reforms that have been driven by the Hilmer report and associated micro-economic reforms are very dangerous if they undermine the public housing system. Even the Industry Commission, which is not noted for putting social considerations above economic ones, concluded in its report on public housing:

Without adequate public supply, rents could be expected to rise because private supply is unlikely to be responsive to price, especially in the short-term.

They also said:

[If public supply fell] low-income people would bear the cost. After-housing poverty would rise. Overcrowding would increase to the detriment of health. Social problems could arise at a cost to the community generally ...

It is this last point that made the Industry Commission realise that an adequate supply of quality public housing is essential from an economic point of view. It is critical, therefore, that we maintain at least the current levels of public housing stock as a percentage of total stock. In 1991 the proportion of public to private housing was roughly 39 per cent.

This is why we have added a paragraph (4) in the amendment that I will be moving to this motion. It seeks to get a guarantee that the Government will maintain current levels of public housing as a percentage of rental housing in the ACT and that they will commit to expanding public and community housing. Mr Moore saw a contradiction in that. Once again, it is a quite absurd thing to argue. The essence of this is quite clear.

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It has actually been the feeling of the national peak organisation for housing tenants, Shelter, that this is a way that formulation of current levels could be set. They believe that it provides the strongest guarantee for ensuring that low-income consumers have viable options for getting affordable housing. It may not be perfect but, hell, it is a start. Instead of picking on whether you are going to interpret "maintain" as "at least maintain" or not, let us address the real issues.

It is worth reiterating that the private rental market is not an alternative to public housing. Private rental investment cannot provide an adequate return for investors to be able to adequately provide quality and affordable housing for low-income households. It is Australia's public housing authorities that are effectively providing affordable housing for low-income earners. On average, in Australia 18.9 per cent of gross income is paid in rent by public housing tenants. This is still 8 per cent over the average cost of housing for Australians, but it is well below the 31.3 per cent being paid by low-income earners in the private rental market.

I think my previous comments make it quite clear why we are supporting this motion and why it is essential that public housing stock be retained as a proportion of total rental stock, but I will add a few more points more specific to our amendments and specific to the Government's arguments. While we are supporting this motion, it also has to be put on the record that it was the Federal Labor Government that initiated the current market reforms that are occurring not only in housing but across a whole range of human services. While we may be debating the implementation of certain reforms imposing market principles on housing, it is not something that has emerged just because there are Liberal governments in power.

Yesterday the Government was arguing that the cuts have no impact, because there is still a big building program. Firstly, it is clear that even from what the Government was saying yesterday building is only replacing sales. How can a \$10.4m cut not affect maintenance and accessibility to housing? It is 25 per cent of the budget. The Government must acknowledge that even if the cut will not affect delivery of Housing's programs, which I very much doubt, this money could have been used to reduce the waiting list, which, as we heard yesterday, is quite significant. Another statistic worth remembering is that the incidence of housing need in the ACT is comparable to that in other States, at around 16 per cent. It is also estimated that the number of households in housing need will increase from 14,400 in 1996 to 16,200 in 2001. The Government also said that it was inflexible to ask the Government to replace every dwelling that is sold. That is not what is being asked. The intent of this motion is to ensure that the proceeds from sales of public housing stock go back into the overall housing budget in the future.

As for paragraph (2) of Ms Reilly's motion, I think it is perhaps poorly worded, because the Government will argue that the mix should never be fixed in concrete. However, I think we can take the intent of Ms Reilly's motion to be that an appropriate mix be maintained or that the mix be improved in favour of the poorest tenants having - - -

Mrs Carnell: That is not what it says, though.

MS TUCKER: If you just thought about the intent of the motion, you would not waste everyone's time by arguing about this. If you really thought that was the only reason you did not like this motion, you could amend it and word it better.

It is obvious that we need to have housing in favour of the poorest tenants. They need to have the best access to services, jobs and transport. In particular, the current geographical mix should be maintained. We heard the argument that distribution should be integrated and fair. Suddenly, we have the principle of fairness applied in an arbitrary manner that totally disregards the needs of the poorer people in our community. It is not so easy being a single parent with no car and living in an outer suburb in a city where public transport is decreasing in its efficiency daily. How can you possibly argue that there is a reason to have fair distribution without regarding, or having concern for, the needs of the poorer people in our community? There is a great concern among public housing tenants that the stock in the inner suburbs will be sold off and people will be shipped to the outer suburbs. It is transparent. This is about selling public housing in high-value areas, not about a community mix.

Paragraph (3) is very important, in particular, security of tenure. This is something that is always very important for public housing. The experience of a tenant in a private house - and you can go and talk to the tenants advice union if you are not aware of it because you all happen to own your homes - can be hell. You can have agents hassling you and harassing you. You cannot have any sense of stability in private accommodation. Often you do not have the ability to live in the manner you feel you should live in - and I am not talking about destroying property. Mr Stefaniak has made many complaints about those few tenants who disrespect the property. Most people do not do that, but in private rental accommodation agents are not well known for their acceptance of slightly different lifestyles. (*Extension of time granted*)

MR SPEAKER: Ms Tucker, before you finish your comments, I would ask you to move amendment No. 1.

MS TUCKER: I move:

Paragraph (1), omit "and the home purchase programs".

I will speak to the amendment. The money from public housing should help the poorest people, and that is why the Greens are moving to remove the reference to home purchase programs. While of course we recognise that home purchase programs are very important, we believe that the money from the proceeds of public housing should be used to help the poorest people find accommodation as a priority.

I could speak also on my further amendment, if that is acceptable. That amendment is about quarantining funds in the future. I think this Assembly should say that targeting the housing budget again to fill the black hole that seems to keep growing as long as the coalition wants to keep cutting is not on. If housing is going to be targeted this year, then we are arguing that it should not be targeted in future years. We will not be supporting the amendment that Mr Berry has put forward on this, because we believe that that has already been decided. This motion is about protecting housing in the next two years at least, so that it does not get slugged twice.

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In conclusion, I would like to say that the Federal coalition promised that no housing trust tenant would be disadvantaged and that no new public tenant would pay more than 25 per cent of income in rent. The national housing strategy in 1992 also recommended to the Federal Government that by the year 2000 no low-income renter should be paying more than 25 per cent of income in rent. At the moment that promise seems about as hollow as the promise that no child will live in poverty, but it is something we should all be working towards. The ACT Government must reiterate this promise. By supporting this motion and these amendments, it could demonstrate such a commitment. For many Australians, securing public housing means the difference between poverty and survival. That is the critical issue here.

MR BERRY (12.11): Mr Speaker, one of the first things I want to deal with is the Minister's performance on this whole issue. We have had a confused mess arising from every statement that the Minister has made on the issue, one which would create a great deal of discontent and concern among public housing tenants. I think the Minister has suffered a major discredit because of his performance on this issue. He has not allayed concerns in the community about this Government's performance. It would be very difficult for him to do so, because the Government's position on public housing is something to be worried about.

In the past Mrs Carnell has made a great point about consultation on issues of concern about public housing. Where was the consultation on this issue when Mrs Carnell gave away \$10.4m? Where was the consultation with representatives of public housing tenants? Mrs Carnell was dead quiet on that. The consultation myth that Mrs Carnell tries to promote is long dead. It is as dead as a dodo. The people of the ACT, in particular, public housing tenants, have been cheated. There is no question about that.

Mr Speaker, I will be moving an amendment shortly. It has been circulated in my name. I note that some people have said that they oppose it. Of course, you would expect the Government to oppose it. I want to deal with Mr Moore's comments. Mr Moore tries to relate this to his performance in education. Mr Moore has to accept responsibility for what this Government opposite has done in education. He was the one who supported this Chief Minister and if - - -

Mr De Domenico: Mr Speaker, I raise a point of order. I suggest that Mr Berry be asked to speak on the relevant topic, the housing motion, and not on Mr Moore's views on education.

MR SPEAKER: I draw your attention, Mr Berry, to the fact that I upheld your - - -

MR BERRY: Indeed. The same rules apply, Mr Speaker.

MR SPEAKER: That is exactly the point I am making. I upheld your point of order against Mr Moore about relevance. I am doing the same now.

MR BERRY: The same rules apply in relation to a direction or a position of this Assembly in relation to this Government's performance in the housing area. If this Assembly has the courage to say to this Government, "We want you to do certain things in relation to public housing, education or any other matter", then the Government risks its future if it ignores the Assembly ruling. What Mr Moore seems to have ignored is that it is in his hands and that every action the Government takes as a result of his inaction is his responsibility. Those are the very issues. Mr Moore makes a great pretence of being a great defender of important social issues, but when it comes to the crunch, especially on things like public housing - - -

Mr De Domenico: I raise a point of order, Mr Speaker, for the same reason as before. Whatever Mr Moore's views are, I am sure that Mr Moore is very capable of expressing those views. Could you suggest to Mr Berry that he should relate his comments to the motion at hand?

MR BERRY: I am responding to Mr Moore's comment in the debate, Mr Speaker. I am perfectly entitled to do that.

MR SPEAKER: In debate, not in interjection.

MR BERRY: Mr Moore has it in his hands. Whatever this Government opposite does is his shared responsibility. While ever he stands back and lets them inflict damage on any part of the social infrastructure - be it education, public housing or any other part of the social infrastructure - it is his responsibility. There is no denying it. All the grandstanding in the world about his position in relation to certain issues does not change one thing. To those people who watch the headlines, I say, "Do not believe them. What you have to do is watch the performance. Watch the performance of the Independents in relation to this". This is an issue of great importance to many people in the community, particularly in the inner suburbs where Mr Moore's constituency resides.

Mr Moore: This man was part of a government that cut 80 teachers. The hypocrisy!

MR SPEAKER: Order! Mr Berry has the floor.

MR BERRY: For example, I heard no complaint from Mr Moore about the veiled threat to public housing tenants in the inner suburbs when Mrs Carnell was talking - not a murmur. Mrs Carnell gave a clear impression that there were too many people in the inner suburbs. Of course, that is not true. They are perfect suburbs for low-income earners to live in. They are convenient. Transport costs are cheap. What Mrs Carnell seems to be saying is that she would like to move them out. Mrs Carnell mentioned O'Malley, for heaven's sake - we could send them out to O'Malley.

Mr Whitecross: There are no buses out there either.

MR BERRY: There are no buses in O'Malley. Perhaps they might be able to hitch a ride in a good car - a Jaguar or a Mercedes - if they were shifted out to O'Malley. Mrs Carnell does not really understand the needs of public housing tenants. It is perfectly okay to have a high density of public housing in the centre of the city where

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it is convenient. What is bad is if the likes of Mrs Carnell sell off that valuable real estate and push people into the outer suburbs. I think anybody who was listening to her speech would have drawn the conclusion that that was the intention of the Government.

This motion is about stopping all that sort of nonsense and making sure that Independents like Mr Moore and Mr Osborne hold this Government to the decisions of this Assembly. If they are not prepared to support motions like this which force this Government into a position, then they have to take the responsibility for the actions of this Government that are against the interests of people in public housing, in the same way as Mr Moore has to take responsibility for the closure of schools and every other piece of damage which has been inflicted on the community by this Government opposite.

MR SPEAKER: Relevance!

MR BERRY: Mr Moore, let us have no more grandstanding. We do not want to see the headlines. We want to look at the actions. We know what they are. They are full support for what this Government does to the community. Let us not ignore those facts. I will move the following amendment:

Add the following new paragraph:

“(6) that the ACT Government use the forthcoming budget for 1996-97 to replace the \$10.4 million cut in public housing funding which Mrs Carnell has handed back to the Commonwealth.”.

This is about the \$10.4m which was given away by Mrs Carnell. I am disappointed that the Greens are not going to support this amendment. This is the sort of money that, if retained in the ACT, would have meant more jobs for people in the Territory. It is extremely disappointing that the Greens are not prepared to support a motion that would force this Government into a position.

Mr Moore bleats that this could be something that would interfere with the Government's ability to put together a budget. We are saying to Mr Moore, “Give the Government some direction, some guidance, and tell them that if they do not take the guidance they are in deep trouble”. Mr Moore would not threaten this Liberal Government opposite, because he is happy with the damage which has been inflicted on the community by this lot opposite, particularly the damage which has been inflicted upon the education system.

Mr Osborne: He cannot stop laughing. Look at him.

MR BERRY: Mr Osborne rightly points to the belly laugh over this issue. I am laughing at Mr Moore for his pretence over this issue. It is a laughable position for a politician to have. Fancy pretending that they have all these in-principle positions - - -

Mr Moore: I raise a point of order, Mr Speaker. This same member drew your attention again and again to relevance when I was speaking. It just demonstrates the hypocrisy of the man who would have cut 80 teacher positions, if he could have, when he was in government.

MR SPEAKER: Again, Mr Moore, I respond in the same way as I responded to Mr Berry. I doubt whether Mr Berry has heard me calling for relevance, because of the noise from elsewhere in the chamber.

Mr Kaine: Mr Speaker, on that point of order: Mr Berry's performance has persuaded me. He has my vote, but not on this issue.

Mr Whitecross: Mr Speaker, further to the point of order: Mr Moore did make reference in his point of order to the hypocrisy of Mr Berry not giving due regard to your instructions about relevance. I just want to point out the hypocrisy of Mr Moore taking that point of order when he too disregarded your instructions in regard to that.

Mr Hird: Mr Speaker, on that point of order, I would like to say that Mr Whitecross would want to perform a little better or Mr Berry will be moving into his chair.

MR SPEAKER: There is no point of order.

Amendment (**Ms Tucker's**) negatived.

Amendment (by **Ms Tucker**), by leave, proposed:

Add the following new paragraphs:

- “(4) the current levels of public housing stock as a percentage of rental housing are maintained and the Government commits to further expansion of public and community housing.
- (5) that the Commonwealth State Housing Agreement funds are quarantined from use in meeting the ACT's fiscal contributions to the Commonwealth of \$10.8 million in 1997-98 and \$5.1 million in 1998-99.”.

MR BERRY (12.22): Mr Speaker, I move:

That, pursuant to standing order 133, the question be divided.

I move this motion so that proposed paragraphs (4) and (5) can be considered separately. Labor will be opposing proposed paragraph (4) because the words used create a bit of a moving feast. Mr Moore is not very often right on anything, but he got it right on this one. The formula just would not work in the interests of public housing in the ACT, so Labor will be opposing that.

Question resolved in the affirmative.

MR SPEAKER: We will deal with the two parts of amendment No. 2 seriatim. The question is: That paragraph (4) be added to the motion.

Amendment negatived.

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MR SPEAKER: The question now is: That paragraph (5) be added to the motion.

Amendment negatived.

Amendment (by **Mr Berry**) negatived:

Add the following new paragraph:

“(6) that the ACT Government use the forthcoming budget for 1996-97 to replace the \$10.4 million cut in public housing funding which Mrs Carnell has handed back to the Commonwealth.”.

MS REILLY (12.25), in reply: Listening to the debate this morning, I think it is quite timely that this motion has come up at this time. Mr Moore seemed to be concerned about when it should be discussed. It is very good that we have had the opportunity to put this debate into the public domain. I think it was a great surprise to a number of people to find out on Monday morning that the Chief Minister had happily given away \$10.4m of the public housing budget. Even her own Housing Minister seemed to be unaware of this fact. It is very important that the whole community be aware of what is going on in relation to public housing. It is interesting to note that you can just slash \$10.4m out of the housing budget and, in the words of the Housing Minister, this will have no impact. What do you normally do with \$10.4m?

Mrs Carnell: Build new houses, more than we have now.

MS REILLY: One would hope that you would build new houses, but if the money is not there you cannot build new houses. What is going to happen to the jobs that would have been created? What is going to happen to the people who work in the housing sector, the people who provide maintenance for public housing? Housing Trust tenants will have an even poorer quality of maintenance.

I was very relieved to hear the Minister quote Senator Newman as saying that for people receiving rental assistance it will be only 25 per cent of their income. What is going to happen to that when the rental assistance is a very restricted amount of money and the rents become higher and higher? Are people going to be forced further and further out to find cheaper rents, or are more and more families going to be forced to live together to be able to afford any rent at all? I think this needs to be carefully looked at.

The most amazing discussion to listen to today was the discussion about the second part of my motion, which talks about the maintenance of mix. You will note that I did not say exactly how many houses there should be in any suburb, exactly what size they should be or how it should be. What we are saying is that we have this major public asset that is available for people within the community, particularly those people who are vulnerable, and we want to maintain that asset. We were not going to talk about ridiculous things like suggesting that we have to have a mix in all suburbs or that we would go to the extent of buying in a suburb like O'Malley. Does that prove anything? Does it prove that it is an equitable public housing sector when you have a house in O'Malley?

Let us get sensible about this. Let us look at maintaining the mix of public housing. Rather than getting caught up in semantics and trying to be smarter than each other in trying to describe and define what mix is, let us look at what housing we have now and look at how we can maintain that housing. Obviously, we would all support the maintenance of a strong public housing sector. We would support the continuation of a dynamic housing market. This does not suggest that you do nothing. It suggests that you respond to the needs of public housing tenants. This is the principle underlying this motion. We are looking at what is going to happen in public housing. We are bringing this discussion into the open instead of it being conducted behind closed doors. I commend this motion to you and ask for your support.

