



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

19 NOVEMBER 1996

19 November 1996

Tuesday, 19 November 1996

Petitions:

ACTION bus services - Kippax	3687
Egg production - battery cage system	3688
National soccer centre	3688
National soccer centre (Ministerial response).....	3689

Minister for Health and Community Care (Motion of want of confidence)	3690
---	------

Questions without notice:

Chief Minister's Department - financial statements.....	3718
Commonwealth contracts - business assistance	3720
Chief Minister's Department - financial statements.....	3721
Local area planning advisory committees	3725
Chief Minister's Department - financial statements.....	3725
After-hours duty solicitor scheme	3726
Water and electricity charges	3729
Water and electricity charges	3730
Budget expenses.....	3731
Water and electricity charges	3733
ACTION buses - gas engines.....	3734
Sportsfields - watering.....	3734

Personal explanations.....	3737
----------------------------	------

Answers to questions on notice	3739
--------------------------------------	------

Lakes and foreshores	3746
----------------------------	------

Study trip.....	3746
-----------------	------

Subordinate legislation and commencement provisions	3746
---	------

Paper	3751
-------------	------

Mental health services	3751
------------------------------	------

Mental health care (Ministerial statement)	3751
--	------

Minister for Health and Community Care (Motion of want of confidence)	3752
---	------

Personal explanation	3766
----------------------------	------

Estimates 1996-97 - select committee	3766
--	------

Estimates 1996-97 - select committee (Government response)	3797
--	------

Aboriginal reconciliation and multiculturalism	3801
--	------

Suspension of standing order 76.....	3823
--------------------------------------	------

Planning and Environment - standing committee	3823
---	------

Children's Services (Amendment) Bill 1996	3824
---	------

Bushfire (Amendment) Bill 1996.....	3826
-------------------------------------	------

Air Pollution (Amendment) Bill (No. 2) 1996.....	3829
--	------

Land (Planning and Environment) (Amendment) Bill (No. 2) 1996.....	3830
--	------

Lotteries (Amendment) Bill 1996.....	3830
--------------------------------------	------

Dentists (Amendment) Bill 1996	3832
--------------------------------------	------

Adjournment: Answer to question on notice.....	3832
--	------

Tuesday, 19 November 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.

PETITIONS

The Clerk: The following petitions have been lodged for presentation:

By **Mr Berry**, from 717 residents, requesting that the Assembly require the Government to ensure that bus services to Kippax, particularly route 409 via Wirraway Crescent, are retained.

By **Ms Horodny**, from 3,400 residents, requesting that the Assembly abolish the battery cage system of egg production in the ACT.

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

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

ACTION Bus Services - Kippax

The petition read as follows:

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

The petition of certain residents of the ACT draws to the attention of the Assembly the proposed cuts and changes to Bus Service 409 to Kippax. The 409 Bus Service is the sole means by which many in the Scullin area, and in particular the aged and physically handicapped residents of Collingrove Units, gain access to the health, banking, shopping, library and postal services at Kippax. The Deputy Chief Minister and Minister for Urban Services Mr De Domenico, in Bus Book 96, gave his commitment to the "most efficient and effective public transport service in the country".

19 November 1996

Your petitioners therefore request the Assembly to require the Deputy Chief Minister and Minister for Urban Services, Mr De Domenico, to abide by his commitment by ensuring that the services to Kippax, and in particular the 409 Bus Route via Wirraway Crescent, are retained.

Egg Production - Battery Cage System

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 battery cage system of egg production involves many cruel practices towards hens, including:

1. caging for their entire lives in cages where they cannot exhibit their natural behaviour, for example spreading their wings and scratching in dirt or litter;
2. caging for their entire lives in cages with sloping wire floors, where the only possible position of comfort is to roost on the bodies of other hens.

Your petitioners therefore request the Assembly to: abolish the battery cage system of egg production in the ACT.

National Soccer Centre

The petition read as follows:

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

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

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

Petitions received.

MINISTERIAL RESPONSE

The Clerk: The following response to petitions has been lodged by a Minister:

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

The terms of the response will be recorded in *Hansard*.

National Soccer Centre

The response read as follows:

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

On 25, 26 and 27 June petitions were presented to the Assembly having been lodged by Mr Harold Hird. The petitions requested the Assembly to support the Belconnen Soccer Club's new soccer stadium and clubhouse proposal.

My response to the petition is as follows:

The views of the petitioners have been noted and will be taken into consideration as part of the application process.

Gary Humphries MLA

Minister for the Environment, Land and Planning

MINISTER FOR HEALTH AND COMMUNITY CARE
Motion of Want of Confidence

MS TUCKER (10.32): Mr Speaker, I ask for leave to move a want of confidence motion in the Minister for Health and Community Care.

Leave granted.

MS TUCKER: I move:

That this Assembly lacks confidence in the Minister for Health and Community Care by reason of her failure to adequately administer the health portfolio including:

- (1) failure to give sufficient priority to people most disadvantaged in the community;
- (2) failure to put into practice the principles of open, accountable and consultative government in this portfolio area;
- (3) providing misleading information through the Estimates Committee about staffing issues in community care group houses for people with disabilities.

Mr Speaker, a motion of no confidence is a severe measure, and I want to say at the outset that the reasons for this motion, the reasons why I am so concerned, do not relate to transitory mistakes and misleading statements. Such things are important enough - and I have some to mention - but they are symptoms. I call on everyone here who may have picked up a pen to write down the details of how the Minister has been caught out to put the pen down.

My call for the Minister to resign is worth carrying only if I convince you that the Minister, either by choice or by the circumstance of her heavy load, relegated her responsibility for the most disadvantaged in our community to the least position on her agenda until she was forced to politically respond. The Minister for Health has been successfully censured twice. She has not responded adequately to my attempts, personally and in the Assembly, to raise matters of grave importance affecting people who are among the most disadvantaged. She has made a mockery of consultation, and I believe she has misled the Assembly. In short, she has blunted all the tools, and the time has come to force a change in her approach.

The Minister for Health need never have faced a want of confidence motion. Forcing her to do one thing or another should never have been an issue. She is someone who, prior to her election as Chief Minister, was impressive in her promise to introduce council-style, cooperative, accountable and consultative government. Instead, she has restricted access to information and decision-making to a small group and a tiny Executive. It is a sad fact that, in this dominant mode of politics in Australia widely, as well as in the ACT,

an increase in suffering, even a crisis, will often not be enough to change a policy or shift a priority, let alone radically reorder a government's approach, particularly if that group, the group that is suffering, is not wealthy, well connected or in some other way likely to become a powerful force. That is what has happened in this case and that is why I have reconstructed this silent crisis into a political issue.

Members will recall that in August I began asking the Minister a series of questions in relation to the adequacy of policy and procedures for infection control in group houses for people with an intellectual disability. It was an extremely serious matter and one that I brought into the political realm only after personal approaches had failed to bring an adequate response. A Social Policy Committee inquiry and Ken Patterson's inquiry would not be able to deal with this matter as it was not included in their terms of reference. During this debate I became convinced that the Minister had a very poor understanding of the occupational health and safety issues in group houses. Not once during that period did the Minister acknowledge that a problem existed. Her responses were, frankly, fob-offs, while her advisers and senior bureaucrats constructed excuses and finally a conglomeration of paper cobbled together to try to show that an infection control policy had been developed thoughtfully and introduced with care and training. It was a disgraceful sham; it was totally unconvincing.

Along the way, blunt and clumsy attempts were made to silence staff and blame them for my criticisms of the poor state of the policy, the policy process and practice in this area. In fact, I did refer some of those implied intimidations to Mr Patterson. While this denial was occurring, policies were hurriedly put together, too hurriedly in the first instance. After I pointed out the obvious flaws, the first draft policy was withdrawn and then re-presented, with an opportunity for consultation with other players. Make no mistake; there was no effective infection control policy in operation in ACT group houses before I began raising concerns. If there is one now - and I say "if" because we are still getting a lot of concerns from people - then it is as a result of political pressure. More recently, through the budget discussions and through several very tragic events, public focus shifted to mental health. Mrs Carnell has reacted. It did not happen because this was a priority area for the Government, even though mental health is one of the greatest social challenges facing us; it happened because of political pressure.

