



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

3 SEPTEMBER 1996

Tuesday, 3 September 1996

Petition: National soccer centre.....	2911
French products ban.....	2912
Classification (Publications, Films and Computer Games) (Enforcement) (Amendment) Bill 1996.....	2924
Personal explanations.....	2927
Small Claims Tribunal legislation.....	2929
Motor Traffic (Amendment) Bill 1996.....	2933
Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1996.....	2935
Questions without notice:	
Works and Commercial Services - corporatisation.....	2936
ACTION bus services - Kippax.....	2937
Works and Commercial Services - corporatisation.....	2940
Paintball.....	2941
Totalcare Industries Ltd - buses.....	2942
Works and Commercial Services - corporatisation.....	2943
Proposed private hospital.....	2947
Residential development - Campbell.....	2949
Works and Commercial Services - corporatisation.....	2950
Mental health expenditure.....	2952
Liquor trading hours.....	2953
Works and Commercial Services - corporatisation.....	2955
Personal explanation.....	2957
Canberra Hospital Emergency Department (Ministerial statement).....	2962
Energy and Water Act.....	2973
Subordinate legislation and commencement provisions.....	2976
Public housing (Matter of public importance).....	2977
Personal explanation.....	2993
Planning and Environment - standing committee.....	2993
Land (Planning and Environment) Act - variation to the Territory Plan (Ministerial statement).....	2994
Scrutiny of Bills and Subordinate Legislation - standing committee.....	2995
Adjournment:	
Garema Court - tenancy.....	2997
<i>Canberra Times</i> - seventieth birthday.....	2997
Canberra Hospital : Private hospital beds.....	2998
Shadow Minister for Health.....	3000
Floriade - resignation of chairman.....	3002
Private hospital beds : Petrol prices.....	3003

Tuesday, 3 September 1996

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

PETITION

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

By **Mr Hird**, from 56 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 Assembly 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.

FRENCH PRODUCTS BAN

MR HUMPHRIES (Attorney-General) (10.31): Mr Speaker, I move:

That, in view of the recent actions of the French Government in signing the Rarotonga Treaty and the Pelindaba Treaty, this Assembly terminates its requirement of 20 September 1995 for the implementation of an indefinite ban on the Government purchase of products which are manufactured or supplied by French manufacturers or suppliers or are produced in France, whether by French establishments or otherwise, and furthermore resolves that the ban will no longer apply to new contracts or any other contractual arrangements.

It is some months since the Assembly carried a motion to provide for the banning of French products, as far as Government purchasing is concerned. That motion was carried on 20 September last year and the issue was extensively debated in this place at that time. Members will recall that when the motion was put forward there was debate about whether it was going to achieve anything. It was the Government's view at that stage that the motion would make no difference at all to the French Government and would not affect their decision at all but would potentially hurt the ACT. It was the view of the majority of the Assembly at that stage that, nonetheless, the motion should be carried and a point made to the French Government.

Mr Speaker, I am reminded slightly of the Peter Sellers movie called *The Mouse That Roared*. Indeed, on this occasion, this mouse has roared. Whether we or somebody else has achieved a victory is not clear, but what is clear beyond anything else - - -

Mr Berry: We cut it down.

MR HUMPHRIES: I agree with Mr Berry; I agree that nothing was achieved by this particular proposal. But whether or not that is the case perhaps is not the thing to canvass in today's debate. The important thing is that, whatever we might say about the motion, it has outlived its usefulness. A continuation of this motion can result only in the Territory suffering some damage or loss.

We have a situation where, in some cases, we have to assume they are the cheapest or best products, because they happen to be French - - -

Mr De Domenico: The only ones, sometimes.

MR HUMPHRIES: And in some cases, as Mr De Domenico points out, sometimes the only products that are appropriate are French. Indeed, some exemptions have been granted already, as members will note from the report that was tabled by the Chief Minister a few months ago, to allow us to purchase some goods which were available in the appropriate form only from manufacturers located in France. They included some electricians rubber gauntlets and some electrical-air circuit-breakers, for which there was no suitable alternative.

Mr Speaker, the factor which I think has changed the complexion of this matter since that motion was originally carried, of course, is the signing on 25 March this year by the governments of the United States, the United Kingdom and, most particularly, France of a protocol to the South Pacific Nuclear Free Zone Treaty, the Rarotonga Treaty. The protocol prohibits them from conducting nuclear tests in the Pacific, storing and stationing nuclear devices or manufacturing nuclear devices or weapons in the region. That is a considerable advance which does establish very clearly the South Pacific zone, of which we are part, as an area in which those weapons will not play a role in the security of any of those nations and, hopefully, any other nation as well.

I personally welcome that decision and also the signing by France of the Pelindaba Treaty on 11 April this year, which established denuclearised zones throughout the South Pacific and Africa. They are fairly significant steps, Mr Speaker, which I have no doubt were partly brought about by the public reaction to the French tests in the South Pacific. By the same token, it is now appropriate to recognise that the fact that there has been this decision to sign those treaties means that the motion we passed previously does not have a great point and ought to be rescinded.

If I might briefly anticipate the amendment which is to be moved by the Greens, let me say very briefly that I think it does not add significantly to the content of the motion. It restates, in the first paragraph, the opposition of the Assembly to the testing. That point has already been made, with respect. I do not know whether you can make it again, but I suppose it is their prerogative to move the amendment. The second part of the amendment is a little silly, might I suggest. Quite apart from the fact that the French Prime Minister's name is Mr Juppe, not Mr Chirac, there is also the question of whether it is really wise for the Government to be writing to the French Government deploring and condemning a nuclear testing program which has, in fact, already ended and which that Government, for whatever reason, has decided to discontinue. Clearly, they accept that people believe it is deplorable and worthy of condemnation. The point of our writing and saying, "We condemn a program which you have, in fact, already dumped" is a little lost on me; but, if our colleagues the Greens believe there is some value in doing so, I suppose it is their prerogative to do that.

Mr Speaker, I commend this motion to the Assembly. I hope it will allow us to resume a number of important relations that the people of this Territory profit from. I think it must be said that what is perhaps most regrettable about the motion that was originally carried is the consequence that the relationship with the people of Versailles was lost. I sincerely hope that if this motion is carried today we can proceed to re-establish some link with the people of Versailles. Whatever we may feel about the actions of the French Government, it is most unfortunate that people-to-people links should be placed at risk by this process. I personally hope that we can move quickly to deal with that. It may not be important to people like Mr Berry that we have those sorts of relationships, but I think, personally, it is of great value to the people of Canberra and to those who worked hard to establish those relationships in the first place and to maintain them. I hope we can take some step towards restoring them as a result of this motion.

MS TUCKER (10.38): I move:

Omit all words after “That” and substitute:

- “(1) This Assembly considers that the nuclear testing program conducted by France in the Pacific in 1995 was an abuse of human rights and of the ecological integrity of the Pacific. The consequences of this testing program will be felt for many thousands of years, and this Assembly recognises that international opinion was against the testing.
- (2) This Assembly therefore calls on the Government to write to the French Prime Minister, Mr Chirac, restating that this Assembly deplores and condemns the nuclear testing program for the above reasons.
- (3) In view of the recent actions of the French Government in signing the Rarotonga Treaty and the Pelindaba Treaty and recognising that this particular ban has reached the end of its usefulness, this Assembly terminates its requirement of 20 September 1995 for the implementation of an indefinite ban on the Government purchase of products which are manufactured or supplied by French manufacturers or suppliers or are produced in France, whether by French establishments or otherwise, and furthermore resolves that the ban will no longer apply to new contracts or any other contractual arrangements.”.

We are moving this amendment to the motion so that it reflects, in at least some degree, the outrage felt by the majority of Australians and people all around the world at the barbaric and arrogant actions of the French in Tahiti and the Pacific. The French attitude that Tahiti is France and, therefore, nuclear testing is a domestic affair represents the worst form of outdated colonialism. At least 130 underground nuclear warhead explosions at Mururoa since 1975 have produced fissures in the atoll’s limestone base and deeper fracturing of the volcanic core. This is, and will be for some 20,000 years at least, a significant threat to the ecological integrity of the Pacific. This is, and will be, a significant abuse of the human rights of the people of the region.

I will read out to you some of the words of Marguerite Tetuanui, a woman of Tahiti who tried to read this letter herself at the Women’s Conference in Beijing, but who unfortunately could not attend that conference because French officials somehow lost her papers:

Today, I will like to talk about our environment and specially on the French nuclear testing in Mururoa. During 17 years we fight against these French testings, but not very many people pay attention to us. But today I think that the whole world will hear our call coming from our [heart]; and I thank all the countries and Greenpeace which help us in this fight.

I thank also all the French people who are against the decision of ... M. Chirac.

When we hear this decision on the TV we feel a great pain in our heart. He said it is for peace and for France. I don't think that we will have peace by making bombs. Bombs are made to destroy the environment and to kill people. Everybody knows what happened to Hiroshima and Nagasaki in Japan. When we hear this bad news we readjust by mobilising all of us in the streets, and it is the first time in the story of Polynesia, more than 15,000 persons were there. And on 26 August the Evangelique Church decided to protest at the front of the President of our government, M. Flosse. This last one says that there is no pollution in Mururoa; and the television shows him, his friends and military swimming in the sea, eating fishes and drinking ... water from Mururoa and Fangataufa. M. Flosse is a real comedian; we don't understand him.

I have with me documents signed by Mururoa workers testifying that many of them have been suffering from illness whose nature has always been covered up by the French military doctors; they have lost many of their friends as a result of these unknown illnesses ...

I am not a scientist, but I am sure that all the population of Polynesia die from the cancer. My mother is dead from the cancer of stomach. My brother Paulo is dead from generally cancer. My sister Celestine is dead from the cancer of lungs. My sister Leonie is dead from cancer of lungs. My sister Liliane is dead from cancer of breast. My sister Madeleine and myself had the cancer of the breast. Both of us have had operations; and thank God who heal us and keep us alive ...

I bring also a report from my cousin Marcel Tauruni who was sick while he was solider in Mururoa. He went surfing in the sea; he get very sick; all his skin come out, even his hair drop down. Mother has to ask the army to bring him back to Tahiti; and since that time, he has always problems with health.

I think that President Chirac don't respect human rights that France signed on 10 December 1948 ... How can a man, only one person, decide the destiny of thousands of people living in the Pacific? I have four children and five grandchildren; I love them very much. That's why I wish to protect their environment so they can live and stay in good health.

God did not create the land to be destroyed. God did not create mankind to destroy each other. I appeal to all the women here to help us so M. Chirac will change his mind for our future generations.

3 September 1996

We are people of the sea, and we find our basic food in this natural resource which is the Pacific Ocean. France always says: "Liberty, equality, fraternity". But I know that we cannot have equality without liberty. We cannot have fraternity without liberty, and we cannot have liberty without decolonisation.

I received a fax last month from another friend in Tahiti who informed me that Marguerite has died since that time. While I was in Tahiti I also met with union representatives who supported Marguerite's claims. Their statement makes it quite clear that many workers have died as a result of their work with the French.

Mr Humphries seems to be under the impression that the ban and the cessation of the sister-city relationship with Versailles had no impact. I even recall Mrs Carnell saying at one point that no-one in France watches ACT television. This shows a total misunderstanding of how non-government organisations have traditionally worked collectively to try to influence the policies of powerful governments. While this ban, you might claim, had no impact at all, the solidarity with the people of the Pacific was hugely important. It was the beginning of a relationship which I can see will be very greatly needed because of the policies of our Federal Government now and their reluctance to take any responsibility on greenhouse. I can see in the future there are going to be very strong relationships building up with the people of the Pacific because of the ongoing barbaric behaviour of their so-called developed, civilised-country neighbours.

The people of Polynesia, the Mahoi people, are people of the sea. It is the basis of their culture and is their livelihood. To those people who say that independence for these people is another issue and not to be dealt with in this debate, I remind you that the issue of testing has never even been debated in their territorial assemblies. Of course, France has caused the destruction of the Mahoi people's ability to live without their support. I notice also a comment in a letter - I think it was from Mrs Carnell again - how absurd it was to even look at the question of independence because they are so dependent on France economically. I am not denying that in any way. That is the obvious tragedy of the presence of France in the area. This is not an argument for not addressing the rights of those people to be free from the colonial collar of France. I would suggest that France should pay billions and billions of dollars in compensation to the people; that France should actually stay in Tahiti and in the area only for as long as it takes to assist these people to get the economy working for themselves; and that France will always be liable for the destruction that they have caused to these people and to the land. We now have people from the Australian Government going to the South Pacific Forum. Once again, France is going to be boycotted by those countries because they are so distressed at the lack of concern that France has continually shown towards the human rights of those people and towards the ecology of the region.

In conclusion, Mr Humphries picked up an error regarding the Prime Minister of France. I have to say I have been much more involved with the people of Tahiti and have kept in contact with those people who have to bear the consequences of France. In a recent local election we saw an increase in the number of seats held by the independent anti-nuclear party. We also saw an increase in Gaston Flosse's support. We are seeing

an increasing polarisation of the community in Tahiti and in the region. It would be good for a change if we saw the Federal Government and its colleagues here, the Liberal Party here, actually acknowledge that we do have a responsibility for the people of the Pacific, and not only condemning what France has done but also condemning what this Federal Government is doing in refusing to accept its responsibilities for greenhouse.

MR WHITECROSS (Leader of the Opposition) (10.48): I am interested to know why Mr De Domenico is listening to the enlightened views on greenhouse, but we will not dwell on that today.

Mr De Domenico: No; you had better not. You will not be leader tomorrow. You had better do it today, while you are still on your feet.

MR SPEAKER: Order!

MR WHITECROSS: Mr Speaker, the motion we are considering today is about the lifting of the ban on French products. The Opposition will be supporting the motion. Apart from factual errors, we do not have any substantial problems with the Greens' amendment.

Mrs Carnell: That is right; they usually do not let facts get in the way.

Mr De Domenico: That is right; no change.

MR WHITECROSS: I said, "Apart from factual errors". I trust that the Greens are going to amend that.

Mr De Domenico: Never let the truth spoil a good headline.

MR WHITECROSS: Mr Speaker, is Mr De Domenico going to be allowed to talk incessantly?

MR SPEAKER: No; you are going to speak.

MR WHITECROSS: Thank you, Mr Speaker. The Liberal Party have nothing to be proud of in relation to this matter. Mrs Carnell and Mr De Domenico came into this place when this motion was first debated and talked about it being stupid and silly. They showed absolutely no regard for the importance of this issue to the Australian public and to the people of the South Pacific. Subsequent events have demonstrated that their judgment on this was way out, because the Australian community had the very strongest reaction to the decision of the French to test in the Pacific.

Mrs Carnell: Nobody else put on a ban.

Mr De Domenico: That is right.

Mrs Carnell: No other State put on a ban. The Federal Labor Government did not put on a ban. We were the only ones who did.

3 September 1996

MR WHITECROSS: Mr Speaker, how are we going there?

MR SPEAKER: Mr Whitecross has the call.

MR WHITECROSS: Thank you, Mr Speaker. The fact is that there was very widespread opposition to what the French did, and it was completely appropriate for the Labor Party in this place, in conjunction with the Greens and the Independents, to demonstrate this kind of leadership on this issue and to reflect the opinion of the Australian community.

Mr Humphries says, "Oh, it was all meaningless. It did not matter". Mr Humphries just shows his ignorance there. Mr Humphries shows his ignorance of the power of collective action and collective expressions of opinions. Each individual's opinion may matter little. The opinion of the ACT Assembly may matter little to the French Government. But it is the cumulative effect of thousands of voices expressing their opposition to what the French were doing that matters; and our voice was just one more.

Mr Speaker, the fact is - and if Mr Humphries had paid closer attention to this he would know it - that the French were absolutely stunned by the level of - - -

Mr De Domenico: By the ACT's action? Chirac shook in his shoes at Mr Whitecross!

MR WHITECROSS: Mr Speaker, how are you going?

MR SPEAKER: Mr Whitecross has the call.

Mr De Domenico: Even the people in Tuggeranong do not know who you are. How the hell do you think President Chirac does?

MR SPEAKER: Mr Whitecross, continue.

MR WHITECROSS: Thank you, Mr Speaker. The fact is that the French were stunned by the level of international opposition and condemnation of what they had done and by the strength of feeling as expressed in our decision to put a ban on the purchase of French products for a period of time. The ACT is just one voice in that collective voice. There is no doubt that it has had an effect on the French. There is no doubt that it hastened the end of the testing that they did in the Pacific. There is no doubt that it focused their mind very much on the importance of getting out of the business of nuclear testing in the South Pacific. We have to have regard to the strength of that, and the Liberal Party do themselves no credit by continuing to mock the stand that we took and that the people of Canberra wanted us to take.

Mrs Carnell: That the people of Australia did not take.

MR WHITECROSS: That the people of Australia did take; even if other governments did not take it.

Mrs Carnell: No, they did not; there was no ban. It was the ban that was the issue, not the opposition.

Mr De Domenico: Get the facts right.

Mr Berry: Mr Speaker, on a point of order: Mr Whitecross has been battling an onslaught of interjections. You have called them to order on several occasions. They take absolutely no notice of you. I ask you to call them to order once again.

MR SPEAKER: Thank you, Mr Berry. I call Mr Whitecross.

Mr Berry: Mr Speaker, I would ask for your ruling on that point of order.

MR SPEAKER: The Opposition drew attention to this fact, and I would ask Government members to allow Mr Whitecross to finish his speech and to be heard in silence.

MR WHITECROSS: Thank you, Mr Speaker. The fact is that the ban has served its purpose and we must now move on. If it is appropriate to express our outrage against wrong actions, it is equally proper for us to acknowledge when right actions are taken. The fact is that the French have now ceased nuclear testing in the Pacific. The fact is that the French have now signed the South Pacific Treaty. It is appropriate, therefore, that we acknowledge that by lifting the ban today.

Mr Speaker, I should say that, even if nuclear testing is finished, this issue is an issue which, as Ms Tucker said, will continue to weigh on the minds of a lot of people who are concerned about the South Pacific and the citizens of the South Pacific. To a great extent, the decision to test nuclear weapons in the South Pacific is a reflection of values which most Australians would find totally abhorrent - of colonialism and, ultimately, of racism - where decision-makers in France feel that they can ignore the human rights, the human dignity and the right to self-determination of people who are really of a different nation in a different part of the world. I think that is an ongoing source of concern to a lot of people, and rightly so, and it is a human rights issue which we should continue to feel strongly about.

Mr Speaker, I think that the time has come to acknowledge a positive action, and that is what we are doing today. I think that, as an Assembly, we should be acknowledging the benefits of that action and resolving to go forward in this way; not, as the Liberals continue to do, to mock the strength of feeling of the Assembly and of the Australian people, in particular the people of Canberra, on this issue. We will be supporting the motion; we will be supporting the amendment, with the amendment that has now been circulated by Ms Horodny. I commend the motion to the house.

MS HORODNY (10.58): I move:

Paragraph (2), omit "Prime Minister", substitute "President".

That was a small oversight that I would like to correct.

3 September 1996

MR BERRY (10.58): I am happy to say that the Labor Party will be supporting that amendment. It is a rare occasion that you find people in this place who are prepared to admit to an oversight. This Government opposite will not admit to its oversight in relation to its response to - - -

Mr De Domenico: “The birthing centre will be closing”.

Mr Humphries: “Namadgi will be sold”.

MR BERRY: Can we stop the clock, Mr Speaker, and let them get their interjections over with early, and then I will get on with my speech? Helicopter Humphries over there just cannot remain quiet. He ought to be embarrassed for the whole pathetic bunch.

MR SPEAKER: Mr Berry, if you seek the protection of the Chair, you should not be provocative.

MR BERRY: Mr Speaker, I do not know that the standing orders prevent one from being provocative in this place.

MR SPEAKER: But they do require you to be relevant to the motion.

MR BERRY: If that were the case, Mr Speaker, this place would be shrouded in a veil of silence for most of the time.

I want to talk about the pathetic response from the Government in relation to this matter in the first place. I want to talk about the community’s response and the world’s response, how we contributed and, of course, the results. The Government’s response in the first place was pathetic. Mrs Carnell had to be dragged kicking and screaming all the way on this issue. This is somebody who said before the last election that she was committed to a council style of government and that she wanted to use the barometer out there in the community to find out how the community feels and react accordingly. Well, it just showed what a sham that promise was, because Mrs Carnell was taking no notice at all of the community reaction to this horrible series of events in the South Pacific. She had to be dragged kicking and screaming all the way in relation to the matter. I was pleased to be involved in that campaign because it was with great delight that I was able to assist in the demolition of this Government’s attitude in relation to that matter. They were severely embarrassed, and they should have been, because they were pathetic, ignorant, rude, insensitive - the lot.

Then we go to the issue of Versailles. Mrs Carnell and the rest of her merry troop were quick to decry every move that was taken to send the message home strongly to the French. It was regrettable that we had to react, I think, against a sister-city relationship, but we did not start this; the French started this. What had to happen was that there had to be a strong message sent to the French people. I hope that the people of Versailles now realise that there are many people throughout the world who are upset with the French Government. I hope they pass on our feelings the next time they get a chance to vote over there and take into account the atrocity on the environment which has been committed by the French Government. This world outcry, I am sure, has sent a message to the French people.

Mr De Domenico: And the Chinese.

MR BERRY: It has united the world more on nuclear issues. Our response to these actions and how we might embarrass governments of the ilk of these opposite in the future because of their hopeless response to this issue is improving world unity. The result has not been a perfect result. Of course, the atomic tests went on, but the French took notice. There were fewer tests, and it has made an impact on the world community.

The Liberals would like to laugh this off and say that it had no effect. Mrs Carnell was saying, "Nobody else in Australia implemented bans". That just shows how much further in front this Assembly is - - -

Mr Humphries: Yes, sure, Wayne.

MR BERRY: That shows that we have more cause to be proud than do other communities around Australia. Helicopter Humphries interjects, "Sure, Wayne". Well, I am right, because the rest of the community were marching in an entirely different direction to you lot and you were shown up for your appalling and pathetic response to these important world and environment issues. Your lack of understanding has been demonstrated; and long may you live with it.

The appalling situation we are still faced with is that we have not yet received an apology from the French Government for what they have done in the South Pacific. I long for the day when we get an apology and there is some retribution paid to the people of that region for the damage that has been done in the area. I think it is time for the bans to be lifted, but it should leave - and I think it has left - a nasty taste in the mouth of the French because of their arrogance. They have paid a price, and they have to weigh up in their own minds whether they want to continue to pay that sort of price. I think it has sent a strong message to the rest of those world powers who have nuclear weapons and who might want to test them in the future that there will be a world reaction to what they do.

I heard Mr De Domenico make an interjection about the Chinese. Unless it has escaped Mr De Domenico's notice, the South Pacific is quite a deal closer. We are an important part of the South Pacific community. Every word they speak in relation to this matter just drags them further down in the community's estimation of them on this issue. They are completely out of step; they look like fools; their leader looked like a real goose in relation to the matter. The lot of you deserved it.

MR MOORE (11.05): Mr Speaker, I thought I would continue Mr Berry's theme of world reaction to the French nuclear tests. Indeed, the same point was raised by Ms Tucker in her speech on her amendment. I represented this Assembly at the Commonwealth Parliamentary Association meeting in Sri Lanka last year and was very proud to do so. I was part of a group of people who were seeking to ensure that an agreement was reached at that Commonwealth Parliamentary Association meeting expressing our horror at the reaction of the French in ignoring worldwide entreaties to stop their nuclear testing in the Pacific. It was not possible to get a unanimous reaction,

3 September 1996

but the reaction was absolutely overwhelming. Consistent with the style of Commonwealth Parliamentary Association meetings, there was no actual motion put to the meeting because these meetings are about trying to get people to cooperate rather than winding up with some people excluded.

Separate to the meeting, but parallel, there was the request put to the head of the Commonwealth Parliamentary Association that he take our feelings to the Commonwealth Heads of Government Meeting which I believe was held in New Zealand last year. That request was complied with. The overwhelming reaction of the delegates of the Commonwealth Parliamentary Association was one of being appalled at the French nuclear tests, as we were appalled at the continued nuclear testing of weapons of any country in the world.

Mr Speaker, I think it is important for us not just to take the motion that Mr Humphries has put up and say, "Well, this has now finished". I think Ms Tucker does raise some important issues in saying, "Let us also continue sending the message. Yes; we realise there is no point in pursuing this ban any further. However, let us at least put out the last message that says, 'We are still appalled at the fact that you proceeded with those nuclear tests, in the face of world anger' ". I think it is important that the French President understand that there is still residual anger over the actions that they took. The objection that this Assembly raised, the approach that we took, ought not be seen in any way as a win for the French. All right; we put bans in place, but they did not have effect; we did what we wanted to, and it is all finished.

I think it is important that they still understand the attitude because the French may well indicate their approach by their being signatories to the treaties that are mentioned in both the motion and the amendment. Nevertheless, I think it is important for us to continue sending out a clear message. I think it is not going to hurt for one more letter to go - now that we have promoted Mr Chirac to President again - to the French President to ensure that exactly where we stand is understood.

Mr Speaker, I think it was also important for us to break those links with our sister city, as it was then, Versailles; but it may well also be time to begin to reconsider that sister-city relationship. But I would like to see it done in the context of other possible sister-city relationships on a worldwide basis. I know various members have been discussing possibilities in that respect. We ought not simply go back and say, "Because we had established a friendship with Versailles, we should immediately re-establish it". I think it should be done now in the context of other sister-city relationships which we can establish worldwide.