Mr Moore: Mr Speaker, under standing order 133, I seek to have the question divided. I would certainly like to have the opportunity to vote separately on paragraph (3).

Ordered that the question be divided.

MR SPEAKER: It has been suggested by the Clerk that all words up to and including paragraph (2) be put first and that paragraph (3) be put separately to accommodate Mr Moore's request.

Mr Humphries: That will not work, Mr Speaker. I think Mr Moore will want the preamble with paragraph (3) as well. You really want the words "This Assembly directs the Government to ensure that" with paragraph (3), do you not?

Mr Moore: That is right.

Mr Humphries: It needs to be divided in that way.

Mr Moore: That will be the second part. The first part is correct. The first vote will be on everything up to the end of paragraph (2), and the second vote will be on "This Assembly directs the Government to ensure that" and paragraph (3).

MR SPEAKER: The question is: That the preamble and paragraphs (1) and (2) be agreed to.

Question resolved in the negative.

MR SPEAKER: The question now is: That the words "This Assembly directs the Government to ensure that" and paragraph (3) be agreed to.

Question resolved in the affirmative.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Workforce Statistical Report

MR WHITECROSS: Mr Speaker, my question without notice is to the Chief Minister. Chief Minister, in June 1995 you tabled the ACT Government workforce statistical report, which you described as “a new document replacing the former quarterly staffing statistics”, and you said that in 1995-96, the financial year that has already ended, the workforce statistical report would be available every six months. Given that this is the last we have seen of this report, and given that you have finally graced us with the health statistics that Mr Berry was asking for, when will you provide these statistics, and what have you got to hide?

MRS CARNELL: Mr Whitecross will be pleased to know that I signed off the workforce statistics this week, so I would be very hopeful of having them into the Assembly next week. It is the last six months, January to June.

MR WHITECROSS: January to June. So, Mr Speaker, the six-monthly statistics come in every 12 months now, do they? When will they be available?

MRS CARNELL: I just said that. I said that I signed them off this week, so they would be available in the Assembly next week.

Mr Whitecross: You signed them off today?

MRS CARNELL: No, I signed them off. That means that they have to go to Cabinet and then they could be tabled in the Assembly next week.

Mr Whitecross: Next week?

MRS CARNELL: That is right.

Public Sector - Job Cuts

MR WOOD: My question is to the Chief Minister, and it follows other questions of a similar nature that I have asked. Chief Minister, will you confirm that the strategic research branch of the Office of Financial Management has prepared a report on the impact of the Commonwealth public sector cuts on the ACT? Will you advise the Assembly of the detail of the content of this report?

MRS CARNELL: Again, it is very difficult to finalise the impact of public sector cuts that we simply have no final details on, Mr Wood. How could you possibly do that?

MR WOOD: I have a supplementary question, Mr Speaker. I would think it would not be difficult. The Commonwealth budget is now down. You were saying earlier that we had to wait for the Commonwealth budget. We now have the Commonwealth budget. I did ask you to confirm that they had prepared a report. I have not had an answer to that. Would you be a bit more open and forthcoming and indicate when you might come out with this detail and tell this Assembly and the people of Canberra?

MRS CARNELL: Mr Wood, I can guarantee that I have seen no reports on the impact of public sector cuts. That is definitely guaranteed.

Mr Wood: You have been talking about it.

MRS CARNELL: I cannot understand how you could possibly do an impact study or finish an impact study on public sector cuts at this stage, when we would not have a clue how many public sector cuts there will be in the ACT. We certainly know from the budget papers that they are planning 10,500 Commonwealth public sector redundancies in that budget. How many of those are in the ACT is still not clear as a result of the Federal budget.

Mr Wood: I take a point of order. I think the Chief Minister needs to go back and read her answers carefully lest she is in danger of misleading this Assembly.

MR SPEAKER: There is no point of order.

Public Housing Tenants

MS HORODNY: My question is to the Minister for Housing, Mr Stefaniak. Mr Stefaniak, it has been brought to our attention by public housing tenants in the inner north of Canberra that they have received letters from ACT Housing in recent weeks indicating that ACT Housing wants them to relocate to make way for redevelopment. The letter gives them a number to ring if they want to talk with someone about it. One Ainslie tenant who rang, angry and distressed, was told that the department was just testing the water. Another Lyneham tenant, who was less strident and indicated that she might be interested in moving to Ainslie, asked whether she would have to move and was told, "Yes", and she was advised that it would be pointless moving to Ainslie because the public housing there was going to be diminishing. Will the Minister please tell us which part of ACT Housing is conducting this survey to find out who is willing to move, what is the process, and what is the rationale behind it?

MR STEFANIAK: Ms Horodny, in relation to the bulk of your question, if you give me the details I will follow that up and find out the information you seek. At present there are tenants who are moving from Condamine Court, to my knowledge, as part of the redevelopment there. They are given the option of going back into the redeveloped Condamine Court or, if they like their new accommodation, some are staying there. As I am somewhat unfamiliar with all of the items you have raised, I will take that on notice and get back to you in relation to the questions you asked.

Schools - Sales

MR HIRD: My question is to Mr Stefaniak in his capacity as Minister for Education. Mr Stefaniak, I sat here yesterday at question time and listened to an answer you gave to a question from Ms McRae on the possible sale of schools and the Government then leasing them back. On my way home last night, surprise, surprise, I heard on one of our popular radio stations that the Government does have plans to sell schools. That was not my understanding of the answer given in this parliament yesterday. Can you, once again, enlighten this parliament as to just what the Government is doing with this so-called proposal?

MR STEFANIAK: I thank the member for the question. You do not have to say what radio station it was, Mr Hird, I suppose. The simple answer to that, Mr Speaker, is that the Government will not sell off schools. Really, I was absolutely amazed and flabbergasted by the statement made by the Opposition's Ms McRae that the Government will, in fact, sell off schools. That is without foundation. That is a case again - we have seen it on a number of occasions in this Assembly - of the Opposition instilling fear in the ACT community just to score the odd political point.

Mr De Domenico: Not Mr Berry.

MR STEFANIAK: I will come to that, Mr De Domenico.

MR SPEAKER: Order!

MR STEFANIAK: Mr Speaker, I am really concerned about Ms McRae's statement to the press that we are proposing to sell off ACT schools, with children in them, to speculators and then lease them back. This wild idea is typical of some of the more far-fetched allegations coming out of the Opposition offices. The Government is not selling off any school in the ACT. It is irresponsible and totally self-seeking of the Opposition to attempt to drum up political mileage from such an allegation. I think I said yesterday, Mr Speaker, and you can see it in *Hansard*, which I have checked, that we were not considering any such proposal, and that no proposal to sell and lease back any existing school has ever been put to this Government. The people of the ACT should feel very let down by this Opposition because they have demonstrated once again that they will even sacrifice our schoolchildren for a bit of political gain. Mr Hird, I call on the Opposition next time to check their facts before they go public. It does nothing but instil fear and anxiety in the community.

Ms McRae: I was, Mr Stefaniak. That is why I asked a question. That is what question time is for.

MR SPEAKER: Order! You want the answer. Allow the Minister to answer the question.

Ms McRae: It is perfectly allowable to ask a question. It was your answer that was the problem.

MR STEFANIAK: Not really, Ms McRae. Let us have a look at that. Let us have a look at Ms McRae's media release and then I will quote from *Hansard*. Her media release says:

... the Government is considering a proposal to sell and lease back ACT schools.

My comments in relation to that, Mr Speaker, are really quite plain. I said:

... to my knowledge, Ms McRae, there is no such proposal before the Government in terms of our current schools at this point in time.

There is just a slight difference there! Mr Speaker, I then went on to say, in relation to whether, in some future hypothetical - - -

Mr Berry: Mr Speaker - - -

MR SPEAKER: Do you have a point of order, Mr Berry?

Mr Berry: It is a point of order that might save Mr Stefaniak - - -

MR SPEAKER: Under what standing order are you taking the point of order, Mr Berry?

Ms McRae: One can take a point of order at any time, Mr Speaker.

MR SPEAKER: Yes, but I am asking under what standing order.

Mr Berry: Mr Speaker, you can rule whether it is a point of order or not, but I take up this issue because I fear that Mr Stefaniak may be going to mislead the Assembly. He made it clear yesterday that he could not possibly reject that out of hand.

MR SPEAKER: What is your point of order?

Mr Berry: I will read it to you. Do you want me to read it all out to you?

MR SPEAKER: There is no point of order, Mr Berry. Mr Stefaniak is endeavouring to answer the question, and he will answer it a great deal faster without interjections from either side of the house.

MR STEFANIAK: If he listens he might learn something, Mr Speaker, because, as always, there was a supplementary question. I have just read out my answer to her first question in relation to selling schools, and how on earth you can get "the Government is considering a proposal to sell and lease back ACT schools" from that is beyond me.

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Let us look at the next part of the question, and that is: What is going to happen in the future? What if someone comes up with a proposal? I gave a reasonably detailed answer, effectively saying, "Highly unlikely. Yes, but highly unlikely".

Mr Berry: "I do not think I could possibly reject that out of hand ... I am certainly not going to reject that out of hand", you said.

MR STEFANIAK: Indeed. I went on to say:

... we would have to look at any proposal very carefully before we went any further.

That is right, Mr Berry.

Mr Berry: So we did not reject it out of hand, did we?

MR SPEAKER: Order! Mr Stefaniak is answering the question.

MR STEFANIAK: Right. I went into a number of problems with it, Mr Speaker. How on earth they can take this amazing quantum jump is completely beyond me, Mr Speaker. Really, here we have a case of fabricating a wonderful little story just for the sake of getting a little bit of media coverage. Mr Speaker, that is pretty irresponsible. It is incorrect as well. What I would like to say to the media today, Mr Hird, you having raised this point, is this: You had better check the facts when you get a release from the Opposition. If you see anything with an ALP letterhead, treat it with extreme caution because you know that there could well be some very erroneous statements appearing there.

Mr Speaker, let us go back about 12 months. This is the 12-month anniversary of some amazing claims that Ms McRae's Opposition colleague Mr Berry made that we were going to sell off Namadgi National Park. Maybe it has something to do with full moons. That was a very busy time for the Opposition because, apart from us selling off Namadgi National Park, they also claimed we were going to slash and burn public sector jobs, inflict savage decreases to the sports budget, which actually turned out to be one of the best since self-government - - -

Mrs Carnell: Sell the Canberra Theatre. That was one.

MR STEFANIAK: Sell the Canberra Theatre - you are quite right, Mrs Carnell - and the Nolan Gallery. All of these were wrong, just like this latest classic about selling schools. Then we had another great gaffe, and that was the infamous loss of the pre-Olympic training to the Newcastle University. When the university denied this claim it was discovered that, once again, the story had originated from someone in the ACT ALP. The Olympic theme continued only a few weeks ago when the welcome home parade was going to be a huge embarrassment and it was said that we had lost ground on getting Olympic sports to the ACT. I am sure the 20,000 people reported to be at the parade really hung their heads low.

Ms Follett: I raise a point of order, Mr Speaker. I distinctly heard Mr Stefaniak's colleague ask him about schools. I would not want to embarrass you in front of your colleagues here, but I do draw your attention to the relevance of the answer that is being provided.

MR SPEAKER: I have to uphold the point of order.

MR STEFANIAK: Thank you, Mr Speaker. In summary, Mr Hird, no, that was quite wrong; we are not going to sell any schools and lease them back. It really would be nice, Mr Speaker, for a change, for the Opposition occasionally to just get behind the Government, rather than inventing such creative stories.

MR HIRD: I have a supplementary question, Mr Speaker. Minister, so you are saying that the Opposition, in the question that was asked yesterday in this parliament, was using schools as footballs. They fabricated the whole incident. It was a political stunt. Is that what you are saying, sir?

MR STEFANIAK: Quite clearly, Mr Hird, it was a political stunt, just like all those others I mentioned.

Chief Executive - Alleged Resignation

MR BERRY: Mr Speaker, my question is to the Deputy Chief Minister, Mr De Domenico. Minister, can you confirm that Mr Mark Baker, the chief executive of BASAT, issued a written resignation last week because he had lost confidence in you as Minister and that he was only talked out of it by Mrs Carnell, who promised that she would be more supportive of him in his dealings with you?

MR DE DOMENICO: Mr Speaker, I thank Mr Berry for his question. This is incredible; there must be a full moon, or there must be something over there that is catching. Mr Speaker, I saw no written resignation from anyone last week.

MR BERRY: Mr Speaker, I have a supplementary question. Would the Minister do us the favour of answering the question? Was he aware of a resignation? I heard him say he did not see one; but was he aware of any resignation, when did he become aware, and why was that resignation withdrawn?

MR DE DOMENICO: Mr Speaker, the last part of the question is hypothetical. Had there been a resignation, which I did not see, and had it been withdrawn by Mr Baker, supposedly - well, you should ask Mr Baker that, for a start. Mr Speaker, I repeat that I have not seen or heard of any resignation from Mr Baker, or anybody else. What Mr Baker may or may not have said to Mrs Carnell, if Mr Baker spoke to Mrs Carnell, I do not know; I was not there.

Corrective Services - Private Prison

MS FOLLETT: Mr Speaker, my question is addressed to the Attorney-General, Mr Humphries. Mr Humphries, have you commissioned a feasibility study by the assistant director of Corrective Services into the provision of a private prison in the ACT? What are the findings of that study, and when will the study be released for public consultation?

MR HUMPHRIES: Mr Speaker, I thank Ms Follett for the question. There has been a request by the Government to do work on the establishment of a prison in the ACT. It was not expressly on a private prison; it was on the feasibility of establishing a correctional institution in the ACT. Obviously, the Government has made it very clear that we believe that the private sector should be examined as an option for providing the prison. On the experience in a number of States, including New South Wales, Queensland and now Victoria, the option of providing a cost-effective prison through the private sector is obviously a very real one, and we should consider it.

I have not yet seen that report. I understand it is due very soon. My advice is that it is due to be delivered some time this month, so if it is going to come in this month it will come in very soon. When it does come in, I am very happy to make it available to members of the public. It is my intention that there should be a debate about the direction of this proposal. We believe that there is a need for us to examine the range of custodial facilities available in the ACT. As Ms Follett would know, our Remand Centre is in need of some upgrade or replacement. I am reluctant to do that out of the context of our full range of correctional needs. It may be that we can consider something which meets our needs from that stage right through to the end of the correctional process. I am looking at that issue and I am very happy to make the information available when it comes to hand.

Secondary Colleges - Appointment of Chaplains

MS McRAE: Mr Speaker, my question is to Mr Stefaniak in his capacity as Minister for Education. Minister, I am curious to know what the Government's policy is on the role and appointment of chaplains to secondary colleges, and, in particular, whether a chaplain can be, or has been, a member of staff? Can a staff member be appointed as a chaplain?

MR STEFANIAK: I am afraid I would have to get back to you on that question, Ms McRae. I will take that on notice.

MS McRAE: May I add that there is a little bit of extra information that I would like.

Mr Humphries: It is a supplementary question, if you do.

MS McRAE: We are allowed to add extra information, may I remind you, Mr Humphries. When forwarding me that information, could you also include the information about how the Government's policy on chaplains takes into account the full range of religious needs of any of our colleges? Thank you, Mr Stefaniak, and thank you, Mr Speaker.

Housing Waiting List

MS REILLY: Mr Speaker, my question is to the Minister for Housing, Mr Stefaniak. In the Assembly yesterday, in answer to a question, it was said that the waiting list for tenants of public housing in the ACT was a little less than 4,000. Can you tell me the exact number of people on the waiting list? What is the composition of this list by gender and by age, family type and the type of housing requested? Does this number, a little less than 4,000, include those who are already in ACT public housing and are waiting for a transfer to a different location or a different type of house?

MR STEFANIAK: Starting with A.B. Aardvark, I think that might be a little bit difficult, Ms Reilly. I will certainly have to take that question on notice. There might be one or two points in there which might be somewhat difficult, but I will take that on notice and get back to you with what information we can provide.

MS REILLY: I appreciate that very much and I look forward to the answer. Yesterday it was also said that you had consulted with people about the type of housing - - -

Mr Humphries: Mr Speaker, I rise on a point of order. I had understood, Mr Speaker, that a question asked of a Minister could be followed by a supplementary question to elucidate or clarify something which had been stated in the Minister's response. Taking a question on notice does not give rise, with respect, to either Ms McRae's or Ms Reilly's supplementary question. It is simply a second question, pure and simple. If she wanted that information in the first place she should have asked for it in the main question, not in a supplementary question.