A decision was also made by Mrs Carnell to locate the ADD Inc. detox unit in a vacant villa at Hennessy House. My concern was that the Minister did not wait to hear the views of the Social Policy Committee before making this decision. The inquiry into mental health services is obviously relevant. The committee has been contacted by people in the mental health community who believe Hennessy House should be further utilised for mental health services. Hennessy House is a purpose-built mental health facility and is highly regarded, even by the consultants Mrs Carnell employed; but, because of a shortage of funding, it has never been fully utilised, even though there is a waiting list. As chair of the committee, I wrote to Mrs Carnell expressing concerns about the decision. Mrs Carnell's written reply stated that, because of the Government's policy of "deinstitutionalisation", it was extremely unlikely that the unused cottages at Hennessy House would ever be used as accommodation for mental health clients.

19 November 1996

There were many things in the week that followed that letter which might have concerned me but which were, in the end, just irksome political noise - a media release in which Mrs Carnell's office headlined a shoddy misquote of a radio interview; a *Chronicle* article where her spokesperson twisted the facts shamefully; several references to the Government's wide consultation over the location of the detox unit, which were a totally irresponsible use of the term "consultation". However, it was the misuse of the concept of deinstitutionalisation that I found most disturbing. It was, for me, a profound indication that this Minister was refusing to address the problem. I have been to many, many meetings; I have been to a health conference on mental health. This whole discussion about how this concept of deinstitutionalisation has been used to justify inadequate services and cost-cutting comes up over and over again.

One constituent I spoke to recently told me about her son who has recently returned from Kenmore. She is no longer able to care for him; she is extremely fearful for his welfare; and she is very desperate. Hennessy House would be appropriate but, she has been told, there is no room and there is a waiting list. I can tell you that she is not too impressed to hear that the Chief Minister believes this facility is an institution, and therefore is inappropriate. "What is appropriate" - this mother asks - "to be homeless, to be in a refuge, to be in gaol, to be admitted to hospital in crisis because the support was not there?". The attempt to use deinstitutionalisation in this way followed a series of similar attempts to misuse important concepts during the debate on group houses.

These are cornerstone ideas that people have fought to make the underpinnings of policy for the just treatment of people with a mental illness or an intellectual disability. They are concepts that grew out of concern for human rights. During the debate on group houses for people with an intellectual disability, Mrs Carnell tried to justify inadequate arrangements for prevention of infection, at the same time as her bureaucrats were actually getting themselves up to scratch on the issue because they recognised it was important. Mrs Carnell said that the focusing on this issue of prevention of infection would violate the idea of the home; that these were people's homes. For the same reason, she then went on to invoke the concept of dignity of risk - an important idea about protecting a person's right to human experience, including the inherent dangers we all face. We are all very well aware of the concept of dignity of risk and why it is important. But to bring it up in the context of basic infection prevention procedures is absolutely unacceptable.

In her letter to the Social Policy Committee, the Minister attempted to justify not waiting for the report of the committee by saying that Hennessy House would not be utilised because of her policy of deinstitutionalisation. The fact was that the needs of people living with an intellectual disability and/or a mental illness and the concerns of their families, communities and carers had been at the bottom of the Health Minister's agenda. The result of her poor attention to these areas was that the cracks are now opening too fast and too wide to be covered up in the old ways; the complaints are too numerous to damp down; and the problems are beginning to overlap and compound. She had begun to cynically manipulate the key concepts in an attempt to cover this neglect and her decisions taken on the run. She then began to distort the truth. Again, I remind members of the approach that the Minister could have taken; that is, the open, consultative and accountable approach she had promised as a candidate. I do not hear her say that so much anymore.

In relation to the areas of intellectual disability and mental health, my experience is that when I raise a problem it is dismissed at the political level or I get a briefing from senior officers who ask me what to do; while at the departmental level things are done hurriedly to fix the particular case I have raised, without there being any real attempt to address the substantive, structural, systemic problems. Very little information sharing goes on, and morale within the sector is extremely low. I acknowledge, of course, that in most recent times there are plans and reviews of disability services and mental health that may address these issues.

During the Estimates Committee hearings, Mr Berry asked Mrs Carnell questions about staff costs and staff arrangements in group houses for people with a disability. I ask you to consider whether or not Mrs Carnell's answers were misleading.

Mr Moore: Gilding the lily.

MS TUCKER: They may be, as Mr Moore says, gilding the lily. That is what Mr Moore says.

Mrs Carnell: Did you raise it in the Estimates Committee?

Mr De Domenico: Is it in the report? Why did you not raise it in the Estimates Committee?

MS TUCKER: The response is that it is not in the report.

Mrs Carnell: No; did you raise it in the committee?

Mr De Domenico: And, if not, why not?

MS TUCKER: That is a typical response, a typical political response. I am asking you to address the issues behind this question. I am asking members of this place to consider whether or not these answers are misleading; whether they are just gilding the lily, as Mr Moore says; or whether they are just a mistake because there is such a heavy load. Other members can make that decision.

Basically, Mrs Carnell stated that staff received a 75 per cent loading on sleepovers. That is not the whole story. Maybe it is not misleading; it is just not the whole story. Again, she failed to mention that, because of the sleepover, the hourly rate of pay following is less than 100 per cent of the normal hourly rate. Then Mrs Carnell claimed that if Disability Services moved to using one of the professional commercial nursing services - "professional commercial", we heard it many times - they would save half a million dollars immediately. This is misleading on two counts, I suggest. Firstly, I would like to see those figures substantiated; so, I will ask for substantiation.

Mrs Carnell: Have you asked for them?

MS TUCKER: I am asking now. I ask you to substantiate them.

19 November 1996

Mr Berry: On a point of order, Mr Speaker: It is a serious motion. The Government will have the opportunity to respond formally to the claims that are being made. Informal interjections when other people are trying to listen should not be tolerated.

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

MS TUCKER: Mr Speaker, as I was saying, a professional commercial nursing service was mentioned many times. This statement clearly implies that the available professional commercial nursing service would supply nurses at a lower rate than that currently paid to residential carers. I was interested in that statement because I had already received complaints about the quality of personnel that were being sent from this professional commercial nursing agency. I was interested to hear that these people were nurses. But it appears that they are not. I have spoken many times to people and the most recent time I have spoken to three different people, and I invite the Chief Minister to tell me that this is not true. I would be delighted to hear that we are actually sending people who are trained to Disability Services houses and that we can do it - - -

Mr Berry: Mr Speaker, on a point of order: The Chief Minister consistently offends against standing order 202(e). She should be warned.

MR SPEAKER: I uphold the point of order.

MS TUCKER: Thank you. I invite Mrs Carnell to clarify for me that, in fact, it is not the case that totally untrained people are sent to disability group homes; that sometimes people who are just straight out of school are going to group homes; that there have been occasions when people without a drivers licence have gone to group homes and have had to go back; that members of her staff have refused to use that agency on occasions because they have been so unsatisfied; that there has been no training required; that it is just starting now; and that there is being developed right now by that agency a training package for people so that the service is better. Of course, again it is just not the whole story we hear. It is quite possible and appropriate that this agency does give employment to people other than nurses, but the very clear implication from Mrs Carnell's statements was that we are getting nurses and that they are much cheaper than the people employed in the houses at the moment. It is not good enough; it does not matter how good you are with words, whether you make sure your statements are just ambiguous enough to never be an absolute mislead; the point is that the impressions you have created to serve your political end at the moment have been misleading. *(Extension of time granted)* It is just another example of the lack of appropriate respect for the important issues we are attempting to discuss.