Mr Speaker, it was a great shame that, in spite of the world reaction to the French nuclear tests, they did continue and carry them through. However, it is water under the bridge. It is appropriate for us now to make sure that residual feeling is expressed to the French people through their President. Nevertheless, we should withdraw these bans.

Amendment (**Ms Horodny's**) to the amendment (**Ms Tucker's**) agreed to.

Amendment (**Ms Tucker's**), as amended, agreed to.

MR SPEAKER: The question now is: That the motion, as amended, be agreed to.

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

That the question be divided.

Paragraph (1) agreed to.

Question put:

That paragraph (2), as amended, be agreed to.

The Assembly voted -

AYES, 9

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

NOES, 8

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

Question so resolved in the affirmative.

Paragraph (2), as amended, agreed to.

Paragraph (3) agreed to.

MR SPEAKER: The question is: That the motion, as amended, be agreed to.

MR HUMPHRIES (Attorney-General) (11.14), in reply: I would exercise my right of reply, Mr Speaker, briefly. Let me put on the record very clearly that those opposite have left aside the particular facts or stepped beneath the waves in this debate. The Government supported fully the motion as put to the Assembly originally. The record is very clear that the Liberal Government in this place condemned, with everyone else in this Assembly, the actions of the French Government in conducting those tests in the South Pacific. We did not feel that it was going to achieve anything to have such a ban. The record can reflect that fact.

Mr Speaker, let me give Mr Berry a small lesson in geography. China, in fact, is much nearer to Australia than Tahiti is, and I think it is a measure of some hypocrisy that people should condemn the French Government for testing in Tahiti or in the vicinity of the Society Islands and not condemn tests going on much more literally in our backyard

3 September 1996

in places like China. I think we need to consider the question of being consistent over a period of time. I know it might suit the agendas of some people to condemn only France and not China, but the fact is that we all have concerns about these tests. At the moment it is countries like China which represent a much more serious threat to the discontinuation of nuclear testing in this world, not countries like France.

Question resolved in the affirmative.

**CLASSIFICATION (PUBLICATIONS, FILMS AND COMPUTER GAMES)
(ENFORCEMENT) (AMENDMENT) BILL 1996**

Debate resumed from 29 August 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR MOORE (11.17): Mr Speaker, I rise to support this Bill and what it attempts to achieve. I think it is appropriate that power exist so that when there is a national festival exemptions can be granted to publish films, publications, computer games and advertisements that would otherwise not be about. My understanding is that this power does exist in other States and Territories, and this would bring us into line with them. For that reason, Mr Speaker, I think it is a quite sensible piece of legislation.

MS FOLLETT (11.17): Mr Speaker, the Opposition will also be supporting this Bill. In many ways I think it is something of a housekeeping Bill which takes matters a little further than did the new Classification Act when it was first passed. The Bill that is before us today amends some of the administrative aspects of that Act and also makes some technical amendments in relation to X-rated videos. If I were of a critical nature I might say that all these matters could have been dealt with when the Classification Bill was first brought to the Assembly; but, Mr Speaker, things being what they are, that is not what happened and I have examined the Bill on its merits.

I think it does make some sensible arrangements for the granting of exemptions and approvals in relation to particular films, publications and computer games. The exemptions, Mr Speaker, are matters that I think we can all envisage being required. For example, we might need exemptions for educational or scientific purposes, or for the holding of a film festival. It is to be commended that the Bill gives the director of the Classification Board the power to grant these exemptions and approvals. There is a check upon the director's actions in the Bill, in that when the director does exercise those powers she or he must have regard to any direction that has been issued by the Minister.

Mr Speaker, I do believe it is appropriate to give the director the prime responsibility for these matters, and there are a number of reasons for that. The director does have expertise in making an assessment of films, computer games, publications and so on, and that expertise is able to be exercised in a completely impartial manner. We are all only too aware that very often there is political pressure brought to bear on matters of censorship, and I believe it is appropriate that that political pressure ought not be the deciding factor; rather, an impartial and expert person ought to have the decision-making power.

I think it is also important that there be consistency in the decisions that are made in relation to films, publications and computer games, and clearly, if the director has the ongoing responsibility for decision-making, we ought to see that consistency occurring. I understand that the Bill has also simplified the making of applications for exemptions and so on, so that people who want to, say, mount a film festival do not get tied up for years in red tape in getting the necessary approvals.

I think we have come a long way in the debate on censorship in the past few years, particularly in this Assembly, and that is progress that I very much welcome. We have certainly shown small-l liberal and very adult attitudes to other sensitive issues which may well divide the community, and it is high time, I think, that we took a similar attitude to matters which come under the broad umbrella of censorship.

Mr Speaker, I believe, though, that I would be remiss in talking on these sorts of matters if I did not yet again mention my desire to see even further action taken against violence in films, video games and so on, and I know that this is a matter that has been taken up at the national level. I do not think it is time to drop the ball. I think it is an issue that remains current, and I believe it is an issue that the majority of the community would like to see action taken upon.

I support the Bill, Mr Speaker, and I look forward to further action being taken which would make the popular entertainment of films, video games and so on less violent and, in my view, less prone to brutalise, particularly, young people who may become used to that kind of violence and regard it as the norm, unfortunately. With those few thoughts, Mr Speaker, as I say, we support the Bill.

MS TUCKER (11.22): Mr Speaker, the Greens also will not be opposing this Bill. The purpose of the Bill is to extend the powers the Minister has to grant exemptions and approvals in respect of a film, publication or computer game to the director of the Classification Board, and the example that is cited in the presentation speech is film festivals. This Bill is part of an ongoing process to establish uniform laws across Australia, and earlier this year we debated the new censorship agreements. There seemed to be general agreement that a national approach is the best way to go, although there may be some exceptions, of course.

The question of censorship is often a tricky one, and there has been a lot of debate recently about the depiction of violence in films, videos and computer games. Protecting young people is probably the issue of greatest concern. As the National Committee on Violence noted in its report, the issue of violence in our society is very complex and is related to a number of factors, including cultural factors, schooling experiences, the home environment, influences of the media and films, as well as alcohol and other substance abuse, and so on. As far as censorship is concerned, the need to take into account community concerns about violence and material that condones sexual violence must be balanced against a principle that adults should be able to read, hear and see what they want because freedom of expression is also important.

As far as the Bill before us is concerned, it does appear that appropriate checks and balances are in place, as there are guidelines to be issued under which the director must operate. I note that these guidelines under which the director of the Classification Board must operate are currently being discussed at the Commonwealth, State and Territory level in order to develop a consistent approach across all jurisdictions.

MR HUMPHRIES (Attorney-General) (11.24), in reply: Mr Speaker, I want to thank members of the Opposition and the crossbenches for their support for the legislation. It is housekeeping legislation, in a sense. Perhaps this emerged only because of the fact that it struck me as odd when I encountered this problem. Although the censor and the Censorship Board were classifying material, I was being asked, as ACT Minister responsible for censorship, to approve the showing of films in the ACT that had not been classified, generally films from overseas. It seemed strange to me that the judgment in these things was vested in a board which provided, for the most part, that function across the whole of Australia, but in respect of each jurisdiction there was a certain function left to a particular Minister. I found myself poring over the synopses of films that were proposed to be shown at film festivals to work out whether I would be getting into trouble by authorising the showing of these films. It seemed to me to be quite anomalous that that should be the case.

In the spirit of the small-l liberalism to which Ms Follett referred, I can say that I have not refused the showing of any films that were put in front of me for showing in the ACT. There were some very odd-sounding films in that list; but, for the most part, it seemed to me that there was no problem in doing so. However, I would feel much more comfortable if that role were played by the Chief Censor, who is better qualified to do that than I am.

Mr Speaker, this Bill, as members have noted, will now provide for the director of the Office of Film and Literature Classification to be able to determine whether material ought to be shown or not. I suppose it is appropriate in those circumstances that some more liberal attitude will be taken to those sorts of films because they are generally art films from overseas. Some films for the gay and lesbian film festival which were shown recently in the Territory were included in those exempted films. A German film festival was held recently. Those sorts of things will happen from time to time. Whereas they might not be classified so readily if they were for broad public release, for a very select audience I think there is less danger in approving something which might otherwise be viewed more harshly if it were to be shown to the broader population. Those are the sorts of issues that this Bill refers to.

To pick up the point that Ms Follett made about violence, I want to put on record my concern that we should deal with the question of violence as well, particularly in things like television programs, films and video games. Members will be aware that at the most recent meeting of the Ministerial Council on Censorship there was debate about changing the classification system. The Ministers ultimately made a decision that there should be a shaving off the top of the R classification of some of the more excessively violent films

which are presently classified as R, effectively banning those films. I might indicate that my view was slightly different from that. I think that the better approach would have been to have taken a larger proportion of those R films and classified them in a way that made it difficult to get access to them; so that it was not necessary to ban any films at all but would mean that children particularly would have less access to those films generally.

I think the weakness in the approach taken by the ministerial council is that only movies of a very low circulation, such as *The Texas Chain Saw Massacre* and things like that, will effectively be banned or, more probably, will have some material in them shaved out so that they have to be edited to be presented for general release. It would be better to deal with a large number of the more mainstream films which contain levels of violence which I think are of concern to many Australians. Many such films are very popular, such as those featuring Arnold Schwarzenegger and Claude Van Damme and others of that ilk. I think that is the mainstream issue that we need to address and that, of course, goes over to things like television programs and, increasingly, to video games. I acknowledge the concerns that have been raised by Ms Follett and I indicate that this is an issue our community must keep under close surveillance. I hope that we will be able to make progress on that issue to a greater extent than has been the case up until now. I thank members for their support for the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PERSONAL EXPLANATIONS

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

MR SPEAKER: Yes. Proceed, Mr Berry.

MR BERRY: During the debate on the French products matter which we dealt with earlier, Mr Humphries tried to make the assertion that the Labor Party had some sort of different agenda about China. I will restore everybody's faith in history. I read from *Hansard* of - - -

Mr Humphries: Mr Speaker, I raise a point of order.

MR BERRY: I am personally affronted by the accusation.

Mr Humphries: Mr Speaker, personal explanations cover matters where personal misrepresentation has been made. Mr Berry is talking about the position of the Labor Party. I suggest that that is not within the terms of a personal explanation under standing order 46.

3 September 1996

MR BERRY: Mr Speaker, it is.

MR SPEAKER: Order! I uphold Mr Humphries's point of order.

MR BERRY: That is outrageous. You did not even hear me debate this.

MR SPEAKER: Just a moment. You did mention, Mr Berry, the Labor Party. The point is that if you wish to stand and make a personal explanation as a member of the Labor Party you should identify the fact that you are making it personally. That is perfectly in order and I will allow that, but you cannot make it - - -

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. I felt affronted by the accusation by Mr Humphries that I had some different agenda in relation to China and nuclear weapons. Mr Speaker, I will restore people's faith in history. Mr Humphries tried to spin the web of deception and change it. Mr Speaker, I read from *Hansard* at page 1554. This is what I said:

I think that what the Chinese are doing is outrageous, but I am saying that there is a strong campaign against the French at this point. They are bombing a colony which they have established in the South Pacific. It is quite different to what the Chinese are doing. It is quite different in the sense that there is not a community uprising about the Chinese. I believe that there will be, and I will be right behind it and so will the Labor Party. I think it is outrageous.

That should clear the matter up, Mr Speaker.

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

MR SPEAKER: Yes, Mr Humphries.

Ms McRae: Are you sure it is a personal explanation?

MR HUMPHRIES: Absolutely. Absolutely, Mr Speaker. Mr Berry, who earlier today misjudged even the location of China by about 2,000 kilometres, neglects to mention that what I said on the floor of the chamber was that there was no motion or action by the Labor Party against Chinese products. He was happy to mention in passing that he did not like what the Chinese were doing, but he wanted to ban the purchase of French products, but not of Chinese products. That was the point I made for debate.

SMALL CLAIMS TRIBUNAL LEGISLATION
Exposure Draft and Paper

Debate resumed from 23 May 1996, on motion by **Mr Humphries**:

That the Assembly takes note of the papers.

MS FOLLETT (11.33): I will speak fairly briefly on this matter, Mr Speaker, as it is an exposure draft that the Assembly is considering, rather than the Bill itself. I imagine that there will be a more substantive debate once the Bill has been presented. I am happy at this stage to indicate that I support the direction of policy change and the initiatives that are contained in the exposure draft in relation to the small claims administration of the Territory.

Mr Speaker, the review of the Small Claims Court system was commenced or announced in 1993, so we have taken quite some time to get to the point of having draft legislation before us. I believe that it is about 22 years since the Small Claims Court was first instituted, so the review of those arrangements is certainly wellnigh due and I am glad to see that it is being done quite comprehensively. The key changes that are flagged in the exposure draft are several. It does appear to have been a quite comprehensive review. The first and most major change probably is to change the status of the Small Claims Court to a tribunal and to rename it the Small Claims Tribunal. I think it is important that we ensure at all times that this court or, as it will be known, this tribunal remains accessible to the overwhelming majority of the community, and I believe that naming it a tribunal rather than a court does go some way towards breaking down what might be a hesitation or intimidation people might experience about going to court. This court should be accessible to everybody who feels the need for redress and I think that changing the name to a tribunal goes some way.

I do want to flag with the Minister that I was very attracted to the notion of changing the name to the Consumer and Small Claims Tribunal. I have looked carefully at the Minister's arguments against making that change and I have to say that I found most of them pretty spurious. I believe it would be a very good move indeed to refer to the tribunal as the Consumer and Small Claims Tribunal in order to indicate very clearly that this is one area where consumers may obtain redress when they believe they have been wronged. There is no such other tribunal. I think the Minister made the point that he believed that calling it a Consumer and Small Claims Tribunal would unduly narrow the focus of the tribunal. I do not agree, Mr Speaker. I think that including the word "consumer" in the title would broaden the appeal of the body and make it very clear to far more people that it is an accessible area for them to seek redress.

The draft also broadens some of the powers of the tribunal, Mr Speaker, notably in relation to actions for trespass. Again I think that is a step that is well overdue. It has been the case that in relation to complaints of trespass it has been very difficult for people to seek recourse under the law. The Bill goes further than that. It gives the tribunal some jurisdiction in disputes under the Common Boundaries Act, which relates to dividing fences and walls and so on. That, again, is a matter which I have had something to do with as an elected representative, and I will be very pleased to see a tribunal with the power over those matters.

Mr Speaker, the tribunal will be able to dismiss vexatious or frivolous claims. Another important step, I think, will be the right of the tribunal to award, at least to a very limited extent, costs in cases before it, particularly out-of-pocket expenses which litigants might have incurred in the course of taking action in the tribunal. The tribunal will also be providing for a legally qualified member of the staff of the tribunal or of a court to be appointed to the office of referee. I think that is a very good step - to have a referee who will be able to determine matters where the amount involved is less than \$1,000. It should be a quick and easy solution that does not involve all of the rigmarole and all of the expense of going to court. I believe that will open up the tribunal to a much wider range of people in our community. Given that it will be dealing in that way with matters with a cost of less than \$1,000, to refer to it as a consumer tribunal would make it much more apparent to people that they have rights before this body, and that, even though the matter which they are in dispute over may amount to less than \$1,000, as consumers, they can go to this tribunal and have a referee adjudicate the matter for them. I would urge the Minister to rethink the change of name.

Mr Speaker, as I said, I will be speaking at more length when we have the Bill before us, but I want to indicate again that the review, I believe, has been timely. As far as I can judge from the documents the Minister has tabled, the direction and the breadth of the policy initiatives that have arisen from that review have found favour with the Opposition so far.

MS HORODNY (11.39): Mr Speaker, I would like to make a few comments on this exposure draft as well. The Small Claims Court plays an important role in our legal system, particularly, as Mr Humphries pointed out in his tabling statement, in terms of improving low cost access to justice. The Greens do not have any real problems with this draft Bill or the proposal to change the name.

There are a few specific issues that I would like to raise, and the Minister may like to take some of these on board in considering the draft Bill. In some areas I think the reforms could have gone further, and it would be interesting to hear what the result of the community consultation on this issue has been. The Greens believe it is quite sensible to extend the jurisdiction of the Small Claims Court to include neighbourhood-type disputes such as trespass, dividing fences and so on. This jurisdiction could be further extended and a legislative reform which may really have an impact in terms of improving access to justice in the ACT could be to prohibit bringing actions of less than \$2,000 to the Magistrates Court unless both parties agree. This would certainly give the Small Claims Tribunal greater power and would reduce costs.

I would also like to speak in support of clause 92, which will empower the Small Claims Tribunal to make an order for the delivery of goods as well as payment of damages. This is an important step forward because some of the disputes, particularly domestic disputes, are not about large amounts of money. This provision will enable the tribunal to order the return of personal items such as photos or clothing which may not have great monetary value but have important sentimental value. This is a very sensible policy and it has our full support. I would say, however, that it is important to ensure that this is enforceable; so, to achieve this end it may be appropriate to include some kind of penalty.

As for the proposal for a mechanism whereby specified persons and bodies or a corporation may avoid the necessity of paying money into the tribunal, I think it is fair to say that there must be careful safeguards in place.

Finally, on the broader issue of fees and charges, I note that the Minister may determine fees and charges for proceedings in the tribunal, facilities and services provided by the registrar, or any other general purposes. These determinations will be disallowable. As the explanatory statement says, the Minister will be able to make exemptions or to defer liability for the payment of fees and charges. I wonder whether the Minister has considered providing automatic exemptions explicitly in the legislation. It is our understanding that the Administrative Appeals Tribunal has specific categories of exemption, and this might be worth considering for the Small Claims Tribunal as well.

MR HUMPHRIES (Attorney-General) (11.42), in reply: I thank members for their comments about this exposure draft of legislation. I am glad that there has been some debate about this, because the Government would like to bring forward the legislation reasonably soon. Having the views of members is useful in that regard because it means that we can consider both that and the community's input to the process to thoroughly reform the small claims process and put it onto a firm footing for the future.

The Small Claims Court has been a very worthwhile endeavour to widen the net of justice and provide access to people who previously were intimidated by the concept of going to a court. Steps to take this legislation forward, to change the name of the body to a tribunal rather than a court, and to provide for low-level means of resolving disputes through, for example, a referee, are all designed to take that process even further. I believe, Mr Speaker, that this will be very much the trend of the future - a desire to bring disputes down to a lower level of resolution, to ensure that there is a capacity to deal with disputes at an appropriately early stage in the course of an action. The use of mediation, I think, will be an increasingly important part of that process as well.

I want to make only a brief comment about two elements that were referred to in the speeches by Ms Follett and Ms Horodny. One is the debate about the name of the body. Ms Follett suggested that there should be a Consumer and Small Claims Tribunal rather than just a Small Claims Tribunal. The Government did consider at very great length whether to call it a Consumer and Small Claims Tribunal and rejected the idea, not so much because it would narrow the focus of the court or the tribunal, which incidentally is one of the problems it would suffer from, but rather because of the mischaracterisation that occurs. The court or the tribunal is not just about the interests of consumers; it is about a large number of people. You must remember that a consumer is one half of a relationship. A consumer is the receiver of goods or services. A retailer or provider of services is the other half of that equation. To pretend that this court or body is about only the interests of one of the two people in that relationship is quite misleading. Indeed, Mr Speaker, I think that the records of the court would probably show that at the present time it is as much the retailer or provider of services who uses the Small Claims Court to obtain redress.

To insert the name of only one of the two sides of that relationship into the name of the court does send the signal that this is the court for consumers, the court that deals with the consumers' interest, not about the interests of the other side of the equation. Quite often, Mr Speaker, in fact, possibly more often, there will be actions brought in the court to recover money from consumers who have not paid for a good or a service that has been received. I think it is most unfortunate to send a signal that somehow we are favouring one or other side of this equation. I think some kind of name that would encapsulate the notion of low-level disputes or disputes concerning marketplace transactions would be fine. If there were a phrase that members here could find that would capture the spirit of that idea, I would be very happy to entertain it; but to take a name which effectively says, "We favour one particular party" is not a good step to take.

Ms Follett: No; we include one particular party. We include them.

MR HUMPHRIES: By calling it the Small Claims Tribunal we do not. Well, we could. We could say the Consumer, Small Business and Small Claims Tribunal. We could do that, I suppose. It is a bit of a mouthful. I think it is wrong to take one side, one party, and to exclude the other.

Mr Speaker, let me touch also on the question raised by Ms Horodny which she proposes as an improvement - the idea of mandating, in effect, that all actions under \$2,000 must commence in a small claims tribunal. There is some superficial attraction in that argument and that is an issue that has been debated in the past. I think the problem with that proposal is that, first of all, there is already a power there for a party to require that actions within the jurisdiction of the Small Claims Court be dealt with by the Small Claims Court. If I am sued by my next-door neighbour for a sum of money and I do not particularly wish to retain a lawyer to appear for me in the Magistrates Court, it is entirely at my discretion to have the matter referred to and dealt with by the Small Claims Court, or, under the new arrangements, the Small Claims Tribunal. So there was no danger at all that any person would be forced to have a matter in the Magistrates Court when they would prefer to have it heard in the Small Claims Court.

The reason that it is important that we preserve the capacity to commence an action in the Magistrates Court is that a very large proportion of the actions commenced in our courts are proceeded with without an appearance by or response by the defendant in the proceedings. In the instance of default judgment, which is a very common occurrence in our courts, it is important for the plaintiff, be he or she a consumer or a small business or anybody else, to be able to recover the costs of being able to go through the process of recovering a debt or some other money that is owed to that person.

I think it is most important, Mr Speaker, that we not effectively force somebody to incur a cost which they might otherwise not have to incur, in fact thereby making justice less accessible by forcing them to start in a court when there may not be an appearance by the other party and they may not be able to recover the cost of having to initiate that action in the first place. It is a matter that there will be some debate about, but I would urge members to consider whether it is in the interests of justice to allow people to be able to recover costs where there is no attempt by a defendant to defend proceedings. That would be most unfair, in my view.

Mr Speaker, I thank members for their comments. I hope that we can bring forward the Small Claims Tribunal Bill proper very soon. There are a couple of issues that we might want to deal with which are not dealt with in the exposure draft. Some members, including Ms McRae, have written to me about problems people have had in enforcing judgments in the court and also in obtaining a judgment and having the judgment set aside. There is a real problem with that, Mr Speaker. I indicate that I am inclined to propose that we should consider amending some of the provisions, particularly provisions dealing with the default judgment, to provide for some greater onus on a person seeking to set aside a default judgment to show that the basis on which the judgment should be set aside is stronger than it might now be.

At the moment it is the case that, when a person obtains a judgment in a court on a default basis, that is, without an appearance by a defendant, and the defendant subsequently decides that he or she does wish to defend the proceedings, it is pretty well automatic that the judgment obtained by a judgment creditor is set aside. I think, Mr Speaker, it ought to be the case that in having a judgment set aside the person against whom the judgment is being obtained ought to be put to some test to show not only that there was a good reason for not having defended the action in the first place, but also that there is some reasonable prospect that if the matter is heard fully by the court or the tribunal the action can be successfully defended. Otherwise we simply have a process where somebody goes through the motions of getting a judgment, starting to enforce the debt and then suddenly finding that the whole thing is back to square one because the judgment debtor has decided quite late in the process that he or she would like to defend the matter after all.

Other refinements can be brought forward at the appropriate time. I think we have basically the right formula - at least that is the interpretation I have of members' comments around the chamber - and I thank members for their comments about this important process.

Question resolved in the affirmative.

MOTOR TRAFFIC (AMENDMENT) BILL 1996

[COGNATE BILL:

MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL 1996]

Debate resumed from 27 June 1996, on motion by **Mr De Domenico**:

That this Bill be agreed to in principle.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No. 4, the Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1996? There being no objection, that course will be followed. I remind members that in debating order of the day No. 3 they may also address their remarks to order of the day No. 4.

MR WHITECROSS (11.52): Mr Speaker, the Bills mainly deal with appropriate administrative tidy-ups and the introduction of pelican crossings. The Opposition will be supporting these two pieces of legislation. The amendments are obviously necessary for the effective running of the roads and traffic section. Pelican crossings are also an idea we are happy to support.

MS HORODNY (11.53): Mr Speaker, the Greens will support this Bill, and I am speaking specifically about order of the day No. 3, not No. 4, with some hesitation. Most of the provisions of this Bill relate to administrative improvements to the Motor Traffic Act with which we have no problems.

The issue that concerns us, however, is the introduction of the pelican crossings, which is provided for in clause 9 of the Bill. What concerns me is the implications these crossings may have for pedestrian safety. I understand that pelican crossings still involve having red, amber and green lights at a pedestrian crossing which can be triggered by pedestrians, but that the red light period is reduced, at which point the amber light will begin flashing for a couple of minutes and eventually turn back to green. During the time of the amber flashing light motorists will be able to pass through the crossing, provided that there are no pedestrians on the crossing.

The Minister's presentation speech implied that these pelican crossings will allow motor vehicles to pass through pedestrian crossings faster because they do not have to wait until the green light comes on. This might be good for motorists, but my concern is for the pedestrians and cyclists who use these crossings and who should have a right to do so safely. There is a danger that people who arrive late at a crossing, just when it is turning to amber, will have to attempt to cross the road after cars have started moving. There is also the danger that pedestrians already on a crossing when the light turns amber will be intimidated by motorists wanting to move off as soon as possible. This is of particular concern to children and the elderly and other people who may not feel very confident about crossing major roads.