MR SPEAKER: Mr Humphries's point is that questions seeking detailed information should really be placed on the notice paper. You cannot expect Ministers to be able to answer off the cuff. I suppose, though, that, if people want to waste the opportunity to ask a question by having that response, that is in order. However, on the matter, first of all, of Ms McRae's question, it has been the practice that if a question has been taken on notice it is permissible to ask a supplementary question if it then seeks additional information. What Ms McRae did I find perfectly in order. It is adding to the answer that Mr Stefaniak, in due course, will give. In relation to Ms Reilly's supplementary question, she has not got that far into the question that I know whether or not it is part of the original one or not, but I will rule against her if it is not part of it. Ms Reilly, continue.

MS REILLY: My first question was in relation to the waiting list. My second question, also in relation to the waiting list - - -

Mrs Carnell: It cannot be a second question.

MS REILLY: All right, my supplementary question; I apologise.

Ms McRae: You request additional information, my dear.

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MS REILLY: My request for additional information is this: Yesterday you announced that there had been a large amount of consultation with people about the type of housing they wanted in the ACT. When you detail the type and extent of consultation which you have conducted - - -

Mrs Carnell: That is a second question.

Ms McRae: Mrs Carnell, you are not the Speaker.

MS REILLY: Can I finish the question? Then Mr Speaker will have an opportunity. Would you detail the extent and type of consultation that you have conducted with those on the waiting list for public housing?

MR STEFANIAK: When people want a certain type of public housing, they list what they want. When people are in public housing that is unsuitable to their needs and they apply for a transfer, they go onto a waiting list for the type of housing they want. Also, on regular occasions, we send out surveys in relation to various aspects of public housing. In terms of getting to the individual tenants who might want to live in a certain type of public housing, those would be the mechanisms that would be followed.

Birthing Centre

MR KAINE: I have a question to the Chief Minister in her capacity as Minister for Health and Community Care. Chief Minister, I am sure you will be aware of claims made by Mr Berry today about the complete withdrawal of services at the birthing centre at the Canberra Hospital - that is, that the birthing centre has been closed down. If this is the case, it is news to me. Can you confirm whether what Mr Berry has said is true or untrue?

MRS CARNELL: Thank you very much, Mr Kaine, for the question. I am really going to enjoy answering this one, Mr Kaine. Mr Speaker, first of all, let us get to the facts and let us deal with those facts. Facts are something that Mr Berry has an awful lot of trouble with. Mr Berry today claimed that the birthing centre at Canberra Hospital had been closed, Mr Speaker. He based this claim on the activity report of the hospital for June that did not show any figures for the centre. Did he ring my office? No. Did he ring Canberra Hospital to ask why? No. Did he ring the Department of Health and ask why? No.

Did he read the top of the page that he got the figures from? No. If he had, he would have read that they were "preliminary figures only", Mr Speaker. Did he then read the first page of the table, Mr Speaker? Had he got to table 1 in his in-depth look at these figures, he would have seen non-inpatient occasions of service down at the bottom, which says "incomplete figures", Mr Speaker. Of course, as an ex-Minister for Health, he would realise that services at our birthing centre are non-inpatient services, Mr Speaker.

But, no, he did not do that. So he did not read the page; he did not read the first table; he did not ask anybody. If he had bothered, he would have learnt that the data at the birthing centre had simply not been compiled in time for the June activity report. Let us not forget that these are the same activity reports that Mr Berry used to receive or could have received when he was Minister, but he certainly did not make them public. From what you would gather from Mr Berry, he did not even ask for them.

For the record, and for the information of other members of this Assembly who do deal in the facts, the birthing centre is open and is staying open. Let us look at the last three months and let us see what happened when it was closed, according to Mr Berry. In June, in our closed birthing centre, 20 babies were born. In July 36 babies were delivered in the birthing centre. So far this month 24 babies have been born in the birthing centre. In fact, in this closed birthing centre, this morning at 2.16 a baby was born. That happened at 2.16 this morning, Mr Speaker, in a birthing centre that Mr Berry said was closed. If you believe Mr Berry, these 80 babies were never delivered in the birthing centre; they could not have been, because it was closed.

Mr Berry also went on to claim that there had been 286 births in the birthing centre in May and then none in June, Mr Speaker. If Mr Berry had ever been to the birthing centre he would know it would be absolutely impossible to have 286 births there in a month. It would be physically impossible, Mr Speaker. Again, a phone call to my office or, for that matter, to the birthing centre, or to anybody else who knows anything about the hospital, would have revealed that the figure of 286 was for other non-inpatient services in that part of the world - that is, services such as checkups and group classes, Mr Berry, not babies being born. Again for the record, in June there were 297 non-inpatient occasions of service. There were also 21 group sessions involving 142 people. In July there were 334 non-inpatient occasions of service and 22 group sessions involving 150 people. So in the last couple of months the level of service has been higher than was the case in May. Mr Berry, wrong again!

Mr Speaker, here we have a politician who cannot pick up the phone and do even basic research. One would have to ask why, Mr Speaker. It is just because he is too thick, possibly. I mean, who knows? Maybe we should relook at salary levels. That has been done recently. Maybe we should have a new statement of duties for - - -

Mr Berry: Mr Speaker, I raise a point of order. Mrs Carnell, by using the word "thick", I think, was clearly making a personal imputation. It is not true, of course. Everybody knows that, and she knows it. I have been getting under her skin a bit, but "thick", I think, is not quite fair.

MR SPEAKER: Certainly not in relation to your hairstyle, Mr Berry, but - - -

MRS CARNELL: Thank you very much, Mr Speaker. I think Mr Berry's job specification should read "No research skills required" because obviously no research was done. The media statement issued by Mr Berry was an absolute disgrace, Mr Speaker. It was nothing more, though, than what I suspect we have come to expect from him. This is not the first time. Unfortunately, I do not believe it will be the last time he will stoop to this level.

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Mr Speaker, if Mr Berry were man enough, or woman enough, if you want to put it that way, he would apologise right now to this chamber; but, most importantly, Mr Speaker, he would get into his car and he would go out to the birthing centre and apologise. Those people this morning were absolutely devastated by the comments that were made. After all, Mr Speaker, this is the very same man who as Health Minister blew out four budgets, I think - was it four, Mr Berry? - in a row, to the tune of more than \$40m. He not only blew out the budget; he closed 200 public hospital beds. The waiting list went up by 155 per cent, I think, under Mr Berry. To top it all off, he developed amnesia, I think, over about 4,000 phantom operations that he thought he had but really did not. Put simply, Mr Berry, you had a chance to fix the health budget and you blew it. That is really what it comes down to.

Mr Speaker, I think this kind of hysterical media release really reflects a much deeper problem on the other side of the chamber. It shows a kind of desperation, I believe, by Labor that is becoming more and more evident. It certainly has over the last couple of months. I wonder where that new deal is that was promised by President Whitecross over there when he swept into power earlier this year. Where is the vision, Mr Speaker? Where are the fresh ideas? Where are the ideas for generating jobs? All we have seen is this kind of media release. It is the sort of media release, Mr Speaker, that I think Terry Connolly's former press secretary would have been pretty proud of.

Yesterday we saw from those opposite that we were selling 97 schools. Mr Berry has put out press releases saying that all cancer patients were going to have to pay for their drugs and that pregnant women were going to end up on waiting lists; and now we see this one, Mr Speaker. I suppose I am fairly used to these kinds of statements, but they generate scare campaigns. The people that these sorts of media releases affect are not in this place to defend themselves. I do not think it is acceptable at all. No wonder people out there in the rest of the community really wonder sometimes about this Assembly. That sort of press release, a press release that says that the birthing centre is closed, with no evidence whatsoever, brings this Assembly into disrepute. I am sure that nobody in this Assembly, except possibly Mr Berry, would think that is okay.

Mr Kaine, the birthing centre is open. Babies are being born. In fact, one was born there this morning. If Mr Berry had bothered for one minute to check - to check his figures or to read the top of the page and find out that they were preliminary figures only, or to read the first page of the report and see that the figures in this particular area were incomplete - I hope, Mr Speaker, he would not have put out a press release that scared people.

ACTION Bus Services

MR OSBORNE: My question is to Mr De Domenico in his capacity as the Minister responsible for ACTION buses. Minister, last week it was confirmed that ACTION is planning to cancel the morning school bus for Gordon Primary School, the excuse being that the bus is only half full.

Mr Moore: It was actually half empty.

MR OSBORNE: Well, half empty. Mr De Domenico, given that this area of Tuggeranong has a growing primary school population, how on earth could you consider getting rid of this service, instead of promoting and encouraging its use?

MR DE DOMENICO: I thank Mr Osborne for his question. If Mr Osborne would like to give me the details of the route number and everything, I will look into it for him. I am aware that, every year so far as I am aware, ACTION go out and look before they bring out the various networks, to make sure that all networks are topped up as need be. If Mr Osborne gives me the complete details, I will look into the matter for him, Mr Speaker.

Disability Services - Protective Equipment Purchases

MS TUCKER: My question is to Mrs Carnell as Minister for Health and Community Care. Some parents have been very upset about payment procedures for protective equipment for protection against infection in group houses for people with a disability. It seems that protective equipment is sometimes or often paid for out of general food money or household expenses. The department's policy, according to a memo you sent me last week, is that houses can always purchase protective equipment through stores and that this will be paid for by Disability Services if the house has high needs. I was recently given a copy of a notice to regional managers from the Department of Health and Community Care instructing them to monitor the use of this payment procedure because too many houses were buying disinfectant in this way and it should be paid for as a food item unless the house has high needs. Staff obviously are in a difficult position if the requirement to purchase disinfectant means that food money is short. This indeed was the complaint of some parents who have contacted me. Can the Minister explain exactly what is the procedure for assessing the needs of a house, so that the house and the staff can know whether they are or are not regarded as high needs and therefore can access this procedure; and are staff consulted?

MRS CARNELL: The issue of determining what is an appropriate expense and what is not in one of the houses for people with disabilities is often a very difficult one, Mr Speaker. What we have to understand, and sometimes I think Ms Tucker does not understand, is that these houses are residential facilities. They are the houses in which these people live, certainly with some support from the Government. That means that they have a number of the same sorts of obligations and requirements as people in

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other residential facilities. That means that they pay a percentage of their pensions, usually, towards the rent; they pay a percentage of the money towards food and other things that the houses require. What the Government provides is staff to ensure that the people involved have proper care, Mr Speaker. These are not institutions. These facilities would not be regarded as residential facilities. There certainly is a balance here. The food money that comes to the houses is supposed to cover a number of other things, such as cleaning facilities and all of those sorts of things, as would be the case in any residential facility anywhere.

As I said yesterday, the August 1996 infection control policy does cover the issue of infection control. It also talks about inclusion and exclusion principles, infection control principles in the workplace, and also the management of laundry - all of those sorts of things, Mr Speaker. The provision of such things as gloves, detergent, disposable paper towels, plastic aprons for handling soiled linen and so on is also covered in our policy directions. Some houses have greater needs than others, Mr Speaker, and we try to assess a house that may need more than what is the standard. That would be based upon, I suppose, such things as the level of incontinence amongst the people who are there, their general state of health, and the levels of care required.

Ms Tucker would be aware that in our disability program things such as gloves, detergent and so on are supplied. If they need more than those supplies we have to start looking at the issue of infection control and so on. I do not think one house which might have four or five people with moderate disabilities needs the same sorts of things as three or four people with severe disabilities. You simply have to look at what each house requires and assess the need.

MS TUCKER: I have a supplementary question. I think we had better go through the policy together. You are referring to it as if it is actually effective and you talk about - - -

MR SPEAKER: Is this a supplementary question?

MS TUCKER: Yes, Mr Speaker. You did not answer my question. I want to know what exactly is the process, because it is unclear. It appears that it does not exist. The policy that I referred to yesterday on infection prevention was actually a revised policy. I would ask you to table the policy that it is a revision of. That may give a clearer picture of what the department's policy is at this point in assessing the needs of houses because, as you have stated quite correctly, they vary. There seems to be no clear process to distinguish what the needs are so that the people in the houses can determine what the payment procedure should be.

MRS CARNELL: I do not think that was a question. I think it was a statement.

Ms Tucker: I am asking you to table the policy to answer my question.

MRS CARNELL: I am very happy to table the current policy. The current policy is what we are operating on. That is not a problem.

Government Schools - Corporal Punishment

MR MOORE: My question is to the Minister for Education, Mr Stefaniak. Mr Stefaniak, will you assure this Assembly that, as far as government schools are concerned, the policy prohibiting corporal punishment will remain the policy of your Government in this Assembly?

Mr Humphries: Why did you not ask me the question?

MR MOORE: It is an education issue, Gary.

MR STEFANIAK: Yes, for the government schools, of course, Mr Moore.

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

PERSONAL EXPLANATIONS

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

MR SPEAKER: Yes.

MR BERRY: Thank you, Mr Speaker. In question time and in a press release issued today, Mrs Carnell accused me of frightening mothers and babies. During question time, through a full battery of accusations at me - - -

Mr Moore: You kiss babies, don't you, Wayne?

MR BERRY: Indeed, Mr Moore. Mrs Carnell is the Chief Minister who took us into a budget blow-out which has taken us - - -

Mrs Carnell: I take a point of order. It has to be a personal explanation, Mr Speaker.

MR SPEAKER: I uphold the point of order.

MR BERRY: You accused me of it. She accused me of budget blow-outs, Mr Speaker. It is a personal explanation.

MR SPEAKER: Order! Standing order 46 states:

Having obtained leave from the Chair -

which you have -

a Member may explain matters of a personal nature ... but such matters may not be debated.

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MR BERRY: I take this very personally.

MR SPEAKER: Continue.

MR BERRY: Mr Speaker, those matters that I take personally I like to deal with with some gusto.

MR SPEAKER: Yes, but you were not dealing with them; you were attacking Mrs Carnell.

MR BERRY: Mrs Carnell accused me of several budget blow-outs. Mrs Carnell has taken us back to the days when we started to fix the health system, with her efforts - - -

Mrs Carnell: I take a point of order.

Mr Humphries: I rise on a point of order, Mr Speaker.

MR SPEAKER: Order!

MR BERRY: I read, Mr Speaker, from the *Canberra Times* - - -

Mr Humphries: Mr Speaker, I rise on a point of order. I would ask Mr Berry to observe the usual courtesy and sit down.

MR SPEAKER: Mr Berry, you are making a personal explanation. I think I can anticipate the point of order.

Mr Humphries: Indeed. Mr Speaker, it seems to me to go one step further. Mr Berry is intending to breach the standing orders over this question. Come hell or high water, he is going to get in some comments which are not permitted under standing order 46. I would ask you to warn him that if he does so, having been warned, he will be named.

MR SPEAKER: Mr Berry, I would caution you. You are making a personal explanation.

MR BERRY: Indeed I am. I have been accused of frightening mothers and babies, Mr Speaker. That accusation is wrong. Mr Speaker, Mrs Carnell yesterday placed figures before this Assembly which clearly misled this Assembly. Mr Speaker, Mrs Carnell - - -

Mrs Carnell: This is not a personal explanation, Mr Speaker.

MR BERRY: It is.

MR SPEAKER: Mr Berry, you must come quickly to your personal explanation, otherwise you will have to resume your seat.

MR BERRY: Of course you would love to - I will contain myself, Mr Speaker. Mr Speaker, I have been accused of frightening mothers and babies on the basis of misleading figures which were presented in this Assembly. Mr Speaker, on behalf of Mrs Carnell I apologise to this Assembly for those misleading figures because she has not had the grace to do it herself. When she said in the *Canberra Times* this morning - - -

Mrs Carnell: Mr Speaker, how can this be - - -

MR BERRY: Because I have had the attack - - -

MR SPEAKER: Order! I am trying to work out where the personal explanation is.

MR BERRY: Mr Speaker, I am trying to explain my personal situation in relation to this matter.

MR SPEAKER: Then do so.

MR BERRY: Mr Speaker, I am entitled to do that under the standing orders, even though it may get under Mrs Carnell's skin and therefore under yours. So, Mr Speaker - - -

MR SPEAKER: The point is that you are not making a personal explanation. So far you have talked about a heading or something that appeared in a media release. You have talked about figures that were issued yesterday or this morning or last pancake Thursday or something, but you have not explained - - -

MR BERRY: No, Mr Speaker; I think you misheard what I said. I said they were misleading figures introduced into this Assembly yesterday by Mrs Carnell. They said that there was no activity in the birthing centre, and on any assessment of that information you would have to conclude that there was nothing going on in the birthing centre. Therefore, Mr Speaker, for Mrs Carnell to claim that I have acted badly is an outrageous piece of hypocrisy because Mrs Carnell herself was the one who introduced the false and misleading information into this chamber.

Mr De Domenico: I raise a point of order, Mr Speaker. Mr Speaker, Mr Berry once again is debating the issue. He is turning from what is supposed to be a very standard personal explanation under standing order 46 to personal abuse of Mrs Carnell. I suggest, Mr Speaker, that you bring him to order.

MR BERRY: No, I am not.

MR SPEAKER: Mr Berry, I uphold the point of order. I can see what you are driving at. It is the method that you are using, or the route, if you like, that you are using, to make a personal explanation.

MR BERRY: Let me remap the route.

Mr De Domenico: No, no.