In relation to accountability, we should also look at the dog's breakfast of contradictory mental health figures that have been promoted by this Minister. Let us take 1995-96 first, because that is the beginning of the story. The budget speech for 1995-96 said that mental health expenditure would increase by 7 per cent over that year. Page 9 of *Your Money at Work* expanded on this by saying that mental health expenditure was increasing by \$400,000. During the estimates process we found out that

this Government was actually claiming credit for \$400,000 which was from the Commonwealth. In this year's budget speech the 7 per cent increase for 1995-96 was also quoted. Unfortunately, the Government once again took all the credit. Anyway, the dollar figure of that 7 per cent has suddenly shot up to \$1m. Since that time the claims of record expenditure keep getting grander.

Mr Speaker, the first press release on the budget quoted mental health expenditure as being more than \$14m. To refer to the punters' guide to the budget, which is, after all, where most citizens will go for information, the increase by the Government for mental health is \$295,000. We accept that there is a recent addition of \$50,000, which came, incidentally, the day after I first threatened a no-confidence motion. However, a few weeks later \$14m had jumped to \$16m. Yesterday, in the statement on mental health, it was more than \$16m. We are also being told that mental health expenditure by this Government has increased by \$1.3m since it came to office. How the average citizen or a person interested in following this matter and participating in open government could arrive at \$1.3m from the \$400,000 increase to the mental health budget announced in *Your Money at Work* in 1995-96, added to \$295,000 in the latest budget, plus the \$50,000, if you like, is a mystery.

Where do the numbers come from? I refer members to the Walter and Turnbull report which was provided to the Estimates Committee. Table 1 of this report shows that the 1995-96 expenditure on mental health services was \$14.618m. The 1996-97 figure is \$15.903m. This explains where the \$16m Mrs Carnell has been using comes from. But there is a paragraph under that table which contains, basically, a disclaimer from these consultants that none of these figures have been subjected to a detailed audit and are based only on information provided by the department. One wonders why the department cannot add up its own figures. If mental health is such a priority, what has been going on in this businesslike Government, if you do not know how much money you have spent? Most businesses do know how much money they have spent; they do not need to employ at the last minute an outside consultant who has to put in disclaimers because the time available was not adequate.

In addition to this general disclaimer, the consultants also wrote that the 1995-96 figures for Canberra Hospital were obtained from the hospital's general ledger; the 1996-97 figures were obtained from the purchase agreements; and the 1995-96 figure does not include any overhead allocation. The finance area of the Canberra Hospital estimates the amount of overhead allocation to be in the vicinity of \$2m. If that is the case, that brings the 1995-96 figure up to \$16.618m, which is actually more than the \$15.9m in the 1996-97 figures. Who knows what the real story is? Maybe you will explain it, Mrs Carnell. Maybe you will actually sort it out. It should have happened.

In the Estimates Committee, I asked for a very detailed breakdown. We did not receive it. What we received after the estimates process pretty well was the Walter and Turnbull report. What I am saying here is that you may well be able to explain all these different claims that you have made, but you have to at least acknowledge the confusion that is put in the minds of the community. A lot of members of this community are interested in mental health funding. They have asked for explanations, and they say to me that they cannot work it out. Even if you are prepared to sit down and explain it, even though you did not do it in the Estimates Committee, the process is appalling.

19 November 1996

I am sure Mrs Carnell has been very clever in making sure she has never quite overstepped the mark; but, quite frankly, I am fed up. I am sure other members are fed up as well with your being that little bit too clever, Mrs Carnell; providing contradictory information to give an exaggerated, if not distorted, picture. The whole point should be about whether the money is adequate for the services we need.

I think it is shameful that a Minister can use figures in such a headline way when there is no accountability to the Assembly or the committees. We are never going to get accountability and openness if we do not challenge the validity of this sort of information. I also want to remind members that it was Mrs Carnell who, in opposition, said in the Assembly that on mental health generally we spend some 40 per cent less than some other States do.

Mr Humphries: We did, and that is why we have increased spending on mental health.

MS TUCKER: Not up to 40 per cent, Mr Humphries. Yet, apparently, from her statement yesterday, she is pretty satisfied that the resourcing is adequate. But I do not see a 40 per cent increase.

Lastly, I want to focus on consultation and the Government's relationship with the community. Rather than open and consultative government, there is a growing concern that there are actually consequences for speaking out against this Government. I am receiving a growing number of calls which have to be called confidential because, basically, people are fearful of the repercussions.

Mr Humphries: We send the troops out to drag them into line.

MS TUCKER: You can make all the noises you like on that side of this place.

MR SPEAKER: No, they cannot. Order!

MS TUCKER: All right, Mr Speaker; you can ask them to be quiet, but the point is that I am receiving these calls. I am very clear on this climate of fear which is developing. I am talking about service users, non-government organisation service providers and community representatives. This is particularly disturbing because part of their role is to be advocates for people with an intellectual disability, mental illness or whatever - some other vulnerable group. The need for advocacy is obviously predicated on the vulnerability of the group they advocate for. If we are going to see advocates feeling vulnerable, then we, indeed, have something falling very far short of open and consultative government.

In regard to the decision by the Health Minister about Hennessy House, I will read from a copy of a letter to the Minister for Health which was sent to me by the Mental Health Network. The letter says:

Network members are also concerned at the way in which the Arcadia House move to Hennessy House was proposed and adopted; it seems that though citizens of Tuggeranong were consulted and allowed a veto, those more vulnerable and living at Hennessy were not consulted, and nor were their families. It must also be remarked that as far as we have been able to discover, those consulted inside the mental health system were almost uniformly opposed.

I have no idea what the Mental Health Advisory Council said about the decision; but the answers to Estimates Committee questions, questions from Mr Berry, actually make amusing reading if you are interested in the art of bureaucratic non-answers. *(Further extension of time granted)* It actually makes quite amusing reading if you are interested in the art of bureaucratic non-answers, but it leaves you with a not so amusing feeling that their response was, at best, not enthusiastic.

There is another aspect of bipartisan decision-making which is a well-respected and established part of our Westminster system, and that is our committee system. I have heard over and over from Mrs Carnell how she values the committee work; yet, since this Government has been in office, we have seen several major reports basically ignored. From my experience, it seems that the main use this Government sees for the committee system is to suppress debate on the issue being inquired into. Certainly, there have been some rather odd attempts to intimidate me with accusations of pre-empting committee reports. I can assure the Minister and this Government that I have been very careful not to speak on behalf of the committee in any way that is inappropriate.

Mrs Carnell is an enormously hardworking person with too great a load. She is capable of bringing about positive changes in areas to which she gives priority. Yesterday's announcements in relation to mental health appear to contain worthwhile initiatives which my committee will examine carefully. However, my motion stands, with all the fire I can bring to it, because I believe that this Minister has been seriously in error and her initiatives of late do not convince me that she is ready to fundamentally change the way she governs this portfolio. I remind members that there have already been two successful censure motions moved against this Health Minister. She boasts that they mean nothing. It is a cause for regret, in moving this severe motion, that the other tools are blunt, Mr Speaker.

I also remind members that the core of my concern - a failure to prioritise the needs of disadvantaged people in our community - was also the core concern of Mr Osborne's successful censure motion; that is, a basic commitment to issues and principles of social justice. It is with regret that I move want of confidence in the Minister for Health. The Minister must step aside because she has failed to give sufficient priority to people most disadvantaged in this community; she has failed to put into practice the principles of open, accountable and consultative government in this portfolio area; and through the Estimates Committee she has given misleading information about staffing issues in community care group houses for people with a disability.

19 November 1996

Mr Humphries: You are only chasing votes.

MS TUCKER: Mr Humphries is saying that I am chasing votes. You are so far from the truth of the motivation for this motion. If I could see a real commitment from this Government to address these issues in other than a political and ad hoc way, I would be delighted.

Mr Berry: Mr Speaker, on a point of order: You have accepted my point of order twice in relation to interjections. You have warned Mrs Carnell pursuant to standing order 202(e). On both occasions you have upheld my point of order. Would you uphold my point of order in respect of Mr Humphries and name him?