My office did have a briefing on these crossings, and the assurance was given that the safety of pelican crossings has been comprehensively studied and that their use was covered by national Austroads guidelines. My office was also informed that there were no particular plans to systematically replace existing controlled pedestrian crossings with pelican crossings and that pelican crossings would be installed only where totally appropriate. In particular, they would be used only on two-lane roads and never on roads of four or more lanes. I would like to put on record my concerns about the pedestrian safety of pelican crossings and seek the confirmation of the Minister that pelican crossings will be used only in a very limited number of circumstances where pedestrian safety is not compromised.

MR DE DOMENICO (Minister for Urban Services) (11.56), in reply: I thank Mr Whitecross and Ms Horodny for their comments. I assure Ms Horodny that the No. 1 concern of all traffic engineers all over the world is the safety of pedestrians and the safety of people. For Ms Horodny's edification, pelican crossings are used all over Australia and, in fact, all over the world, so we are not coming up with anything that is new.

The Bill provides for the installation of pelican crossings, which allow motor vehicles to continue driving through a pedestrian crossing while the amber light is flashing, provided that no pedestrians are on the crossing, and that is what the speech said. It did not imply at all that the safety of pedestrians was in any way, shape or form going to be compromised, Ms Horodny. It did say that you can drive through the crossing, quite obviously, only when there are no people there.

The Bill also allows the police to hold the motor vehicle of a person charged with drink-driving until they, the police, are satisfied that the driver is capable of driving or other arrangements are made. I think that is a very sensible move as well. Also, there is provision made, upon legal advice, that records relating to registration and licences should not be kept in the name of a trust. Basically, there are 10 things that these two Bills do. Mainly, as Mr Whitecross correctly said, they are administrative changes that are necessary. The major thing is the ability to build pelican crossings. I assure Ms Horodny, once again, that the Government will do what she was told at that briefing. That is the Government's intention. I thank Mr Whitecross of the Labor Party and Ms Horodny for their support of the Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**MOTOR TRAFFIC (ALCOHOL AND DRUGS)
(AMENDMENT) BILL 1996**

Debate resumed from 27 June 1996, on motion by **Mr De Domenico**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.01 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Works and Commercial Services - Corporatisation

MR WHITECROSS: Mr Speaker, my question is to Mr De Domenico in his capacities as Minister for Business and Minister for Urban Services. Minister, my question relates to the transfer of the functions of Works and Commercial Services to Totalcare. Works and Commercial Services has a business focused on roads and transport, capital works, landscape and labour for building and road operations. Last week you announced the transfer of this business to Totalcare Industries, which is a business focusing on linen services, waste management and sterilisation services. Given that the two businesses are so different, what advice was sought from the Totalcare board in relation to the proposed changes, and what analysis was done to gauge the impact on Totalcare's business operation of transferring to the business over 600 staff doing unrelated work?

MR DE DOMENICO: I thank Mr Whitecross for his question. Mr Speaker, the Government's commitments under the competition principles agreement require that, where appropriate, we place commercial activities undertaken by governments on an operating basis that is the same as that for the private sector - that is, on a competitive neutral basis. There are a number of such businesses operating in the Department of Urban Services, and some of the ones that Mr Whitecross read out are some of the ones that we are concerned about. I am looking at arrangements which will lead to greater efficiency and more competition. The Government is also looking at opportunities to improve the efficiency in customer service of all government business units. Clearly, in this context there is a need for business units within the Department of Urban Services to be put on a more commercial footing. The reason why the Government did something about it was that if it had done nothing jobs would have been lost. There is no doubt about that. If we had done nothing, as those opposite did for five years, jobs would have been lost.

Another thing that needs to be said is that the Government, before it was elected by the community, by 42 per cent of the people in this town, had a firm commitment to the principles of competition and to the principles of contracting out. This Government has been attacked time and time again by members opposite for contracting out. This time it has contracted in. The Department of Urban Services people have gone from a government department to Totalcare, a wholly government-owned corporation. When we contract out, we are beaten about the head. When we contract in, we are beaten about the head.

Mr Whitecross's direct question was: What did the Totalcare board say? Of course, Mr Page, the chairman of the board, was consulted, and he was delighted. He said, "Totalcare would be delighted to take on the responsibility. We will make sure that we compete with the private sector to make sure that we retain the same number of jobs as we have now".

The other thing that needs to be said is that all those staff members will come across on 1 January 1997, not when the CFMEU said they would. The CFMEU said that it would be overnight, by 5 o'clock. That was another lie, Mr Speaker; but, then again, we expect that from any union that plunders one of our local businesses up on the hill. What can you expect from a union like that? We have said that all existing EBAs will be adhered to. In other words, the staff will transfer on exactly the same conditions as they have now. Most of the workers are satisfied, I have to say. It seems to me that the only people who are not satisfied are the CFMEU and the people they control - people like Mr Whitecross.

MR WHITECROSS: Mr Speaker, my supplementary question is in two parts. First, I ask Mr De Domenico to answer the original question, which was: What advice has been sought from the Totalcare board in relation to the proposed changes, and what analysis has been done to gauge the impact on the Totalcare business of this transfer of business to Totalcare? Further, has the board of Totalcare formally advised you, Minister, that the Government's decision to transfer these functions is in the best commercial interests of Totalcare?

MR DE DOMENICO: Mr Speaker, I will answer the supplementary question by saying that the Government's decision to do this is in the best interests of the Canberra community.

ACTION Bus Services - Kippax

MR HIRD: My question is to Mr De Domenico in his capacity as the Minister responsible for transport. As a member for Ginninderra, I am concerned at comments being made by - you guessed it - Mr Berry in relation to a review being carried out by ACTION of services from the good area, Belconnen suburbs, to the Kippax group centre. Is it the case that these services will be, as Mr Berry has said, severely cut? Mr Berry has been wrong before, and he is wrong this time, I trust, Mr Minister. In particular, will the elderly citizens of Collingrove Court in Scullin be adversely affected by these changes?

MR DE DOMENICO: I thank Mr Hird for his question. People over the other side of the house who might think that this is what is called a dorothy dixer are wrong. I will tell you how we knew, Mr Speaker. Mr Berry, in his inimitable style, before the meeting of the Administration and Procedure Committee just before lunch and before announcing it here to the Assembly, gave to the media a copy of what he intends to do tomorrow. He gave it to the media in advance and then came in here and told the Assembly. Once again, as usual, Mr Berry has got it wrong. Last week, as we all know, Mr Berry said that we had closed down the birthing centre. He was wrong.

Ms Follett: On a point of order, Mr Speaker: We have an assurance from the Minister that this is not a dorothy dixer, but I observe the Minister reading a multipage answer. Could it be that he has misled us?

3 September 1996

MR DE DOMENICO: Mr Speaker, I am quite happy to answer the former Leader of the Opposition. Ms Follett, when Mr Berry let loose what he was going to do tomorrow, I was ready for it. It is not hard, I have to tell you, because Mr Berry usually comes into this place and lets us know what he thinks we are going to close down tomorrow or in the year 2010. This time Mr Berry got it wrong yet again. Last week it was the birthing centre. Wrong, Wayne! It has not closed. Last week it was Mark Baker, too. He was supposed to resign. Mr Berry was wrong on that one as well. That was two in one week. This is No. 1 this week - the buses. You are wrong again, Mr Berry. The old fact-free zone syndrome is alive and kicking. Mr Whitecross, if he had any skerrick of leadership in any of his bones, should tell that man to back away, because he is an embarrassment, not just to the Labor Party but to the community as a whole.

Let us have a look at the facts. Mr Berry is not interested in the facts, only in scaremongering and getting media attention. I understand from media sources - and now we know - that Mr Berry is intending to table in the Assembly tomorrow a document which calls on the Government to review its decision to cut services from a number of Belconnen suburbs that Mr Berry names - Charnwood, Flynn, Fraser, Melba and Scullin, to name a few - to the Kippax group centre. Of course, the Government has made no such decision. Mr Berry is saying that we are cutting services right, left and centre. The Government has not made a decision yet. What a surprise, Mr Speaker! Mr Berry is wrong. He is wrong again. What is happening? Has Mr Berry come upstairs and asked for a briefing from ACTION? Of course not. He has got the Gatling gun, had a look around and said, "I will hit someone, as long as I fire some bullets here". Thank God you have banned automatic weapons, Mr Humphries. He will hit someone, as long as he starts firing. Mr Berry should have known, had he come up and asked for the information - - -

Mr Berry: I got you.

MR DE DOMENICO: You have not got me at all, mate. I have not finished yet. This is a very long answer, I have to tell you; so sit back, relax and enjoy it, and perhaps we will see how good you are as leader next week.

Of course, the Government has made no such decision, as I said. Mr Berry was wrong. What is happening, in fact, is that ACTION is currently undertaking a review of some services throughout Belconnen with a view to perhaps refining some routes in light of patronage data and other factors.

Mr Whitecross: Refining? Cutting.

MR DE DOMENICO: You sit down and listen, Mr Ex-leader. You will be right, too. Sensible management practice, which is something that those across the other side of the house are devoid of, is the best way to ensure that the service that is being provided is the service the customer wants. Some of the initiatives that might be put forward for public comment include the straightening out of some routes that meander in a time-consuming way through the suburbs. If a service currently goes via Kippax but no-one who uses that service wants to get off at Kippax, then it makes sense for that service to reach its destination by a more direct route. That would be a commonsense approach, but then commonsense is something that the other side is devoid of.

For the information of Mr Berry and others who want to listen, ACTION will also be looking at the number of buses that go to Kippax in comparison with those that go to other surrounding group centres such as Charnwood and Hawker. Another initiative that ACTION will be putting forward for public comment is the introduction of an off-peak shoppers service from the very suburbs Mr Berry is talking about to the Kippax centre. Mr Berry did not talk about that.

Finally, Mr Berry has been doing some scaremongering amongst the elderly residents living in Collingrove Court in Scullin, saying that route 409 is to be changed and that they will lose their service to Kippax. You are a disgrace, Mr Berry, because you are wrong again. Under the proposals to be put out for public comment, the services for those residents to both Belconnen and Kippax will be retained. I will repeat that. Under the proposals the services of all those residents to both Belconnen and Kippax will be retained and will stop at exactly the same place. Mr Berry, you are wrong again. Whatever piece of paper you are reading from is the wrong bit of paper, Mr Berry. A simple phone call to my office, to ACTION or to anybody else who would know anything about this would have confirmed this fact. Nothing has been decided yet. All of the proposals coming out of the current review will be the subject of a public consultation process to commence within a few weeks. The result will not be a cut in services but better, more targeted services, with buses going where Belconnen residents want them to go. Why let the truth get in the way of a *Chronicle* story? That is what Mr Berry's attitude is like.

This brings me to another point - Mr Berry's total disregard for this Assembly. As I said before, he does not come into this Assembly to say anything; he goes to the media first. In conclusion, if Mr Whitecross has any skerrick of leadership in his bones he will tell his deputy, soon to be leader, "For heaven's sake, do not go out there scaremongering. If you want to know the facts, ring up the people who can answer the question. Do not play politics with the community, especially when that community happens to be in your electorate".

MR HIRD: I ask a supplementary question. I am delighted, Minister, to learn that we are taking the appropriate steps to introduce a shoppers special service.

MR SPEAKER: Ask your supplementary question, Mr Hird.

Mr Berry: Mr Speaker, this is a supplementary question that arises from the substantive question. I wonder whether Mr Hird would mind just tabling it or putting it straight into *Hansard* rather than reading it.

MR SPEAKER: He will not be tabling anything, but he will be asking his supplementary question without preamble.

MR HIRD: Is it true that this new off-peak shoppers service, which will assist my constituents in Belconnen, will, as I understand it, be starting within the next two weeks, Minister?

3 September 1996

Mr Berry: So, you are going to close something down and replace it?

MR DE DOMENICO: By interjection, Mr Berry said, "So, are you going to be closing something down?". The only thing that would close down everything in this town would be if Mr Berry ever became Leader of the Opposition and, in about 20 years' time, if he got to be Chief Minister. Mr Hird, as I said, another initiative that ACTION will be putting forward for public comment in a couple of weeks - you are right - is the introduction of an off-peak shoppers service from the very suburbs Mr Berry is talking about to the Kippax centre.

Works and Commercial Services - Corporatisation

MR WOOD: My question is to Mr De Domenico in his capacity as Minister for Urban Services. Minister, with the transferring of staff from Works and Commercial Services to Totalcare, can you advise members what will become of assets presently used by Works and Commercial Services? By "assets" I mean property and structures, plant and equipment, special tools and technology and the like? Will Totalcare have to buy or lease these services from the Department of Urban Services?

MR DE DOMENICO: I thank Mr Wood for his question. The Government has agreed that an independent due diligence assessment will be undertaken to examine the assets and liabilities associated with the transfer of the functions. The due diligence assessment will determine the price that should be paid by Totalcare for the assets to be transferred after taking into account liabilities, including employee entitlements of superannuation, long service leave, et cetera. The assets to be transferred to Totalcare will include the Fyshwick depot, other works depots, plant, equipment, furniture, et cetera. The Totalcare bus fleet of around 40 buses will transfer to ACTION. The value of these assets will be taken into account as part of the due diligence process. The assessment of these assets and liabilities will need to be taken into account when determining a policy on future dividends to be paid by Totalcare. It should also be noted that Totalcare is fully owned by the Government. Corporatisation does not mean the loss of assets from government ownership.

MR WOOD: I ask a supplementary question, Mr Speaker. Further to that, will Totalcare be given a capital injection to fund the future replacement of assets which are to be transferred and are part of the way through their commercial life?

MR DE DOMENICO: As I said, Mr Speaker, a due diligence assessment will be done. All those things that Mr Wood has mentioned could happen. I am not saying that they will happen. That will be assessed in due course with due diligence.

Paintball

MS HORODNY: My question is directed to Mr Humphries in his role as Minister for the Environment, Land and Planning. In last Saturday's *Canberra Times* there was an advertisement by the ACT Government that called for expressions of interest from parties keen to conduct commercial paintball operations on land managed by ACT Forests. The Government recently permitted the establishment of paintball operations in the ACT, against the strong objections of many members in the Assembly because of paintball's inherently militaristic and violent overtones, but now it seems that the Government is actively encouraging the setting up of paintball areas in its forests. Could you explain, therefore, what this paintball-led economic recovery plan for the ACT is and give us details of how much ACT forest land is intended to be given over to paintball and how much money the ACT is expecting to make from this new business activity?

MR HUMPHRIES: Mr Speaker, that is a very peculiar question from Ms Horodny. First of all, the Government did not authorise the use of paintball; the Assembly did. A regulation was tabled in the Assembly pursuant to the Subordinate Laws Act. It was debated on a motion from Ms Follett to disallow it, and the Assembly voted not to disallow it. It was a clear indication by the Assembly as a whole that paintball should be allowed. It is not just the Government that has made this decision. We have been endorsed by the actions and the wishes of the Assembly on that score. You might not have voted for it, but a majority of the members of the Assembly did.

Secondly, I thought it was perfectly clear to Ms Horodny in the debate on that particular issue that we were going to facilitate people having access to government forests. Indeed, during the debate Ms Horodny herself raised the problem of using a government forest to provide for paintball. I assured her at the time that there was very little danger to fauna or flora in the pine forests that the Government operates by having people running around and shooting each other with paintball pellets. I am surprised that she now feigns indignation or shock that we are moving the process on to allow people to express an interest in providing paintball in the Territory.

How much land depends on how many people express an interest and what proposals are considered viable. I think there are three sites presently being considered. Basically, it is a question of negotiation between the potential operators of the service and ACT Forests particularly as to how much land and where. How much money is very hard to know as well. The Government is not imposing a tax on paintball; but we take the view that, if there is an operation coming to the ACT or basing itself in the ACT, then there must be some benefit to the people of the ACT and the taxpayer. There are at least three major paintball operators who operate around the ACT at places like Michelago and, I think, Gunning. Most of their customers come from the ACT. The business that they bring to those places goes outside the ACT. My advice is that the average turnover of each of those businesses is something in the order of \$200,000 a year. If there are three businesses starting up in the ACT with turnovers of \$200,000 each, that, in my view, is pretty good news. I, for one, welcome it.

3 September 1996

MS HORODNY: I ask a supplementary question. Minister, can you explain how the ACT public can believe that the Government will objectively assess the environmental and social impacts of any applications for lease variations to permit paintball operations on ACT land - for example, the lease variation that has already been applied for in forests on block 601, Majura, next to the motor sports area on Pialligo Avenue - when the Government has already shown itself to be very gung-ho about encouraging this activity?

MR HUMPHRIES: I cannot believe that someone would have sat in this place now for a year and a half and not have read the Land Act when it comes to these sorts of things. It is not a question of whether it is nice to have people running around Black Mountain shooting at each other next to the motorway. There are provisions for lease variations to be dealt with through a proper process, Ms Horodny. I suggest that before you ask me silly questions here you go and look at the provisions already existing which bind me and any other person who might be a Minister in a government as to what they have to do to deal with those sorts of applications to vary leases.

Secondly, in this question we are talking about Forests, which do not have leases over the forests that they operate. They directly operate crown land. The issue of leases does not arise, so the question really is one about what standards the Government imposes on these matters. I have already stated very clearly to this place what the Government's views about those things are. There are very few dangers to native flora or fauna, to the water catchments or to anything else, except perhaps people's pride, by virtue of the operation of paintball in ACT pine forests. With great respect, I would need you to present some sort of argument that there is some danger we have to be alert to. If you can find some danger, we will be alert to it, but so far I have not seen it.

I think it is time to let go of this. We have made a decision about paintball. A lot of people have expressed an interest in applying for the right to operate paintball. It is, I think, something which people take up fairly enthusiastically. It is very hard, even with the best environmental will in the world, to make out a problem from paintball in a pine forest. I cannot see what the problem is. Ms Horodny should accept that that is the way most people want the thing to go and not try to beat up a story out of something which does not exist.

Totalcare Industries Ltd - Buses

MS REILLY: My question is to Mr De Domenico as Minister for government business enterprises. Can you confirm that the Totalcare bus fleet currently realises a profit from operation of its transport business?

MR DE DOMENICO: I can confirm that it does not realise a profit.

Works and Commercial Services - Corporatisation

MS FOLLETT: Mr Speaker, I put a question to Mr De Domenico in his capacity as Minister for Urban Services. Minister, last week you announced that Works and Commercial Services would be corporatised and your justification for that, if I might quote from your press release, was to meet “our commitment to competition policy reforms”. However, Minister, last month you announced that you had repackaged the horticulture and litter pickers in City Services and you had renamed that business operation CityScape. Given that both of these areas will be required to tender competitively for work, can you explain, Minister, why Works and Commercial Services had to be corporatised but CityScape has not been?

MR DE DOMENICO: For the information to Ms Follett, 600 staff will go from the Department of Urban Services to Totalcare. For Ms Follett’s edification, there is one particular union in this town that thought that the Government that did that was a bit wimpish. That was the word. It thought that we should have gone a bit further; that we should have taken a lot more staff out and taken them across to Totalcare. If Ms Follett believes that we should take some more staff away from Urban Services or anywhere else, we will be delighted to look at that.

Ms Follett: I raise a point of order, Mr Speaker. I have expressed no beliefs whatsoever. I have asked the Minister a question relating to the different treatment of two very similar parts of the Government’s administration, and I think he should be asked to answer that or sit down.

MR SPEAKER: There is no point of order. The Minister is answering the question as he sees fit.

MR DE DOMENICO: Mr Speaker, Ms Follett might not like the way I am answering her question. If she does not like the answer, that is a different story.

Ms McRae: If only you were answering the question. Why do you not try answering it?

MR DE DOMENICO: Would you please tell the teacher to sit down, Mr Speaker? She is not going to be the leader of the Labor Party if she keeps interjecting the way she is, although perhaps Ms Reilly might want to be the leader. Who knows?

Ms McRae: Just answer the question. It would really help us all, Mr De Domenico.

MR DE DOMENICO: You will not be leader.

Ms McRae: You do have ministerial responsibilities.

MR SPEAKER: Order! Mr De Domenico, just answer the question. If the Assembly wants a debate on a substantive motion about leadership, it will have one, I am sure.

3 September 1996

MR DE DOMENICO: The Government has decided that a number of business units involving 600 employees are to transfer from DUS to Totalcare. We will also look at any other unit within DUS that needs to be put into competition as well, Ms Follett; but, unlike your Government, we will do it within the consultative process.

Mr Whitecross: You cannot answer the question, can you, Tony?

MR DE DOMENICO: Yes, I can answer the question, Mr Whitecross. As I said, you might not like the answer you will get, but you will get the answer that is the truth and you will get the answer that is the commonsense answer.

We have a commitment to the community to make sure that every dollar of taxpayers' money is spent wisely. What the Government has decided to do with DUS Commercial Services is to do the wise, commonsense thing - transfer it across to Totalcare. Totalcare has increased the number of its jobs by 52 since it was corporatised by the Kaine Government, not by this other lot over here. I say once again that all the workers are pretty happy with what the Government is doing. If we think that CityScape should go across to the same area, we will do that as well.

MS FOLLETT: Mr Speaker, given that that was a total non-answer, I will hazard a supplementary question. Minister, who will be responsible for the payment of any redundancies if there is a loss of business following the untying of government clients at the end of 1997? Do you concede that the timing of the untying of the government clients will mean that the notification of any redundancies will occur, very conveniently, after the 1998 election?

MR SPEAKER: Mr De Domenico, some of that supplementary question was obviously hypothetical. I just ask you to keep that in mind.

MR DE DOMENICO: Members opposite need to be told, once and for all, that this Government had two choices. One was to do what the other Government would have done - nothing. Had the Government - - -

Ms Follett: Mr Speaker - - -

MR DE DOMENICO: You asked your supplementary question. With respect, sit down and listen to the answer. You might not like what you get but you are going to get an answer.

Ms Follett: I have a point of order, Mr Speaker. The question I asked was: Who will pay for the redundancies? It is very specific. I call on the Minister to give a specific response.

MR SPEAKER: The Minister is answering the question as he sees fit.

MR DE DOMENICO: I will answer the question in the way which, with respect, I feel it is fitting to answer the question, as long as it is topical and to the point.

Mr Berry: Mr Speaker, Mr De Domenico just indicated that he was about to breach the standing orders of this Assembly. I hope you would call him to order on the issue of standing order 118(a), which states that an answer “shall be concise and confined to the subject matter of the question”.

Mrs Carnell: It also says that he can answer questions as he sees fit.

Mr Berry: I cannot find that standing order. I have been searching for that one. Which number is that one? Is that one you have made up along the way, Mrs Carnell? It is not as you see fit; it is in accordance with the standing order. Lean on him, Mr Speaker. Squeeze him down to size.

MR DE DOMENICO: You will not have to squeeze any further to get me any lower.

MR SPEAKER: There is a limit to how far the Chair is going to take this matter, I might add. There is no point of order.

MR DE DOMENICO: For the edification of Ms Follett and Mr Berry in particular, the Government gave a quite clear commitment that 600 staff would transfer across and that all staff transferred would maintain existing terms and conditions of employment, including those covered under existing enterprise agreements. That is quite categorical. Any redundancies will be voluntary - - -

Ms Follett: Mr Speaker, I raise a point of order. I simply cannot believe that you allow the Minister to remain so irrelevant. The question I asked is: Who will pay for the redundancies? I am still waiting for an answer. I suggest that, if the Minister is not going to answer that, he sit down.

Mr Kaine: On that point of order, Mr Speaker: I cannot believe that you can allow the Opposition to hassle a Minister so frequently and regularly while he is trying to answer a question that they asked.

MR SPEAKER: There is no point of order from either side of the chamber. As Mr Berry is aware, there is a convention in this place, though there may not be a standing order, that Ministers answer questions as they see fit. I also point out that the Minister will have difficulty in answering a question or a supplementary question if there are constant points of order taken against him.

Ms Follett: He should answer the question.

MR SPEAKER: I would ask members to give Mr De Domenico the opportunity to do so.

Ms Follett: And I would ask you to keep him relevant.

Mr Berry: Mr Speaker, I draw your attention to a further matter which is very specific in the standing orders - that is, that the answer should be concise and confined to the subject matter of the question. If Mr De Domenico cannot answer the question of who pays, he should say nothing.

3 September 1996

MR SPEAKER: That is entirely up to Mr De Domenico. I repeat that Ministers shall answer questions as they see fit.

Ms McRae: But they shall answer them, Mr Speaker, with the emphasis on “answer”, may I point out.

MR DE DOMENICO: Mr Speaker, I suggest that you are the Speaker and not the next Leader of the Opposition over there in the red coat.

Mr Whitecross: This week.

MR DE DOMENICO: Don't you talk about this week. You should read - no, you should not do anything because you are - - -

Ms Follett: Have you got the answer?

MR DE DOMENICO: I have the answer, Ms Follett. Ms Follett talks about redundancies. If Ms Follett had listened to the answer to the question, she would have heard me say that 600 staff members from the Department of Urban Services will be transferred from the Department of Urban Services to Totalcare. No-one will be sacked. That means that 600 will go from one to the other without anyone being sacked. Should any of those 600 decide to accept voluntary redundancies, those voluntary redundancies, as with every other voluntary redundancy in the ACT Public Service, will come out of the central pool. Ms Follett should have known that, because she was once the Chief Minister. She has had about five questions. Give her another one.

Ms Follett: Mr Speaker, I want this on the record - and it is a point of order: Mr De Domenico has not attempted to answer the question which I asked, which related to redundancies following 1997, when the government businesses are untied.

MR SPEAKER: There is no point of order, Ms Follett. Resume your seat.

Ms Follett: Mr Speaker, with respect, if you are going to allow a Minister to give an answer which is completely irrelevant to the question, I think that is a very sad day for this Assembly.

MR SPEAKER: There is no point of order.

Ms Follett: I think there is.