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Mrs Carnell: It is all right. You can do it and I will get up and do exactly the same.

MR BERRY: Mr Speaker, today Mrs Carnell accused me of some untoward activity in relation to a press release. Mrs Carnell said at question time that I said that the birthing centre was closed. In fact, it said, "Birthing Centre Closing". Mr Speaker, there is no way that you could deduce anything else from the figures which Mrs Carnell claims to be an accurate representation of the hospital activity data. Have a look at the figures. Have a look at them yourself, Mr Speaker. There was no activity in the birthing centre. I think that would have to lead you to the conclusion that it is closing down, and Mrs Carnell ought to be ashamed of herself for this misleading and false information.

MR SPEAKER: This issue is closed.

MRS CARNELL (Chief Minister and Minister for Health and Community Care): Mr Speaker, under standing order 46 - if that was under standing order 46, so is this - - -

MR SPEAKER: Do you wish to make a personal explanation?

MRS CARNELL: I wish to make a personal explanation.

MR SPEAKER: Proceed.

MRS CARNELL: Mr Speaker, the figures that Mr Berry is talking about, after he put out a press release that said, "Canberra Hospital Birthing Centre Closing" - - -

Mr Humphries: Perhaps it is a misprint.

MRS CARNELL: It must have been a misprint, Mr Speaker. It was followed closely, Mr Speaker, by, "Carnell Gets Figures Wrong Again". Within a couple of hours of each other he determined that he had got it wrong and he had better get out of this real quick. What he did - - -

Mr Berry: Yes, because you misled me. You misled the Assembly.

MR SPEAKER: Order!

MRS CARNELL: Mr Berry indicated that I had tabled figures - I am just trying to get back to a personal explanation - that were misleading, Mr Speaker. In the house yesterday I tabled the June statistics which say, at the top of Table 3, "Non-Inpatient Statistics by Service, Occasions of Service, as at June 1996, Preliminary figures only", Mr Speaker.

Mr Moore: I raise a point of order, Mr Speaker. I understand you allowing some lenience for the Chief Minister, having done so for Mr Berry; but there is no doubt that part of this shemozzle we have at the moment, as I see it, Mr Speaker, has to do with the fact that standing order 46 makes it very clear that such matters may not be debated. Mr Berry did debate them. The Chief Minister is debating them now. Perhaps, Mr Speaker, to avoid this sort of situation in the future when Mr Berry does not respond to what he is told, you may choose to name him under standing order 202(b).

MR SPEAKER: Are we finished?

MRS CARNELL: Mr Speaker, just to finish: Because Mr Berry did indicate that I had misled the house, I believe that that requires an answer. Mr Speaker, I did not mislead the house. The figures that I tabled yesterday very clearly were preliminary figures only. There were quite a number of areas that had zero activity, not just the birthing centre. If Mr Berry had bothered to look, he would have seen that there were other areas in which, obviously, some activity would have occurred over the month. That was the reason why they were preliminary figures. In another part of the report, which really shows categorically that I was not misleading the house, it said that non-inpatient figures were incomplete. "Incomplete" is very definite, Mr Speaker. No matter how Mr Berry looks at it, the fact is that his media release that said that the birthing centre had closed did scare people.

Mr Berry: Mr Speaker, I take a point of order.

MR SPEAKER: This is becoming extremely tiresome. I think Mr Stefaniak was the first to his feet.

QUESTIONS WITHOUT NOTICE

Secondary Colleges - Appointment of Chaplains

MR STEFANIAK: In question time I took two questions on notice. Firstly, Ms McRae asked a question about chaplains in colleges. Ms McRae, the answer to your question is that there is no policy as such. Lake Tuggeranong is the only college or school, I am told, with such a position. It is not a paid position and the chaplain is not a member of staff. Religious instruction of a non-denominational kind can be offered in schools if the school community wants it. School boards canvass their communities to see what they want. The chaplain at Lake Tuggeranong College is paid for by the Scripture Union and the churches in the valley, I am advised.

Ms McRae: Could a member of staff be one? That is the element of policy that I am interested in.

MR STEFANIAK: The chaplain there is not a member of staff.

Ms McRae: No, no; could they be? That was the element of the question.

MR STEFANIAK: Right; I will have to find out.

Public Housing Tenants

MR STEFANIAK: Ms Horodny asked a question in relation to a few ACT Housing properties in the inner north. ACT Housing is putting together a strategy on public housing that needs major upgrades. These properties - I think there are about 15 or 16 that she is referring to - are in that category. We upgrade the property; but we also want to know, during the upgrade, whether the tenant is happy to move out temporarily while the property is upgraded and then come back to the home they were in. Also, during that upgrade, we ask them whether they would like another type of accommodation, or to move to another area. Basically, if the tenant is happy with the property and wants to come back after it is upgraded, that occurs.

PERSONAL EXPLANATIONS

MR DE DOMENICO (Minister for Urban Services): Mr Speaker, at the conclusion of question time yesterday Ms Horodny suggested that I had misquoted her in relation to the practice of recycling plastic tops off two-litre milk containers. I am sure you will remember. She suggested, in fact, that she had not said that these tops were not recyclable; rather, that they were not recycled in the ACT but "the tops were cut off the milk bottles". The inference was, Mr Speaker, that the Government should have been ensuring that the whole milk bottle was recycled, including the black tops, as is the case elsewhere.

Mr Speaker, please allow me to set the record straight once and for all. I asked the department, quite obviously, to contact the ACT manager of BFI, the company responsible for carrying out recycling of household waste. He has stated that, so long as the instruction provided to households is followed, that is, that the bottle tops are screwed onto the bottles, the whole package, including the bottle tops, is recycled. It is only when the bottle tops are thrown into the rubbish bins loose that they are not recycled. Quite obviously, effort would be involved in sorting out and finding them. If they are screwed onto the milk bottle the whole of the package is recycled. It is not true that the tops are cut off. If the cap is on the bottle, the whole of the bottle with the cap is recycled. Mr Speaker, once again, I suggest that Ms Horodny do her homework. I am quite happy to provide Ms Horodny with a tour of the BFI plant. Perhaps we will take the television cameras there so that they can take a picture of the whole of the bottle, including the top, being recycled. Perhaps then you will believe what you see on television.

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

MR SPEAKER: Certainly.

MR HUMPHRIES: Mr Speaker, there was a question at question time to Mr Stefaniak and also some statements in the media by Mr Moore, previous to today, I think, which suggested that I have called for or supported a move to re-establish corporal punishment in ACT government schools. I think the members who have taken that view

may have misunderstood a discussion paper of the Standing Committee of Attorneys-General that I was tabling earlier this week. That discussion paper was supported by all Attorneys-General across the country and it poses a number of provisions for non-fatal offences against the person without necessarily saying this was the view of any particular government. The particular proposal about corporal punishment was that in places where it was practised there should be express consent of parents for its administration to their particular children at a particular school. To say that is not to say that we support any position on corporal punishment within the ACT except that, if it were to be used, that is the circumstance in which it should be used.

Ms McRae: It is not used anywhere, and he should know that.

Mr Moore: Your report from the committee said something very different.

Ms McRae: It was not my report and I was not there when that evidence was given, so do not mislead.

MR SPEAKER: Order! Would you two like to go outside and have a scrap while Mr Humphries finishes?

MR HUMPHRIES: I want to make it clear, Mr Speaker, that the paper is a discussion paper only, and I am sure it will generate a great deal of discussion if today is any indication.

ACTION BUS SERVICES

MR OSBORNE: Mr Speaker, in regard to my question to Mr De Domenico, I seek leave to table page 7 from the *Tuggeranong Chronicle* dated 26 August.

Leave granted.

MR OSBORNE: The article is headed "School bus cut" and is about ACTION's plan to cut morning school buses for Gordon Primary School. Mr De Domenico asked me to provide him with the route number. He might be able to explain it. In this article it says:

"The cancelling of Route 610 was being considered due to low patronage,"

...

That quote is from Mr De Domenico, Mr Speaker. I will table that.

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PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Consultation with Assembly Committees - Government Response

MRS CARNELL (Chief Minister) (3.26): Mr Speaker, for the information of members, I present the Government's response to Report No. 13 of the Standing Committee on Public Accounts entitled "Consultation with Assembly Committees on Appointments to Territory Owned Corporations", which was presented to the Assembly on 18 April 1996. I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

COMMUNITY LAW REFORM COMMITTEE
Report on Domestic Violence - Government Response

MR HUMPHRIES (Attorney-General) (3.27): Mr Speaker, for the information of members, I present the Government's response to the Community Law Reform Committee's Report No. 9 on domestic violence. I move:

That the Assembly takes note of the paper.

I am pleased to respond to the findings and recommendations of the Community Law Reform Committee contained in Report No. 9 on domestic violence. The committee was given this reference in September 1991 and, after five years of exhaustive consideration, its two main recommendations constitute a strengthening of the criminal justice response to domestic violence and a coordinated interagency response.

Regarding a coordinated interagency response for the ACT, the committee's report has produced a blueprint for action incorporating the essential features of a model that originated in Duluth, Minnesota, and has worked successfully elsewhere, including in Hamilton, New Zealand. It is also being adopted in other parts of Australia, for example, Armadale in Western Australia. The model known as the Duluth model refers to a comprehensive, collaborative interagency approach involving interlocking agency procedures, case flow monitoring, feedback and information sharing, with the response being monitored by an independent coordinating body. It operates in a legislative and procedural environment by establishing explicit procedures which prioritise safety for victims above all other concerns and operates to encourage agencies to take the most effective actions possible at all levels of the justice system.

I am pleased to be able to say that a substantial number of recommendations of the committee have already been or are being implemented. The Australian Federal Police, ACT Region, have included a code in their relevant database to distinguish offences committed in the context of domestic violence. The database complies with a national standard for data collection to enable comparisons to be made between States and Territories. In addition, training modules and regional instructions are being reviewed and, if necessary, amended to reflect the intent of the committee's recommendations.

The new Magistrates Court building project has addressed many practical concerns for the safety of victims and others by incorporating facilities for victims of domestic violence. On the legislative front, the Government supported, with amendments, a private members Bill introduced by Ms Follett in the Legislative Assembly on 23 March this year to provide for a stalking offence, and this legislation became operative on 10 July this year. We will also be introducing in this session Bills to amend the Bail Act 1992 and the Crimes Act 1900. These initiatives and, in particular, an amendment to reverse the presumption of bail for a domestic violence offence will go a long way towards strengthening the protection which exists currently in the ACT for victims of domestic violence.

The new presumption which will exist for domestic violence offenders is that police will be able to grant them bail only where they believe, on the balance of probabilities, that the offender does not pose a threat to the victim and is not likely to reoffend. Where a police officer cannot be satisfied that that is the case, he or she should arrange to have the offender brought before a magistrate for determination of bail. These amendments will tighten the eligibility for bail in the interests of the victim. This measure will represent a significant shift in policy so that the victim is the primary beneficiary. When these matters go to court, it is important for the victim to be able to testify without fear. For that reason, I am foreshadowing amendments to the Evidence (Closed-Circuit Television) Act which will provide for victims of domestic violence giving their evidence by video link. This concept can also be extended to witnesses in fear generally.

The Government accepts the first component of the committee's recommendations for a coordinated interagency response in full, that is, the establishment of a statutory domestic violence advisory council. However, the Government believes that it should be more than an advisory council. The Government proposes to set up a statutory Domestic Violence Prevention Council. The council would have broad responsibility for the implementation of domestic violence policy and programs in the ACT, across all agencies of government, and it would also play a coordinating and monitoring role, acting as a clearing house for domestic violence issues in the ACT. Its responsibilities could cover criminal and civil issues and include health, housing, education, law enforcement and other relevant areas.

Representation on the council would be at a senior officer level from areas responsible for service delivery and other areas which come into contact with domestic violence. It would also include community representation. In the case of some aspects of implementation, the council may wish to create subcommittees directly involving people in particular areas. I look forward to some input from members of this Assembly about potential appointees to the council.

I believe that the Domestic Violence Prevention Council will have a substantial effect in drawing together all policy and program initiatives and resources so that the outcome of prevention of domestic violence is achieved. The position of chair of the Domestic Violence Prevention Council will be filled by the Victims of Crime Coordinator.

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This reflects the role of that position in working with agencies to provide support for victims of any crime, including domestic violence. In addition, a subcommittee of the council will be tasked with devising an implementation plan which would take account of the role the report envisaged for a domestic violence project coordinator. In this way, a coordinated approach will be taken to the implementation of the various actions required.

This restructuring of the functions that were proposed for a domestic violence project coordinator will, I believe, facilitate more effective coordination of the strategy, be more structurally sound, and also have the advantage of drawing from an area which is already established. In this regard, Ms Robyn Holder, who was recently appointed to the Office of Victims of Crime, has a great deal of expertise in the area of domestic violence, particularly in multiagency aspects of an effective strategy and implementation plan. I know that Ms Holder will bring enthusiasm and commitment to the task.

One of the roles the committee proposed for a council was the development of a strategy and implementation plan. In view of the immediate need to deal with problems of domestic violence and the necessity to legislate for the establishment of the Domestic Violence Prevention Council, the Government has accepted the Women's Consultative Council's offer to prepare a domestic violence strategy. This strategy will be made available to the Domestic Violence Prevention Council for consideration when that council is established. It will also be able to draw upon the National Strategy on Violence Against Women and the New South Wales and Victorian models which are currently in existence. The Women's Consultative Council input will form a practical foundation for the work of the Domestic Violence Prevention Council. The Chief Minister's Department has agreed to dedicate resources for a full-time administrative assistant to provide research and secretariat support to the proposed council for a 12-month period.

I wish to note that criticism has been directed to the committee's report, specifically for not addressing the needs of Aboriginal and ethnic communities. In this regard, I specifically note the concerns of the ACT Multicultural Consultative Council and the Ethnic Communities Council of the ACT. The committee's report made specific mention of the fact that it was not able to deal separately with the needs and views of these communities. It is important to emphasise that domestic violence is unacceptable and against the law, whatever the cultural, socioeconomic, religious or occupational background of the perpetrators or victims. Nevertheless, I am aware that these issues are of particular concern to Aboriginal and Torres Strait Islanders and ethnic communities and organisations, and I will therefore ask that the Domestic Violence Prevention Council take on this issue as an early matter of reference.

There are two recommendations in the report which we are not in a position to implement at this time. These are the offender-perpetrator education program and the bail assessment program. Both of these programs involve special expertise and resources, and it will take a little time before these programs could be up and running. I propose to delay the introduction of perpetrator programs until the review by the Domestic Violence Prevention Council is available, so as to enable better evaluation of existing programs in

other jurisdictions and overseas before moving ahead in the ACT. There has been some work undertaken by way of assessments of these programs, but the evidence is inconclusive at this early stage, and I would prefer to await results of interstate and overseas trials, to save us reinventing the wheel.

This is an appropriate opportunity to mention that the ACT will be participating in a national domestic violence summit beginning in September this year, with a national forum for selected Commonwealth and State/Territory government officials and non-government experts. This will culminate in a summit meeting of relevant Commonwealth and State/Territory Ministers planned for May 1997. I understand that Professors Rebecca and Russell Dobash, who are recognised experts in this field, will be attending from the United Kingdom. I anticipate that the outcomes of the summit and, hopefully, of consultation with these experts will serve to inform and enhance the developments taking place in the ACT as the strategy is put in place.

The ACT has for some time been a leader in addressing the difficult and tragic issue of domestic violence. Our domestic violence laws, which have been in place since 1986, have been acknowledged as providing a responsive civil process for rescuing and protecting vulnerable people from the threat of domestic violence. Further, I am advised that the cooperation which exists between the Domestic Violence Crisis Service and the Australian Federal Police and the model of a 24-hour crisis intervention service are well recognised by other jurisdictions.

The report of the Community Law Reform Committee encourages us to put more emphasis on the criminality of domestic violence and the redemption of offenders. I believe that the implementation of the measures proposed by the Government will make a real difference to the overall approach to domestic violence in the ACT. With an emphasis on supporting victims at all levels, the Government is very aware that the problem is an urgent one. We are determined to deal with it by rising to the challenges set by the CLRC report. Above and beyond these challenges, however, our emphasis will always be on seeking to prevent domestic violence, as violence against women, children and, in some cases, men is a serious problem the ACT can neither afford to condone nor allow to continue. Mr Speaker, I congratulate the Community Law Reform Committee on its report and I commend the Government's response to the Assembly.

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

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 6 of 1995 -
Government Response

MR DE DOMENICO (Minister for Urban Services) (3.39): For the information of members, I present the Government's response to Report No. 12 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 6, 1995 - Contract for Collection of Domestic Garbage : Non-Salary Entitlements of Senior Government Officers", which was presented to the Assembly on 18 April 1996.

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I move:

That the Assembly takes note of the paper.