MR SPEAKER: No, I will not. I would remind all members that, particularly when they are on their feet, they should not provoke other members by making comments attacking them, which is exactly what Ms Tucker did.

Mr Berry: I rise, Mr Speaker, to raise a point of order again. I do not think the standing orders say much about members saying controversial things in their speeches in this place which might upset members of the Government, therefore drawing from them an interjection. Mr Speaker, the standing orders are quite clear. If members offend against the standing orders you should call them to order. If they continually do it, as they are doing now, Mr Speaker, your role is to name them. Our role is to deal with them.

MR SPEAKER: I thank you, Mr Berry. I repeat, however, and I would ask for members' cooperation: Please do not provoke other members when you are on your feet speaking.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (11.00): Mr Speaker, it is extremely hard to know how to actually respond to this, because it is the most unusual no-confidence motion that, certainly in my time in this Assembly, we have seen. We have always taken no-confidence motions very seriously and they have been put forward only on the basis of misleading the Assembly, to my knowledge. Mr Humphries, is that the truth? I certainly cannot remember another circumstance.

Ms Tucker, last night, in her press release, suggested that she had evidence to present today that I had actually misled the Assembly. To actually quote her press release, she said, "I believe she has misled the Assembly". We have just heard a speech, with two extensions, which made not one mention of misleading the Assembly - except at the end when she requoted her press release that she thought I had misled the Assembly. She proceeded not to give any evidence or not even attempt to give any evidence, and did not even mention the issue of misleading the Assembly. She started her speech by saying that she really has no evidence to justify the motion. She said, I think, "Put down your pencils if you think you are going to record the areas where Mrs Carnell has somehow - - -

Mr De Domenico: She was right there.

MRS CARNELL: She was right there; that is true. She said, "Put down your pencils because I am not actually going to give you any evidence right now. What I am going to do is spend a very long time talking about the things that make me unhappy". I can understand that lots of things make Ms Tucker unhappy; and it was very interesting to read her press release last night in which she said that she believed that our approach to government, our open and consultative style of government - and I will come to that a bit later - was not up to the speed that she would like.

She really got to the crunch of why she wanted to move this motion today when she said it was because I did not take her seriously. To quote Ms Tucker, I had been dismissive of her personal approaches to me on issues that are important to people. I accept that Ms Tucker may feel that way. In fact, it is extremely difficult not to be somewhat dismissive of this motion right now. But in the areas about which Ms Tucker has come to see me - and they were areas of disability - all of those issues have been referred to the Health Complaints Commissioner. Personally, I think Ken Patterson is the appropriate person to look at issues or complaints with regard to an individual's problems. But because Ms Tucker does not quite like that approach and does not get enough publicity from it, she decided to go down this path. It is a very unusual no-confidence motion, because Ms Tucker does not think I take her seriously enough. All I can say is: What do you say to a comment like that?

Mr Speaker, there are three elements to this motion today, as you know. One of them is that I have somehow failed to give sufficient priority to people most disadvantaged in this community. This is an interesting comment from Ms Tucker, who also in her media release last night said that this was not an issue of resourcing. She says quite categorically, "It was never my intention to move no confidence in the Minister over her current resourcing of mental health or disability". What we are talking about here is a failure to give sufficient priority to people most disadvantaged in our community, but we are not talking about resourcing, apparently.

It would appear that what Ms Tucker is saying is that somehow in Health we are spending too much money in areas other than disability and mental health. But we are spending record amounts in both mental health and disability. Ms Tucker did not for a moment suggest we were not spending record amounts; she did argue about the figures on how much those record amounts were but did not for a moment suggest they were not record amounts. If we are spending record amounts in mental health and disability, and if Ms Tucker is saying that this is not an issue about resourcing, then this sufficient priority issue is one on which I am having a large amount of trouble working out what Ms Tucker actually means. It is obviously not about money; it must somehow be about the sorts of things we are actually doing or the way we are managing disability or mental health.

Mr Speaker, the provision of appropriate high-quality services for people with disabilities is a major responsibility for any community. It is a responsibility that communities and certainly this Government do not take lightly. People with disabilities represent one of the most disadvantaged groups in our community. Often they have little or no opportunity to express their views or make a choice about things that affect their everyday lives.

19 November 1996

In recent years, though, there has been a major shift in the way that the community has viewed disability, and we believe this shift is appropriate. The shift has resulted in a move away from seeing people with disabilities as being sick, and in need of some sort of intervention, to viewing people with disabilities as individuals who have specific support requirements to enable them to function as full members of our community.

This shift has also resulted in major changes to the way people with disabilities are supported. We have moved from viewing them as problems which should be hidden in institutions to supporting people who live in our community to take greater control in all aspects of their own lives. As a community, our success in supporting people with disabilities can be measured by the extent to which they are enabled to participate in the various dimensions of community life; the reduction in the level of exclusion they experience from their social life at home, in the family, in the neighbourhood, in leisure, in community activities and at work; and the reduction in the stigma that is often associated with disabilities and the view that they somehow are less than others.

Mr Speaker, we take these issues extremely seriously and have put in place mechanisms and, of course, worked on a number of the approaches that the previous Government was taking to improve the situation for these people. It is within this framework that this Government has sought to refocus and develop services for people with disabilities that are provided by both the government sector and the community sector. Our record is one of major commitment to meeting the needs of people with disabilities; a willingness to address problems and find solutions; and a real focus on seeking to develop a service system that provides quality outcomes for people with disabilities.

It was this Government that responded to the Dell review of intellectual disability services and, over the past 18 months, actually implemented most of the recommendations. These changes include the development of regional interdisciplinary teams providing accessible and flexible services to clients, with an emphasis on achieving integration with local community networks; the reform of respite services, with the provision of a greater diversity of respite options and the provision of more age-appropriate respite accommodation for both older and younger children; improved work force management practices; updating and developing a range of operational policies and procedures to guide the operation of government-run group homes and hostels; and the implementation of staff development initiatives such as the new traineeships in development and disability studies, with the aim of developing a highly skilled work force that can deliver quality support services for clients. We recently saw the graduation of the first group of these new trainees in this area, a group that now goes into working in our disability area full time, although they have been working during their course, as very well trained people. We have seen the start of the new course in that area.

This list is by no means exhaustive and I think you have to recognise that we have recently released the draft strategic directions plan for ACT Community Care's disability program. This was released - wait for this - for consultation. Mr Speaker, I would be very happy to table that. Obviously, Ms Tucker somehow forgot about it. This plan highlights a range of initiatives to enhance the individual focus and quality of service provision. Following the consultation process, we will be moving to implement whatever comes out of the consultation and start the next phase of service improvement. I table that plan.

It is not only in the area of government service provision that we have made significant impact. This Government is also committed to increasing the role that the community sector plays in service provision in this area. The major objective has been the expansion of the range of service options in the community sector. This has been achieved through directing growth and transition funds made available to the ACT under the Commonwealth-Territory Disability Agreement to expand the accommodation support, daytime activity, community access and respite care services provided by the non-government sector. We have also directed growth funding under the home and community care program, which we all know has been significant over the last two years, to develop a range of innovative respite care options such as the new leisure links service, volunteer activity-based services and a pilot host family respite service.

Mr Speaker, a major initiative of the Government has been the expansion and development of individual support packages that aim to allow individuals to purchase tailored support packages in a way that maximises their choice and control in accessing the service system. In the 1995-96 budget this Government provided an additional \$600,000 to purchase more support packages. This funding resulted in a further 34 people accessing individual support packages, which brought the total number to 71. These packages represent a significant reform, and I am pleased to inform members that the ACT is a leader in this type of funding arrangement in Australia. In fact, our approach has been identified in the final report of the review of the Commonwealth-State Disability Agreement as a possible national funding model.