Mr Kaine: Mr Speaker, I have a point of order. You have already ruled that Ms Follett has none. I would draw your attention to standing order 202(a), which I submit the member opposite is guilty of breaching, and, if you like, have a look at standing order 202(e).

MR SPEAKER: I will consider the matter, Mr Kaine. Did you have a question?

Mr Kaine: Yes, I did. I would ask you to rule on my point of order in due course, Mr Speaker.

Proposed Private Hospital

MR KAINE: Mr Speaker, through you, I have a question for the Chief Minister and Minister for Health and Community Care. Chief Minister, I am sure that all of the media releases put out by the Opposition Leader designate, Mr Berry, are indelibly imprinted on your memory and, in particular, you will remember one dated 25 July this year in which he said, in connection with private hospitals:

There is no shortage of private hospital beds in the ACT ...

Further down, in connection with events of six years ago, he said:

There was no demand for extra private beds then and there is none now.

Chief Minister, in light of those comments, would you inform the Assembly as to whether or not there has been any expression of interest in recent times in the development of a new private hospital in the ACT?

MRS CARNELL: Thank you very much, Mr Kaine, for the question. It allows me to continue what we started last week and make Mr Berry look like a fool. I am sorry; I withdraw that. We will make Mr Berry eat his words. Mr Speaker, members will be aware that the ACT Government has sought expressions of interest to develop a new private hospital and a new private psychiatric clinic in the Territory. Advertisements were placed in major daily newspapers throughout Australia on 10 August. The proposal provides for a private hospital to be developed within or adjacent to the Canberra Hospital and will ensure that it makes the best use of co-location with a tertiary teaching hospital. Mr Speaker, this is the same model that has been successfully developed in Sydney - Labor Government Sydney - and in Adelaide. Importantly, the proposal has been designed to ensure that it will not incur any net cost to the taxpayer. I will say that again, Mr Speaker. It will not incur any net cost to the taxpayer.

Why has this Government gone down this path? The only official statistics on private health insurance that we have show that the ACT figures are included in the figures for New South Wales. That means that about a third of the population would have private health insurance. However, anecdotal evidence suggests that the ACT has much higher levels of private health insurance than New South Wales and other States. Currently, many people who have made arrangements for their own health cover cannot take full advantage of the potential benefits from private health insurance in the ACT. Obviously, if, like those opposite, they choose to take private health insurance - - -

Mr Berry: What benefits? A bill? What a great benefit that is!

3 September 1996

MRS CARNELL: We will not talk about who on the other side of the chamber has private health insurance, will we? Some of these people use public hospital services, leading to additional costs to the ACT Government and, of course, to the community itself. May I respond to the line that Mr Kaine quoted from Mr Berry's media release, because I know just how much Mr Berry hates to be wrong. We all know that he really worries about his facts so much, to make sure that what he wants to say is absolutely true before he waxes lyrical. Mr Berry said:

There is no shortage of private hospital beds in the ACT ...

Unfortunately, yet again we have a fact-free zone from Mr Berry. Unfortunately, he must have checked the wrong page when he checked the facts. The facts are that the ACT has significantly fewer private hospital beds than the Australian average. Australia-wide there are about 1.2 private hospital beds per thousand people. In the ACT we have just 0.8 of a bed for every thousand people, or a shortfall of about 120 beds. We also know that about 20 per cent of admissions come from outside the ACT, so that means that the shortfall is probably much greater than the 120.

I would like to further quote from Mr Berry's media release that was issued in July. He said:

This is a tired old plan which fell apart through lack of commercial interest when it was last tried by the then Liberal Health Minister ...

Again, we have a fact-free zone. How quickly Mr Berry forgets the time when he was Health Minister. Mr Berry, do you not remember that it was not actually a lack of commercial interest but a decision that you made to stop the process started by a Liberal government? It had nothing to do with a lack of interest; it had to do with Mr Berry deciding to stop the process. Do you not remember that, after you denied that there had been any commercial interest, an FOI request was submitted which revealed that in fact there were four organisations that were showing a very keen interest in building a private hospital in the ACT? How quickly some people forget or possibly just misread the facts. In July Mr Berry was saying that there was no commercial interest. The fact is that FOI showed that four companies were interested.

Perhaps the most amusing quote from Mr Berry's media release is this one:

There was no demand for extra private beds then and there is none now.

Mr Berry, if there was no demand, why did the Follett Labor Government increase the number of private hospital beds in the ACT by 20 per cent in 1992? That was a decision that I supported because we always supported good ideas. If there was no demand, why in heaven's name did those opposite actually increase the number of beds by 20 per cent only the year before last?

Mr De Domenico: Who did that?

MRS CARNELL: Those opposite.

Mr De Domenico: Who in particular did it? Was it Terry Connolly?

MRS CARNELL: Terry Connolly, but it was supported by all those opposite. If there was no demand, it is very hard to understand why those opposite would have done that. The fact is that that decision has been proven to be a right decision. It shows categorically that there is demand. It has been very successful. Quite simply, Labor's health spokesman has got it wrong again. Lately he has been wrong more times than a broken watch. I suppose that is being a bit nasty to broken watches, because at least they are right twice a day.

MR Kaine: I ask a supplementary question, Mr Speaker. As is often the case when Mr Berry has been flagellated, his agonised cries drowned out some of the answer and I did not quite hear all of it, so I would like the Chief Minister to tell me again just what level of interest there has been in private hospitals in the ACT.

MRS CARNELL: Thank you very much, Mr Kaine. I apologise for not getting to that point or not getting enough time because those opposite were interjecting. Mr Berry has been telling everybody who would care to listen that there is absolutely no commercial interest in private hospital beds in the ACT. Curiously, that is not my advice. That is very interesting. In fact, Mr Berry, there have been 72 requests for documentation - - -

Mr De Domenico: Is that more than none?

MRS CARNELL: That is more than none. There have been 72 requests in three weeks for full documentation - not none, but 72 separate requests for full documentation in just three weeks. So much for no interest!

Residential Development - Campbell

MR MOORE: Mr Speaker, one wonders whether those 72 requests might have come from the same person. No doubt that will be the subject of another question and answer. Mr Speaker, my question is to Mr Humphries as Minister for the Environment, Land and Planning. So that I would not have to identify any individuals, I gave him brief notice of this question. I was briefed by your department on 2 August 1996 with reference to problems associated with renovations of a house in Campbell. During that briefing I was told that the department received a verbal legal opinion suggesting that the owners of the house had a case for compensation through Home Owners Warranty Ltd, a body associated with the HIA, the Housing Industry Association. In spite of my telephoning the departmental officer on several occasions, I still have not received a copy of that written opinion. Now that a month has gone past, can the Minister indicate when we are likely to see this opinion?

3 September 1996

MR HUMPHRIES: I thank Mr Moore for giving me notice of the question. This matter came to my attention only today after he gave notice of it, and I have had a look at the issue. First of all, I am very happy to supply the advice right now. I probably should table it, for the benefit of all members. I will make a copy available to you separately, Mr Moore, so that you can see it. I table that advice. I apologise for the fact that it took so long to come to you. It is my view that, as a rule, if advice is obtained by the Government, it should be made available to members of the Assembly. I understand that there was some mix-up between officers of the Government Solicitor's Office and Planning and Land Management as to whether it was going to be oral or in writing, but it is now available. I am happy to let you see it and use it for the benefit of the constituent who has raised the matter with you. It does raise the issue of how to deal with the problem of seeking compensation from Home Owners Warranty Ltd where the person who in fact was the immediate builder of a house of a particular owner has gone into liquidation and the person who is actually doing the repairs is not the builder but a subcontractor of that builder. There is a real issue there which needs to be explored. I am happy to do that, and I look forward to discussing the implications of that with Mr Moore.

MR MOORE: I have a supplementary question. From my briefing on that issue and being involved in looking after this constituent, it became clear to me that there are inadequacies in the legislation. No doubt your briefing will show that. Are you prepared to look at that legislation, Minister, and deal with the inadequacies as quickly as possible?

MR HUMPHRIES: I have seen this matter only today, as I said, but I think that there are some potential problems with the Building Act. What the Act says is that an owner of a building may apply for compensation through the home owners warranty arrangement. In fact, in this case it is not the owner who is in difficulties; it is a builder, or even a subcontractor of a builder. I think there is some question about whether the legislation is operating appropriately. I am very willing to look for amendments to the legislation. I am happy to discuss the matter with Mr Moore to see what the best form of amendment might be.

Works and Commercial Services - Corporatisation

MR BERRY: My question is directed to the Minister for Industrial Relations, or a little bit of some of Industrial Relations. Mr De Domenico, in your enterprise agreement with unions you give a commitment to consulting with staff and unions before commencing changes of the type announced on Thursday - that is, the corporatisation of Works and Commercial Services. Will you now concede that, because of your buffoonery and failure to address those requirements, your inactions have led to industrial unrest with the unions involved?

MR DE DOMENICO: Mr Speaker, the simple short answer to Mr Berry's insinuation is no. I do not concede anything of the sort. For Mr Berry's information, it is the obligation of the Government, as the owner of Totalcare and with executive responsibility for Urban Services, to make decisions on the future of the enterprises. The Government will meet all its obligations under the enterprise bargaining agreements, including those

in respect of wages and conditions. We have four months to complete the consultation process. We clearly recognise our obligations under the EBA to consult with the unions about the proposal and agree to a consultation process. All unions were advised last Thursday that a formal meeting of the Urban Services single bargaining unit is to be held on Friday, 6 September 1996. That is this coming Friday. This is the formal process under the EBA. In other words, what the EBA said we should do we are doing.

They were also advised of our timetable for consultation over the next few months. The CFMEU put out a press release last week saying that all the responsibilities would go from DAS to Totalcare at 5 o'clock on Thursday night. That was the press release from the CFMEU. At 5 o'clock that night everything was going to happen.

Ms McRae: Had you told them any different?

MR DE DOMENICO: Ms McRae sticks her nose in where she should not be sticking it. Yes, we told them that this was going to happen on 1 January 1997.

Ms McRae: When did you tell them - on Friday? You told them on Friday.

MR DE DOMENICO: No, Ms McRae. You are wrong again, Ms McRae. You have a touch of the Berrys. Every worker was given a piece of paper on Thursday that said, "Any transfer will occur from 1 January 1997". What did the CFMEU do? Did they bother to read the piece of paper? No; they went away from the meeting and issued a press release that said two things. It said that workers had the potential to lose \$4,000 a year, which was wrong for a start, and that the transfer was going to occur at 5 o'clock on Thursday night. This is from the same union that was up there on the hill two or three weeks ago plundering after smashing through the door at Parliament House. What credibility - - -

Mr Berry: Why do you not go and say it outside, Tony? Say it outside if you have any real guts.

MR DE DOMENICO: I do not need to say it outside. Mr Pyner has admitted to the fact that he was involved in that demonstration, so I do not have to say anything outside. You should not come in here and be the protagonist, the supporter, of the union that is prepared to do that. What happened two weeks ago, Mr Berry, was unAustralian. What was done on Thursday by the same union was unAustralian, Mr Berry, because that union lied to its members.

I think "industrial turmoil" were the words Mr Berry used. About 20 members of the CFMEU decided to go on strike on Thursday night. Mind you, they went on strike at 10 to 4 - they are supposed to finish at 4 o'clock - but they all went back again the next day when they actually read the piece of paper which was handed to them and which said, I repeat, that there would be no changes in the EBA; that 600 workers would go from DAS to Totalcare on 1 January 1997, following nearly five months of consultation which began last Thursday with the unions in accordance with our obligations under the EBA.

3 September 1996

What this Government promises we deliver. We deliver it on time. We also get off our hands. I repeat, although it hurts the people opposite, that for us to have done nothing would have meant a loss of jobs. Ms Follett's question before asked, "What is going to happen in 1997 or 1998 or in the future?". There will be no job losses, Mr Speaker. Six hundred people will go from DAS to Totalcare. Any redundancies will be voluntary. Any voluntary redundancies will be paid for out of the pool. I am very confident that after we have transferred the staff across to Totalcare after 1 January 1997, and once those staff members can be competitive with the private sector, there may be an opportunity of increasing the job numbers, as Totalcare has done since it was corporatised.

MR BERRY: I would like to ask a supplementary question. Does the Minister believe that telling a group of workers and their unions one day that something is going to happen and then offering to consult with them afterwards is quality consultation and is in accordance with good industrial practice?

MR DE DOMENICO: I am happy to answer that, Mr Speaker. This Government, as I said, went to the electorate at the end of 1994 and the beginning of 1995 with a clear mandate and a clear policy. That policy was that we supported competition; we supported national competition policy; we supported the corporatisation of all those areas where the taxpayers' dollar could be better spent. The community voted accordingly - 42 per cent for us in comparison to 30 per cent for that lot opposite. That would suggest that what we were doing was perhaps correct. It might not be the view of a lot of people in this Assembly, but that was what we went out with. The four-month consultation process between now and 1 January is pretty good. Last but not least, this Government will never make a decision based on whether the CFMEU agrees with it or not. I am suggesting to Mr Berry that you could fit the number of people in this town who would agree with the CFMEU in a phone box.

Mental Health Expenditure

MS TUCKER: My question is for Mrs Carnell as Minister for Health. In last year's budget \$400,000 was earmarked for implementation of the national mental health strategy. At that time there was some confusion because it looked as though it was ACT money but apparently it was Commonwealth money. Could you clarify that the ACT did receive this money from the Commonwealth, as you indicated in the budget? Can you tell me whether it has all been spent, and can you give me and the Assembly details of when and how it was spent?

MRS CARNELL: I am very happy to. That is what the estimates procedures are actually about. The financial year has finished, and the amount of money that was given to us by the Commonwealth for the last financial year, on the whole, forgetting about rollovers - and I am not confident that there are any rollovers, but I will certainly find out - had to be spent last financial year. My understanding is that the budget for mental health, as in most parts of health, was marginally overspent last year. It certainly was not underspent. When we get into the full process of looking at annual reports and so on in the estimates procedures, you will have an opportunity to go through all of those issues.

MS TUCKER: I ask a supplementary question. I am well aware of the estimates procedures, Mrs Carnell. The point is that there has been a problem for some community groups trying to access these funds. They were curious to know where you had been spending the money. The community was given the impression that it was going to community projects. That is why there is an interest to know, before we get to the end of the year, whether you have spent it and where it was spent.

MRS CARNELL: Was that a question, Mr Speaker?

MR SPEAKER: I took it rather as a statement.

Ms Tucker: I would like to know, before the estimates proceedings, where it was spent. The question stands. Can we see how it was spent?

MRS CARNELL: I am sorry; I need some clarification, Mr Speaker. What was spent? The money from the Federal Government? Is that what you are after?

Ms Tucker: Yes.

MRS CARNELL: No trouble.

Liquor Trading Hours

MR OSBORNE: My question is to the Attorney-General, Mr Humphries. It is about the beginning of the 4.00 am liquor trial last weekend. Could you inform this Assembly, just generally, how the first weekend with the restricted liquor trading hours in place went? How was it received by the police? Did they have any major problems with people spilling out onto the streets? Could you also confirm or deny claims made by some licensees that people had to wait for an hour and a half for a taxi?

MR HUMPHRIES: Mr Speaker, I thank Mr Osborne for that timely question. I will take the second part of it first. I am not exactly sure who was telling us that it was an hour and a half. I saw Mr McCoy of the Australian Hotels Association, a person who would be well known and little loved by Mr Osborne perhaps, saying that customers of his were waiting for an hour and a half for a taxi and that it was outrageous. Unfortunately, he had forgotten to tell his offside, Mr Ken Smith, also of the AHA, who said on the other channel that waiting times were around 15 minutes. They need to get their stories straight, I suspect, before they know what they are doing.

Mr Speaker, my reports on what happened on the weekend were much better than what Mr McCoy supplied to the media. Police and liquor licensing inspectors were out in numbers, as you might expect. A member of my staff was out also. They reported that compliance on the first weekend was quite good. Most licensees in Civic, Manuka and Belconnen did close very soon after 4.00 am. There were two exceptions.

3 September 1996

Heaven Nite Club in Civic continued trading but did not sell any alcohol, which of course is an option under the legislation. The Avenue in Civic closed right on the dot of 4.00 am and basically pushed its customers out into the street - not very good PR, I would have thought; nonetheless, that was what they did. For the most part, the action of licensees was pretty responsible. There was not any evidence that my staff or my officers reported of binge drinking or multiple purchasing before 4.00 am. It appeared that people handled that in a fairly mature and well-organised way. There were a few problems with law and order around the place. These related mainly to intoxicated people leaving nightclubs and urinating on shopwindows and in bus shelters - the usual sorts of problems.

Mr Wood: This was all about stopping that. It does not seem to have been too successful.

MR HUMPHRIES: Let me make it clear. I am not going to stamp out urination on bus shelters and shopwindows. Much as I would like to be able to do so, Mr Wood, I do not guarantee that I will do that - that is, that I will stamp it out, not that I will not do it myself.

Mr De Domenico: Why not?

MR HUMPHRIES: I guarantee that as well, but let me say that these sorts of things will go on, Mr Speaker. Drunks will be drunks, to use a phrase I have just made up. Let me say also that - - -

Ms McRae: And boys will be boys. Girls do not do it.

MR HUMPHRIES: I will accept the wisdom - very little of it these days - coming from the opposite bench that girls do not do it. I will take that as read. There will be some of that going on, but I am hopeful that the level of problem will diminish as a result of this trial. Indeed, the evidence available to me from the police and liquor licensing inspectors is that the problems usually associated with Civic at any time between midnight and 7.00 am were fewer over this weekend than they have been on previous occasions. It is early days yet, I concede. There are many things yet to happen and we are yet to get to the summer months.

I understand that the level of problem was not very serious. Aerial Taxis reported to police at around 6.00 am that they had had few problems and waiting times were less than they had expected. They reorganised their shift change so that everyone was on the road on the dot of 4 o'clock. In fact, there were 270 cars available on the road. By 5 o'clock there were taxis galore and nobody waiting for them.

MR OSBORNE: Thank you, Mr Humphries. Minister, are you aware of the proposal by the New South Wales Labor Gaming and Racing Minister, Richard Face, to have a 2.00 am close for liquor licensed premises in New South Wales?

Mr De Domenico: Not a Labor person!

MR OSBORNE: A Labor one.

MR HUMPHRIES: We thought we had captured the dangerous radical prize here, but it seems that others are vying for that title. I am aware that the New South Wales Minister for Racing and Gaming, Mr Face, only last weekend - very well timed, I would have thought - foreshadowed a 2.00 am closing time. I want to quote what he had to say. This is what the Labor Minister for Racing and Gaming in New South Wales had to say:

While it is well known that the association between alcohol and violence is complex, it appears that one common denominator is late trading and the behaviour of people leaving premises in the early hours of the morning which can cause havoc in local streets. This behaviour includes vandalism to private property, the breaking of shop windows, excessive noise and other sorts of unsavoury behaviour that people living near such premises should not have to put up with.

Where do they get this sort of view, Mr Whitecross? I wonder. Where do they find this rubbish? Could it be that there is a Liberal in the New South Wales Labor Cabinet? Could there be a Liberal masquerading in the New South Wales Labor Cabinet?

It really is a telling indicator of how out of touch those people opposite are that day in and day out they can be negative about positive proposals that even the sole Labor Government in this country is prepared to embrace. These people opposite are so detached from reality, so out of touch with what people in this community are thinking and wanting, that they say, "No. We must continue to allow 24-hour trading, because that is what we have always supported and we will never change". The policy-free zone, the fact-free zone, strikes again. I think that what New South Wales is looking at - what we are now trialling - has to be seriously considered if we are to deal with the problems that those opposite for too long have ignored.

Works and Commercial Services - Corporatisation

MS McRAE: My question is to Mr De Domenico in his capacity as Minister for Urban Services. Given the significance and, as you claim, importance as well as the complexities and the range of unanswered questions in regard to the transferring of Works and Commercial Services to Totalcare, Mr De Domenico, will you not now concede that, in keeping with the tenets of parliamentary democracy, you should have given a considered and detailed ministerial statement on the matter, outlining exactly what you intended to do, as the people of the ACT would expect?

MR DE DOMENICO: The answer to that is no. As we have to under the EBA, we have said, "On 1 January 1997 this Government intends to do a certain thing. However, in line with the EBA, let us now have nearly five months of consultation with the relevant staff members and say, 'Under those circumstances we will now talk to you and see how best to do that' ". We also have an obligation to do that sort of thing under the national competition policy. That competition policy, for Ms McRae's edification,

3 September 1996

was agreed to by Ms Follett when she was Chief Minister of the ACT. That runs this way: Unless we do what we have agreed to do, we do not get any money from the Federal Government. That would have been so under the former Labor Government or under this current Liberal Government.

Having taken that first step, we then said, "Let us go and talk to the workers and say, 'What it would mean is this: The current EBA will be adhered to. Six hundred workers will go from DUS to Totalcare. There will be no loss of salary, no loss of conditions. All redundancies, if any, will be voluntary redundancies funded out of a central pool' ". Most of the workers have said, "Yes, we are pretty calm about that". Some unions met with Mrs Carnell on Friday to say, "Yes, we are pretty calm about that. It is not a problem. We are pretty calm".

Mr Whitecross: Some unions.

MR DE DOMENICO: Three of the unions. Another union went as far as saying that we are wimps, moaners, groaners and a pack of left-wing so-and-sos because we did not go further. We said, "Now, hold on a tick. We get beaten about the head sometimes when we outsource. This time we are insourcing". No-one will lose any salary and conditions. There will be no sackings. The majority of the people affected are in accord. One union decided to misinform its members. That is for that union to sort out between its members and itself. I cannot see how nearly five months of consultation prior to something happening is not exactly what all governments ought to do and a fair go. It is certainly more than those opposite did when they were in government.

MS McRAE: Minister, can you confirm that, although you chose not to tell your parliamentary colleagues, the workers, the unions or the community about the changes to Works and Commercial Services and Totalcare, you did background a senior journalist from the *Canberra Times* and that that reflects your Government's attitude - - -

Mr Kaine: On a point of order, Mr Speaker: Is this a supplementary question or a political statement?

MR SPEAKER: It is a supplementary question.

MS McRAE: I will start it again. Can you confirm that, although you chose not to tell workers, your parliamentary colleagues, unions or the community about the changes to Works and Commercial Services and Totalcare, you did background a senior journalist from the *Canberra Times* and that that reflects your attitude and that of the Carnell Government that a good media story is more important than good government and proper consultation?

MR DE DOMENICO: Mr Speaker, I am delighted to answer that supplementary question. As Mr Kaine said, Ms McRae, not satisfied with the shellacking that Labor got last week and today, comes back for more. She is like one of those rubber ducks, with sand in the bottom. You punch it in the nose and it keeps coming back at you, so you keep hitting it.

Ms McRae: Why do you not answer the question? Try answering a question. That would be novel.

MR DE DOMENICO: I will answer your question, Ms McRae. As you should know, not one Minister, whether it be the Chief Minister or the Deputy Chief Minister or another Minister, makes a decision without going to Cabinet. Before decisions are made, Cabinet agrees or disagrees. Some Ministers win out; some Ministers do not win out. That is point No. 1. Ms McRae, had you spoken to your leader this week and perhaps feather duster next week, Mr Whitecross, you would have known that I gave Mr Whitecross a briefing on Thursday afternoon as well. Is that correct?

Mr Whitecross: You gave me the piece of paper you gave to the unions.

MR DE DOMENICO: Not only did we talk to the workers, not only did we talk to the unions, not only did we talk to four Cabinet Ministers; we also talked to Mr Whitecross. For Ms McRae's edification, I did not brief any member of the media.

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

PERSONAL EXPLANATION

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

MR SPEAKER: Proceed, Mr Berry.

MR BERRY: Mr Speaker, I was misrepresented by both Mrs Carnell and Mr De Domenico during question time in an outrageous and misleading way. The first issue I will take up with you, Mr Speaker, is the bus services in Belconnen. Mr De Domenico acted as if there were no proposals afoot to cut services from eight suburbs to the suburb of Kippax.

Mrs Carnell: Mr Speaker, I raise a point of order. Mr Berry cannot debate the issue.

MR SPEAKER: I am listening very carefully.

MR BERRY: I am not debating it. Mr De Domenico accused me of making a baseless claim and of scaremongering. I take that seriously. A document prepared by ACTION sets out clearly that it was the Government's intention to strike out bus services from Charnwood, Flynn, Fraser, Melba, Scullin, Hawker, Weetangera and Cook - eight suburbs.

Mrs Carnell: Mr Speaker, I raise a point of order. As I understand it, standing order 46 requires an explanation to be of a personal nature. Unless buses are personal or timetables are personal, then Mr Berry's explanation is not of a personal nature.

3 September 1996

MR BERRY: Cut it out. I have been misrepresented, Mr Speaker. My claims were based on this document. Therefore, for the Government and for Mr De Domenico to say that this is without basis is outrageously misleading. So, Mr Speaker, let me go on.

MR SPEAKER: I will allow it because you are coming back. You are explaining the personal nature, using the information that you - - -

MR BERRY: Indeed. Mr Speaker, I was approached by constituents in the Belconnen area, aged persons from a group of public housing residents at Collingrove Court in Scullin, about the removal of their bus service.

Mr De Domenico: What removal? There is no removal of any bus service.

MR SPEAKER: Just a moment.

MR BERRY: Mr Speaker, I hear Mr De Domenico interject and say, "There is no removal". Let me read from the document which I will table shortly for members' edification:

The proposed routes reduce the number of services to Kippax from six ... to four ...