On 21 September 1995, the Auditor-General's Report No. 6 of 1995, "Contract for Collection of Domestic Garbage : Non-Salary Entitlements of Senior Government Officers", was tabled in the ACT Assembly. The report presented the results of two audit reviews: To provide an independent opinion to the Legislative Assembly on whether the contract for the collection of domestic garbage using mobile garbage bins was awarded, based on a sound evaluation of the tenderers' abilities to deliver the required service, and on complete financial comparisons of costs and risks associated with each tender proposal; and to provide an independent opinion to the Legislative Assembly as to whether allowances paid and costs incurred by senior officers of government agencies and authorities were in accordance with applicable policies, guidelines and legislation and paid or incurred in the interests of the ACT Government and/or the ACT community.

The Auditor-General concluded, in respect of the review of the contract for the collection of domestic garbage, in relation to the evaluation of service delivery that the process was sound, and in relation to the financial comparison of risks and costs that the analysis performed can be considered as adequate; however, it should have been more comprehensive. Other significant issues related to the acceptance of non-conforming tenders for consideration, and leasing options not extended to Pacific Waste Management. The Auditor-General also suggested general principles in relation to tender specifications, documents and conditions, tender assessment processes, financial assessments, and cost-benefit-risk assessments. I might say, Mr Speaker, that that contract was signed by the previous Government.

In terms of the review of non-salary entitlements of senior government officers, the audit found that allowances and benefits paid to senior government officers during 1994, once again under the previous Government, were in accordance with applicable government policies, guidelines and legislation and were paid or incurred in the interests of the ACT Government and/or the ACT community. Other findings related to the first-class travel of senior executive officers, ACTEW remuneration packages for senior executive officers, frequent flier points not being fully used by agencies, guidelines for the acceptance of gifts, and ACTEW's hospitality expenditure. The Government submitted its response to the Public Accounts Committee in December 1995. The committee report, tabled in the Assembly on 18 April 1996, made recommendations in relation to drawing up tender specifications and tender documents, programs to fully utilise frequent flier points, guidelines and training relating to the acceptance of gifts by officials, and concerns about ACTEW's hospitality expenditure. The committee's recommendations and the Government's responses are detailed in the attachment.

I shall now summarise the key issues in relation to the recommendations of the Public Accounts Committee. In relation to the contract for the collection of domestic garbage, the Government agrees with the approach recommended by the Auditor-General, and endorsed by the Public Accounts Committee, that tender specifications should not be so narrowly drawn as to potentially eliminate acceptable solutions, both technical and financial, and that tender documents should be designed

to elicit the necessary information to allow proper assessment in relation to each of the tender criteria. This is consistent with the ACT competitive tendering and contracting guidelines, the ACT purchasing manual and the Australian Code of Tendering.

The Department of Urban Services had made provision, within the request for tender for the collection of domestic garbage, for alternative tenders to be considered, when submitted with a conforming tender. This provision sought to encourage innovation and acknowledged that there are a range of methods and approaches to the collection of domestic garbage. In an environment of increased competition, requests for tender must allow tenderers the flexibility to bring forward alternative methods and approaches to service delivery. Accordingly, the consideration of alternative tenders is becoming common practice throughout the department and the ACT Public Service in seeking to maximise value for money outcomes.

In relation to non-salary entitlements of senior government officers, the Government agrees with the approach taken in the committee's report, namely, programs to fully utilise frequent flier points to the benefit of the agency concerned. As part of the Qantas travel contract for the ACT Public Service, Qantas has conducted a series of training sessions which outline to staff in agencies how to maximise the use of frequent flier points. Information on the utilisation of frequent flier points has been included in a document provided as part of this training entitled "ACT Government and Qantas Travel Partnership". A copy is provided as part of this response.

In relation to specific guidelines and training relating to the acceptance of gifts by officials, the specific guidelines dealing with the acceptance of gifts and other benefits are incorporated into the public sector management standards. Chief executives may develop, obviously, additional instructions for their staff as appropriate. Ethics training will be facilitated by the Chief Minister's Department by 1997, which will address, amongst other things, issues relating to the acceptance of gifts by officials in the course of their duties.

Addressing the concerns of the committee as enunciated in paragraphs 3.22 to 3.25, the committee commented that ACTEW is not apparently subject to the same management standards as the ACT Public Service agencies. The committee also expressed difficulty in accepting that the role of the responsible Minister is to keep at arm's length from the day-to-day running of the corporation. As the Auditor-General noted, ACTEW operates under separate legislation and industrial agreements which are specific to ACTEW. The legislative framework surrounding the ACTEW corporatisation removed ACTEW employees from the coverage of the Public Sector Management Act 1994. Given these arrangements, the Government does not consider it appropriate that ACTEW be compared with other ACT government agencies.

In recognition of the commercial environment that ACTEW Corporation is expected to operate in, the Public Sector Management Act 1994 was amended to state that, unless the contrary intention appeared, the general provisions of that Act, including the values and principles of public administration and the general obligations of public employees, did not apply to the corporation. Most corporations, however, produce codes of conduct and expect their employees to operate in an ethical environment. It is understood, and we will make sure of this, that ACTEW Corporation is developing such a document. Once that happens, I will give a copy to the Public Accounts Committee.

MS FOLLETT (3.45): Mr Speaker, I would like to take the liberty of speaking very briefly to this matter, as I was a member of the Public Accounts Committee at the time the report originally came before the committee. I want to speak on only the last paragraph of Mr De Domenico's response to that report and indicate as strongly as I possibly can that I do not regard that response as in any way appropriate or satisfactory. I put Mr De Domenico and ACTEW on notice that I regard this kind of "arm's length, hands off, it is nothing to do with us" approach as a direct insult to this legislature.

If members care to study the last paragraph of the Minister's response, I think they could well be as appalled as I am to see the baldness of the statement that is made there. That statement says that, because ACTEW staff no longer come under the direction, the scrutiny, the legislative control of the Public Sector Management Act, "including the values and principles of public administration and the general obligations of public employees", these matters did not apply to ACTEW employees. In other words, we are to understand from the Minister that ACTEW employees are operating in a totally value-free, obligation-free environment. That is what the Minister has said. I find it absolutely reprehensible for any public corporation to make that kind of statement.

Members will be aware that I opposed the corporatisation of ACTEW, but I can tell you now that never in my wildest dreams, at the time I opposed the corporatisation of ACTEW, did I ever envisage ACTEW removing itself so far beyond the scrutiny of this Assembly, the control of its Minister, or the generally accepted standards of public administration that apply in this community. I am appalled. I have no doubt that the Public Accounts Committee will want to follow up on this matter further. I do believe that this Assembly, or what remains of it just at the moment, ought to take very careful note of this attitude by ACTEW and by its Minister. I say to Mrs Carnell and Mr De Domenico: You are the shareholders in ACTEW, just the two of you. If you think this is okay, I have to inform you that I do not, and if I were a shareholder I would be making that abundantly clear to ACTEW. I would be saying to ACTEW, "You might be a corporate body now, but we expect you to behave to a suitable standard that would apply to any public body. We expect you to be accountable to your Minister, to the legislature and to the community, and this kind of 'get lost' attitude simply cannot be allowed to endure".

MR WOOD (3.48): Mr Speaker, as the current chair of the Public Accounts Committee, I would endorse the comments made by Ms Follett. I will not adjourn the debate, but I can assure you that the committee has been looking at this question and the position of ACTEW and the extent to which it can operate as freely as it would like. The committee is intending to examine these matters very closely, and I expect we will have something further to say in the future.

Question resolved in the affirmative.

MINISTERIAL MEETINGS - HOBART, JULY 1996
Ministerial Statement

MRS CARNELL (Chief Minister): I ask for leave of the Assembly to make a ministerial statement on ministerial meetings in Hobart in July 1996.

Leave granted.

MRS CARNELL: Mr Speaker, I am pleased to report on the outcomes of the ministerial meetings in Hobart at the beginning of July 1996. The meetings that occurred in Hobart included the Health and Community Services Ministerial Council, the Australian Health Ministers Conference, the Australia New Zealand Food Standards Council, the Ministerial Council on Drug Strategy, and a Disability Services Ministers meeting. Many of the outcomes of these meetings will be reported to the planned November 1996 meeting of the Council of Australian Governments, COAG. The depth and breadth of the issues covered at these meetings will be self-evident in the report to be presented. I believe that the ACT has proven to be instrumental in driving many of the reforms that will be significant at a national level. This is particularly true of initiatives in the areas of the coordinated care trials and drug policy, including the heroin trial.

At the Health and Community Services Ministerial Council meeting, some key issues were discussed and decisions made. The ACT will be participating in the health and community services reforms that are currently occurring at a national level. The reforms will address issues such as simplification of roles and responsibility for service planning and provision through the levels of government; the implementation of nationally agreed policies and programs to allow States and Territories greater flexibility to develop strategies and responses to meet objectives; individuals' access to information through which to choose the most appropriate services; and ensuring that the focus in service planning, provision and financing is on consumer needs and that a person's care, recovery and convalescence are not hindered by such factors as cost shifting between governments. This will allow the Australian health system to function in a more focused and efficient way. It is an approach that acknowledges the unique position of the ACT and its particular needs. It will give the ACT increased flexibility to be able to focus on outcomes and performance.

Ministers decided that a work program and consultation strategy be taken forward by a working party of senior chief executive officers from each jurisdiction and that it be reported on in October. There will also be the development of a work plan relating to disability services, a paper on child care flowing from a resolution of Community Services Ministers, and a report on bringing the supported accommodation assistance program and related services into the COAG process.

Of particular importance is the decision to link the findings of the review of the Commonwealth-State Disability Agreement with the goals of the COAG reforms. As part of the COAG reform process, a number of coordinated care trials have been proposed to examine the effectiveness of a coordinated approach in improving health outcomes, within existing resources, of clients who require substantial amounts of care from a range of care providers. The ACT is the first jurisdiction to sign an agreement

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with the Commonwealth on a proposal developed by the Department of Health and Community Care and the ACT Division of General Practice, which will design and test a GP-based coordinated care model. The coordinated care trials were recently reviewed in order to ensure that GPs - the primary point of health care contact for most Australians - are fully involved in the planning and implementation of the coordinated care proposals. Specific guidelines were developed to ensure that this occurs.

Also aimed at increasing flexibility and reducing administrative duplication in the different levels of government was the decision to consolidate smaller health special purpose payments, SPPs. Broadbanding the special purpose payments will be an interim arrangement, and these arrangements will be incorporated into the next Medicare agreement. Officials will prepare recommendations on the special purpose payment to be included and the principles to apply within the broadbanding. (*Quorum formed*) This will be considered by the council in October and then reported to COAG.

The United Nations General Assembly has decided to observe 1999 as the International Year of Older Persons. The theme is "Towards a society for all ages", and the principles to be promoted will be independence, participation, care, self-fulfilment and dignity. The ACT will be participating in the development of a national approach to the celebration of the International Year of Older Persons in 1999. A working party will be established to develop a coordinated approach and prepare recommendations on how Australia might contribute to the development of aged care and the promotion of healthy ageing in neighbouring developing nations. It will be responsible for developing an Australian vision on future ageing for announcement in this year.

Another matter of particular importance to the ACT is the proposed national legislation, the Mental Impairment and Unfitness to be Tried (Criminal Procedure) Bill 1995. The Standing Committee of Attorneys-General referred this Bill to the Health and Community Services Council for its consideration. The council was asked to endorse the principle that provisions should be contained in the criminal code, rather than in more general legislation, and that provisions contained in the mental health legislation should be, as far as possible, consistent with the provisions of the model Bill. Along with other jurisdictions, the ACT had some concerns regarding the Bill.

The particular issue for the ACT relates to the fact that we have only recently undertaken a major review of our mental health legislation, and the Mental Health (Treatment and Care) Act 1994 commenced operation only in 1995. We are satisfied that the model Bill and the new ACT legislation share similar aims and are based on similar principles. Whether the approach in the model Bill is preferable is a question which needs to be answered by reference to local circumstances, and we believe that the departures from the details of the model Bill are not so significant as to warrant reconsideration at this time. The council decided that the secretariat should write to the Standing Committee of Attorneys-General expressing the concerns raised by the various jurisdictions.

Other mental health issues were discussed at the Health Ministers Conference. Progress towards the development of nationally consistent mental health legislation under the national mental health strategy was noted, and Ministers agreed to the principles for resolution of cross-border anomalies in this area between States and Territories.

The Australian Health Ministers Conference was held the next day and discussed a number of specific health issues of particular relevance to the ACT. The national public health partnership is linked to the COAG reforms, and the Ministers agreed that there is a need to have a national approach to public health and to develop a national policy and action plan for public health in Australia. The concept of a national public health partnership has evolved, which is modelled on the national health information agreement. It recognises both the different roles of key players in public health and the need for collaboration between them to achieve real gains in public health.

The partnership, between the Commonwealth, States, Territories, the Australian Institute of Health and Welfare and the National Health and Medical Research Council, will set out a vision for public health in Australia; clarify roles and responsibilities; establish key principles to guide public health policy and practice; establish key result areas; and incorporate a work program overseen by a management group. The partnership represents an opportunity for the ACT to participate in the development of public health in Australia. Health Ministers decided that the proposal should be developed under the guidance of the working group of chief executives established to progress COAG reforms. The Commonwealth's intention of conducting formal consultations regarding the national public health partnership was supported by Ministers.

National health goals and targets are the national framework for the monitoring of health outcomes of the Australian population. National health priority areas have been identified as injury prevention, mental health, cardiovascular disease, and cancer. As the Federal Government's health throughout life program has identified diabetes as a national priority, the conference decided to include this as one of these priority areas. In the ACT, national health goals and targets is complemented by the ACT health goals and targets to the year 2000. Together, these documents set the priority health areas for the ACT community.

In 1995, the Australian Health Ministers Advisory Council established the Better Health Outcomes Overseeing Committee to guide the development of approaches to improve health outcomes, both in relation to achievement of national health goals and targets and through financial and other incentives or disincentives. This committee has been requested by the council to review the process of the national health goals and targets to make them more focused and to consider other areas of reporting. A need was identified to establish principles for reporting on priority areas of the national health goals and targets, including reporting on priority areas every two years; limiting the numbers of priority indicators; each State and Territory developing its own targets; and the priorities of States to adopt indicators consistent with national priorities. These reporting principles will develop the national health goals and targets report, the first of these to be presented to the Health Ministers Conference later in 1996.

The report of the task force on quality in Australian health care was received by the Conference. The task force was established in June 1995 and was charged with looking at ways to reduce adverse events occurring during health care management. The report recommends system-wide changes which focus on consumers and involve the whole health care system, including managers and administrators, and emphasises the need for

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evidence-based medicine. The report has been referred to the Australian Health Ministers Advisory Council to review the national implications and the implementation and funding strategy. Further public comment will be sought from all stakeholders before the recommendations of the report are endorsed and implemented.

The national health policy for children and young people was released by Australian Health Ministers in June 1995. The national health plan for young Australians has been endorsed by Health Ministers as the national implementation plan for this policy. The plan includes a framework for addressing emerging needs and priorities by greater collaboration, by addressing children's and young people's increasing vulnerability in the complex and rapidly changing world of the 1990s, and by ensuring that children and young people enjoy good health. The ACT is currently in the final stages of developing its implementation plan of this policy, and will be one of the first jurisdictions to do so. The plan identifies priority areas as coordination and collaboration, access to an appropriate and balanced range of services which are customer focused and address inequities, healthy supportive environments, and work force training.

The ACT implementation plan integrates existing government initiatives, such as health for young people, ACT policy and strategic directions, which is under development at this stage; early intervention policy for children 0 to 6, which has been released; the creation of the Children's, Youth and Family Services Bureau in the Department of Education and Training; the establishment of an identified program area in ACT Community Care for children's and family health services; and the progressive implementation of mandatory reporting of child abuse.

At the meeting Ministers also noted the forthcoming introduction of the Commonwealth Government's private health insurance initiative and the current second 2 per cent review. It also acknowledged the review of private health insurance legislation being undertaken by a Senate committee. Ministers discussed further strategies towards private sector management of public hospitals and public hospital-private hospital co-location. This is particularly relevant to the ACT, where Calvary Hospital has public-private co-location, and we are examining proposals for a new private hospital in the ACT.

Ministers agreed that there was an urgent need to address the issues of best practice service provision in relation to outpatient services provided by hospitals. As such, there will be a review of the role and funding of outpatient services. A review of these services will aim to improve health outcomes and implement best practice models. The review will examine whether the most appropriate settings for provision of some services is being driven by financial incentives rather than achieving best outcomes for patients. States and Territories have been working with the Commonwealth Government for some years to identify best practice in outpatient provision. The recent ambulatory care reform and pilot project conducted in the ACT was instrumental in identifying some of the concerns. An expert committee will be established and draw on the significant amount of work currently being undertaken, particularly under the ambulatory care reform program. The committee will consist of a range of health professionals and will consult widely with States, Territories, and professional and consumer groups.