We have also been successful in negotiating with the Commonwealth Government to pilot the inclusion in our individual funding packages of funding to support people accessing employment services. This has also been a national first and a significant step in breaking down the program barriers to a fully integrated funding system. To further improve individual support packages we commissioned a review - a review is when you look at what people think, consult and all those sorts of things, things that Ms Tucker does not think we do - earlier this year, and that report has recently been presented to the ACT Disability Services Advisory Committee. That committee advises on these sorts of areas and talks to carers and all of those sorts of people. It will conduct consultations on the report and its recommendations and provide advice back to the Government on further reforms.

Mr Speaker, no one model or sector can claim to be perfect or solve all the problems facing people with disabilities. All service providers have difficulties in balancing the competing needs of their clients, parents, families, staff and community; and that is unlikely to change. This is a very difficult area. However, it is a fact that this Government has made a significant commitment to improve the range and quality of services provided to people with disabilities. Our record is one of achievement, innovation and reform and is a record that has been unmatched by previous governments.

I think it is very important here to also speak about mental health because that is the other area Ms Tucker seemed to dwell upon. The area of mental health has been an ongoing dilemma since self-government, and probably before, in the ACT and, for that matter, elsewhere in Australia. With that in mind, when we came to government last year we put in place a number of reviews. There was the Purdon accommodation services review.

19 November 1996

There was the mental health services review that was done in May this year - May this year, not after Ms Tucker said she was going to move a no-confidence motion. There is the cover page for anybody who might be interested. There was also the review of the ACT mental health crisis team, also in May this year.

Yesterday we launched the "Mental Health Care in the ACT - Moving Ahead" paper as well. There also have been reviews and work done in areas such as the official visitors scheme; dual diagnosis of intellectual disability and mental illness; first onset psychosis; dual diagnosis HIV and a mental illness; Aboriginal and Torres Strait Islanders mental health; housing and psychiatric disabilities; mental health research principles and practices. (*Extension of time granted*) All of those reviews have been done over the last 12 months. Those reviews have come up with a number of approaches that we adopted yesterday in our "Moving Ahead" paper. I think it might be worth while quoting from the mental health services review executive summary. I am happy to table this for members' interest. It says:

The review team is of the opinion that the standard of public sector mental health services in the ACT is high and would rank in the top third of services in the country. Staff are well-trained and appear to be highly motivated. Programs are well-defined and appear to be reasonably well-resourced by national standards.

The adjusted level of per capita expenditure is estimated to be above national average. All services have Australian Council of Healthcare Standards -

that is, ACHS -

accreditation, and some community-based programs have also won national accreditation.

Mr Speaker, every one of our mental health public services in the ACT is accredited. I believe we are the only service in Australia that can say that that is the case. That shows, I think, quite categorically that we are not dealing with a situation or a service that is the worst in Australia. In fact, this report suggests we are in the top third and are spending above the national average. The report then goes on to suggest that there are a number of things that we should change to significantly improve the way we run mental health, and a number of those recommendations were picked up in the report that I launched yesterday. We also had a review of our 24-hour crisis service - again, a report that we will implement in full. What that suggests is that we should be moving from a crisis team approach, which was implemented by the previous Government and which really has a clinical focus, to one that is about supporting people in their own homes - again, I think, a very appropriate approach for mental health generally.

It was interesting to hear on the radio the other day Elizabeth Morgan, the chair of the Mental Health Advisory Council. She said that she had been involved in reform of mental health in South Australia and that every government involved in this sort of reform finds it very difficult. It is very difficult. There are all sorts of competing interests and,

I suppose, professional differences between the people who work in the area. But she did make the comment that she believed strongly that the approach we were taking to move to a more community-based approach was the appropriate approach. Here we have a situation where we are spending more than we ever have in disabilities and more than we ever have in mental health; and we have independent reports that our services are very good and that there has been significant consultation in this area. Remember, Mr Speaker, that all of these reports were subject to community consultation; every single one of them was subject to talking to the community, talking to the stakeholders. It is important to raise these matters at this stage because the first part of Ms Tucker's motion, which suggests that we have failed to give sufficient priority to these areas, has been well and truly debunked by what I have said already.

Shall we now go to the second part, which talks about the failure to put into practice the principles of open, accountable and consultative government in this portfolio area. In the area of mental health and disability services we receive advice from the Mental Health Advisory Council, the Disability Services Advisory Council, the Home and Community Care Advisory Council and the Health Rights Advisory Council. These committees are made up of consumers, carers and providers. In a few weeks the Mental Health Advisory Council, together with ACTCOSS - working together, Mr Speaker - will co-host a mental health forum or think-tank to plan future directions in this area. They will be working with the document that I launched yesterday and with the new director of mental health, who has already indicated that he will be going down a path of consulting with the community and the stakeholders to set the future direction for mental health, taking into account the approaches that we have already put in place. All of that will be part of this think-tank approach. Again, Mr Speaker, this is not community consultation of course; this is something else! I am not too sure what it is, but certainly Ms Tucker does not believe it is.

The review of mental health legislation that I announced yesterday will involve a full community consultation process. By the way, Ms Tucker has been briefed on it so that she knows it perfectly well. All stakeholders, including the community and service providers, have also been briefed on it. The draft strategic plan for disability services, which I have already spoken about, has just been released for feedback from the community. A review of individual support packages - again, I have already spoken about that - conducted by an independent consultant has been provided to DSAC for them to consult more widely on the issue. We are exploring options to expand the role of the Health Complaints Commissioner to investigate complaints from a wider range of clients, including those in community care services, in both the government and non-government areas. We held a public consultation forum on the third national HIV/AIDS strategy - an area which is very important, obviously. We held consultations with the alcohol and other drugs interagency network concerning the review of the national drug strategy. In the prevention and management of youth suicide, a consultative group has been set up across all sectors.

Mr Speaker, the list goes on and on. In fact, what I would like to do, in the interests of those in the Assembly, is table a list which I have here of all the areas of consultation that this Government has been involved in or is involved in; what the project is; who the target group is; what the process is; what the timeframe is; and what the status is. As you can see, it is a significant document. Maybe it will help Ms Tucker just a little to understand

19 November 1996

that significant community consultation continues. Interestingly, community consultation is not telling people what you want; community consultation is asking people what they think. Ms Tucker has her knickers in a knot, simply because she does not always get out of the community consultation process what she wants. That is really what we are talking about here. I table that document.

I think it is also important to realise that that consultation is not just broadly based consultation. (*Further extension of time granted*) Mr Speaker, the new chief executive of ACT Community Care has been taking this approach in the area of disabilities. Apart from having a newsletter prepared and sent to all parents, providing information in response to recent situations, he has been going down the path of actually seeing all parents who want to see him on this issue, individually. He wrote to them all, asked them all to come in, and if they had individual concerns to express them. I understand that the chief executive has now met with some 34 parents. I understand it is significantly more than that now. A large percentage of the parents, of course, have very few problems in the area. A number of them believe the service is fine, but the areas that do need to be addressed are being addressed for the parents in that very individual way.

The third issue that Ms Tucker wanted to talk about today was my providing misleading information through the Estimates Committee about staffing issues in community care group houses for people with disabilities. Mr Speaker, was it not a pity she did not tell the Estimates Committee? If you believe that information that has been provided in a committee process is somehow misleading, as a member of this house, you have an obligation to raise that issue in the committee process. For me, as a Minister, to have to put up with press releases that I have misled the Assembly, to have motions on the floor of this place talking about misleading information that I gave to the Estimates Committee, but for the Estimates Committee not to know about it and for Ms Tucker not to mention any areas where I may have misled the Assembly, I believe, is a misuse of this place. It is an unacceptable approach for anybody to take.

Ms Tucker tried to suggest that there might have been - I think her words were - some gilding of the lily. She quoted from the report by Walter and Turnbull, which the department put together because there had been significant questions asked about mental health funding and about what the actual figures meant. Ms Tucker, rather than not consulting on these areas - and because no matter what I said I believed Ms Tucker was never going to believe me on mental health funding - what we decided to do was to get an independent accountancy firm to do an audit on mental health funding. You cannot be more open and accountable than that. We then gave that report, in its totality, to the Estimates Committee. Ms Tucker quoted from some of that. Unfortunately, she then did not go to the next section, which is where the \$1.3m comes from - not that area at the top of that page, Ms Tucker, but the next area - which shows that mental health funding at Canberra Hospital alone has increased by some 30 per cent since 1991-92. If Ms Tucker looks at the increase shown in that table between when we came to government and today she will find that the difference is \$1.3m. Surprise, surprise, Mr Speaker, it is right there, if anybody had bothered looking at it.