Route 409, of course, was to be changed so that these aged persons would not be able to catch a bus outside their aged persons units and, according to this proposal, would not have access to a bus to the Kippax centre, where many of them have to go for services - - -

MR SPEAKER: Be careful that you do not start debating the issue, Mr Berry.

MR BERRY: Indeed. I am just reporting the facts as they were reported to me, Mr Speaker.

MR SPEAKER: Upon which you acted; is that correct?

MR BERRY: Upon which I acted. To accuse me of misrepresenting the facts is a bit thin. The fact of the matter is that there is a written proposal from ACTION which sets out the deletion of services to Kippax. Because of concomitant damage to businesses at the Kippax centre, shopkeepers have expressed concern to me. As a representative of those constituents, I believe I am entitled to make claims on their behalf on the basis of written information from a government source, that is, ACTION. ACTION clearly said that it was their intention to reduce services to Kippax. For Mr De Domenico to climb to his feet in this place and say that I have acted improperly by referring to a government-sourced document and by reacting to angry constituents who are concerned about the loss of their buses is over the top. Mr Speaker, this Government has been shown up - - -

MR SPEAKER: Order! I cannot allow that to continue.

MR BERRY: Okay; I withdraw that. Mr Speaker - - -

MR SPEAKER: This is a personal explanation, Mr Berry.

MR BERRY: Indeed. Mr Speaker, I have drawn this matter to the attention of the media for good reason. I believe that the only way we can save those services on behalf of those constituents is to put pressure on the Government about the proposed service reductions. For this Government to climb to its feet - - -

Mr De Domenico: It was a fait accompli, according to you.

MR BERRY: I am glad to see that they are changing their mind.

Mr De Domenico: We have not changed anything, Mr Speaker.

MR BERRY: Mr De Domenico says that he has not changed his mind. Which is it? The second issue, Mr Speaker - - -

Mr Humphries: I raise a point of order, Mr Speaker. This is ranging way beyond a personal explanation. Mr Berry is debating the matter. Standing order 46 says that matters will not be debated. That is what he is doing.

MR SPEAKER: That is correct.

MR BERRY: And they are not being debated. Mr Speaker, the second issue upon which I was misrepresented was a - - -

MR SPEAKER: You are now making an explanation of a personal nature but not debating.

MR BERRY: Indeed. I take seriously my commitment to the public hospital system, and so do my constituents. I feel entitled at any time to criticise a government on behalf of my constituents if there - - -

Mrs Carnell: Mr Speaker, under standing order 46 this is not a personal explanation.

MR SPEAKER: We are drifting away. Leave your constituents out of it, Mr Berry. This is a personal explanation.

MR BERRY: Mrs Carnell made certain untrue claims about a press release that I - - -

MR SPEAKER: Order! That has to be withdrawn.

MR BERRY: I withdraw that if it would suit - - -

Mr Kaine: On a point of order, Mr Speaker: I believe that the member ought to be told to sit down. He has not made any personal explanation so far. He is misusing this Assembly and misusing the rules.

3 September 1996

MR SPEAKER: I am fast running out of patience, Mr Berry. You have been here long enough to know what a personal explanation under standing order 46 is. Would you please make it.

MR BERRY: Mr Speaker, I think I am probably further ahead than most in this place in my understanding of what a personal explanation is. Mr Speaker, I was misrepresented by Mrs Carnell when she claimed that I had made certain untrue statements about private hospitals in the ACT. She referred specifically to a press release which I will table in due course, along with the other document which I promised to table.

Mrs Carnell: Mr Speaker, this is debating the issue.

MR SPEAKER: Yes. I am still waiting.

MR BERRY: Mrs Carnell referred to a part in my personal press release.

MR SPEAKER: Keep going.

MR BERRY: It says:

There is no shortage of private hospital beds in the ACT and Mrs Carnell plans to keep the squeeze on our public system to force more and more people into the expensive private sector.

That is true.

Mr Humphries: Mr Speaker, I raise a point of order. Mr Berry is quoting a part of his release which neither Mrs Carnell nor Mr Kaine, who asked her the question, quoted. Mr Berry is using standing order 46 to read into the record assertions in a debate which were not made in the course of the issue referred to in his personal explanation. He should be made to sit down or he should be named.

MR SPEAKER: I uphold Mr Humphries's point of order. What was quoted there was certainly not quoted by Mrs Carnell.

MR BERRY: Mrs Carnell said:

There is no shortage of private beds in the ACT ...

That is what she said. She did quote that.

Mr De Domenico: Mr Speaker, on a point of order: I assume that you stand by your ruling. If you stand by your ruling, Mr Speaker, you should ask Mr Berry to sit down or you should name him.

MR BERRY: She also said:

There was no demand for extra private beds then and there is none now.

She used that as a quote. She set out then to prove - - -

Mr Hird: Mr Speaker, I raise a point of order.

MR BERRY: She set out then to use a false set of figures.

MR SPEAKER: This is getting out of hand.

Mr Hird: Mr Speaker, I draw your attention to standing order 39.

MR BERRY: I want to make my personal explanation, Mr Speaker.

MR SPEAKER: Make your personal explanation or resume your seat, Mr Berry.

MR BERRY: Mr Speaker, I have been misrepresented by Mrs Carnell.

Mr Hird: Mr Speaker, I raise a point of order under standing order 39 and standing order 202(b).

MR BERRY: Mrs Carnell has misrepresented me by claiming that that was an incorrect claim. Mr Speaker, she referred to - - -

MR SPEAKER: You have finished your personal explanation. Resume your seat.

MR BERRY: No, I have not.

MR SPEAKER: You have, as far as I am concerned. You have said that you - - -

Mr Kaine: Mr Speaker, in connection with the point made by Mr Berry, I seek leave to table the media release concerned and to have it incorporated in *Hansard*.

Leave granted.

Document incorporated at Appendix 1.

MR BERRY: Thank you. That will save me the trouble. Mr Speaker, I also seek leave to include a document described as "Review of Belconnen services", which sets out the cuts to the Kippax services.

Leave granted.

3 September 1996

Mr De Domenico: Incorporate that in *Hansard*.

MR BERRY: I seek leave to incorporate that in *Hansard*.

Leave granted.

Document incorporated at Appendix 2.

CANBERRA HOSPITAL EMERGENCY DEPARTMENT Ministerial Statement

MRS CARNELL (Chief Minister and Minister for Health and Community Care): I seek leave of the Assembly to make a ministerial statement on the Canberra Hospital Emergency Department.

Leave granted.

Ms McRae: Can you not just table it?

MRS CARNELL: No, I cannot, because it is actually really important.

Ms McRae: Go on with you!

MRS CARNELL: No; it is very important.

MR SPEAKER: Order! Proceed, Chief Minister.

MRS CARNELL: Mr Speaker, I am pleased to report on the outstanding performance of the Emergency Department of the Canberra Hospital over the last year. Fundamental to the successful performance of the public hospital system is its ability to deal with emergencies. While much public focus is on waiting times for elective surgery, the real bread and butter for public hospital care is timely access to emergency treatment. In this area the Canberra Hospital Emergency Department can boast a real success story. More than 48,000 patients presented to the Emergency Department at the Canberra Hospital during the 1995-96 financial year. This represents an increase of more than 12 per cent in occasions of service compared to the previous financial year, 1994-95. An example of this is September 1995, which saw a substantial rise in occasions of service in the department, by 16.5 per cent, compared to the same month in 1994.

The Emergency Department now has a full complement of staff specialists, working as a team, and this enables the efficient functioning and training of all medical staff within the department. There are three full-time fully-qualified emergency physicians, who hold fellowship of the Australasian College for Emergency Medicine, which is the recognised postgraduate specialist qualification. In addition, there is a dedicated full-time paediatrician, who holds a fellowship of the Royal Australasian College of Physicians

in paediatrics and supervises the management and care of the paediatric population, which comprises about 28.5 per cent of the total number of patients. With this complement of staff specialists it is possible to provide on-floor supervision by a staff specialist Monday to Friday from 8.00 am to 6.00 pm, and two days a week until 10.00 pm.

Regular teaching sessions are held for junior medical officers. The specialists provide motivation and assistance to a large number of trainees, who are keen to increase their knowledge and skills in emergency medicine. There are now 12 registrars undertaking this training at the Canberra Hospital - the most there has ever been. An efficient and highly successful training program for the fellowship of the Australasian College for Emergency Medicine is conducted in the department. This is reflected in the success of a registrar, Dr Glenn Arendts, who has shown his dedication and diligence by achieving the highest marks in Australasia in the emergency medicine primary examination. This success was mirrored by Dr James Fergusson, who has worked extensively in the Emergency Department. Dr Fergusson achieved the highest mark in Australasia in the surgical primary examination.

These examinations are recognised as very difficult. It is, therefore, quite extraordinary - possibly the first time ever in Australia - that we have two doctors in the one emergency department who have achieved such outstanding results. For a hospital the size of the Canberra Hospital to have two members of its medical staff achieve this level of success is an outstanding result and one of which we should all be extremely proud. This type of success will emphasise the focus on the Canberra Hospital as a training facility for emergency medicine and is confirmed by the recent success of a senior registrar, Dr Paul Cullen, who has been successful in the fellowship examination. The Canberra community at large will benefit from having a centre of excellence such as this, as it will attract high-quality doctors from all over the country, which in turn will offer continuing improvement in the quality of health care provided.

To improve cooperation between the medical staff of the Emergency Department and the divisions of surgery and medicine, regular weekly meetings between senior staff were commenced early in 1996. These meetings have proved to be very valuable and very successful, Mr Speaker. A welcome rapport has developed which enables multidisciplinary issues to be discussed and solutions to be found quickly and efficiently. This increased communication can only serve to improve patient outcomes in the department and the overall quality of patient care. Liaison with the divisions of psychiatry, paediatrics, and obstetrics and gynaecology has also increased.

The commitment made by the nursing staff towards the efficient running of the Emergency Department cannot be overlooked. Fifty per cent of the nursing staff hold a trauma nursing, critical care or emergency nursing certificate. Twenty-five per cent of nurses hold more than one certificate. The Canberra Hospital is one of the few institutions in the country that have such a high percentage of these qualifications, which makes it possibly the best qualified emergency department in Australia.

3 September 1996

Nursing staff receive in-house training three times a week to ensure that their high levels of clinical skills are maintained. The Emergency Department is the only critical care area that has a waiting list of nurses requesting to work in the area. This attests to the high morale and good reputation of the unit under the leadership of Dr Sashi Kumar and clinical nurse consultant Isabel Harvey. The morale of the Emergency Department and the interaction between the medical and nursing staffs are at an all-time high.

Emergency departments are often the target of complaints about the length of waiting time and the service provided, and they often receive media attention in this regard. Diligence and teamwork by the Emergency Department staff have contributed to an increased throughput of patients without increased complaints. Analysis of the complaint-commendation ratio relating to the Canberra Hospital Emergency Department shows that there were only 26 complaints in the first six months of 1996. To put this in context, with the number of occasions of service for this period close to 26,000, this equates to one complaint per thousand patients treated, which is not a lot of complaints, as I am sure everybody would attest to. I am pleased to say that the complaints are outnumbered by written compliments, which for the same period were 36.

The Canberra community quite rightly demands the best possible patient care, while expecting the shortest possible waiting times. Many patients who attend the Emergency Department have minor conditions or illnesses. Although these patients are cared for as carefully as more serious cases, they could be treated more quickly if they went to a general practitioner in the community. To reinforce this information, a video on the role of the Emergency Department is shown regularly in the waiting area to help those people waiting for treatment to understand the priority which must be given to more acutely ill patients. Pamphlets on related issues, such as *You Need Your Own Doctor* and *Is It a Real Emergency?*, are always available in the waiting area and are brought to the attention of appropriate patients. By educating and encouraging the community in this manner, many people could avoid the delays in the Emergency Department, and this could reduce situations which lead to the most common complaint - of waiting for long periods.

The Emergency Department triage system classifies patients into five categories. Categories 1, 2 and 3 are priority cases. Categories 4 and 5 are medical conditions which could be managed by a local general practitioner and/or referred to the Emergency Department, if required, after seeing a GP. This system guarantees the highest priority and an increased level of care for those patients with the most urgent needs, while ensuring that patients of any other priority also receive the best possible care.

Mr Speaker, it is a pleasure to advise that the Emergency Department at the Canberra Hospital boasts excellent emergency medical care. The outstanding staff, the level of training and qualification of those staff, and the excellent standard of care that all patients receive certainly compare favourably with those of any other emergency department in the country. I am really pleased, Mr Speaker, to be able to stand up here today and speak about an area of our health system which is operating extremely well and where the morale is very high. We are very fortunate to have this outstanding department, staffed by professionals of the highest calibre, caring for the people of Canberra.

I am sure that everybody in this Assembly will join with me in thanking the staff for the wonderful job that they do in our Emergency Department. I present the following paper:

Canberra Hospital Emergency Department - ministerial statement,
3 September 1996.

I move:

That the Assembly takes note of the paper.

MR BERRY (3.57): Mr Speaker, no doubt emergency departments, and in particular the Emergency Department at Canberra Hospital, still well known as "Woden Valley Hospital" - the expensively renamed "Canberra Hospital" - fulfil an important role for the community. I know from my own experience that they are a bunch of dedicated people and that it is a pressure department.

Mrs Carnell: Then why do you bag them all the time?

MR BERRY: Mrs Carnell interjects, "Why do you bag them all the time?". I do not bag the staff. Mrs Carnell knows whom I bag. It is the Liberal Government and its philosophies in relation to health that get it from me.

Mr Speaker, the people from the Emergency Department are often the first contact with emergencies. They have a very difficult job, and it is one which they are to be congratulated for performing. A good emergency department is underpinned by a good hospital system - that is where the problems start to arise - and a good community care system as well. Who can forget the recent report, the one that we heard about - who knows what we did not hear about? - which described the hospital as being on emergency bypass? It could not receive emergency patients and it had to refer people to hospitals as far away as Wagga.

Mrs Carnell: No. We took all emergency patients from within the ACT.

MR BERRY: Mr Speaker, Mrs Carnell interjects, "We took all the emergency patients from the ACT". So, other emergency patients, who would normally expect to come to this hospital, would have been diverted to hospitals miles and miles away and their lives could have been put at risk. That was because the hospital was on emergency bypass and could not take emergency patients. Do you know why it was on emergency bypass, Mr Speaker? I heard from a rattled staff member who explained the situation to me. This was before we pulled the information out of Mrs Carnell, like pulling a tooth. Mrs Carnell does not volunteer these sorts of things; you have to get the information out of the bag of secrets.

This rattled staff member described the situation in terms like this: "ICU and CCU" - that is, the intensive care unit and the cardiology care unit - "are full. There is somebody with chest pains on a trolley down there under observation in the Emergency Department, and Mrs Carnell seems interested only in dealing with elective surgery waiting lists. She has lost interest in the emergency side of it". That was the position that was put to me.

3 September 1996

Mr De Domenico: Did you believe that?

MR BERRY: I believe it. Mr Speaker, it is very serious to have that situation develop in our hospital system, where the good workers in the Emergency Department have their style cramped because of insufficient resources within the system. People might ask, "How are we going to fix that?". If Mrs Carnell were one to stick to her promises - we all know that she is not - perhaps extra services would have been provided in the intensive care unit or the cardiology care unit in order that it would not choke up. Mr Speaker, I do not know how many times this has happened; but this is a serious issue for the hospital system. So, we have that situation.

Now we move on to the important issue of community care. Mrs Carnell has been out there, trying to create an artificial disincentive for people to go to an accident and emergency department. She is saying, "Do not come here if you are not really sick or your case is not an emergency. You should go off to your GP. Rush off to your GP". I must say that that was sensible under a Labor regime, because we had out there a long list of bulk-billing salaried medical officers who could treat people - - -

Mrs Carnell: You had 12.

MR BERRY: Twelve; that is a long list - 12 community medical practitioners who bulk-billed patients, and they received free services. Mrs Carnell seems to think that, if you cut out a service, those requiring the service will just go away. Mr Speaker, the people who cannot afford to pay the extra fees that some GPs charge are entitled to think that they can front up at the hospital and get care which they believe to be in their best interests. They are entitled to believe that their Chief Minister and Health Minister would not be critical of them for doing that. That is the situation. Their Chief Minister and Health Minister expects them not to come to the hospital. She would prefer them to go somewhere else. She would prefer them to go to a GP, even if they have to pay extra.

I repeat: If you take away an important community service - that is, bulk-billing salaried medical officers - the people whom they normally treat have to have somewhere else to go. So, Mr Speaker, in emergencies, I expect that they will go to the hospital system, and they should be encouraged to do so in their own interests. On my last calculation, the ACT has the lowest rate of bulk-billing doctors in Australia. So, when a cruel Chief Minister, an uncaring Health Minister, takes out an important sector of the delivery of health services in Australia, what do you expect? Of course, some of them will end up in accident and emergency. In a perfect world, where there are alternatives to accident and emergency, it may be better if they do not turn up there; but they will now, and they have to be treated properly.

Mr Speaker, I think I have touched on all the issues of importance. Yes, the Emergency Department is an important part of our hospital system. Yes, the people that work in it are dedicated people and provide a quality service, within the limitations of government funding and the resources within the hospital system. That brings me to the hospital system, Mr Speaker. The budget blow-out - - -

Mr De Domenico: You did a quadrella, though, Wayne, four years in a row - one, two, three, four.

MR BERRY: I am glad that Mr De Domenico interjects and describes the years of Labor when it comes to hospital finances. Repeatedly, Labor governments increased the control over financial management in the hospital system to a point where we balanced the budget. Mrs Carnell took us back to before self-government with the biggest budget blow-out ever, twice as big as that of the one who had the championship belt before her - Mr Humphries. So, Mr Speaker, Mrs Carnell is the worst Health Minister ever. She has cut more health services to the community and has had the biggest budget blow-outs. Mrs Carnell was the one that said, "We will take \$30m off the cost of health". Not only does she miss out on that promise, but she delivers us a bill for an extra \$20m. What a great example for a Chief Minister!

All the others sit over there defending her. How do you feel when the money comes out of Urban Services and your programs are cut because of Mrs Carnell's budget blow-out? Do you like that? No; but you just cop it sweet, because you are not game to do anything about it. You just do not have the courage to do anything about it. Whatever the Chief Minister wants to waste in Health, you will cop it, because you are too weak to defend your constituents out in the community. I am referring to Mr Squiggles over there and Helicopter Humphries. So, we have a hospital system for which Mrs Carnell promised to pull \$30m off the cost; but instead she added \$20m. We have a community health care system which was ravaged by Mrs Carnell when she removed those bulk-billing doctors. Thousands of people out there in the ACT will remember her for that cruel act.

Mrs Carnell: It is nasty spending money on patients instead of doctors' salaries, is it not?

MR BERRY: This just shows you how far off the beam she is. Mrs Carnell says, "It is nasty spending money on patients instead of spending it on doctors' salaries".

Mrs Carnell: Where do you think we spend it?

MR BERRY: Mr Speaker, Mrs Carnell should at least understand her portfolio before she comes in here interjecting. She knows that the money for the doctors' salaries came from the Commonwealth and we collected it through the bulk-billing arrangements. So, do not give me that, Mrs Carnell. You are not fooling any of us.

The fact of the matter is, Mr Speaker, that we have a hospital system which is being grossly mismanaged because Mrs Carnell is not able to control it. She has to guarantee that those important support services which the people in the Emergency Department need are available at all times; otherwise, we will face again and again the situation where the hospital is unable to take emergency patients. The important thing so far as a health system and a hospital system are concerned is that the community are happy. The community are not happy with this hospital system because they are worried about its ability to take emergency patients. They are worried about Mrs Carnell's slash-and-burn approach to community health care. They know that she has closed down and slashed and burnt in the community - - -

3 September 1996

Mrs Carnell: How can you slash and burn and spend \$20m more? You cannot do both.

MR BERRY: Mrs Carnell interjects and says, "You cannot do both". She has slashed and burnt out in the community, closed down a couple of health centres and got rid of all of the salaried medical officers, and still she does not have control of her hospital system - unlike the Labor Party, which over a period of years brought the books back into balance. We exercised more and more control, to the point where we balanced the books - something never hitherto achieved. Mrs Carnell's budget has blown out to double that of Mr Humphries, and he had the belt before - \$20m. What an outrageous position!

Mr Speaker, people out there in the community remember Gary Humphries's attempts to close down health centres and how he failed. They will remember for a longer period the fact that Mrs Carnell promised, hand on heart, "I will not affect Melba Health Centre", and then closed it from under them.

Mrs Carnell: Oh!

MR BERRY: She goes, "Oh!". Too bad for the community! Across Canberra, Labor had a continued commitment to the 12 community medical practitioners and the bulk-billing services that they provided. They are gone. They are history. They are something that the archaeologists might talk about. Mrs Carnell got rid of those. We have a hospital system with an Emergency Department which, at times, is pressed. One thing I would like Mrs Carnell to do the next time she is out at the Emergency Department is to impress upon them the need to reduce waiting times, because waiting times are an issue of continual complaints in emergency departments - - -

Mrs Carnell: We get one complaint per thousand patients.

MR BERRY: Mrs Carnell, come on! Do not tell me that you have not had a complaint about waiting times in the hospital Emergency Department. Stop kidding yourself. There are hundreds of people who are unhappy about the waiting times in that Emergency Department. Since you closed down that important service out there in the community, you ought to make alternative arrangements so that people can get into the Emergency Department without long waits, some of which give rise to the suspicion that they are artificial. You need to do a little bit of work on that issue.

Mr De Domenico: Why don't you give up, Wayne?

Mrs Carnell: It is all right. I will just fax it to the emergency people. They will love that.

MR BERRY: Mrs Carnell says, "I will tell the emergency people". Mrs Carnell should address her attention to reducing waiting lists in the Emergency Department and providing proper resources for the Emergency Department workers.

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

MR HUMPHRIES (Attorney-General) (4.13): I cannot resist, Mr Speaker. Let me say just a few things, very briefly, in response to Mr Berry. I think it is a great pity - - -

Mr Berry: Helicopter Humphries.

MR HUMPHRIES: He is very good at calling names across the chamber. I am happy to be called a name and to call Mr Berry a name; that is fine. What I think is unfortunate is when the people whom Mrs Carnell's statement was meant to credit get caught in the cross-fire in this kind of debate. Mrs Carnell has referred to people who have done a sterling job in our Canberra Hospital Emergency Department. Mr Berry spent 15 minutes attacking Mrs Carnell's statement. This is what the debate is about - her statement on the Emergency Department. He spent 15 minutes attacking her statement, but claimed that he was not intending to hit anybody from the Emergency Department of the Canberra Hospital. It is the careless man's defence that he was not aiming for the pedestrian or the child whom he happened to hit by accident; he was aiming for something else or somebody else. Mr Speaker, that is the problem. Mr Berry cannot get stuck into this statement and the record of the Government on this question without hurting some of the people who, I think, today deserve nothing but credit from this chamber. So, I think it is a great pity that there is that kind of talk in the course of this debate.

Mr Speaker, I merely put on the record that Mr Berry himself has absolutely no basis to talk to this chamber about any of those issues that he has raised today. He is the man who cut 200 beds from the public hospital system. He is the man who increased waiting lists by 155 per cent in the space of just 3½ years, from 1,789 to 4,569. He blew out four successive budgets, totalling \$20m. Mr Speaker, how the Labor Party could let this man so much as appear within 100 metres of a hospital, much less be his party's spokesman on health, is a matter of great bemusement to me and to most other people in this city. I have to say that, on any test you apply of assisting people to recover their health and to be dealt with quickly by a public hospital system, in this case the Emergency Department of the Canberra Hospital, particularly, and Mrs Carnell, in general, deserve credit for having turned things around in our public hospital system.

Mr Speaker, let Mr Berry ask himself this simple question: Did any of the things he attacked Mrs Carnell for in his statement today not happen while he was Minister for Health? The answer is no. Every single thing he attacked her for - waiting times, having to bypass emergency, having budget blow-outs - also happened while Mr Berry was Minister for Health. What kind of rank hypocrisy does it take to rise in this place and hurl abuse at somebody for committing mistakes that you, yourself, have made? There is another thing that I would like to ask Mr Berry in some future debate on health - and there will be many to come. I would ask him to define, clearly and empirically, what tests he is applying to this Government's performance on health.

Mr Berry: Your own standards, Gary.

MR HUMPHRIES: Fine; but one single test. Let me go through the tests that Mr Berry has used over the last seven years in this chamber. Mr Berry started off as Minister for Health in this place and talked about budget management until his own budget of 1989-90 started to blow out. He stopped talking about budget management.

3 September 1996

Then he went to opposition. Then, when the waiting lists started to increase, he started talking about waiting lists. Waiting lists, or the growth in the waiting lists, was the fundamental indicator of a hospital system in trouble. So, when the waiting list rose from about 1,000 to about 1,700 while I was Minister for Health, every day in this chamber it was, "Waiting list, waiting list, waiting list".

When Mr Berry went back in as Minister for Health, the story started to change, because the waiting list started rising - from 1,700 in 1989, to 2,000, to 2,500, to 3,000, to 3,500, to 4,000, to 4,569. There was a 155 per cent increase during the time he was Minister. Not surprisingly, he stopped talking about waiting lists as an indicator of the success of the hospital system. Then he started talking about throughput. Throughput was the big indicator. It does not matter how many people are on the waiting list any more; it does not matter how many times your budget blows out; the important issue is throughput. If you get the throughput right, you are fine. You are a great Health Minister. You deserve stars and spangles and all sorts of other accolades.