In recognition of the specific needs of Aboriginal and Torres Strait Islander people, bilateral agreements between the Commonwealth and States and Territories have been developed, aimed at improving the health of Aboriginal and Torres Strait Islanders. These are based on the premise that Aboriginal and Torres Strait Islander people have the same rights to good health and good health care as all other Australians. These agreements are the product of extensive consultations with Aboriginal and Torres Strait Islander health organisations and ATSIC, and intend to redress the reality that Aboriginal and Torres Strait Islander people currently suffer the worst health of any group in the community. The ACT, as many people will know, signed this agreement just last week. The agreements will be part of a four-part approach to improving the health of Aboriginal and Torres Strait Islander people and will also include the trialling of coordinated care, the establishment of a national Aboriginal and Torres Strait Islander Health Council, and the development of strategies to combat specific health problems.

Ministers also noted the preliminary report on the availability and nature of palliative care in Australia. An Australia-wide committee has been established to develop a national palliative care minimum data set and performance indicators. This incorporates work that has occurred around Australia and also at the ACT level. The ACT will participate in the national committee, in the national subacute and non-acute casemix classification, and accreditation activities.

At the Australia New Zealand Food Standards Council meeting important issues relating to the national food system were discussed. There is a recognised need to improve government and industry arrangements for the safe production and handling of food to meet new demands and challenges to food safety which are emerging. The proposed system seeks to enhance the safety of Australia's food supply; strengthen Australia's food export position as an effective supplier of clean, safe food, particularly in the Asian market; maximise effective utilisation of resources; ensure agencies are appropriately resourced; meet Australia's international obligations; and respond to the food industry's support for uniform hygiene standards and for uniform, effective surveillance.

The council recognised the importance of safe food to public health and safety and to Australia's international marketing of food products as clean and green. It recognised that this safety will be greatly enhanced by the consolidation and implementation of coordinated national safe food arrangements across the whole food chain. It was noted that a food hygiene standard is currently being prepared, and there have already been moves to introduce consistent national standards relating to meat. Currently under way is the development of a safe food system that will have a paddock to plate approach. This approach will benefit the whole of Australia.

Work still to be completed includes the clarification of roles and responsibilities between the Commonwealth, State and Territory governments and the resource capacity to implement regulations and requirements - an issue particularly important to small jurisdictions such as the ACT. The ACT is well placed organisationally to carry out this new approach to food safety, as it carries out the functions of both municipal and State governments with the one team of officers - the Health Protection Service. This approach overcomes many of the problems that will have to be faced where local government has food safety responsibilities in the majority of States.

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Last but by no means least, the Ministerial Council on Drug Strategy brings together health and law enforcement Ministers from all Australian governments to develop policy with the aim of reducing harm related to the use of alcohol, tobacco and other drugs. I represented both portfolios for the ACT. The agenda for this year was grouped under the headings of evaluation of the national drug strategy; action to address harm related to the use of illicit drugs, alcohol and tobacco; results of a review of long-term treatment; and the establishment of an Aboriginal and Torres Strait Islander drug advisory group to the National Drug Strategy Committee.

Without doubt, the discussion of the heroin trial was the major focus of the meeting. I have expressed my disappointment at the lack of courage of some States in supporting this research. However, this should not overshadow the fact that the Commonwealth Government has taken the initiative to work with the ACT, South Australian and Victorian governments to further develop this proposal. I can safely say that we are no longer alone but are now part of a four-government effort to resolve some of the real and imagined problems associated with the trial. In that sense, the ACT's ongoing commitment to seeking national commitment for the trial has been vindicated, and I am happy that we are now working in a partnership with governments, rather than just being a voice in the wilderness.

This proposal should not overshadow the other important decisions made by the council, which included a statement on a comprehensive strategy to minimise illicit drug-related harm, which I seek to table in the Assembly.

Mr Moore: It is not attached. That is the problem.

MRS CARNELL: I will table it if it is not attached. The council endorsed the establishment of an expert advisory group on illicit drug issues; an early warning system to identify emerging drug issues and predicting drug taking trends; development of community policing practices to reinforce the harm minimisation approach to illicit drugs; and an information and education campaign to reduce accidental drug overdoses and a national campaign to assist parents and families to address drug-related issues in a family context.

The total cost of all drug-related harm to the ACT community is at least one-third of a billion dollars each year. Much of this cannot be recovered as it represents loss of life. However, it reinforces the importance of continuing to have both a national and a local approach and for this Assembly to take tough and far-sighted decisions to reduce the horrendous personal and financial cost to the community. I think it would be remiss of me not to thank Mr Moore for his support with regard to the work we have done on the heroin trial and also to thank the Assembly as a whole for treating this very delicate issue in the way it has and not using it as a political football. I present the following paper:

Ministerial meetings - Hobart, July 1996 - ministerial statement, 28 August 1996

I move:

That the Assembly takes note of the paper.

MR BERRY (4.14): I will speak briefly on the matter. Essentially, we have a situation in Australia now where most of the governments across the country are conservative, and one can expect that we will have a conservative thrust in the way health is dealt with. We already know that there have been massive cuts to health at a Federal level and we also know that that is going to impact on the people who seem to have been left out of the general description "all of us". I think "all of us" really should have been "some of us"; the poor and the disabled are going to be the ones who pay the price. We have seen how much extra it is going to cost them in terms of their pharmaceuticals. We have seen how much it is going to affect them in terms of dollars that are going to be deducted from our public hospital system. We all know that when money is sucked out of our public hospital system in this way the ones who are hurt first are those who are not so well off.

Mrs Carnell: Wayne, this was a statement of agreement, not dissent.

MR BERRY: I am pointing out to you, Mrs Carnell, something that the rest of the community has to start thinking about: The council you went to was a meeting of mainly conservative governments.

Mrs Carnell: What about New South Wales? They agreed too.

MR BERRY: Mrs Carnell interjects that New South Wales agreed too. They are one out against a great tide in terms of conservative governments across the country, and it is pretty well known that health will be one of the first issues to suffer. On that score, I think the community has to beware of the honeyed language that flows from these sorts of conferences. They are still the same. It is a bunch of conservative governments considering how they can cut health back. Conservatives measure health in dollars, not in terms of quality of care. It is always the dollars that count.

Mrs Carnell also talked about how the issue of drugs was affecting the community. I was interested the other day to hear that some of the burglary rates, I think it was, in the ACT had fallen, and a commentator on the issue said that methadone programs had something to do with that. Sometimes you have reservations about the advice you get in relation to these matters; but I was pleased to hear that, because the methadone program in the ACT has grown by a huge amount. I hope that the commentator was right, otherwise it would have been a lot of effort for nothing. I hope that he was right and that the methadone program continues to play a significant role in reducing the number of burglaries and drug-related crimes in the ACT, and across the country, for that matter. I see that the Northern Territory has not braced itself sufficiently to be able to take on a methadone program, or some positive attitude to drug-related crime in the Territory. Shame on them, I have to say. I think it is a disgrace that we have a situation where one Territory in the country stands alone on such an important issue.

So far as the heroin trial is concerned, it was with some regret that I saw what I had always expected from the council: A fairly redneck approach to the issue, from my point of view. I think there was far too much negotiation of the issue in the media. A preferred position is to try to engage people in debate away from the media. It seemed to me that a lot of the engagement was done through the media, and that does not help in those States that have a different electoral system from ours. These sorts of issues create far

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more difficulty in single-member electorates than they do in proportional representation systems like ours and Tasmania's, so it is to be expected that there would be some nervous politicians around the country. Again I say that I think the issue was debated far too much in the media and not enough at politician to politician level to try to resolve it. It seems that, on the face of it, that is the last we will see of that issue for a while. I am not a great adherent of the philosophy that prohibition does not work. I think prohibition does work, and that has been proven.

Mrs Carnell: No, it has not been proven.

MR BERRY: Mrs Carnell says that it does not work. For most of the people, prohibition works.

Mr Humphries: How do you know?

MR BERRY: Have a look at the figures.

Mr Humphries: That does not mean it is prohibition; it could be education that has done that.

MR BERRY: Let me put it to you that the doctrine that for most of the people prohibition works is far more solid than the doctrine that prohibition does not work, otherwise as law-makers we are wasting our time.

Mr Moore: You are talking about rednecks.

MR BERRY: The fact of the matter is that there will always be people who slip through the safety net of prohibition, and you have to have some way of dealing with that. I think, along with many other people, that the way we deal with heroin is not the way forward, but I am not convinced that you should discard prohibition as a weapon. If you took the perfect approach of discarding prohibition, I think you would get yourself into more trouble than Speed Gordon. We now have to face a situation where that issue will be pushed aside by most and seen as pretty much a lost cause for the immediate future.

From my point of view, there are other things to concentrate on. If you could just get the Northern Territory, for example, to establish a methadone program, that would be a good start. I heard Mr Moore interject, indicating that there was some sort of redneck attitude in what I said when I was talking about prohibition being an important part of law-making.

Mr Moore: That is not what I said.

MR BERRY: The fact of the matter is that it is an important part of society in many respects, and it is wrong to continue to chant the mantra, because it sends the wrong message to the community and in many ways can be a negative thing to do.

Mr Humphries: There are other ways of sending a message: Education, for example.

MR BERRY: Mr Humphries says that education standards are important as well. There is no question about that, but you have to have a solid education system, and your Government could never claim to be a great advocate of advanced education.

I return to my original point. At the end of the day, the consultation between various Health Ministers is a consultation between conservatives, conservatives who do not seem to have a grip on the need to maintain quality of access to health services. I see that the Federal Government is tightening the system up to make it more difficult, and that will impact on ordinary working people, poor people, the aged, young people - the sorts of people whom many of us in this place claim to represent. I say that health in the future is going to be higher on the political agenda. I think many people throughout the country enjoyed under Labor a Medicare system which they will not see under the conservative Federal Government, despite their promises. I think that is something to worry about for the future. I doubt that it will be an issue raised with any sincerity at these ministerial councils in the future, and I despair for the future of our health system under those conservative Liberal governments.

MR MOORE (4.24): The main theme of Mr Berry's response to the report of the ministerial meetings in Hobart was that it is a set of agreements of conservative governments. I think there is some truth in that and, indeed, I share some of Mr Berry's concerns. Where I part company with him is that one of the most conservative of those conservative governments is in New South Wales. Mr Berry may disagree; but, if I was referring just to the right wing of the Labor Party under Premier Carr, he may well turn a blind eye to my saying that they are conservative. But in this case the ministerial representative is Dr Refshauge, who is from the left wing of the Labor Party and has now shown himself to be at least as conservative as, if not more conservative - certainly more conservative on the issue of the heroin trial - than his Liberal counterparts in South Australia, Mr Kennett in Victoria, and the Chief Minister here.

There is no doubt that Dr Refshauge, had he been at that conference and made a statement, would have made a significant impact. Instead, as the *Canberra Times* editorial pointed out following that meeting, it was a wimp-out. It was a very weak position - the sort of position we are seeing more and more from the Labor Opposition here, who say, "I am appalled by one thing, but I am not going to do anything about it". That seems to be the growing modus operandi, seen particularly clearly through recent statements of Ms McRae's.

Mr Humphries: Pontius Pilate.

MR MOORE: I hear an interjection from Mr Humphries, using the term "Pontius Pilate". I did not use that term, and I am not quite sure how he wishes to apply it, although I can think of several examples where it might apply.

Mr Speaker, the statements that were made by Mrs Carnell go well beyond just the issue of the heroin trial. We can recognise that comments such as "conservatism" and "redneck", which Mr Berry used, apply to New South Wales in particular, as well as to other places. But I think there are a series of positive outcomes and positive statements

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coming out of this issue, with reference to older people, mental impairment and the quality of Australian health. The language, in terms of health partnership and health promotion, I think, is very positive; but I support Mr Berry's warning that it is easy to get the language right. It will be very interesting to observe what happens under the Howard Federal Government and to see the extent to which we change back to a system of control, rather than have a system where the national health goals and targets to the year 2000 seek to empower people in the way that Mrs Carnell pointed out as representing the agreement of those Ministers.

There were also some rather specific issues that Mrs Carnell talked about, such as meeting national food standards. I think the fact that it took her so long recently to get control of the peanut butter problem shows that our epidemiological processes are not yet firmly enough in place to be able to respond very quickly, to work out how to deal with such food standards and to work out where the problem is coming from and how it is being caused. They are, of course, very difficult things to determine at times; so it is even more important to ensure that we do have appropriate standards in place. Indeed, Mrs Carnell is suggesting that that is what is being worked towards. So, I am rather pleased to see that.

Finally, in relation to the Ministerial Council on Drug Strategy, Mr Speaker, the issue here is not whether prohibition works or does not work, or even staying with such bland statements, because all they are is exactly that - bland statements. In fact, in this Assembly and through this community there has been very sensible debate as to what is the best way to resolve the problems. Of course, there are going to be differences of opinion; but those differences of opinion are not helped by trying to attribute to somebody statements that are not part and parcel of what they are conveying.

I would like to congratulate the Chief Minister in this case for the leadership she has shown in terms of the heroin trial, at a time when it was particularly difficult to do so. I think, through that leadership, our general focus is on the amount of harm. Mr Berry himself, as Minister, worked very hard on reducing the amount of harm. Indeed, he stood up and took credit - rightly, as I said - for the work he put into the methadone program. I hope that there will be not just a reduction in harm associated with burglaries, but also, with the methadone program, a reduction in harm associated with a whole range of living skills, with help given to the individuals involved as well. I know that that has always been part of Mr Berry's concern as well. Mr Speaker, I will be watching, and I know that Mr Berry and others will be watching, to see that we do not just hear flowery language from the Chief Minister but that it is followed up by appropriate action across the whole range of health issues.

MR SPEAKER: During the Chief Minister's ministerial statement, members may have noticed that the clock was on and that the bell rang. As members would be aware, ministerial statements can last as long as the Minister wishes. Therefore, it was an accident that the clock was on.

Question resolved in the affirmative.

MATTER OF PUBLIC IMPORTANCE - WITHDRAWAL

MR SPEAKER: I have been advised that Mr Moore has withdrawn the matter of public importance that he had submitted for discussion today.

**ILLICIT DRUG-RELATED HARM MINIMISATION STRATEGY
Paper**

MRS CARNELL (Chief Minister and Minister for Health and Community Care): Mr Speaker, I table the statement on illicit drug-related harm minimisation strategy, which I did not have with me during my speech.

**PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Purchaser-Provider Arrangements in Health, Education
and Social Welfare Services**

MR WOOD (4.33): I present Report No. 16 of the Standing Committee on Public Accounts, entitled "Purchaser-Provider Arrangements in Health, Education and Social Welfare Services. A Report on Regional Effects and Outcomes under New Zealand Economic and Financial Changes, May 1996", together with extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, the committee visited New Zealand in May 1996 to assess the regional effects on health, education and social welfare services, in the light of the significant economic and financial changes which have been under way in that country, especially since 1990. The visit followed an earlier visit by the committee in 1994, when it focused on the economic and financial changes involving concepts of accrual accounting in the government sector. That visit was confined to discussions with central government agencies and peak business, professional and social welfare organisations, as well as with academia.

The purpose of this visit was to assess the extent to which change had occurred in the delivery of certain government services and the effect of contracting those services out to private sector bodies. The visit was timely and instructive, having regard to the changes under way and being debated, both nationally in Australia and in the ACT. From extensive discussions, it is clear to the committee that there is a great deal of concern within contracted service provider agencies about the pace of public sector financial change and the lack of adequate safety net provisions and support services for those in the community who are disadvantaged by change; and that there has been insufficient recognition of the damage to growth and productivity of increased inequality, reduced real wages and uncertainty within the community.

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The committee noted that, in contracting out government-funded services, care is needed to ensure a proper balance between governmental responsibilities and accountability of contracting bodies; that the provision of health and disability support programs through contracted arrangements is unlikely to achieve substantial cost savings, without effective control of service providers; and that there is a potential for school self-management to exacerbate socioeconomic inequalities between schools. Reservations were expressed to the committee as to the long-term economic success of the economic and financial reform program; a general view among those active in the field being that policies had been too narrowly based and rigid to provide for both long-term growth and reasonable standards of living, especially for disadvantaged groups in the New Zealand community.

I thank my colleagues Mr Kaine and Ms Horodny for their support and dedication in what was an intensively focused but very rewarding visit which involved some 13 meetings across a broad spectrum of activities in four cities. I thank Mr Symington, the secretary of the committee, for his intensive work as well. The committee also welcomed the willingness of individuals and officials to speak frankly and to share their experiences. I commend, for the Assembly's consideration, the committee's report and its observations and conclusions.

MS HORODNY (4.37): I concur with Mr Wood's statements on the visit to New Zealand. I would like to add that there was much to learn from this visit and, indeed, I learnt that Australia, and the ACT particularly, needs to look very closely at the reforms that have been conducted in New Zealand and learn from the changes that were made, particularly about the problems that were created.

We hear that New Zealand has made incredible leaps forward in terms of economic and social reforms; but the figures indicate that, whilst unemployment has gone down, and on the surface this would appear to be a very good thing, employment contracts provide for wages which are, by any standards, ridiculously low. For instance, 16- to 19-year-olds get \$3.75 an hour, and workers who are 20 years or over get \$6.25 an hour. It is no wonder that more people are employed. Employers will take on many more people at those sorts of rates, but where is the fairness in asking people to survive on \$6.25 an hour?