The only other area in which I could work out where Ms Tucker might have had a problem was the comment on Michelle's professional nursing service, which is a commercial service. Michelle's has both nurses and non-nurse carers working for them; there is no doubt about that. I am advised that Michelle's do have a training program in place - in fact, it has been in place for, I think, more than eight months - and that training program has been approved by the department. What more can I say? I think it is very unfortunate to use a place like this to say a commercial service somehow has untrained staff, when they obviously have a training program in place, and to somehow run down a commercial operation that, certainly from my advice, under most circumstances, has been operating very well.

As I said earlier, Mr Speaker, it is unfortunate to spend so much of the Assembly's time and, of course, the taxpayers' money debating an issue such as this. Ms Tucker herself indicated that she had absolutely no substance at all to back up this approach. Certainly, Ms Tucker should have had a no-confidence motion saying, "I have no confidence in the Minister for Health because I do not agree with her". I am sorry, Mr Speaker; that is not the basis for a no-confidence motion. That is all there is to it. That is what Ms Tucker has said to this Assembly today. I think I have addressed each one of those points, in full certainly; but I believe that is essential. A no-confidence motion is the most serious motion that any Minister can be faced with in any parliament. I take that very seriously. Mr Speaker, there is no substance; she has admitted there is no substance. This is simply a waste of taxpayers' money.

MR BERRY (11.28): Mr Speaker, Mrs Carnell, in quoting from one of her reports, I think, used the words, "There are a number of things we can change". Mr Speaker, there is one thing that we can change in the interests of health management in the Territory, and that is this Minister. The Minister is not up to the job. She has too much to do, according to some of our Independent colleagues. I would say she is just incompetent. Mr Speaker, she has treated the process of this Assembly in dealing with a motion of no confidence with mockery and contempt. For that alone she deserves a punishment. It is a very serious issue to bring before this Assembly a motion of no confidence in a Minister and it has to be treated seriously by the one who is challenged as well as by those who are challenging.

Mr Speaker, the motion moved by the Greens speaks for itself, but I have circulated an amendment in my name which I will move forthwith, and I will deal with it in the context of my speech on the issue. I move:

After paragraph (3) add the following paragraph: "(4) mismanagement of the Health budget."

I heard Mrs Carnell responding to one of the points made in Ms Tucker's motion where it reads:

failure to give sufficient priority to people most disadvantaged in the community.

19 November 1996

Mrs Carnell went to great lengths then to point out how her expenditure in mental health was up to scratch, but according to an article in the newsletter of the Canberra Schizophrenia Fellowship - I think it was by a Dr Drew - mental health spending in the ACT had improved to 71.5 per cent of the national average but overfunding of general hospital services was up to 134 per cent. Is it not a pity, Mr Speaker, that Mrs Carnell did not issue a little bit of that largesse to the mental health services area? I think that alone makes out the point that Mrs Carnell has failed to give sufficient priority to people who are the most disadvantaged in the community. I will get to some more issues in that respect later on.

The milestones along the way, Mr Speaker, are very obvious to even the most casual observer. There were the promises issued by Mrs Carnell during the election. Do you remember those promises? Do you remember the extra beds, Mr Speaker? Do you remember her savings, Mr Speaker, and the answers she offered so confidently? When we look at Mrs Carnell's performance in the management of the health portfolio all we come across is a litany of blunders along the way. There was a whole lot of deception from the outset.

The record of what Mrs Carnell has said and what she has done has led to this lack of confidence. It is a sign of frustration with this Health Minister. Indeed, from Labor's point of view, we are frustrated with her as the leader of the Government in the Territory for what she has done to this Territory. The impact of what she has done in Health alone will be with us in this Territory for years, for decades. Future generations are going to have to pay the price of the incompetence of this Health Minister. The only way that we can stop it happening is to get this Minister out of this portfolio and get in there somebody else who can put more of their energy and time into the issue of health. It is far too important to the community to have a Health Minister who is diverted from the issues of state so far as the economy and so on of the Territory are concerned.

No wonder, Mr Speaker, there is a lack of confidence that she has the knowledge, the ability or, indeed, the commitment to deliver what she has promised or what she says she will do. The experience thus far is that she does not. The lack of confidence that shows up in this place is also reflected in the community. Too often we have seen solutions offered which do not match the problem. Too often the solution has been a knee-jerk reaction - you have seen them all - tailored to get Mrs Carnell out of trouble rather than to get the health system out of trouble, or her Government out of trouble, or anybody else out of trouble. They have just been public relations exercises. Mr Speaker, it has not been concern for the health system which has driven this multimedia person essentially to perform in her own interests. Mr Speaker, there is no doubt that Mrs Carnell works hard and takes a lot of time with the media, but she has to take more time with her own portfolio. She has proved that she is not up to the job of dealing with the health portfolio.

Mr De Domenico: Is that what your press release says?

MR BERRY: All along the way the Territory has to pay for Mrs Carnell's incompetence.

Mr Humphries: Start with waiting lists, Wayne.

Mr De Domenico: Yes, talk about waiting lists.

MR BERRY: Mr Speaker, you have ruled in my favour in respect of the standing orders so far as interjections are concerned. I would again remind you of the consequences of standing order 202(e).

MR SPEAKER: Thank you. Order!

Mr De Domenico: Langmore must be resigning today.

MR BERRY: That is the second time you have told them.

MR SPEAKER: Order! The Chief Minister was heard in silence. I ask that the same courtesy be extended to other speakers. Proceed, Mr Berry.

MR BERRY: Mrs Carnell, from the outset, has shown contempt for this Assembly. When caught out, and she has been caught out many times, Mrs Carnell has offered her honeyed promises, but in effect they have come to naught. On 24 August last year the Assembly passed a resolution which rejected the Government's decision to remove salaried medical practitioner services from community health centres unless the health centres were managed as 100 per cent bulk-billing practices for general practitioner services. On that issue Mrs Carnell showed clear contempt for this Assembly. She should have been thrown out over that. By December it was clear that the Minister for Health had moved to get rid of all of the salaried medical practitioners. That was a slap in the face for this Assembly, and still the warning censure that followed did not seem to make her change her ways. It was a clear breach of the Assembly's wishes.

The treatment which this Assembly had been given led to Mr Osborne moving a motion of censure on 6 December. Mr Osborne was frustrated with the Chief Minister's move. Mr Osborne said at the last election that he would vote for the Chief Minister or for the party that got the most votes. No wonder he would be frustrated when he voted for somebody who just laughs at him. It would make you wonder about whether that promise is worth sticking to when the decisions of this Assembly, in which the Liberals opposite do not hold the majority, are completely ignored. The censure motion was successful, and so it ought to have been. During his speech on that motion Mr Osborne said:

I do not ask for a great deal, Mr Speaker. The first thing I ask for is honesty and truth and to be told everything, and then I will sit back and make my decision. Unfortunately, in relation to this issue I was not afforded that courtesy. I was not given all of the information.

Mr Speaker, Mr Osborne identified that Mrs Carnell is not always honest in her dealings with this Assembly. This is just one of the milestones along the way. There has been a building up of the mistakes and the contempt that Mrs Carnell has had for this Assembly.

19 November 1996

Mr Humphries: I raise a point of order, Mr Speaker. This motion is about some specific issues that have been raised. I think that if Mr Berry has anything new that has not already been debated in the Assembly he should bring it forward and we should debate it. For him to rake over old censure motions, and there are plenty of them of course, in order to be able to find something to say against Mrs Carnell exhibits some desperation, I would suggest, in his approach to this issue.

MR SPEAKER: Thank you.