Mr Speaker, on his return to the opposition benches - his richly deserved return, I might say - and when we started to improve the throughput levels in the public hospital system, Mr Berry started changing tack again. There was another swing over to the left - heave-ho. Then he was talking about waiting lists for a short time. Whoops, the waiting lists started going down; whoops, another quick turnaround; whoosh, around he went. Now, Mr Speaker, the latest measure is coming out. Here is the latest one: The latest indicator is waiting times. Now we have it.

Mr De Domenico: He is ignoring you now. He is trying another tack.

MR HUMPHRIES: He is ignoring me. He is trying to have another go, changing the subject. Mr Speaker, the new indicator is waiting times; the Carnell Government has waiting times that are too long. All right, Mr Speaker; let us take waiting times as our new indicator of the success or failure of our hospital system. Is that the test? Give us a measure, Mr Berry. Is that the test?

Mr Berry: You have to do it comprehensively - - -

MR HUMPHRIES: Mr Speaker, this man could not lie straight in bed at night. If he is fair dinkum, if he really cares about the people of this city, if he really thinks that people - - -

Mr Berry: Mr Speaker, I think that might be an imputation.

MR SPEAKER: Do you want that withdrawn?

Mr Berry: Yes, I think so. It is an imputation that somebody has told a porky. I think he ought to withdraw that.

MR HUMPHRIES: Mr Speaker, I withdraw that. I say, instead, that Mr Berry has been heard to utter tarradiddles on this question. Let him give us a standard and see how we live up to it. Let him settle on some measure of a good Health Minister and a good hospital system. Do not keep changing them according to what the objective of the Labor Party is. Settle on a single test, and let us try to meet that test.

Mr Berry, I think you know that in Mrs Carnell we have, for the first time, a Minister for Health in this town who actually knows the health system inside out - I make that statement inclusive of all previous Health Ministers - who is actually able to grapple with the real issues, the important issues, the patient-centred issues in the hospital system, and is actually making some headway on the important issues. That, Mr Speaker, is the important test. If Mr Berry has a better test, let him articulate it.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (4.21), in reply: Mr Speaker, I think there are a couple of issues that need to be clarified after Mr Berry's statement.

Mr De Domenico: Only a couple?

MRS CARNELL: Actually, there are thousands; but I just do not want to put the Assembly through that today, Mr De Domenico. There are issues that need to be clarified. Mr Berry tended to, I suppose, insinuate that somehow or other people in accident and emergency were not taking interstate transfers or took them very rarely. I think it is very important to say that our people in accident and emergency are taking an extraordinary number of interstate transfers. Just to clarify the issue, Mr Speaker, over the months of March, April, May, June and July 1996, the Emergency Department at the Canberra Hospital has taken 320 interstate transfers. For example, Mr Speaker, from Batemans Bay there were 30; Bega, 12; Bombala, six; Braidwood, six; Cooma, 57; Queanbeyan, 72; and Yass, 32. There were 320 emergency transfers, Mr Speaker. That is a very good effort.

Mr Berry thinks that we are paid to take emergency transfers from the rest of New South Wales. The fact is that we are paid to run an ACT health system and, on occasions, New South Wales gets around to paying us to look after their patients as well. They do not get around to it as often as we would like them to, Mr Speaker. But our primary job is to provide services for the ACT and, of course, surrounding districts as well; but, first and foremost, the Federal Government and ACT taxpayers fund the system to look after the ACT. Those emergency transfers have been in a wide range of different areas of medicine - 20 in cardiology; 20 in general surgery; 38 in neurology; the list goes on, Mr Speaker.

I think it is also very important to note that Mr Berry is raving on, as usual, about an emergency bypass. A person from the ACT needing emergency treatment has not, to my knowledge, ever during the term of this Government been refused treatment. We have made sure that not one ACT resident has been refused treatment. I think that is a very important issue, Mr Speaker. Mr Berry is trying to give some sort of indication that

3 September 1996

either we do not accept out-of-State patients - 320 over five months is not an insignificant number - or, alternatively, somehow we are knocking back people in the ACT. That is simply not the situation. We have actually never bypassed a local patient, Mr Speaker. We have never knocked back a local person.

Mr Speaker, Mr Berry indicated in his speech, too, something that concerned me. He suggested that the \$14.2m we spent over and above our budget last year - - -

Mr Berry: Twenty million.

MRS CARNELL: There was \$14.2m extra expenditure, Mr Berry, and you know that. He said that it was money wasted. Mr Speaker, that \$14.2m was spent on 1,200 extra surgical operations, 5,342 extra people seen in accident and emergency and a total of 1,117 extra admissions. There is a decrease in the waiting list of over 900 now, or 20 per cent. I am disappointed that Mr Berry believes that 1,200 extra surgical operations is a waste.

Mr Berry, with his intimate knowledge of health, would realise that the vast percentage of our health dollar is spent on wages; but, from a press release he put out the other day, he seemed to believe that that money spent on nurses' salaries was somehow less well spent than money spent on building sites. He indicated that that money should have been spent on extra capital works and on building sites. What it was spent on was nurses, wardsmen, doctors and patients, Mr Speaker. I am afraid that I do not believe that our nurses, our doctors, our wardsmen and our patients are somehow less worthy of the \$14.2m than extra jobs, new jobs, on building sites. I think both sets of people are very important. But I was very disappointed that Mr Berry indicated that somehow our nurses were less entitled to their wages to treat patients than other people were.

It is very important to realise that we have started to move the health system around. Waiting lists are down; throughput is up; waiting times in a number of areas are down; the number of people treated in accident and emergency is up. All sorts of things are happening; but we still have a problem with our budget - there is no doubt about that - and that is a really significant challenge for this year. I am not in any way suggesting that everything is perfect, by any stretch. What I can say is that every dollar of that extra money we spent was spent on wages for staff or on patients - not on something else, not on some ethereal other thing, but on extra patients and staff that currently work in our system. I do not believe, Mr Speaker, that that is - to quote Mr Berry's statement - waste.

Question resolved in the affirmative.

ENERGY AND WATER ACT

Papers

MR DE DOMENICO (Minister for Urban Services) (4.28): Mr Speaker, for the information of members, and pursuant to section 6 of the Subordinate Laws Act 1989, I present the following papers relating to energy and water pricing:

Energy and Water Act - Energy and Water (Regulation of Charges) Regulations -

Notice of appointment to office of Energy and Water Charges Commissioner - Instrument No. 195 of 1996, dated 28 August 1996, published in *Gazette* S232, dated 3 September 1996, together with the explanatory statement.

Regulation No. 18 of 1996, published in *Gazette* S220, dated 28 August 1996, together with the explanatory statement.

Requirements in relation to investigations - Instrument No. 196 of 1996 under regulations 10(1) and 12, published in *Gazette* S232, dated 3 September 1996, together with the explanatory statement.

I move:

That the Assembly takes note of the papers.

Mr Speaker, the Energy and Water (Regulation of Charges) Regulations I have tabled today provide for an independent review of the prices that ACTEW Corporation charges for electricity, water and sewerage. These regulations are excellent news for the people of the ACT - for ACTEW's residential customers and for its business customers as stakeholders in ACTEW. They continue the reform process started with the successful corporatisation of ACTEW.

Up until now, ACTEW's pricing determinations did not provide for a process whereby the community could have a say. The new framework opens up the process. It is instructive to look at the background to the regulations from two perspectives. The first is the Bill brought forward by the Government in 1995 to corporatise ACTEW. In debating this legislation, Mr Osborne proposed, and the Assembly agreed to, an amendment that would provide for independent pricing regulation. Accordingly, section 49A of the Energy and Water Act 1988 provides for the establishment of a body having the function of regulating charges for electricity, water and sewerage; and the giving of directions by that body to ACTEW Corporation. The second context is the national competition reform agenda, which is no less important. The competition principles agreed by governments require that, where there are monopolies, independent economic or pricing regulation be instituted. There must be no possibility that a monopoly provider is able to exploit its position. It is, therefore, essential that an independent pricing review be introduced for ACTEW's water, sewerage and electricity businesses.

3 September 1996

Prices are also reviewed independently in other jurisdictions. The New South Wales Government's Independent Pricing and Regulatory Tribunal, established in 1992 by the previous New South Wales Government, has resulted in a better deal for customers. It is clear, from the New South Wales experience and elsewhere, that an independent pricing review of providers, such as ACTEW, brings openness into the process of setting prices. Under section 49A of the Energy and Water Act, the regulations provide for the creation of an Energy and Water Charges Commission. This will be constituted by a commissioner. The commission will have powers to investigate the electricity, water and sewerage charges to be determined by ACTEW Corporation. The Government will have the power to refer specific matters to the commission. When the investigation is complete, the commission will decide on the prices that will apply. Under the terms and conditions of the Energy and Water Act, ACTEW Corporation's charges must comply with this direction.

The Government has decided that the commissioner's first task for 1996-97 will be a fundamental, back-to-basics look at the principles behind ACTEW's pricing. This review will be completed in time for any price variations scheduled for 1997-98. Mr Speaker, I have issued a reference to the commissioner setting out the parameters of the investigation and I am tabling this reference today, together with the regulations. The investigation will both seek public input and ensure that community views are taken into account. Accordingly, the investigation will involve seeking public submissions and holding public meetings. To initiate public discussion, an issues paper will be prepared by the commission for all interested parties.

The Government has a particular concern that the pricing review process is balanced. The process would not be complete if it focused exclusively on purely economic issues and did not take into account the importance of ACTEW's services for individual consumers and for the environment. To this end, the regulations set out a broad range of issues which the commission is required to bear in mind when making a determination. The regulations require that the commissioner consider the possibilities for greater efficiency in the supply of services by ACTEW Corporation and the right rate of return to the Territory for the investment placed in ACTEW. The regulations, however, also require the commissioner to consider broader issues, such as the need to comply with ecologically sustainable development and the social impacts of pricing decisions.

In the reference to the commission for the first pricing investigation, I specifically required the commissioner to bear in mind, amongst other things, the safeguarding of the environment by appropriate charging policies. This will include the principle of "polluter pays". The effect of the alternative charging policies on the demand for water services will also be highlighted. In setting prices or charges, the commissioner will be independent of the Government. I stress that, Mr Speaker. The regulations specifically provide that the Minister may not exercise control over the commission in its price setting functions.

Mr Speaker, the Government has been very fortunate in obtaining the services of Mr Paul Baxter as commissioner. Mr Baxter, a partner of Price Waterhouse, who has been based in Canberra since the late 1960s, has undertaken major evaluation and analytical work on behalf of government bodies and the private sector. He has spent 14 years in government and in the United Nations advising on industry analysis,

policy development, strategic evaluation and economic statistics. Mr Baxter has an excellent track record as an adviser to industries and governments. In addition, he is very well aware of the complex requirements of his role in overseeing prices. Mr Speaker, Mr Baxter's appointment will be part time.

I am also tabling an appointment instrument for Mr Baxter. The accompanying explanatory statement refers to the outcome of consultation with the Public Accounts Committee on the appointment. I am also pleased to announce that the New South Wales Independent Pricing and Regulatory Tribunal is to be contracted to help Mr Baxter in the review. This means that the ACT will get the benefit of the tribunal's extensive experience. The consultancy arrangement also conforms to the Government's requirements for efficient service delivery. It will help ensure that Canberrans get a first-class result. I would like to place on record my appreciation of the cooperation we have received from the New South Wales Government in arranging the consultancy assistance.

Mr Speaker and members, ACTEW has worked hard to achieve efficiencies and develop its business. The results for electricity consumers have been prices that have been falling in real terms. ACTEW has been working to remove the cross-subsidy from business users to domestic users. Corporatisation has sharpened the incentives for concluding this process. This financial year, ACTEW was able to hold its electricity prices constant. In water and sewerage, ACTEW has done much to move towards a more viable business in a highly environmentally responsive way. An independent pricing review will drive this process further.

In closing, Mr Speaker, I should acknowledge that great progress is now taking place in both competition reform and energy reform generally. The regulations provide a good basis for starting to oversee prices in the ACT. In the longer term, however, the Government is moving towards comprehensive pricing oversight legislation that will be capable of reviewing not only ACTEW charges but also those of other monopoly providers in the ACT.

MR WOOD (4.35): Mr Speaker, I will make a brief response to this; in part, from the point of view of the PAC, which was the body to which Mr De Domenico referred the appointment of Mr Paul Baxter. There was some exchange of letters between the Minister and the committee, as we had some concerns about the tabling of the regulations and the issue of regulations that should proceed before any appointment was considered. I thank the Minister for his cooperation there. I expect that the appointment will be thoroughly justified. Obviously, we have asked a further question concerning the remuneration of the tribunal, bearing in mind that we had a suggestion that we should look at some New South Wales guidelines there. I will agree with that if they are more economical than perhaps ACT guidelines. It may be that there is some interest, too, in the cost of the inquiry he is now running and in electricity pricing. The Minister might give us an indication of that at some time in the future as well.

MR OSBORNE (4.38): Mr Speaker, I will be very brief. I think it is important that I acknowledge what Mr De Domenico has said today, given that it came about as a result of my amendment to the ACTEW Corporation Act over 12 months ago. I have to say, however, that I have been a little disappointed with the speed, or rather lack of, to this point. However, as I said on a previous occasion in this Assembly, I did receive a briefing from Mr Turner. I am pleased that it has finally come about. The main reason that I took this issue up was that I felt the need for an independent pricing tribunal. I thought that it was imperative that the people of the ACT have their best interests taken into account. As I said, I am very pleased that it has come about. I thank the Minister and Mr Turner for their assistance in getting it up here today.

MR DE DOMENICO (Minister for Urban Services) (4.39), in reply: Very quickly, I thank Mr Wood and Mr Osborne for their contributions. I will find out the information that Mr Wood has asked of me. Can I also thank Mr Osborne because, as he acknowledges, it was his idea and his amendment. Can I also say, though, that, taking into account what Mr Osborne said about his not being satisfied with the speed at which this was done, it was very important to make sure that, once we did do what Mr Osborne suggested we should do and what this Assembly voted for, it was done properly.

Can I also suggest that we had to make sure that the person we finally appointed to the position was the best available person in town. That happened. We had to consult with Mr Wood's committee as well. We had to make sure that all the regulations were according to Hoyle and above board. We had to make sure that all the terms of references were in line with the New South Wales Government's guidelines because it was, after all, the New South Wales tribunal's services that we contracted out as well. As Mr Osborne would probably realise, when government to government negotiations take place, they just do not happen overnight.

I acknowledge that Mr Osborne is now a lot happier than he was before, and I acknowledge his role in making sure that we now do have an independent tribunal that keeps the Government at arm's length from any decisions made on the pricing of electricity, water and sewerage charges by ACTEW. Can I say, as Minister, I am also delighted that perhaps from time to time, when Ministers do have to make decisions on putting prices up, at least members opposite have somebody else to kick and not this Minister; although Mr Berry will probably kick me anyway, so it does not matter.

Question resolved in the affirmative.

SUBORDINATE LEGISLATION AND COMMENCEMENT PROVISIONS

Papers

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present subordinate legislation in accordance with the schedule of gazettal notices for determinations and regulations. I also present a notice for the commencement of two Acts.

The schedule read as follows:

Gungahlin Development Authority Act - Notice of commencement (19 August 1996) of provisions (other than sections 1 and 2) (S212, dated 19 August 1996).

Liquor Act - Liquor Regulations (Amendment) - No. 19 of 1996 (S221, dated 28 August 1996).

Motor Traffic Act - Determination of fees -

Parking charges - No. 194 of 1996 (S226, dated 30 August 1996).

Taxi fares - No. 192 of 1996 (S219, dated 26 August 1996).

Radiation Act - Determination of fees - No. 193 of 1996 (S224, dated 30 August 1996).

Trading Hours Act - Notice of commencement (9 September 1996) of remaining provisions (S206, dated 16 August 1996).

PUBLIC HOUSING

Discussion of Matter of Public Importance

MR SPEAKER: I have received a letter from Ms Reilly proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The importance of maintaining the levels of government ownership of public housing in the ACT.

MS REILLY (4.41): Public ownership of housing brings to a community many benefits which go beyond the bricks and mortar of the actual dwellings. For many people, it seems difficult to understand the value of public housing that does not have actual dollar tags on it. There are values beyond counting just how many bricks there are and what the value of the bricks might be. Public ownership of housing leads to a fairer society because it addresses that basic human need for housing. It also gives every community important social capital. Public housing and housing assistance in Australia have reduced the number of people who could be living below the poverty line, and this has been an important public program in Australia for many years. Investment in public housing has many benefits. It provides jobs for those who construct it; it provides opportunities for jobs for those who live in public housing, as they have housing settled and it is more easy to get a job when you have somewhere to live and some security of tenure; it helps families; it gives them a place to live; it stabilises their lives for them; and it helps those who may have many difficulties in finding accommodation.

3 September 1996

Housing assistance in Australia has been based on the principle that all Australians have a right to affordable, secure and appropriate housing, and this has been a central principle and right for all Australians. This is the vitally important issue about which we on this side of the house have been talking. We are concerned about this essential element of Australian life, and we are concerned that this could be lost with the Howard Liberal Government's scramble to save money and the support that we have noted being given by the Carnell Liberal Government in the ACT. If we lose this basic tenet of Australian life and ACT life we will be the losers; it is the ACT community that will be the losers. We will lose that important social capital and we will lose that stability that public housing assistance gives to this community.

The previous Labor Government recognised the change that came through the globalisation of the economy and acknowledged that the provision of housing would need to change. They also acknowledged the need to change the relationship of housing to the accessibility of other services, including the access to employment opportunities. Through this, they looked at reviewing housing assistance delivery in Australia. The previous Labor Government recognised the importance of housing for all Australians and initiated reviews such as the national housing strategy. They also introduced programs such as the better cities program. Better cities, a comprehensive urban infrastructure and planning program, addressed issues around the provision of integrated planning and the ageing urban infrastructure in Australia. It provided opportunities through new and revitalised neighbourhoods, with an emphasis on the quality housing infrastructure that also recognised environmental imperatives of the 1990s in Australia.

Of course, better cities was immediately cut by the new Liberal Government. They appear to take a short-sighted view of housing needs of Australians and appear not to want to encourage cooperative developments which include all spheres of government working together. Better cities also included the private sector; so, there is no fear about using the private sector in public housing. A good example of a better cities project is Condamine Court in Northbourne Avenue in the ACT which, fortunately for the ACT community and those tenants of Condamine Court, was started before this new Federal Liberal Government came in, because if it had not started we would have lost that money, the \$16m. We also would have lost those new, refurbished units for those public housing tenants.

There will be many positive housing outcomes for the ACT through this project. It is one that those opposite have been happy to discuss quite regularly and to show up as an example. There will be refurbished units for the public housing tenants who wish to live there, and they will be living in a convenient place that is close to facilities in Civic and Dickson. There will also be opportunities for private tenants to purchase housing in that area. There will be many benefits across the board for the ACT community.

You just wonder about the short-sightedness of this Federal Liberal Government in cutting the better cities program. They appear to have the same tunnel vision for other public housing programs. The delivery of public housing and the support programs in Australia has been through the mechanism of Commonwealth-State housing agreements.

These have been in existence since 1944, and they set out the principles whereby housing assistance is delivered by States and Territories, in the main with Commonwealth Government funds. These agreements have successfully delivered many billions of dollars to assist low-income people to access quality public housing stock over many years. There are now more than 390,000 public housing units spread across Australia, and the ACT has 12,500 of them. Many Australians have benefited from these agreements both through housing and through the construction industry.

Government has always been a big player in public housing and housing provision in Australia. In fact, the Industry Commission report of 1993 on public housing found that the provision of public housing was a cost-effective way of meeting government housing objectives of affordability, security and appropriateness of housing. CSHAs, the Commonwealth-State housing agreements, are usually for a number of years. Originally, the interim agreement that was to be signed on 1 July this year was for three years. We now have a new agreement that will be for only one year. For one year it is difficult to plan. It is difficult for anyone to know what is going to happen in the future, and this is the important question.

It is claimed that the new agreement, to be signed in July 1997, will allow a more flexible approach to the provision of public housing. If there are going to be these major changes, surely this is the time to discuss with the ACT community what it wants for public housing and what sort of housing we should have in the ACT. With the signing of the agreement less than nine months away, there should be massive public discussion and consultation on these issues. But what have we heard from this Carnell Labor Government? Nothing or virtually nothing. Yes, there is a committee that has on it a number of people from the public housing sector and from the community housing sector, and it is meeting; but this is only a small group. Important as they are, they do not tell the whole community what is going on; they do not inform them of these changes that are planned. There are going to be changes. The Commonwealth's role is changing. It will take responsibility for income support for public and private tenants, while the State housing authorities will have the responsibility for the supply and management of public housing. They are changes that affect how much money comes into the ACT, and surely we should have some say in that or be informed of what is going on.

The Commonwealth provides cash assistance to tenants, but it will provide no capital grants to public housing authorities. The Commonwealth will have no requirement about stock levels being maintained, and this is what is important. We have a good, strong, quality asset in the ACT, but in the future the ACT Government will decide what it will do and it is not required to consult on this. At this stage, it has not felt the need to consult. What is going to happen to our stock levels? The other tied grant programs go, except for the Aboriginal rental housing program. The other tied grants affect pensioner housing. They affect crisis accommodation and those types of programs. We need assurances of what will happen to those programs in the future. ACT Housing has been a good manager of the public housing stock; but there will be changes, and we need to be informed of those changes.

3 September 1996

Brian Howe was concerned about the age of public housing stock in Australia and was looking at ways in which there could be commercial incentives to assist the cost-effectiveness of public housing. In other words, he wanted better housing for consumers. He did not suggest that we should get rid of housing. He did not suggest that if we have a wholesale sell-off that will improve access to housing. It is easy to pick the eyes out of some policies and use only some parts of the policies and pretend this was the whole. Yes, some parts of Brian Howe's policies were to go on, but some parts have been conveniently forgotten. Consequently, because it is known that there are going to be changes to the Commonwealth-State Housing Agreement and to the way in which funding will be allocated for public housing in the ACT, there are rumours about what is going to happen. There have been rumours because there has been no effort to inform the ACT community about what is happening, and it is reasonable to think the people should be consulted because many people want to keep this important asset.

Many people enjoy living in the ACT because of this public asset; they appreciate a community that has such high public ownership of housing which is well located throughout the ACT; and they want to maintain this important social capital. One of the things about having such a high public housing asset is that in the ACT there is no stigma attached to public housing or public housing tenants. We do not have ghettos in the ACT. We have areas that may have more public housing than others, but we do not end up with whole suburbs of public housing. It is shocking to hear that, in fact, you have some streets where it is all public housing. Do you know the other shocking thing about housing in the ACT? You have some streets where it is all private housing. This is also of grave concern. We need to be talking about maintaining this asset, not getting caught on sideways and byways where we talk about high levels in some suburbs. Why is this going to be the criterion for changing?

As well as just the number of houses we may have in the ACT - and we were given large slabs of statistics which were supposed to replace a plan - there was no mention of the broad range and broad spectrum of housing programs which were affected by these changes. Obviously, community housing is one of those. It is a growth area and it is an important area. I think there would be advantages, and I am sure most of the community would appreciate more housing being allocated for community housing as well. But one needs to think about which houses will be allocated to them. What does it do to develop a strong community housing sector if they get houses which need high maintenance and which they are unable to maintain?

The other important point that needs to be considered is crisis accommodation. We have a number of programs that assist women and youth, in particular, and we need to ensure that they continue and do not get lost in this sort of scramble to sell off public housing. We also need to continue to support various youth programs for housing. These youths, because of some of the changes that will come through the Commonwealth budget, have been battered about their ears in a number of ways, and we do not need to add to that by taking away housing programs as well. You have only to ask: How will the loss of public housing properties assist those people in need, and how will the loss of public ownership of housing give greater choice to the people of the ACT? You need only ask the people who are homeless or in inadequate accommodation in Victoria what choice they have at the moment.

Already we have had some indication of what is going to happen with the changes in ACT public housing. We have talked about selling 200 and constructing another 200 this year, which will leave you with exactly the same amount of housing. There will be no net increase in the number of housing units. We still have a large waiting list. It was said to be nearly 4,000 the other day. Really, it comes down to that basic question. The ACT community needs to know whether the strong public housing sector is to be maintained. There are many reasons for it to be there. What will happen to the funds from the sales that are needed to continue to have a dynamic housing sector? Will they be reinvested? We need to know how the ACT Government will take on its new responsibilities in nine months' time for the management of the public housing stock without some of the restrictions that were within the old Commonwealth-State housing agreements.

Let us not second guess at this time what the Commonwealth and the Commonwealth-State Housing Agreement will say. What we need to say is what we are going to do in the ACT for our public housing sector, and that is what is important. We need to say what sort of public housing we need in the ACT. Many people want to retain the public housing sector in the ACT and maintain it in government ownership. They want the obvious social benefits that come from this ownership. The strength of our public housing sector signals to the rest of Australia that the ACT is a fair and supportive community, and we need to maintain that.

MR STEFANIAK (Minister for Education and Training and Minister for Housing and Family Services) (4.56): Firstly, I want to respond to a couple of points which Ms Reilly raised. Actually, it is the Carnell Liberal Government, not the Carnell Labor Government. That was one point. You talked about the previous Federal Labor Government, Brian Howe and model B. What is being discussed and what we still have not seen is the final format. It still has to be worked out over the next period of months.

Mrs Carnell: And we have not agreed to it.

MR STEFANIAK: And we have not agreed to it, as the Chief Minister says. The upshot of model B is the new Commonwealth-State Housing Agreement. But I think it is important to put on record the fact that what all State and Territory governments and the Commonwealth Government will be looking at over the next nine months or so - probably longer; I think they are optimistic if they think the new permanent agreement is going to come in on 1 July next year - is, in fact, the brainchild of Brian Howe of the former Keating Labor Government. I think that does need to be said.