Real wages in New Zealand are falling, and this has been the trade-off between unemployment and lower real wages. The result is that there is a new class of working poor. While we were in New Zealand we heard from the Salvation Army that food rations that they hand out have gone up from around 1,500 to about 12,000 quarterly. That is the quarterly figure. That is, obviously, an enormous increase over a short period of time since the reforms have been in place. What has actually happened in New Zealand is that the social responsibility has shifted. The weight of social responsibility has been lifted from the higher income earners. They are better off and they can afford, for example, the more modern cars that are so often used as an indicator of economic success. Meanwhile, the less skilled or those who represent the sector of the work force which is in oversupply and so have little bargaining power with employers are greatly disadvantaged.

Agencies in New Zealand expressed to the committee that the pace of change in social welfare programs and the broader economic and financial reforms has been too rapid and that there has been a lack of appropriate community readjustment mechanisms. The changes appear to be economically derived and appear to neglect consideration of the circumstances in which people find themselves. In conclusion, if we look at the society of New Zealand as a whole, I would have to say that the reforms have failed. Some people have done very well out of changes - that is indeed true - but it appears that a huge number of people have suffered as a result of the reforms. One of the things we saw in New Zealand was food bins provided in shopping centres. That is surely an indication that things are not going well for a large sector of the community there.

MR KAINE (4.41): I will be quite brief. Like the chairman of the committee, I found this visit most instructive and most interesting. I would like to record my appreciation of the number of people who were willing to speak with us and for the openness and frankness with which they were prepared to discuss issues. It did not matter whether they were government employees, from the volunteer sector or from the private sector, they seemed most interested to discuss the issues with us. I had the feeling that they held nothing back. They gave us what they believed to be an accurate opinion as to what had happened.

Having been there a couple of years ago with the Public Accounts Committee, this was something of a follow-up visit for me. There is no doubt that there has been massive change in New Zealand. In the macro sense, there is no doubt that New Zealand has, by and large, believed that those changes have been very successful. Almost without exception, people said that they thought the changes had been beneficial for New Zealand. As is explained towards the end of this report, on the basis of national economic indicators, there is no question that New Zealand has done very well in pulling itself up by its bootstraps compared to what it was 10 years ago.

The thing to be noted, however, is that whenever you make a massive structural change, such as has occurred in New Zealand, there is a price to be paid. I think that the thing for us to observe is that there has been a price that has been paid, and it is not always by the people who are best able to pay it. It has some lessons in it, I think, for us. If we move broadly in the direction that New Zealand has done, there are some things that we need to watch for. One of them is in the housing market - an issue that came up today. The New Zealand public housing stock was sold off to private enterprise and the problem with that was that no provision was made for people on low incomes. They do get a housing subsidy, but it in no way covered market rental. The people who bought the entire New Zealand public housing stock continue to own and operate it, but they charge market rental.

What that has done is squeeze the lower-income people out of the market. It has caused enormous housing problems for that low-income sector of the community. The lesson from that, of course, is that if we ever contemplated selling off our housing stock you cannot sell it all. There is some percentage of the housing stock that you must always retain because there are people who cannot compete in the normal rental market. I think it is a lesson that needs to be observed.

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In health, it seems that nobody is escaping the massive increases in costs. In the section of the paper dealing with health, we note, for example, that Ministry of Health figures indicated that the costs of running the regional health authorities have increased by around 40 per cent in two years. There have been massive increases in costs of providing medical and health care. Even the central Ministry of Health, which has been whittled away to a very small organisation compared to what it used to be, incurred an 11 per cent cost increase last year. It seems that, no matter what you do and no matter where in the world you are, you have to accept the fact that the costs of health care are increasing significantly. Somehow or other, we have to accommodate that.

Apart from those couple of comments, I repeat that I found the visit most interesting and most informative. I think that there are some things in here that the Government might read because it may well temper things that the Government may be planning to do over the longer term. As I said, there are some lessons that we need to be aware of; and, no, we do not want to repeat the same mistakes and incur the same costs, to the same sectors of the community, as have been incurred demonstrably in New Zealand.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 4 of 1996

MR WOOD (4.46): Mr Speaker, I present Report No. 17 of the Standing Committee on Public Accounts, entitled "Review of Auditor-General's Report No. 4, 1996 - Land Joint Ventures". I move:

That the report be noted.

This report notes that the Government is consulting with its joint venture partners on the appointment of the ACT Auditor-General as the auditor of joint venture arrangements and that the Government is confident of achieving the agreement of most of its joint venture partners. The committee has, therefore, recommended that the Government inform the Assembly on progress in achieving agreement, including which joint venture partners have agreed and which have not and the reasons for any non-agreement.

The recommendations arise from a performance audit which sought to determine whether the selection of joint venture partners was done appropriately in accordance with principles of fair and open competition; whether the operations of joint ventures have anticipated or will anticipate financial returns and provide for equitable sharing of returns, losses and risks; and whether accounting and external reporting satisfies public accountability requirements. The overall audit finding was that the joint venture arrangements are being managed effectively and that the financial interests of the ACT are appropriately protected. However, the audit did find that public reporting and accountability should be improved. The audit also made certain recommendations about the oversight of cost management, cost auditing, the need for quarterly reports to the Minister, more information in departmental annual reports and the appointment of the Auditor-General as auditor of all land development joint ventures.

The Minister advised the committee that the Government would implement all the audit recommendations, except that the agreement of joint venture partners would be necessary for the appointment of the Auditor-General to audit all joint venture arrangements. However, the Minister was confident that most of the joint venture partners would agree; hence the committee's recommendation in relation to this aspect of the audit review.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 2 of 1966

MR WOOD (4.48): Mr Speaker, I present Report No. 18 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 2, 1996 - Taxi Plates Auction". I move:

That the report be noted.

This audit arose from an approach to the Auditor-General by the Chief Minister seeking guidelines to assist members of the Assembly and government officials in making decisions on matters which may affect or be influenced by family connections and commercial dealings with companies and individuals who are partners or family members of members of the Assembly. The Auditor-General agreed to the request, but also considered the situation which gave rise to the request. That was the appointment of the auctioneering firm Harold Hird and Associates to auction 15 taxi plates in late 1995.

The audit noted that changing relativity between customer demand and taxi numbers was highly likely to reduce auction prices and observed that a more targeted and comprehensive marketing campaign could have generated better financial returns for the ACT than was the case with the auction under review. It should, however, be noted that the generation of additional income was not the prime purpose of the auction. The audit expressed reservations about the auction process, and the committee took up with the Ministers this and other matters raised by the audit. The committee was advised that a more formal process including a marketing plan would be adopted for the next sale of taxi plates. Alternatives to auction would be considered, including tendering.

With regard to guidelines, the audit reviewed codes of conduct of various Australian jurisdictions and noted that the Queensland draft codes for elected members and for public officials seem to provide the most useful guide. The audit proposed that members or officials declare an interest or relationship where conflict situations arise and that the Assembly determine to whom a declaration should be made in relation to members. For officials, the audit proposed that a declaration be made to the relevant chief executive and, for chief executives, to the relevant Minister.

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The committee was advised that the Attorney-General would refer the matter of a code of conduct to the Speaker for consideration, including the acceptance of gifts and the application of section 14 of the Australian Capital Territory (Self-Government) Act 1988. The committee was advised that the code will also give consideration to persons employed under the Legislative Assembly (Members' Staff) Act 1989.

The committee is satisfied that proposals for future taxi plate releases should ensure a more equitable and cost-effective basis for marketing taxi plates. With regard to guidelines on codes of conduct, the committee wishes to see these matters progressed without undue delay and has recommended that the Government develop draft codes and guidelines in accordance with the audit proposals and the ministerial response to the committee.

Debate (on motion by **Mr De Domenico**) adjourned.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 8 of 1995

MR WOOD (4.52): Mr Speaker, I present Report No. 19 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 8, 1995 - Financial Audits with Years ending to 30 June 1995". I move:

That the report be noted.

The report notes the findings arising from the audit of agency financial statements for the year ending 30 June 1995. During these audits matters of compliance and efficiency came to notice and significant matters of this nature are noted. The committee has examined these matters and, where appropriate, sought comment from Ministers. As a result, Ministers have confirmed that remedial action will be taken in certain cases, that various operational controls would be improved, that guidelines would be, or are, in place to deal with financial and business arrangements, and that reviews had been undertaken.

The committee has made certain recommendations relating to improved accountability, clarification of inconsistencies between budget results and financial reporting, the outcome of reviews, and progress in establishing a reliable formal trust ledger in the ACT Office of Rental Bonds. I commend the report to the Assembly.

MR KAINE (4.53): I want to comment on one aspect of this report of the Auditor-General and our report in connection with it, and it has to do with the question of the end of year budget outcome statement. The Auditor-General recommended that this should be independently audited, since it is the document by which the Government accounts for its stewardship of the budgeted money for the year. Therefore, in the Auditor's view, it should be independently audited. The Chief Minister, in her response, noted that the current financial management reforms place considerable importance on such comparisons and that it is anticipated that these reforms will facilitate comparisons in future financial statements. However, she did not comment on the question of whether it should be independently audited.

The committee has not placed an onus on the Government to have it independently audited; but I would ask the Government to note that we have asked that, when they respond to this report, they indicate what action they propose to take, if any, in connection with that aspect. It seems to me, from a public accountability viewpoint, that it would be an advantage to have that budget outcome statement independently audited. There may be complexities that make it difficult, if not impossible, although I doubt that. The Government might note that that is one of the things that we would like some comment on when they come back in response to this report.

Question resolved in the affirmative.

CONSIDERATION OF PRIVATE MEMBERS BUSINESS Suspension of Standing Orders

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

That so much of the standing orders be suspended as would prevent notice No. 4, private members business, relating to proposed temporary order 77 to give precedence to private members business on Wednesday afternoons, being called on forthwith.

TEMPORARY ORDER 77

MS TUCKER (4.55): I move:

That unless otherwise ordered:

- (1) paragraph (a) of standing order 77 be suspended from the next sitting day and the following temporary order operate until the last sitting day of 1996:
 - “(a) On sitting Wednesdays private Members’ business shall have precedence of Executive business;” and
- (2) paragraph (d) of standing order 77 be suspended from the next sitting day and the following temporary order operate until the last sitting day of 1996:
 - “(d) when there is no question before the Chair during private Members’ business and at any time during the consideration of Assembly business any Member may move that Executive business be called on and such motion shall be put forthwith without amendment or debate.”.

Mr Speaker, the Greens hope that this motion has the support of all members. In a minority government situation I think the amendment to the standing orders we are proposing makes very good sense. At the moment only two hours is allocated to private members business and often this leaves time for debate on only one significant issue, particularly if everyone in this place wants to have a say. We do not have any rules about repetition, so we have to accept that every member has the right to speak - sometimes twice. Everyone in this place will relate to the frustration of having something ready to go and then we run out of time.

From a quick look at today's notice paper it is clear that the majority of business is being generated by the non-Executive members, and that is hardly surprising. There are 42 items on the notice paper under private members business, compared with 21 items under Executive business and 18 under Assembly business. I acknowledge that there are some motions there that are purely political, but I think a lot of the business is very constructive. Extending the time allocated to private members business will enable further constructive debate on a very wide range of issues, and it will help us get through some of the motions and legislation that are building up on the notice paper. Of course, members will need to take responsibility to not just turn private members business into an extended political grandstanding time and to ensure that we do not spend all day going round and round on one issue.

I think the ACT should be proud that we do have a progressive form of government with the Hare-Clark system, which is far more democratic than virtually any other system in place. Some members of this place and also the community have commented on the absurdity of only four members forming the Executive, and we are, of course, all aware of the debates around so-called council-style government. We do still operate in a Westminster system and there is obviously a lot of debate ahead of us before any change is to take its place; but within that system there is flexibility. We do have a diverse range of opinions in this Assembly, and that is because the people of Canberra voted for this diversity and for a minority government. The Assembly should respect this. I urge members to support this motion.

MR HUMPHRIES (Attorney-General) (4.58): Mr Speaker, I am not exactly sure what members feel about this motion, but I indicate that the Government does not favour it. To be quite blunt about it, I suppose that we would have to characterise the limitation in standing order 77 on the time for the transaction of private members business as a device to ensure that the focus of the Assembly is on the production of government business. Perhaps no-one who was responsible for drafting the standing orders would admit to that, but there are a number of provisions in these standing orders which could only be characterised as designed to assist the operation of governments. Standing orders 200 and 201, for example, are perhaps the most notorious of those, in that they deal with the limitations on non-Executive members dealing with money proposals and so on. There are a number of other provisions throughout these standing orders which essentially are designed to facilitate the work of an Executive.

Members can form views about these things. Those members who would never be a member of an Executive, naturally enough, would not see much point in those sorts of provisions. Those members who from time to time do have cause to form a government may have a different view. So, Mr Speaker, I would characterise standing order 77's restriction on the time dedicated to private members business as a device, in a sense, to limit the amount of time spent on private members business in favour of the Executive's activities, or at least other activities in the Assembly. The proposal to extend private members business to run effectively the whole of Wednesday means that there is less opportunity for the Government to be able to limit the time when, in a sense, issues are focused away from the Government's agenda to a certain period of the week.

Mr Moore: Diddums.

MR HUMPHRIES: I do not know whether Mr Moore was listening; but, as I said before, members who would never be members of the Executive no doubt would feel it is appropriate to increase as much as possible the power of the Assembly or non-government members vis-a-vis government members or the Government.

Debate interrupted.

ADJOURNMENT

MR SPEAKER: Order! It being 5.00 pm, I propose the question:

That the Assembly do now adjourn.

Mr Humphries: I require the question to be put forthwith without debate.

Question resolved in the negative.

TEMPORARY ORDER 77

Debate resumed.

MR HUMPHRIES: There, Mr Speaker, was an example of the power that the Executive has. Only a Minister can take that action.

Mr Moore: We can change that too.

MR HUMPHRIES: Indeed, you can. You can take away all the privileges attached to the standing orders relating to the Executive's position within the Assembly. I accept that since day one of this Assembly's life there has been a move away from that power of the Executive.

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Mr Moore: Because we adopted the House of Representatives practice, where there have been majority governments, by and large, forever.

MR HUMPHRIES: Indeed. Absolutely. That is the inheritance. This is not like the House of Representatives, and I accept that. I would also have to argue that we are not exactly a chamber in which the responsibilities, in a sense, are upon every member equally. There is a special responsibility on the Executive and I support the retention of some of those safeguards or privileges, or whatever you want to call them, in the standing orders to give the Executive some capacity to focus on its agenda.

Mr Speaker, I am reluctant to move away from this arrangement. When we were in opposition, for much of the last four or five years, we did not support changes of this kind to the standing orders. We obviously would benefit from these arrangements the next time we happen to be in opposition, but we still believe that it is appropriate for the government to be given some window of opportunity, as it were, to have the capacity to bring forward its program, and the more that non-government business or private members business is extended the less, obviously, that window will be.

Comment was made by Ms Tucker about the amount of business on the notice paper and so on. I certainly do not accept that the Government has not been producing very much work or is lazy in some way, which, I think, might have been the implication of Ms Tucker's comments. I have not done an examination, but I think you will find that in the first 18 months of this Government's life we produced about as much legislation as any other government has in its first 18 months. At least that is my expectation.

Mr De Domenico: Not that that is a good indication.

MR HUMPHRIES: Indeed, as Mr De Domenico objects, that is not necessarily a good indicator of achievement or a fulfilling existence. There are a number of reasons why there is that imbalance that Ms Tucker identified. One reason is that this Government has made a very deliberate decision that we do not see the volume of legislation as being the indicator of our success as a government. We will try to minimise the amount of legislation we bring forward. We have made a conscious decision, as members will see by looking at the spring legislative program which the Chief Minister tabled yesterday, to try to minimise the number of pieces of legislation we bring to this place. For example, rather than having Crimes (Amendment) Bill No. 1, No. 2, No. 3 and No. 4 throughout the year, we try to compress them into one single piece of legislation so that we can deal with all the issues at the one time. Whether other members think that is a good idea or not I do not really have a view about, but I think that is a deliberate policy by the Government and we recognise that it reduces the amount of legislation we bring into this place.

We also are very keen to reduce the total amount of legislation which impacts on the lives of our citizens. We operate under the legal fiction that ignorance of the law is no excuse; yet we sit here day after day churning it out, perhaps little aware at the time that this makes it harder and harder for that legal myth to be met. There are more and more laws on the statute books and people have to understand what those laws are in particular

areas where they may impact on their lives. We do owe it to people to try to take off legislation which is no longer relevant, and which may in fact impose on them a burden of some kind, at the same time as we put legislation on. That is one of the reasons why there is less on the program.