MR BERRY: Mr Speaker, I remind Mr Humphries that in his practice as a lawyer he might, on some occasions before a judge, have mentioned the form of some prisoners before they were sentenced. I am merely drawing the attention of this Assembly to this Minister's form. In closing that debate Mr Osborne said:

I was accused by Mr Humphries of making a mistake. I think the only mistake I made was believing what I was told.

That was the mistake the community of the ACT made in respect of this Minister. (*Extension of time granted*) The fact is that we passed a motion. It was given to the Government and, as far as I am concerned, it was ignored. Mr Speaker, all along the way the wishes of this Assembly have been ignored, as well as the wishes of the community and the promises that were made to the community in respect of issues that were going to be delivered in the course of this Assembly. The community expects a minority government to be called to book in relation to its performance. That is what this motion is about. On that occasion the Assembly voted - - -

Mrs Carnell: It is nowhere in the motion, Wayne. Nowhere in the motion does it say that.

MR SPEAKER: Order!

MR BERRY: That is the second time that Mrs Carnell has ignored your ruling. I would ask, if she does it again, that you take action.

MR SPEAKER: I do not uphold the interjection anyway. The preamble to the motion states "to adequately administer the health portfolio including". It is not exhaustive. I think there is a fairly broad debate as a result.

MR BERRY: Mr Speaker, that is a novel approach to interjections. On that occasion the Assembly voted 10 votes to seven to censure the Minister for Health. That has been the pattern set by this Minister. When caught out, promise whatever it takes, but never give out all of the facts. Glitzy promises; honeyed words. We get them all the time.

On 28 March this year this Assembly once again raised its concerns at the approach of the Minister for Health and again passed a censure motion, and again by 10 votes to seven. This time the Minister was censured for recklessly misleading this house over both the VMO contracts and her failure to control the health budget. Mrs Carnell has risen to the standard of being unique. In any other parliament in this country a Minister found to have

misled it would have resigned. This Assembly found that Mrs Carnell misled it and she arrogantly ignored it. Those are the facts of the matter and they cannot be ignored. Tell me one parliament, Mr Humphries, where people would ignore being found guilty of misleading the Assembly. Mrs Carnell ignored it.

Mr Speaker, I would say to the Independents - they are important in the context of this censure motion - that they have to consider that censure motion as a serious issue on Mrs Carnell's form. They also have to consider the censure motion moved by Mr Osborne in respect of those medical officers as a serious issue on her form. They have to be taken into account when the Independents are coming to a decision on this issue. This Minister has proven that she is not up to the job. Mr Speaker, Mrs Carnell has survived these motions by her own arrogance.

The next example of the contempt in which the Minister holds the house was her treatment of the issues surrounding the health budget. The Minister came in on a promise to rein in health expenditure. Who will forget it; \$30m in three years, \$10m a year, and the criticism of health over all of her period in opposition and the promise to the people of the ACT. The promise was to cut all of these overheads by \$30m. What have we got? I will come to that in a moment. She also announced, and was censured for it, that she had the VMO costs cut and in the bag.

Then there was the great consultancy, the million dollar consultancy that was going to pay a dividend of 8 to 1. Do you remember that one? The Booz Allen report was going to pay a dividend. We can afford the million dollars because we are going to get a dividend; it is a sure thing. This was the favourite, a sitter, Mr Speaker; and what did we get out of it? Not much. The Auditor-General showed in December that the VMO savings were illusory. Mrs Carnell had misled us again. The VMO budget had already blown out by \$1.9m. So Mrs Carnell had misled us again, Mr Humphries.

Mr Humphries: Is this a history lesson, Wayne?

MR BERRY: This is a matter of form, Mr Humphries. Mr Speaker, that million dollar Booz Allen report has never delivered the promised savings. Instead, the ACT was faced with its first ever supplementary Appropriation Bill. The Chief Minister and Minister for Health asked for another \$14.2m for her own health portfolio. I will tell you what; anybody sitting in this place - - - (*Further extension of time granted*)

Mr Humphries: Mr Speaker, might I just make a point about that? We have granted two members a second extension, namely, the mover of the motion and the person against whom the motion is directed. With great respect, we have a massive amount of business today. We are going to be here all day if every speaker gets two extensions and speaks for an endless period.

MR BERRY: I will move a motion.

MR SPEAKER: I accept the comment, Mr Humphries, but the fact is that I am in the hands of the Assembly if leave is granted. May I say that I do wish all members would tailor their speeches within the time limits available, but that is simply an observation on my part.

19 November 1996

MR BERRY: I have accepted the convention in this debate. There has been no hold put on members in relation to their speeches in this debate.

Mr Humphries: Mr Speaker, how long is Mr Berry's extension for?

MR SPEAKER: Five minutes.

MR BERRY: I will need more than that. I will give notice now that I will need more than that to complete my speech. This is a serious issue.

MR SPEAKER: Just get on with it and you might not.

MR BERRY: If I do not get leave I will just have to move a motion in due course.

Not only did Mrs Carnell fail to make the promised savings. All of us people in this Assembly were convinced that that was all she would want. No more. She said, "\$14.2m. I am being open and honest. I am telling the community. That is all I want - \$14.2m". You all remember it, every one of you. Mr Speaker, by the end of the financial year the Minister for Health and Treasurer had to reveal that \$14.2m was actually \$22.3m. We were misled again. When Ms Tucker says that Mrs Carnell has misled us, she is right, she is dead right, because she has misled us, and not just once either. Mr Speaker, by the time the 1996-97 budget papers came out, between what Mrs Carnell estimated the previous year we were going to spend and what we are going to spend in this budget there is a gap of something like \$37m. Where are the savings? They have evaporated.

These are the very important reasons why the Independents have to think very carefully about their vote on this Chief Minister. If they do not support this motion it is an endorsement for this Minister to keep up her current practices - that is, create massive debt and sell assets, all things that will be left for future governments and future generations to fix up. So there are massive implications involved in this decision today. That is another example of the contempt that this Minister exhibits towards the Assembly and the people of the ACT.

At the same time we have seen the Minister demonstrate her contempt of the standards required by her Federal colleague John Howard. An examination of the code of conduct documents for this Government and the Follett Government makes it clear that Mrs Carnell could not have taken on the role of Minister for Health under the previous Government's code of conduct but has done so under her own Government's new rules, which allow for the running of a business provided that the Minister is removed from day-to-day operations. She would have been sacked by John Howard, Mr Speaker, and she would have been sacked by Rosemary Follett too. Equally, Mrs Carnell could not hold the health portfolio under those conditions set by John Howard because of the reasons I have just set out. Conflict of interest can be perceived or actual, and good governance is served when both are avoided, irrespective of any tailor-made rule which may allow one or the other to occur. For the Chief Minister of this place to be caught in an area of potential conflict of interest is an outrage that the community should not be asked to tolerate.

The Health Minister appears to be in a position where the management of her portfolio will continually be subject to a conflict of interest on the issue. Mr Speaker, the methadone program is clearly a case where significant government funding is involved in the management of a program which will involve 200 clients and a direct government subsidy of \$156,000 to pharmacies, including the Red Hill Pharmacy. While the approval of Mrs Carnell's pharmacy as part of the program will be sought through the Attorney-General, it is impossible to avoid the conclusion that a government health subsidy will go directly to a business owned by the Treasurer and Health Minister.

Furthermore, Mr Speaker, Mrs Carnell's ACT registration as a pharmacist is regulated under the Pharmacy Act, for which she has ministerial responsibility. The management of the Red Hill Pharmacy by Mrs Carnell is also regulated under the Pharmacy Act and the Pharmacy Board, three members and the chair of which are appointed by the Health Minister, for heaven's sake, and they are responsible for regulating the professional standards to be observed by her in her pharmacy. Both the Pharmacy Act and the Drugs of Dependence Act are within Mrs Carnell's portfolio responsibilities. She will not give them up. It is a matter of considerable concern that these pieces of legislation effectively make the Health Minister the watchdog on her very own professional and business interests. How can you tolerate a situation which has developed along those lines?