Yes, Ms Reilly, it would have been nice if the better cities program had continued; and, yes, I was delighted that we got that money for Condamine Court. I announced that, in conjunction with a number of other people, on 6 February. That is an excellent development, and the Government will continue to praise that excellent development. Also, I can certainly assure you that the Government in the ACT will continue to be a big player in terms of public housing, and that is regardless of what final agreement is made.

3 September 1996

That is also the case in terms of discussions with the ACT community. We have a number of things going at present, including developing a full strategy in relation to all ACT housing. As Minister, I certainly would be delighted to get as much input as possible from everyone in the sector who wants to, in the lead-up to finalising the Commonwealth-State Housing Agreement when it does finally come in.

You talked about a number of essential needs in housing such as community housing and crisis accommodation. One thing that is actually increasing, as the Chief Minister would know, is housing specifically catering for the disabled, to assist them with their needs. All those things are important; all those things, under this Government, will certainly continue. Indeed, in respect of the last example I gave, that of the disabled, I think you will get a few pleasant surprises. I think that needs to be said.

Under the current Commonwealth-State Housing Agreement ACT Housing does manage some 12,500 public rental properties. They have an estimated total value of \$1.4 billion - a substantial asset. At this point in time, approximately 11.5 per cent of current housing stock in the ACT is public housing. This is high, and it is high historically and compared with most other States and Territories. For example, in New South Wales, Queensland and Victoria the proportion is below 7 per cent. Much of our current public housing stock in the ACT reflects the provision by the Commonwealth of housing for public servants transferred to the ACT in the 1950s, 1960s and early 1970s. One of the incentives to attract employees to the ACT was that a public rental dwelling would be available. In many cases children have since grown up and have left home, and that has left one or two older people in a three- or four-bedroom family home.

The average age of our stock is 23 years, and the average capital value of the stock, in current figures, is around \$90,000. For historic reasons, there are currently significant pockets in some suburbs. Yarralumla has some 15 per cent public housing, with an average age of 41 years; Ainslie, has 32 per cent public housing, with an average age of 45 years.

There have been a number of different studies which have assessed the level of housing-related need in the ACT, using a range of assumptions and methodologies.

ADJOURNMENT

MADAM DEPUTY SPEAKER: Mr Stefaniak, it being 5.00 pm, I have to propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

PUBLIC HOUSING
Discussion of Matter of Public Importance

Debate resumed.

MR STEFANIAK: One measure of the need is the number of people on ACT Housing's waiting list. It currently stands at approximately 4,400, with a further 1,140 who are current tenants seeking transfers within the system. That, incidentally, Madam Deputy Speaker, is considerably better than some two years ago, when the figure on the waiting list was 7,072. I might say that it had come down from 8,885 in 1993. We have made considerable improvements there.

About one-third of applicants on the waiting list for public housing are young singles between the ages of 16 and 24 years. Using the 1991 census data, the Australian Institute of Health and Welfare estimated that there were 9,800 renting households in the ACT who needed assistance in order to be able to afford appropriate housing. The Commonwealth Government has estimated that around 14,300 renting households in the ACT would have to pay more than 25 per cent of their income in rent for appropriate housing; and 11,800 households would have to pay more than 30 per cent of their income in rent if government assistance was not provided. Those estimates are also based on information from the 1991 census.

An estimated 20 per cent of households with a disabled member are public tenants, although public housing makes up only about 11.5 per cent of our stock. Also, since 1990-91, there has been a net migration of people aged 60-plus years to the ACT. The number in this age group may rise by as much as 18,400, or an 85 per cent jump, by the year 2010. The net migration of older people to the ACT partly reflects its role as a service centre for surrounding regions.

Current annual expenditure on maintenance of ACT public housing stock is around \$15m. I think Ms Reilly was quoted in the press as saying it was \$1.75m. I do not know where she got that figure from, but it is \$15m. This is a very important factor, too; an important factor regardless of who is in government. It has been difficult to adequately maintain some stock, and that has been due in part to the restrictions on the use of funds imposed by the Commonwealth-State Housing Agreement, that is, the current one, and in part to the low level of rent collected, as 87 per cent of our current tenants are on rental rebates. Under the terms of the 1996 Commonwealth-State Housing Agreement and its predecessor, all proceeds from the sale of public housing must be reinvested in the purchase or upgrading of replacement stock. Until the new arrangements are in place, which will occur no earlier than the start of the next financial year, 1997-98, this requirement will continue to apply and will govern the way in which ACT Housing operates.

I come now, Madam Deputy Speaker, 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 a major refurbishment is required. In those circumstances, consultations with tenants will take place, as they have been undertaken,

3 September 1996

for example, in the Condamine Court redevelopment. Tenants will be offered other suitable accommodation. The rights of public housing tenants will also be strengthened as a result of a proposed new ACT residential tenancy law which will soon 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, ACT Housing tenants, for the first time, will have protections identical or equivalent to those enjoyed by private sector tenants in key areas such as rent setting, condition of premises, urgent maintenance, access for inspections, resolution of tenancy disputes by an independent tribunal, tenancy termination and the treatment of abandoned goods.

I come now to the implications of the longer-term reforms. Essentially, the longer-term reforms proposed for housing assistance involved the States and Territories taking full responsibility for provision of public housing and the Commonwealth taking full responsibility for the provision of rental subsidies. The Federal Liberal-National Party housing and urban design policy issued prior to the last Federal election gave a commitment that existing public housing tenants would not be disadvantaged as a result of the implementation of the longer-term reforms. These reforms were initiated by the former Federal Labor Government, which undertook consultations with community and industry sector representatives in December 1995 and January 1996.

At its meeting on 14 June 1996 in Canberra, the Council of Australian Governments reaffirmed its support for the move towards long-term reform of housing assistance whereby the Commonwealth will accept responsibility for rental subsidies and the States and Territories will take responsibility for management and delivery of public housing services. COAG agreed that the Commonwealth would forward a detailed reform package to the States and Territories for consideration by the end of August this year. I am advised that this package is now being finalised and is expected to be released by the Prime Minister in mid-September for consideration at the Housing Ministers conference in Darwin on 20 September.

Details of the proposed new arrangements are still unclear. I think we have been talking of 1 July 1997 for the new agreement. I think we are being very optimistic indeed. Details of the proposed new arrangements are still unclear. However, I was very pleased to hear Senator Newman, the Commonwealth Minister for Social Security and Minister for Housing in the Federal Government, recently state that in principle the 25 per cent ceiling on rent payments as a proportion of income would remain in place. I think that is good news for a lot of people, because there was considerable concern in relation to whether that might be a little higher.

The States and Territories, Madam Deputy Speaker, will agree to the proposed new arrangements only if the detailed terms and conditions are satisfactory. I am sure my colleagues opposite Ms Follett and Mr Wood, who have been to various ministerial meetings, know that they can be quite fiery, and often ideological positions, in terms of what party you belong to, go out the window because you are there to represent your State or Territory. Certainly, from the discussions that have been held at the ministerial meetings in relation to this to date, it is quite obvious that the States and Territories will have to be happy with the new arrangements before the final agreement goes ahead.

Under the proposed new arrangements, there is no plan to do away with public housing, only to provide greater choice for tenants who may choose to use their subsidies to rent in the private market.

The ACT Government, Madam Deputy Speaker, remains committed to supporting Canberrans in need. However, the Government also does have an obligation to ensure that public housing stock is being used to the maximum benefit. The reforms to housing assistance may present the Government with an opportunity to better match stock with client need - something that was spoken about at length in the debate last week. The optimum amount of public housing available in the ACT in the longer term has not yet been determined and will depend on the extent to which tenants choose public over private housing options. Current and future public housing tenants should, however, be completely reassured that the ACT Government will enter into the negotiations with the Commonwealth on the basis of achieving fair and equitable outcomes for all Canberrans - something I think our State and Territory counterparts would be doing on behalf of their States and the Northern Territory.

The success of the new housing assistance arrangements will depend on the Commonwealth winning support from the States, which will hinge on the quantum and quality of the Commonwealth's funding offer. That is terribly important, because the whole principle in relation to this was that the States would not be disadvantaged, that the Commonwealth would supply the same amount of money as it supplies now and that the system would be simplified to enable the States and Territories to have more options in terms of managing their stock. That is terribly important to us in terms of things like maintenance, because under the current agreement, the old agreement, it is restrictive. Certainly, there are restrictions in terms of maintenance which, with our ageing stock, is an important consideration to us.

Madam Deputy Speaker, it is ACT Housing's policy to continue to provide public housing across the city in all but a few of the most expensive suburbs where it is not at present. It is our policy to avoid concentrations of low-income tenants. I think this is a feature of Canberra. You would note, in terms of any new houses and new units and stock that have been built in recent times, it is impossible to tell whether they are public housing or private housing; you simply cannot, because we have gone away from the old Radburn style and the classic govie style of houses in the 1960s and 1970s which is different from other stock. It is now impossible to tell. We build very good, quality products.

ACT Housing is in the process of adjusting its stockholding 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 our ACT Housing customers. We must remember that 50 per cent of our stock is basic three-bedroom homes, and many of our tenants now require something completely different to that. A survey being conducted of current public housing tenants includes a question designed to help assess the number of tenants who will choose to stay in public housing after the longer-term reforms are introduced.

3 September 1996

There is a lot more to be done, Madam Deputy Speaker, before we end up with a new Commonwealth-State Housing Agreement, but this Government has a commitment to fairness and equity in all things it does. There is a lot more work to be done before we actually end up with that new agreement and, I would think, a lot more work to be done by the States and Territories before we actually end up with the final Commonwealth-State Housing Agreement.

MS TUCKER (5.10): I will speak briefly on this. We have already made quite clear in this place our concerns about the proposed reforms of public housing. I am interested to hear Mr Stefaniak make a commitment to equity, greater choice and justice in the availability of housing in the ACT. However, there are still serious issues that we are concerned about and that the community is concerned about, because these proposed reforms, as they are, obviously mean that you can end up with a totally different system of housing.

You talk about greater choice when you talk about more availability of private housing. I can see how there are several possibilities that could eventuate out of this new system, because if you are going to have greater choice, as you call it, you have people moving into the private rental market. There are a number of reasons why people could do that and might choose to do that. They include: If maintenance is not kept up to scratch; if the house is not very warm; if it is not well insulated. If you are not really committed to making your public housing stock high standard and the standard does not stay high, then obviously you could have people moving out into the private market for those reasons, which would be an opportunity for you, of course, to sell that housing and claim that it is not actually required any more.

The other issue about private housing, of course, is that it is very difficult to see how it could be budget neutral. If you are offering to pay equally to subsidise the rent of private houses, regardless of where they are, it is hard to see how you could possibly do that and remain budget neutral, as these reforms are meant to be. There is, indeed, a great concern that we will get into the situation where public housing tenants - or subsidised tenants, as they will become then - will be forced to move out to where rent is cheaper, because the Commonwealth Government will not be able to keep this as a budget neutral exercise. It is clear that it is going to be extremely difficult for them to do that. That is another reason that the community and the Greens are very concerned about what the final outcome of this new system will be.

You have said that you cannot tell the difference between public and private housing, because we have such a high standard. I can tell you that you can tell the difference when you are a tenant because of the way you are treated. I think that is another aspect of this whole discussion which cannot be forgotten, because people in public housing do regard those houses as their homes; they feel that they can hang a picture or that they can change the garden. Anyone who has experienced rental in the private market knows that you can be quite traumatised by the approach of the agent at the time. I know that, particularly, families with small children can find it very difficult, because there is this tendency to expect them to live in a way which may not always be appropriate for that family. This is definitely about the values of an agent being imposed quite unrealistically on a family with small children. This is not what we want to have in our community.

I am also obviously not convinced that we will not end up with a greater focus of low-income people in particular areas as a result, which is the total opposite of what you have claimed. You have said that we will continue to have a society which has a mix in all its suburbs and we will not have the problems of greater polarisation in our community. I am not convinced that that is going to be the result at all from these new reforms.

In conclusion, I will just say that we think it is extremely difficult to see how the Commonwealth could provide sufficient subsidies to enable poorer tenants to continue to live in areas that have a high rental market value. Again I say that the most likely outcome is that those least able to bear it will be forced to move to areas which are further from employment and services. I state again that that is a particular disadvantage in this city now because of the state of public transport, and the very people who need public transport and amenity of services the most will be denied them.

The Commonwealth Government's attempt to split supply of housing and subsidy for tenants appears to come only from ideological philosophy which is really based on the demand-side approach, and this has not worked in the UK and New Zealand. I know that you say that people in this country - politicians, Labor and Liberal - are moving in this direction, but that does not make it right. If you do your research you will find it has not worked in other countries, and that is why we have grave concerns about the consequences of this movement.

MR MOORE (5.16): Madam Deputy Speaker, I think it is interesting that the Department of Social Security, under the Liberal Government, now looks after housing. The Department of Social Security is an organisation involved with welfare, and it would appear that housing has been moved across to a situation where it is considered a welfare issue rather than an issue of general interest to the public and of fulfilling a role on which I have spoken on quite a number of occasions in this Assembly in speaking on the difference between public housing and welfare housing.

The announcement that the Commonwealth-State Housing Agreement is due to be renegotiated for July 1997 has raised a whole range of issues, and I want to run through seven main concerns on this, Madam Deputy Speaker, and give four possible advantages. Although I say at the beginning that the foreshadowed idea of the Commonwealth-State Housing Agreement which sees rent subsidies paid to tenants rather than to State governments is something that I consider a significant step backwards, it seems to me that there has been quite a deal of pressure from the industry, particularly the housing industry, for this sort of move for some time. Contrary to the way I heard it explained earlier, I think that it does tend to follow the sort of approach that was initiated, firstly, by Mr Brian Howe in the Federal Government. But I also point out that it was one that was not accepted by his Labor colleagues. Much as there have been many things which Mr Howe has done which I agree with, this is certainly not one of them.

The first concern that I deal with is the notion of disenfranchisement, and that is the issue of the temptation to sell off the stock of inner city dwellings in order to get a bigger return so that we can invest in further numbers. The difficulty with that is that it will force tenants into the outer suburbs. What we should achieve in Canberra is an equity in distribution of our public tenants across Canberra. I think at the moment there is only a handful of suburbs that have no public housing in them. But we should be ensuring that

3 September 1996

all our suburbs have some public housing. Those without public housing include suburbs like O'Malley. If there is one left in Forrest, that would be all. I do not advocate that we need to actually buy back into those areas at this stage. I think that is unrealistic. But we have to be careful about where we sell off our stock, to ensure that general equity is retained.

The second concern that I have is the issue of tenure. As Ms Tucker pointed out, there are people who are in public housing that consider their house their home, and it is very much their home and they intend to remain in their home, as some of my close neighbours have done very recently, until they are either too ill or too old and too ill to live there. In a couple of examples, they have actually died in their own homes. They have always considered them their own homes, because they are publicly owned housing stock; they are not just welfare housing. Often these people have, in fact, moved into quite lucrative jobs and are paying fully for the value of the public housing in which they live, the home in which they live. Interestingly enough, of course, that effectively subsidises those who are in the welfare side of it.

I suppose another issue that is of concern is discrimination. One of the big advantages of public housing is that we can very closely govern the issue of discrimination, whereas it is very difficult to prevent discrimination in private housing, particularly against single mothers, against gay people, against Aboriginal people. No matter what laws are in place, people can find excuses to get around them; whereas, in fact, our public housing system has been able to avoid those sorts of discrimination. There is a concern there as well. So far, Madam Deputy Speaker, I have dealt with three concerns. I have another four to deal with. These are concerns because often there are ways of dealing with them. Because I suspect that the Commonwealth-State Housing Agreement negotiations will go ahead in the direction that is proposed, I hope that the Minister will take these concerns and deal with them. Perhaps there are solutions that can be found and that I am not aware of.

The issue of a bond is another issue at the moment. My understanding is that there is a very limited, if any, bond in terms of our public housing, whereas private tenancy agreements almost always have \$1,000 to \$2,000 bonds. That is a significant sum of money which may well be difficult for people to find. On the other hand, having been a landlord, I understand why it is that people ask for those bonds and why it is actually necessary. That is another issue that needs to be dealt with. Figures that the Government has on market values of private rentals may well be inflated; so, this whole approach of turning public housing into a private entrepreneurial situation may well inflate market prices. That is a danger and, therefore, we will have to look at how to regulate the market, I guess on a national basis, with all the problems that that creates in trying to compare one place to another.

The other issue, I guess, is the creating of homelessness. We know there have been a number of occasions when tenants whom I suppose you could think of as recidivous tenants have finally been removed from public housing in the Australian Capital Territory, but they have been very rare. I think the Minister is probably conscious of the specific situations. It is a very rare situation; whereas, of course, those who are evicted for not being able to pay the rent and so forth would be much more common in the private market, and understandably so. What we then create is a series of social problems that,

in fact, will wind up, from a purely dry economic perspective, costing us much more in the long run as we wind up with a system of welfare housing that provides for disempowered, disenfranchised people without housing. We will get an exacerbation of the contrast between those who are well off and those who are not. Whenever we have seen that in any other country we have seen a greater expenditure on law and order; we have seen a greater emphasis on law and order. In other words, trying to fix up the problem afterwards is like closing the gate after the horse has bolted. What we have here is the opportunity to try to ensure that we retain a system that actually protects community values and distributes the different values of our community right across the nation. I have a seventh point. What guarantee have we that the Government will continue to supply welfare and other public housing if the Federal Government pays directly to tenants? There is that issue politically that I think is something that we will also have to wrestle with.

There are possible advantages. Perhaps there will be more money in the coffers for community investment. It may be that we suddenly get a wider variety of houses to meet the community needs. Perhaps we can manage in this way to give tenants more choice and more control over where they want to live. The fourth advantage is that we may well be able to reduce waiting lists through this process. Like all policy changes, it is very rarely the case that it is all bad or all good. Also, as with most policy changes, we normally have some people trying to emphasise one or two small parts of what is positive about a policy change and ignoring the downsides. I think that what we have to do - and I hope that this Minister will do this when he goes into the negotiations - is realise that there are some considerable downsides and ensure that the positive sides are not outweighed by those downsides. However, it is a negotiation that he is going to have to enter into with the Federal Government in a situation where I believe that he will be significantly outnumbered. After all, it is a Commonwealth-State - and Territory - Housing Agreement. It is on an agreement basis, and I think that we should be trying to ensure - and this Minister should be charged with ensuring - that our public housing system is retained and we do not change the system of welfare housing.

MR WHITECROSS (Leader of the Opposition) (5.26): Madam Deputy Speaker, this issue is, indeed, an issue of great importance. I think the issue of what kind of social infrastructure we have, and how we look after it, is a very important one. It is all the more important in the current climate where there are so many attacks on social infrastructure. Mr Moore, in his remarks on this matter, made some reference to the direction of the Commonwealth-State Housing Agreement and to the ideas of Brian Howe on which the current negotiations appear to be based. The key issue, which should not be overlooked, is that one of Brian Howe's motivations and observations on which he was basing his policy direction was the fact that the most disadvantaged people in the community are welfare recipients. I take Mr Moore's point that there is more to public housing than welfare, but the most disadvantaged people in the community, in the welfare net, are private renters; unequivocally, they are the most disadvantaged. Finding a way of getting more money into the pockets of those private renters is an important goal.

Mr Speaker, like all interesting ideas, the execution is quite important. One of the problems we have here is that people are trying to put more money in the pockets of private renters while, at the same time, having a zero sum gain. Of course, the end result of that is inevitably that there are losers. As things stand, those losers look like coming from the public housing sector. A recent article in the *Sydney Morning Herald*, canvassing some of the issues as seen by the New South Wales Housing Department, talked about an analysis of where they saw the negotiations on the Commonwealth-State Housing Agreement going. The article stated:

Sources in the States say that rents will rise because the Federal Government will calculate how much each State can raise from levying commercial rents and then cut grants accordingly. Federal sources have confirmed this. The New South Wales Department of Housing estimates that that could cost public housing tenants \$40 a week.

I have not seen their analysis, but that is the analysis of the New South Wales Department of Housing. If that is the direction in which things go, and if the Federal Government are going to use this as an opportunity to make some further savings in their own budget at the expense of public housing tenants, that is, indeed, a worrying trend.

Mr Speaker, one of the important things that I want to talk about today is the importance of there continuing to be a strong role for public ownership of a proportion of the housing stock. There are a number of good reasons, and I just want to address a few of them. The opportunity that public ownership of housing provides for the Government to ensure good practice in its management of stock through construction of well-designed, properly sited and environmentally sound housing is a key issue. In this house last week we were discussing the importance of aged persons units as a part of the housing stock which is not in sufficient supply at the moment.

Public housing can play a role in rectifying those imbalances and can play a role that commercial investors cannot necessarily be relied on to play because commercial operators will always go for the lowest common denominator in housing; they will go for the kind of housing that offers the maximum opportunities to rent out their property; and they will not always be building specialist housing to meet specialist requirements. There are not too many investors out there who are going to build five-bedroom houses for the rental market, but there are people in need of public housing who need large houses. Public housing can play a role in ensuring an appropriate mix, Mr Speaker. But public housing plays another role, which is in providing a more secure form of rental tenure than people can get in the private rental market. Public housing authorities provide the role of a model landlord for their tenants.

All of us, I am sure, have had complaints from time to time about ACT Housing's treatment of individual tenants. No doubt, some of those complaints have been justified; but, overall, it is unquestioned that public tenancy is a much more pleasant experience for the tenants than private tenancy and whatever problems public tenants might have in getting maintenance done on their properties would pale into insignificance compared to the difficulties lots of private tenants have in getting maintenance done on their properties.

Mr Speaker, as my colleague Ms Reilly pointed out, public tenants can live in their houses and enjoy their houses in a way that private tenants cannot. Private tenants, when they move into their house, get an inventory. Mr Speaker, I can tell you that some of these inventories make pretty fascinating reading. I have seen inventories for private tenancies which list the number of pin pricks in the wall in the toilet; the length of a scratch, its exact location on the floor and its exact location in relation to the door; and the number of rings on the curtain rail.

The level of scrutiny and the level of harassment engaged in in private tenancy are quite significant. While that may be okay for those of us who remain in private tenancy for a relatively short period of our lives before moving into ownership, it is not a form of tenancy which is appropriate for those of us who cannot afford home ownership and, therefore, are looking to live in a house for a long period of time. Why should someone who cannot afford to buy a house have to move every 12 months because you can get only a 12-month lease in the ACT? People trying to bring up a family, perhaps with diminished means, ought to have the right to security of tenure and ought to have the right to live in that house as if it were their family home, in the same way that you or I can as home owners. I think that is something which has to be taken seriously, and it is an important consumer right that people have.

Mr Speaker, just on that point, I want to pick up on something the Minister said. The Minister last week and again today made much of the fact that there are a lot of three-bedroom houses in the public housing stock, with only one or two people in them. He recited this statistic like it is some sort of scandal, and I think we have to get this into perspective. There are a lot of good reasons why one- or two-person households might be in three-bedroom houses. It may be that they have lived there for 20 years and do not want to move; and they should not have to move. It may be that they brought up a family there and it is their family home. Just as other people do not want to leave their family home, these people do not want to leave theirs. I do not think that the Minister should get too carried away with this rhetoric about the number of three-bedroom houses there are which have only one or two people in them. If the Government offers them an alternative and they want to move, that is one thing; but it is not intrinsically wrong for them to live in a three-bedroom house, any more than it is for one- or two-person households to own houses with three bedrooms.

Ms Tucker also raised today an issue which I think has to be taken seriously, which is this issue of the convenience and the quality of life of people in public housing. People in public housing have a right to be close to amenities and to enjoy amenities, and it ought to ring alarm bells in the minds of people in the community that people like Mrs Carnell are so anxious about the high number of public housing properties there are in suburbs like Braddon and Ainslie, which are convenient to community facilities, and their apparent fixation with reducing those numbers.

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

3 September 1996

MRS CARNELL (Chief Minister) (5.37): Mr Speaker, I was interested to read the actual matter of public importance for today, and that is:

The importance of maintaining the levels of government ownership of public housing in the ACT.

I have to ask: What levels? The current levels? If it is the current levels that we are talking about, then that is exactly what we are doing, Mr Speaker. In fact, Ms Reilly made that point quite eloquently, I thought. She said that we were selling 200 houses and probably building about 200 houses, which means we are doing exactly what Ms Reilly suggested we do in the matter of public importance.

I do not know what we have just spoken about for an hour, because there is no doubt that the Government does support government ownership of public housing in the ACT. We believe strongly that there is a proportion of the market which should be owned by the Government. As Mr Whitecross, I think, rightly said, that is either in the purpose built accommodation for people with disabilities and larger houses or, alternatively, in the other end of the market, APUs and so on, that the private sector simply will not pick up, no matter what. It is important that the Government maintains ownership in the area of the market that the private sector is not covering. It is also important, I think, that the Government keeps a broad range of ownership in all areas but concentrates on the ends of the market where there is the most need.

The Government has some very significant problems with the proposal - the Brian Howe proposal, we should call it - currently picked up by the Federal Government.

Mr Whitecross: You should not call it the Brian Howe proposal. He is not the Minister. It is the Howard-Costello proposal.