Another reason that, apparently, on some days we have less to do than we might have had in the past is that there have been some changes in tactics by others in the Assembly as well. For example, today we had a matter of public importance on the program. I must say that it is a real matter of public importance, unlike some I have seen in recent months. Matters of public importance are almost non-existent these days. They were very widely used in the previous Assembly, but today they are seen as somehow padding the program for the Government or something. I do not know why they are not used so much, but they certainly have not been used very much in the last year-and-a-half.

Mr Moore: We are outcome focused.

MR HUMPHRIES: Maybe so. That is why you cannot look at merely the volume of legislation and the volume of work, rather than what the outcome is.

Another reason is that many of the things that are tabled before this Assembly seem to attract immediate debate rather than adjournment for more thoughtful consideration. My impression is that many of the ministerial statements and papers that are tabled tend to get debated straightaway or are simply put and passed, rather than adjourned as they might have been in the previous Assembly. That is my impression at least; I have not done an exhaustive study on the subject. As I said, I do not believe that the volume of material that we put on the floor of this chamber is the important indicator; it is the quality of the outcomes.

Ms Follett: You have just spent 10 minutes talking about it, Gary.

MR HUMPHRIES: I am sorry to have kept you from whatever you were going to do, Ms Follett. I am sorry to have distracted you from having a cup of tea or whatever you were going to go and do, but that is my opinion. I simply put the view on the table. I am glad you interjected, Ms Follett. I have not the slightest doubt in my mind that, had this motion been put two years ago and you were still sitting over here, you would not have supported it in a million years, but I suspect that you are going to do so today. That says a lot about the prospects that these people opposite see for themselves of next being in government.

Mr Moore: That is how they used to argue with you, Gary.

MR HUMPHRIES: Maybe so; but I am sure I did not reject the argument if it was ever put to me, because it is a very powerful and persuasive argument.

Mr Berry: You never did it, because you knew it would just extend the sitting somewhere else and you did not want to do any more work.

MR HUMPHRIES: No; it is very easy to pad out time. We could have a lot of padding in members time. You go back to the private members business under the previous Labor Government and you will see that the number of matters dealt with in each day under private members business was less than it has been under this Government. Why? Because you lot used to make sure that every one of your backbenchers and every one of your Ministers spoke on every line and motion, so that an ordinary straightforward motion would take two hours to dispose of. That was your policy every Wednesday morning. Everyone would speak on it to keep it going for two hours. We have not taken that approach. We have said, "There is a matter before the chamber; let us deal with it". We need one speaker or two speakers, occasionally three speakers. We will do that; otherwise we will get on with the business. Mr Speaker, we have played the game fairly reasonably, I think; but, if members wish to extend the time further, that is fine.

Let me put on the record one final concern. I was concerned that the operation of the new standing order would be such that a member other than a member of the government can bring on Executive business. I hope that that will not be used to spring surprises on the government. I would hope that the effect of this new provision, which I suspect is going to be adopted, is that members do consult with the government before they force Executive business to be brought on. I imagine, if this is to be any indicator, that there will be a large amount of non-government business.

Mr Moore: No, that is not the intention, Gary. That could be changed administratively. See how it goes to the end of the year.

MR HUMPHRIES: That is what I have said. That is what I have said to Ms Tucker. We have discussed it and I had an amendment prepared, in fact; but I said to her, "We will leave it and see how it goes". I would hope that surprises are not sprung on us.

Mr Moore: That is not the intention.

MR HUMPHRIES: Fine. Okay. Mr Speaker, I would also hope that the focus will be on quality outcomes with private members business, not simply moving motions for the sake of filling the Wednesday that is now allocated to private members business. It would be most unfortunate if the effect were to be, "We have to fill Wednesday, so let us make sure we fill it".

MR MOORE (5.10): Mr Speaker, some members nearly always take up fully their allocated speaking time, and Mr Humphries would have to be the most notorious; but in this case Mr Humphries did have almost two or three minutes to spare. Mr Humphries made quite a fuss about the point made by Ms Tucker that there is a great deal of private members business on the notice paper. I do not believe the point was made in order to say that you have not been doing any work, or whatever; it was simply to illustrate that at the moment there is a need for extra time to be assigned to private members business in order to get through some of the private members business. When we meet in the

Administration and Procedure Committee there is always competition to get certain items of private members business up. The committee, in my experience over quite a number of years, has always acted in a very reasonable and rational way by consensus. Nevertheless, I think that you are being pretty sensitive, in fact supersensitive.

This motion simply seeks to allow private members to get through a bit more of their business. Government business, under this standing order, would account for about two-thirds of the week's work in a sitting week, and private members business for about a third. That includes, of course, Government backbenchers. It is an unusual circumstance; but Executive members also can put up private members business, as happened, for example, with Marshall Perron in the Northern Territory on euthanasia. So there are other opportunities for private members business as well. This is to be done on a trial basis so that we can see how it works through to the end of this year. That makes it a very sensible motion and one that I will be delighted to support.

I will say one other thing. We inherited these standing orders from the House of Representatives. It was perfectly reasonable for us to take the House of Representatives standing orders and then slowly develop them to suit ourselves. We have taken them from a chamber where there has almost always been majority government and where members of the Executive have the power to look after themselves. We are going to adapt them, recognising the differences in this chamber and how we are likely to work. I think we will see constant modifications to the standing orders. I hope we will continue to do it a small bit at a time, so that we can still grow in the way we operate and the way we work, and grow in a positive way. When we find that something that appears to be a good idea does not work, we will be able to pull back from it. That is the advantage of the way this motion is worded. I think it is a very positive initiative on the part of Ms Tucker and it gives me pleasure to support it.

MR BERRY (5.13): Is it not amazing that some issues raised in this house are political and some are positive and constructive? It seems to me that this place is about serving the political needs of the community, and there really is not much out there that is not political. It nags me a little bit to hear "politics" becoming a dirty word. My Green colleagues are as capable as the rest of us of delivering a particular press release or a speech which might, to use their standards, be described as political.

Mr Moore: The most political of them is when they are saying, "We are not being political".

MR BERRY: Indeed. That is just a little nagging point that I wanted to raise in the course of this debate. So far as the Government is concerned, Mr Humphries is right to express some concerns about the ability of the Executive to deliver its timetable. Nobody will stand in their way, methinks. In fact, the Labor Party would encourage you to go back to Tuesday night sittings if you really want to go back part of the way to delivering your promise on council-style government. We would not stand in the way of reinstating the Tuesday night sittings on top of this.

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Mr Moore: In addition to the Tuesday mornings, I presume you mean.

MR BERRY: In addition. We would be quite happy with that if you find that your timetable is a little cramped.

Mr De Domenico: Just look at how interested the community is in what you are saying.

MR BERRY: Mr De Domenico raises the issue of the interest in the community. I do not think they were given much notice about this, so they could not get their orders in to Ticketek to get into the place. Mr Speaker, we will be supporting this motion. I can give an undertaking to the Government that we will not be standing in the way of their wish to expand proceedings in this place to cope with their own timetable.

Mr Humphries: Will you do this next time you are in government?

MR BERRY: Mr Humphries asks whether we would do this the next time we are in government. Mr Humphries, when we were in government, if somebody had decided that they wanted to do it there was not much we could have done about it. It is as simple as that. Indeed, if this standing order stays on the books in the future, nobody is going to be able to do much about it. The simple fact of the matter is that the electoral system is likely to deal up minority governments, and all of the good and bad things that go with them, for a long way into the future. These standing orders will ebb and flow with the tide. That is the way it is.

The standing orders are pretty well derived from a model of government which is delivered by different sorts of electoral systems, I think. At the same time, we do not withdraw our support for Executive-style government. It is a style of government that has served many nations well for a long time. I do not see any reason why that should change. Indeed, there is no reason why we would try to cramp the style of the Government in relation to extending its timetable if it needs more time to consider its agenda. I restate my position that, if you really want to go back to Tuesday night sittings, we would be most happy to agree with you.

MS TUCKER (5.18), in reply: Thank you, members.

Mr Berry: I hope this is not going to be political.

MS TUCKER: I take Mr Berry's point about the word "political". Actually, I think what I was referring to is the spirit in which people use this particular change - if people really use this time for no particular reason. Likewise, if the Government chose to say, "Why did you ask for this, because you are not using it all?", that equally would not be helpful. The intent of this is to provide a little bit more flexibility because there has been quite a bit of pressure on getting through the work that we want attended to in this place.

I take Mr Humphries's point. I was not implying that you were lazy at all, and I respect the view that we do not necessarily need more legislation, and that quantity is not quality. I accept that and I was not implying otherwise. What I was acknowledging was that there was pressure on private members, and that this would allow more flexibility. I also accept

that we can evaluate it, as it works. If people do enter into it with a cooperative spirit it should not be a problem. I have noticed so far in this place that this is one of the areas where, generally, people are quite fair, within the constraints of the present system, in terms of sharing the work. This is just an extension of that time - - -

Mr De Domenico: But you could always suspend standing orders to give you the same flexibility.

MS TUCKER: Mr De Domenico interjects that we could always suspend standing orders. That was always seen as being inappropriate and annoying. It took up time inappropriately. That was the response. This way we have an option to be used. We do not need to fill it up unnecessarily. Neither do you need to try to score political points, saying suddenly, "Why did you ask for this if you are not filling it up?". You would be quite justified in objecting if members were obviously trying to take up the whole day for no particular reason. Let us just see how it works. I hope it will be of benefit to this place because there is a minority government.

Question resolved in the affirmative.

ADJOURNMENT

MR HUMPHRIES (Attorney-General) (5.20): I move:

That the Assembly do now adjourn.

Mr Berry: What about the Estimates Committee motion?

MR HUMPHRIES: The Chief Minister is not here. Mr Speaker, I withdraw that motion for adjournment. I will have to move the Estimates Committee motion because the Chief Minister has gone to a meeting.

MR SPEAKER: Do you seek leave to withdraw the motion?

MR HUMPHRIES: Yes, I do.

Leave granted.

Motion, by leave, withdrawn.

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CONSIDERATION OF ASSEMBLY 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 notice No. 1, Assembly business, establishing the Select Committee on Estimates 1996-97, being called on forthwith.

ESTIMATES 1996-97 - SELECT COMMITTEE
Appointment

MR HUMPHRIES (Attorney-General) (5.21): Mr Speaker, on behalf of the Chief Minister, I move the motion which stands on the notice paper in her name and which reads as follows:

That:

- (1) a Select Committee on Estimates 1996-97 be appointed to examine the expenditure proposals contained in the Appropriation Bill 1996-97 and any revenue estimates proposed by the Government in the 1996 Budget, together with the 1995-96 Annual Reports;
- (2) the Committee be composed of:
 - (a) two Members to be nominated by the Government;
 - (b) two Members to be nominated by the Opposition; and
 - (c) two Members to be nominated by either the Independent Members or the ACT Greens;

to be notified in writing to the Speaker by 4.00 pm, Thursday, 29 August 1996;
- (3) that 4 members of the Committee shall constitute a quorum of the Committee;
- (4) the Committee report by 6 November 1996;
- (5) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing and circulation;

- (6) the Committee is authorised to release copies of its report, prior to the Speaker or Deputy Speaker authorising its printing and circulation and pursuant to embargo conditions and to persons to be determined by the Committee;
- (7) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

We propose to establish a Select Committee on Estimates in the same format and basically following the same rules as the Estimates Committee that was appointed last year for the 1995-96 budget. This follows the format of having two members nominated by the Government, two by the Opposition and two by the crossbenches. It proposes that the committee report by 6 November. It fits in with the pattern of sitting which we have settled upon, which allows us six weeks from the time that the budget is brought down until the Assembly next meets in order for the Estimates Committee to have a clear run, both to conduct hearings and to formulate a report in time for the passage of the Appropriation Bill in November of this year. I commend the motion to the house.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Canberra Hospital - Patient Activity Data

MR BERRY (5.22): Mr Speaker, I intend to deal with a few things which I was not able to deal with earlier today in a personal explanation when the Chief Minister had accused me of certain things. Mr Speaker, yesterday - - -

Mr Humphries: It must have really stung.

MR BERRY: Not as much as the Chief Minister is stinging right now for those misleading numbers that you put before the chamber. Mr Speaker, yesterday Mrs Carnell apparently discussed with the *Canberra Times* the issue of releasing health figures. She is reported in today's paper along the following lines, and I quote from the *Canberra Times*:

She said the patient activity data for The Canberra Hospital and the first Calvary Public Hospital information bulletin represented the most complete picture of public hospital operations issued.

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Mrs Carnell also said:

“It is keeping with my commitment to give the people of Canberra full information on their public hospital system rather than hiding the data as Mr Berry did.”.

Mrs Carnell should have hidden this data, because it is wrong. How dare the Chief Minister come into this chamber and pretend that the chamber is getting information which properly represents the position of our hospital system. I heard Mrs Carnell today talking about some of the comments on the documentation that she provided - that is, that they are preliminary figures only and so on. Mrs Carnell is the one who has provided this information to the chamber, pretending that it was the sort of information that could be relied upon.

Mr Humphries: How did she pretend that?

MR BERRY: Mrs Carnell said:

It is keeping with my commitment to give the people of Canberra full information on their public hospital system rather than hiding the data ...

This allegedly is full information. Full information, my foot! Mrs Carnell clearly presented information to this chamber which was misleading, and then had the hide to squeal when press releases were issued about the poor performance which was set out in the documentation she put to this chamber. She might well squeal about it, but it is the information that she put before this chamber which is misleading.

Mr Humphries: You did not read it properly. Why don't you get your glasses out and read it?

MR BERRY: This comes from a person who has taken our budget management in the hospital system back to the days before Gary Humphries's dark days. Mrs Carnell has got the belt. Year after year Labor gradually pulled the financial management of our hospital system into a shape where eventually the books balanced. Mrs Carnell, in the first year, is back to the dark days of Gary Humphries, or beyond.

Mr Speaker, we have a situation where there have been beds being closed secretly within the hospital system. They are not shown up in these figures either. Often we see the cup of tea and the cameras surrounding a beaming Mrs Carnell as she opens something; but I wish she would tell us when she is closing something, so that the community is fully aware of what is going on in our hospital system. One thing people should not do, Mr Speaker, is take any notice of the figures that Mrs Carnell produces, because they are very clearly misleading. They are phoney, because they are just not up to the job of delivering information about the performance of our hospital system.

This is not the only defect in these figures. Pathology, I think, was also shown to have a nil result for the month. If Mrs Carnell cannot have somebody in her office, or somebody within her department, cast their eye across these figures from time to time before she introduces them in this chamber, or even do it herself, they ought not be introduced, because they are not accurate. They provide no information. They cannot be relied upon. They provide no useful information to this chamber because of the inaccuracy that is built into them. Fancy tabling in this place performance figures, statistics, which are incomplete, and making claims that they give the people of Canberra full information on their public hospital system. She said:

It is keeping with my commitment to give the people of Canberra full information on their public hospital system ...

What a lot of rubbish! It has been misleading from the word go. It has misled this Assembly. Mrs Carnell has a hide to be squealing like a stuck pig about a press release that was put out in relation to evidence that has obviously misled this Assembly. Mr Speaker, I think that Mrs Carnell should have apologised to this chamber for introducing this misleading information. I feel that she is far too arrogant to admit her mistake, and she suffers as a result of that.

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

Canberra Hospital - Patient Activity Data

MR HIRD (5.28): Misleading this Assembly? This man comes into this chamber and says that our Chief Minister has misled. Mr Berry's attempt to criticise our Chief Minister for not releasing information on the performance of the health system is a joke. It is extraordinary that Mr Berry should make such a comment, in view of his own abysmal record as Minister for Health. The fact is that this Government, with Mrs Carnell at the helm, not only as Chief Minister but also as Health Minister, has cut the elective surgery waiting list by more than 700, or 15 per cent.

Mr Berry presided over a health system that trebled the waiting list and blew out its budget every year. Performance figures were never previously issued to the parliament. Mr Berry certainly never released figures. He did not know anything about them. They were all going up. If he had, they would have been inadequate because, as Mrs Carnell has already said, he has shown the Assembly that he cannot count. He doubled his figures. Mr Berry's system, when he was Minister for Health, was mismanagement. He talks about mismanagement. He is the one who mismanaged.

It is a nonsense to say that the paediatrics beds are being shut down. The only beds closed are in the isolation ward, Mr Berry, where there is no longer a demand. Mr Berry talks about shutting down obstetrics beds. Yes, they have been reduced from 60 to 50, again because of the reduced demand. What caused the demand to drop, Mr Berry? Your own party. Labor's previous Health Minister, Mr Connolly, who took

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over the portfolio from Mr Berry's big mess - yes, it was a complete mess - approved the opening of a private hospital maternity ward. That is what caused the demand for beds in the public health system to drop. You might fool some of the people some of the time, Mr Berry, but people in the community with genuine concerns for our health system can see right through you. You are a pane of glass, and a pain somewhere else.

MR SPEAKER: Order! It being 5.30 pm, the debate is interrupted in accordance with standing order 34. The Assembly stands adjourned until Thursday, 29 August, at 10.30 am.

Assembly adjourned at 5.30 pm