MRS CARNELL: I think it is the Brian Howe proposal; that is what it will be known as. From an ACT perspective, the sorts of concerns that the ACT Government has at this stage are to ensure that people, particularly in the inner north and inner south, often people who have been living in their houses for many years, are not faced with significant rent increases. We believe strongly that rent percentages should be pegged to pension levels and so on. We do not believe that people should be facing increases from possibly 25 or 20 per cent of their pension through to 40 per cent or whatever, and we certainly will not be supporting any approach that does that. It would not be fair; it would not be equitable.

Equally, I think that there is a very good argument to suggest, as Mr Moore was talking about, that public housing is not welfare housing. Welfare housing is a part of public housing. Public housing is much broader than that. If more choice can be provided by having some private sector ownership in our public housing stock, then we believe that we should look at those sorts of proposals. I believe Mr Moore would agree with that, and I think even Mr Whitecross would. He did actually indicate that there should be some government ownership of public housing. He did not suggest that all public housing should be owned by the government. Maybe that was a slip of the tongue, Mr Whitecross.

I think there is a great need to ensure that there is a mix of housing in the public area and that it should be in all areas. We should not have suburbs that are predominantly public housing, just as we should not have suburbs that have no public housing at all in them. We believe that public housing should be all over Canberra. It should be indistinguishable from private housing, and we believe that there should be a balance that is based on fairness and equity. To all intents and purposes, we do not disagree with the MPI as put.

MR SPEAKER: Chief Minister, the time for the discussion has expired.

PERSONAL EXPLANATION

MR WHITECROSS (Leader of the Opposition): On a matter of personal explanation - - -

MR SPEAKER: Under standing order 46?

MR WHITECROSS: Yes. Mrs Carnell suggested a moment ago that I did not believe that the Government should own all public housing. My mind boggles as to how you can have something that is not public housing which the Government owns. Just for the record, Mr Speaker, if Mrs Carnell thought I said that, I did not. I do not believe that anybody apart from the Government should be owning public housing.

MR SPEAKER: Thank you, Mr Whitecross. I do wish other people would take note of your personal explanation. It was clear and concise.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE Report on Draft Variation to the Territory Plan - Heritage Places Register

MR MOORE (5.42): Mr Speaker, I present Report No. 14 of the Standing Committee on Planning and Environment entitled "Draft Variation to the Territory Plan (No. 56) - Heritage Places Register", together with extracts of the minutes of proceedings. Pursuant to the resolution of the Assembly of 24 August 1995, the report was circulated when the Assembly was not sitting, on 2 September 1996. I move:

That the report be noted.

I nearly said, "I report that the move be noted", but I think that is something we can talk about in political terms on other issues. This is a unanimous report of the Planning and Environment Committee dealing with heritage places and the Heritage Places Register. It is the first time, I think, Mr Speaker, that the Assembly committee has dealt with a variation of the Territory Plan on the matter of heritage. It will actually give

3 September 1996

a significant protection to heritage places. I believe it is appropriate to congratulate the Government and the bureaucracy on putting this together, because it clearly has taken a great deal of time and care. The committee is pleased to be able to recommend that the draft variation proceed.

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

**LAND (PLANNING AND ENVIRONMENT) ACT - VARIATION TO THE
TERRITORY PLAN
Papers and Ministerial Statement**

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, for the information of members, I present the approval of variation No. 56 to the Territory Plan for Heritage Places Register, pursuant to section 29 of the Land (Planning and Environment) Act 1991. In accordance with the provisions of the Act, this variation is tabled with the background papers, a copy of the summaries and reports, and a copy of any direction or report required. I seek leave to make a short statement in respect of that, Mr Speaker.

Leave granted.

MR HUMPHRIES: I thank members for their enthusiastic support for my statement. Mr Speaker, just briefly, the Heritage Places Register, as I think Mr Moore referred to, is included in the Territory Plan written statements at Appendix B. The first places were entered onto the Heritage Register in December 1994, with variation No. 26. It may be that at that time there was a comment by the Planning, Development and Infrastructure Committee of the Assembly before that occurred; I cannot be certain because I was not, of course, associated with that committee.

In September last year, the Heritage Council submitted 17 additional places to the former ACT Planning Authority for inclusion in that register. This variation amends Appendix B or 5 - I am not sure which it is - of the Territory Plan written statement to include these places on the register: Calthorpes' House, Red Hill; Barton housing precinct; Braddon housing precinct; Crinigan's Hut ruin, Amaroo; Forrest Fire Station precinct; Manning Clark's house in Forrest; Mugga Mugga at Symonston; National Rose Gardens in Parkes; St John the Baptist Church and churchyard in Reid; Theodore Aboriginal artefact grinding site; Tuggeranong School House, Chisholm; Rose Cottage, Gilmore; Reid housing precinct; Forrest housing precinct; Corroboree Park precinct, Ainslie; Goldenholm Dairy, Fyshwick; and Alt Crescent, Ainslie.

Mr Speaker, I do not think I need to draw to the attention of members the fact that the places I have just referred to are a veritable cornucopia of heritage assets that the Territory, I think, is now appropriately moving to properly protect. The register obviously will be added to the Territory Plan map for these sites if the variation is not disallowed. The issues that these particular variations give rise to, I think, will be the subject of some further debate and perhaps it is appropriate that there be that further debate.

The issue of multiunit development was raised in submissions from residents in Reid and Braddon, for example, and the Planning and Land Management Group is currently considering this matter in relation to the Red Hill precinct and will be considering some options to deal with the question of how to deal with the registration of that on the register. It is anticipated that this assessment will be completed later this year. If further investigations suggest an increase in the restrictions of multiunit development, the issue will be dealt with as a changed planning policy as well as a change to the Heritage Places Register, and this would require a further variation to the Territory Plan - with full public consultation, obviously. The variation, I am pleased to say, has been endorsed by the Planning and Environment Committee, and I thank members of the committee for having considered that variation. I commend it to members of the Assembly.

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

MS FOLLETT: I present Report No. 12 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I seek leave to make a brief statement on the report.

Leave granted.

MS FOLLETT: Report No. 12 of 1996 contains the committee's comments on 13 Bills, 26 pieces of subordinate legislation and one Government response. There are a couple of matters that I would like to make brief reference to, Mr Speaker.

Members might forgive me if, first, I express some frustration with some of the work which is coming before the Scrutiny of Bills Committee. Mr Speaker, I regard the role of the Scrutiny of Bills Committee as far more than that of a somewhat overpaid proofreading service, yet an enormous amount of the time of the committee and the work of our very highly skilled professional adviser falls into the proofreading category. It just astonishes me, knowing as I do from experience the number of hands and the number of pairs of eyes that should have examined legislation and subordinate legislation coming before this Assembly, all of whom have repeatedly missed some pretty fundamental errors in pieces of work, Mr Speaker. I think that is a bit sad; nevertheless, it is the case.

There are a couple of matters that I need to refer to. In the Attorney-General's Uncollected Goods Bill apparently an entire part is missing. The question of the missing part made for some very humorous debate in the Scrutiny of Bills Committee's consideration of the Bill; nevertheless, Mr Speaker, you wonder how a Bill got all the way through the administration, all the way through Cabinet, and all the way into this Assembly with such an obvious error. We have Parts I, II and IV but no Part III. That sort of thing happens pretty frequently and the committee has to report upon it.

3 September 1996

It is often also the case that we have numbering errors in other Bills, and in fact there are some commented upon. It is a matter that I will refer to, Mr Speaker. I do not think the committee should be a proofreading service, but obviously the proofreading needs to be done. I would suggest that it ought to be done long before a piece of legislation gets onto the table in the Assembly.

Another matter which is a continuing source of some frustration is the repetition of errors of omission and commission in relation to the making of appointments. I think every report I have made in the brief time I have been on this committee has had to make reference to appointments, particularly appointments under the Statutory Appointments Act. There is obviously a need, Mr Speaker, for far more scrupulous attention, not only to the legislation under which the appointments are made but also to the Statutory Appointments Act, in the preparation of these appointments and, again, in the checking of what it is that is actually being determined by the Government. For instance, we have one matter in the report that is before us today relating to the Tenancy Tribunal - something that we would all agree with. The Act appears to make provision for one deputy president, yet three have been appointed. You need some explanation as to how that has come about and where it is covered under the existing legislation, if indeed it is. So I think a more scrupulous approach to the making of appointments would be very welcome.

Mr Speaker, in the report before us the standing committee has taken an unusual step, and that is in revisiting a piece of legislation which we had looked at previously. That piece of legislation is the Animal Welfare (Amendment) Bill, the Greens' Bill in relation to the keeping of battery hens. The particular part of the Bill that we have revisited and commented upon is the walk-through powers and the powers of entry and search aspects of the Bill, because they are somewhat unusual, Mr Speaker, in that they are rather more stringent than similar powers under other legislation. I believe it is a matter that the Assembly should give some attention to. It did seem to the committee that there was something of an oversight in the drafting of those parts of the Bill, although this may not be the case.

Members will be aware, Mr Speaker, that the Standing Committee on Scrutiny of Bills and Subordinate Legislation does not make comment on policy matters, and I think it is the lack of policy debate within the committee and therefore the bipartisan nature of all of our reports that has served this committee well. However, in our terms of reference the Assembly has asked this committee to look at, amongst other things, the clauses of Bills introduced in the Assembly, to ensure that they do not unduly trespass on personal rights and liberties, that they do not make rights, liberties and/or obligations unduly dependent upon insufficiently defined administrative powers, that they do not make rights, liberties and/or obligations unduly dependent upon non-reviewable decisions, and so on. So we do have under our charter, our terms of reference, an obligation to look at those aspects of Bills, and it is in that spirit that we have revisited the Animal Welfare (Amendment) Bill. Mr Speaker, I commend the report to the Assembly.

ADJOURNMENT

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

That the Assembly do now adjourn.

Garema Court - Tenancy

MRS CARNELL (Chief Minister) (5.54): Mr Speaker, very briefly, I would like to let the Assembly know that Lend Lease and the Federal Department of Industrial Relations today announced that the department has signed a six-year lease for four of the eight floors of Garema Court in Civic. That means that the building will now go ahead and I think it heralds a revitalisation of the Canberra CBD. Lend Lease's development manager, John McFadden, today said, and he is right, that Lend Lease is contributing \$1m to revitalise Garema Place and City Walk, in conjunction with the ACT Government, to make the whole area around Garema Place and City Walk a much more exciting place to be, a social hub for all Canberrans. I think it is a very exciting announcement that does herald a new beginning for Civic.

***Canberra Times* - Seventieth Birthday**

MR HIRD (5.55): Mr Speaker, this is a special day for the *Canberra Times*, and a special day for anyone who turns 70 years of age. I know that members would join with me in congratulating the *Canberra Times* on this occasion of its seventieth birthday. I have in front of me a reprint of the original broadsheet of the *Canberra Times* of Friday, 3 September 1926. The price was threepence. It was 16 pages, Vol. I, No. 1, and it was a weekly edition. The paper covered such things as the local Australian rules competition and reported:

The Federal Rovers won in convincing style in the Federal Capital Territory Australian Rules competition, played at Northbourne on Saturday last.

It went on to talk about rugby league and the Sydney teams and stated:

In a match replete with good football, Eastern Suburbs team from Sydney defeated the Warrigals at Queanbeyan on Saturday last.

The report on golf stated:

A large membership is predicted for the recently formed Canberra Golf Club ...

3 September 1996

Mr Speaker, this parliament has close links with the *Canberra Times*. The paper's founding editor, the late Arthur Shakespeare, was an unabashed advocate of self-government. A number of other members would know that he was very staunch on self-government while a number of people advocated a different view. He was a member of the original ACT Advisory Council from 1945 to 1955, and was chairman in 1952 and 1953. It was understandable, therefore, that he used his position as editor and owner to promote self-government through the paper's editorial columns. When the newspaper was sold, originally to the Fairfax group, a condition of sale was that the paper would continue to advocate the Territory's self-government cause. Times change.

On the subject of change, congratulations also are in order for the new look *Canberra Times*. In today's economic climate it is encouraging to see a company like Federal Capital Press investing heavily in its future and the future of this Territory with the recent opening of its new \$40m colour press. This has brought a noticeable improvement in the quality of the newspaper's appearance. While the late Arthur Shakespeare set the standard 70 years ago, Mr Speaker, those who must be credited with the latest changes are the newspaper's managing director, Ian Meikle, who has made a valuable contribution to the Canberra community in the few years he has been here; the current editor, Mr Jack Waterford, who seems to have been around for as long as I have; and his staff. All have made over many years a significant contribution to their profession and to the Canberra region's communities. Congratulations to the *Canberra Times* on attaining 70 years - a milestone for the newspaper and the community it serves.

Canberra Hospital : Private Hospital Beds

MR BERRY (5.59): If Mr Hird had read on in the paper he would have found that the train took an hour longer to get to Goulburn in 1926 than it does now, so that was very interesting.

Mr Speaker, I want to raise an issue which was raised during the course of the debate about the accident and emergency ward. I regret that I did not raise this issue, because it puts things at the hospital in another context. I refer to the promise by Mrs Carnell to deliver a cardio-thoracic unit in the ACT. Doctors concerned with that issue report that we run the risk of the hospital being downgraded if we lose high-level surgeons who can provide thoracic surgery. Mr Speaker, the doctor I have had several meetings with over the years and who is a keen advocate of the cardio-thoracic unit remains in the ACT, but I wonder what his future will be. If he goes and we are not able to recruit one, in the absence of a cardio-thoracic unit, our hospital system and our accident and emergency ward will be downgraded.

Mr Speaker, a further matter that I would like to talk about is the private hospital issue which Mrs Carnell waxed lyrical about during question time. Of course, she quoted very selectively from a press release that was placed in the Assembly. This is what Mrs Carnell should have read out: There was no demand for extra private beds, and there is none now. Neither of the private hospitals here wanted extra beds in those days.

Mrs Carnell: Why did you give them 20 per cent more?

MR BERRY: Mrs Carnell says that Labor gave them 20 per cent more. Mrs Carnell should read the books. She should look at who approved the extra beds.

Mrs Carnell: Terry Connolly.

MR BERRY: No; young Gary.

Mr Humphries: No. Terry Connolly then confirmed the decision.

MR BERRY: No; he had to license them because you had already approved them. So do not give us that nonsense. You have to put all the history before the house.

Mrs Carnell: Do you want me to quote Terry saying in the Assembly what a great decision it was?

MR BERRY: He made the decision. I am not disputing what Mr Connolly said. Do not come into this chamber and say that we did it when, in fact, the decision which could not be got out of was made by Gary Humphries. Mr Speaker, Mr Humphries announced the beds. He was the one who approved the beds, and once that decision was taken it could not be withdrawn from without compensation, and you know it. Mr Speaker, it was a Liberal decision.

Mrs Carnell: Mr Connolly got up and said it was a brave new world and it was great.

MR BERRY: Do not come in here with phoney information when trying to recreate history. This decision was made at the Eagle Hawk Hill Liberal love-in, as I said in my press release. You would not read out that part.

Mrs Carnell mischievously referred to statistics comparing us with other States, in trying to draw some conclusions. It does not draw any conclusions. It does not draw any conclusions at all because the fact of the matter is that people in the ACT do not want to use private hospital beds. They want a good quality public hospital system. That is where the waiting list for services is. They want a good quality public hospital system. They do not want to be squeezed into the private sector by artificial reduction of public hospital services, which is the plan of the Liberals. There is no question about that, because you cannot offer a business proposition here in the ACT for another private hospital unless you reduce public services. It is as clear as that.

Mrs Carnell seems to be suggesting that if a private hospital comes here everybody will get sicker; that there will be more sick people. It is outrageous. There will be the same number of people, and the only way that business will be interested in this is if they can get some sort of subsidy to do it. Private hospital services have to be looked after in this Territory, otherwise they will not establish themselves.

3 September 1996

Mrs Carnell: You are a joke. We do not give John James a subsidy.

MR BERRY: She says that we do not give John James a subsidy. John James has been established for a long time, and in fact there was a subsidy from the Territory when Calvary private hospital was established. They used our building, do you remember? Mr Speaker, there is no demand for private hospital beds in the ACT from the hospitals themselves that are here or from the medical profession. This is just an ideological bent of the Liberals. They cannot help themselves. They want to reduce the number of public hospital services here in the ACT. They are prepared to do anything to achieve it, including subsidising business so that somebody can establish a private hospital here.

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

Shadow Minister for Health

MR DE DOMENICO (Minister for Urban Services) (6.04): Mr Speaker, I had nearly fallen asleep upstairs and then I was awakened by - - -

MR SPEAKER: Only upstairs, Mr De Domenico?

MR DE DOMENICO: I was awakened by this cant that I heard on the television set. When I woke up I saw that it was Mr Berry speaking. I could not resist coming down again, Mr Speaker, to put the record straight about who it is that misinforms and does all that sort of thing. Mr Berry's final comment was that the only reason why Mrs Carnell came into this place and talked about interest in a private hospital was that Mrs Carnell has a certain ideological bent, and that is true. That ideological bent happens to be very different from Mr Berry's. All I can say, Mr Speaker, is: Thank God for that.

If Mr Berry were alert to what is happening around him he would realise that there are very few people in this town, in fact in this country, who have a similar ideological bent to his. When Mr Berry goes on the attack in this place, telling everybody how Mrs Carnell or Mr Humphries or I, or other members of the Liberal Party, put out some misinformation, he should have a look at the history of this place. He does not have to go back very far, mind you. Twelve months ago, prior to the first Carnell budget, I can recall Mr Berry out there in voterland with press releases saying things like that we were going to be selling the Kippax library and shutting it down. He was proved to be wrong. We were going to sell the Canberra Theatre. He was wrong as well. We were going to sell Namadgi National Park. He was wrong again.

I think Mr Hird asked me a question about some of the promises that Mr Berry had made or some of the things he had mentioned out in his electorate of Ginninderra. I think he predicted five things. Actually, he went further than predicting things. He said that this was the secret agenda of this ideologically bent Liberal administration. Of the five things that he suggested we were going to do, he was proved to be wrong time and time again.

Last week Mr Berry came into this place and he made two humdingers. The first one was that the birthing centre was gone - finito. Being the kind soul that I am, I do not suggest that he did it on purpose. I am being pretty soft on him. I just think he misread or misinterpreted or misunderstood the facts before him.

Mr Berry: I do not think so.

MR DE DOMENICO: We have to give him the benefit of the doubt. He says, "I do not think so". That tells me that he did it on purpose. That is fine, if he wants to play politics in this place; but, as Mr Humphries said, when Mr Berry or any other member of this place uses people in the community in order to score a political point, I think that is disgusting.

He went further last week when he suggested that Mr Baker, I think it was, threatened to resign because he did not get on with me. It is all right if he has a go at me. I can accept that. That is fine. That is Mr Berry's way of playing politics - going for the man. Mr Baker then put out a statement saying that he was terribly hurt by what Mr Berry said because it was not true. Once again, Mr Berry has failed the community, I think, by not coming into this place and really doing his job, and that is to try to expose deficiencies in the Government. But, Mr Speaker, when you cannot expose deficiencies in the Government, what you do is revert to the old left-wing Labor approach and attack the person. Any person will do. It does not matter. If they are in their way, so be it; have a go.

Mr Berry did it again today. He said that we were going to abolish services in the northern suburbs, in Belconnen, because of some leaked document, an internal working document. If you read it carefully, Mr Speaker, it is one of the many options that people consider from time to time. Then he uses those old people, for heaven's sake, out there in Scullin for a political point-scoring exercise. I think it is about time, Mr Speaker, that any leader worth his salt, or her salt, over on the other side reined in Mr Berry. Mr Berry should be exposed for what he really is - a protagonist of all those nasty things that we saw done on our television sets two weeks ago. That is what Mr Berry is all about. Kick a political head - - -

Mr Whitecross: Have you asked them whether they are upset with Mr Berry?

MR DE DOMENICO: You are not upset because you are there because of them, Mr Whitecross. You are there because of the CFMEU. If you interject you will get it right back. You will not be there for long because he will take over from you tout de suite. I have to tell you: Be very careful.

3 September 1996

Floriade - Resignation of Chairman

MR WHITECROSS (Leader of the Opposition) (6.09): Mr Speaker, I rise in the adjournment debate to note that this afternoon we heard that the chairman of Floriade, Geoffrey Zuber, has resigned on the eve of the most prestigious event in Canberra's calendar. The chairman of Floriade sought an interview with the Minister and told him he does not want to work for him any more.

Mr De Domenico: No; hold on. He spoke to me. You were not there when he spoke to me. That is a lie.

MR WHITECROSS: There would not be a single person in Canberra, Mr Speaker, who has the misfortune to have to deal with Mr De Domenico - - -

Mr De Domenico: That is a lie.

MR SPEAKER: Order! Mr De Domenico, withdraw the word "lie".

Mr De Domenico: I withdraw the word "lie" and say that Mr Whitecross is telling porky pies, Mr Speaker.

MR SPEAKER: No, no; come on! It is 6.10 pm. We have had a long day.

Mr De Domenico: I withdraw "porky pies" and suggest that he should tell the whole truth.

MR SPEAKER: Thank you.

MR WHITECROSS: The whole truth. Well, I am working on that, Mr Speaker.

There would not be a single person in Canberra, Mr Speaker, who has the misfortune to deal with Mr De Domenico as a Minister on a regular basis who would be surprised that someone who works for him is resigning. There is no doubt that there is an element of truth, Mr Speaker, in Mr Zuber's stated reason for quitting, which is that he wants to devote more time to his business. I am sure he does. But would you not think that, having done all the hard work for 12 months, you would hang on for a couple of weeks longer until you had seen the fruition of your work, Mr Speaker?

Mr Speaker, you have to ask yourself some questions about the timing of his resignation now. Would you not wonder whether it might have something to do with the fact that this Minister, at the last minute, well after all the planning was under way, well after all the important decisions were made in the tourism industry, made this last minute decision to attempt to extract every last dollar from visitors to Canberra's favourite family event? He argued rightly that Floriade is not only a major tourist event, but a special event for Canberrans, and that charging for car parking would be a massive disincentive. His resignation came on the heels of the Minister's decision, a decision which we all know, Mr Speaker, has infuriated both the hotel industry and the tourism industry. Mr Speaker - - -

Mr De Domenico: Go and talk to them, Andrew.

MR WHITECROSS: I have, Mr De Domenico, and I know. Mr Speaker, Floriade was a fantastic event which we could all be - - -

Mr De Domenico: No, you have not. You are playing filthy, dirty politics; gutter stuff.

Mr Hird: You are learning it off him.

MR SPEAKER: Order! Mr Whitecross has the floor.

MR WHITECROSS: Thank you, Mr Speaker. Floriade was the one event of the year which everybody could attend. They could celebrate life in Canberra and do it for free; but not any longer. The Minister has increased fees and charges for practically everything he has control over. His philosophy is that if you can get a dollar out of it you should. This is one more. Mr Speaker, his decision to charge for parking at Floriade has infuriated the tourism industry. People have been promoting Floriade all over Australia as a free event. People have been selling packages to come to Floriade on the basis that it is a free event, and Mr De Domenico has pulled the rug out from under them. Mr Speaker, Mr De Domenico has mishandled this situation and it is not surprising that Mr Zuber, before Floriade opens, wants to register his lack of comfort with the way Mr De Domenico has handled himself as Minister.

Private Hospital Beds : Petrol Prices

MR HUMPHRIES (Attorney-General) (6.13), in reply: Mr Speaker, I want to make a brief reference - - -

MR SPEAKER: And mercifully to close the debate.

MR HUMPHRIES: Yes. I want to make a brief reference to the earlier debate about private hospital beds. I heard Mr Berry's claim that I was responsible for having made that decision. I wonder why it was that when Mr Connolly announced that the beds were going to be provided by the then Follett Government Mr Berry publicly attacked Mr Connolly for having made that decision? If it was my fault, why was Mr Connolly being attacked?

Mr Berry: I am just saying that people should get the history right. You made the decision.

MR HUMPHRIES: That is a bit of history that you forgot all about Mr Berry.

3 September 1996

Mr Speaker, I want to talk about petrol for a moment. For the last month or so the price of petrol at my local service station in Weston has been sitting at between 70.5c and 70.9c per litre. That is the lowest price at which petrol has been sold in the ACT since the first few days after Burmah Fuels opened in Kingston. It is a price well below what Burmah has been selling petrol for in recent months. Some service stations have been matching the price, although some are still around 74c per litre. I want to point out that I have not been claiming any credit for this drop in prices, although there is a lesson to be learnt about that.

One thing that I think needs to be made clear is that no ACT government can be responsible for oil companies reducing price support, movements in the price of crude oil, and movements in the dollar and the like which force prices up; but I am afraid it is all too often the case that the Labor Party scream that it is my fault when the price of petrol does go up. If it is my fault when the price of petrol goes up, I assume they would say that it is to my credit when petrol prices come down, as they have quite dramatically in the last few days.

I have been waiting at my desk for the press release to come in expressing hearty congratulations from Mr Whitecross and Ms Follett, but I do not think I am going to get it; and, Mr Speaker, I do not expect to receive such praise. It would be glib to claim credit for something which is not my doing. The fact is that this particular experience of prices of petrol coming down should be a lesson to the headline chasers opposite that when petrol prices move in this town there is generally a lot more to it than can be controlled by any one ACT government.

I think there is a message in this for the Canberra community. There are limits to the extent to which the ACT Government can fix petrol prices. When prices go up as a result of something this Government does, I expect criticism. When they go down as a result of something that we do, I seek praise. But, when the crude oil prices go up, or the US dollar goes up, or there is a war in the Middle East or whatever, I have to say that I think it is a little bit beyond my powers to do anything about that. I hope that those opposite have taken a little bit of heed of the lesson that this most recent price drop has for them.

Question resolved in the affirmative.

Assembly adjourned at 6.17 pm