The most recent blunder perpetrated by this Health Minister is in the sensitive area of mental health - an area where the ACT has had a lot of catching up to do, both in services and more generally in the amount of money we allocate to the mental health budget. What has been the Minister's response in this sensitive area? Knee-jerk reactions one after the other, blundering into clinical areas. Mr Speaker, there was the unfortunate incident when Mr I'Anson was shot. The Minister leapt in and promised a house, with no money, of course, to run it, and to provide services from that - - -

Mr Humphries: There is money there.

MR BERRY: It came later. *(Further extension of time granted)* There was another knee-jerk reaction after Mental Health Services were in the spotlight when the windows of the Assembly were smashed. Then, instead of appointing the long-awaited director of mental health, the Minister sacked the acting director. But she could not sack him, because he had not misbehaved and, of course, he was not ill. There were no grounds to sack him. He had to be allowed to run out his time as the acting director, but then he was not replaced, as is required by the Act. The Act requires that Mrs Carnell appoint a director of mental health, and she did not do so. She ignored the wishes of this Assembly. This Assembly set out a piece of legislation which required the appointment of a director of mental health, and Mrs Carnell refuses to take note of that legislation. For that reason she should be sacked.

19 November 1996

Mrs Carnell: It is fixed.

MR BERRY: She claims across the floor that it is fixed. It is not fixed. There is no director of mental health appointed under the legislation. Mr Speaker, this Minister refuses to enact the intent of the legislation and the legal requirements of the legislation which set out the requirement to appoint a director of mental health. She blamed the acting director for the actions of a single individual who drew attention to the problems in mental health. Mr Speaker, of course, this man was a scapegoat. This was an insult to the executive of Mental Health Services who wrote to Mrs Carnell protesting about the precipitate dismissal of the executive director and the release of confidential and inaccurate information on the day he was dismissed. Mrs Carnell had to backtrack. But she bungled.

Another bungle followed when Mrs Carnell tried to put in place a non-psychiatrist as the director of mental health. That failed because the person she had sought to entrap into that position stepped back out of it. He was not going to have anything to do with this conspiracy that was going on in relation to mental health. We were left with a situation at that time of no director of mental health, no acting director of mental health, and no executive director of mental health. Since then the Minister has made another announcement. This is another misleading and dishonest press release. It is headed "New Director of ACT Mental Health Service" - a lie. Whoever wrote that was setting out deliberately to mislead the community to the view that a person had been appointed as the director of mental health under the legislation. It was a deliberate attempt to mislead the community. Over and over again we hear these honeyed words and glitzy promises.

Mr Speaker, Mrs Carnell's interference in clinical issues in the mental health area has also been highlighted by a letter sent to her by a psychiatrist from the Canberra Hospital, pointing out that it was not her role or her office's role to interfere in the role of the mental health crisis team. Mrs Carnell's office interfered in the operation of the mental health crisis team and asked questions about individuals and for details about individuals in relation to their performance of clinical duties. That is not the role of a politician, Mr Speaker. Mrs Carnell should be sacked for that, too. The Minister's interference in clinical issues has led to the morale in Mental Health Services plummeting. Mrs Carnell's solution, of course, is to announce a grand plan, another glib, knee-jerk reaction which is, more than anything, a marking of time.

Mr Speaker, the Independents in this chamber have a job in front of them today. It is a serious job. It is one which requires the deepest consideration. I know that they are committed to this Government. This is not about the fall of the Government; it is about relieving the Territory of the problem Health Minister that we have been lumbered with. Health, mental health and all of those areas which Mrs Carnell manages in the area of health need a new Minister. They need one who does not have a conflict of interest. They need one with an interest in dealing with the health problems, not one who is concerned only with glitzy promises and honeyed words. Mr Speaker, this is a motion of no confidence that should be supported.

MR SPEAKER: The member's time has expired.

MS REILLY (11.56): Mr Speaker, one of the interesting and refreshing things for me this morning is to hear a discussion of health and community care that does not focus on just hospital waiting lists. I was beginning to think that there was nothing in the health budget apart from worrying about waiting lists, important though they are; but that is only one small part of the responsibilities of the Minister for Health and Community Care. If you consider waiting lists, and we will continue to discuss them for a bit longer, they affect only a certain number of people within the community; but if you look at community care in the broader sense, and health care in the broader sense, we, the whole community, have a part to play in this, and everybody is affected in one way or another.

It is important that we look at the functions of the Minister for Health and Community Care. Mrs Carnell has made mention of a number of reviews and consultations that she has held; but, if you consider those reviews and what they were looking at, it is crisis management. We do not appear to have any overall management of the health and community care budget. This Government responds to crises. I think the message to a lot of people in the community is: If you want something done, initiate or set up some form of crisis. Then you will get a response. If you just want to have a service that you know about, that you can be assured of the quality of, that you can be sure will continue after next week or next month, you have no guarantees; but if you set up a crisis you will get a review. They will even put out a consultation paper. It will be all completed, but they will put out a paper for you.

It is very hard to know what is going to happen. It is interesting to see that the Minister for Health and Community Care is looking at mental health and disability services. She appears to be responding also to various reviews that have been held under the auspices of the Standing Committee on Social Policy, and it is good to see that there is some response. It is a pity that she is responding before the Social Policy Committee has brought down its findings. I think she could take a lesson from her Minister for Education. He at least waited until the violence in schools report was finished, but he then ignored the recommendations of the report.

It was also interesting to hear her discuss community care and suggest that a number of initiatives have been taken and an amount of expenditure has gone on; but, in fact, if you look more closely, a lot of this is Commonwealth money. Even though it may be matched by the ACT Government, the Commonwealth initiates any response. The Commonwealth is the one that is providing the first dollars, and, of course, if the ACT does not respond, it does not get the Commonwealth dollars either. These are not initiatives or functions or programs that the ACT is running itself; these are responses to initiatives from another area.

While talking about the major parts of community care, let us consider a number of self-help groups that have been formed within this community. A number of these groups have a very important role in keeping people informed about the latest developments in their particular area of concern, or a disability or health problem they may have. They also play an important part in supporting each other in what they do and how they lead their lives. This gives these people control over their own health care and over their own functional development. It has been shown that people working through, say, self-help groups within the community are more satisfied with what is going on.

19 November 1996

They are more empowered within their own lives, and in fact they need less use of more expensive acute care services. But these groups are not given any responsibility. These groups are not given any credit. Their funds are cut. They are not looked at for their role in the health services and community care services across the ACT.

Mrs Carnell has talked about the importance of enabling people with disabilities to participate in community life. That is very important for those people, but there is nothing to facilitate their participation. She talked about the response to individual needs, but people living in the community disability group houses find it very hard to get an individual response to their needs. If the group wants to do something it can happen. Obviously, in any family life, there has to be discussion and negotiation, but to put pressure on adults to all do the same activity at the same time does not indicate a concern for the individuals within those community houses. After looking at some of the complaints that I have received about the disability group houses, it seems that all that has happened is that there has been a change from using John Knight Hostel, a large institution, to using small institutions dotted throughout the community.

It is difficult for a number of these people to feel that they can be part of the community when there are restrictions on what actions they can take and on what activities they can participate in. There seems to be little attention to individual needs. Obviously, one of the ways for people to be able to participate in community life as much as possible is to do simple things like going out for dinner or going to the movies, but not necessarily during the day. But, with the cuts to services and the cuts to the amount of money that is provided to disability group houses and to community organisations providing support to people living in the community, they do not have sufficient funds to pay people to assist these people to participate in community life in the way that anyone would like to do. It is good to go out for lunch, but sometimes it is even better to go out for dinner. I am quite sure that none of us would like to go out for dinner but have to eat by 5 o'clock because the person assisting us is not able to be paid to work past 5 o'clock. It really takes away the joy and pleasure of a special dinner when you have to have it by 5 o'clock in the afternoon.

Mr Whitecross: If you can find one.

MS REILLY: That is another problem, of course - finding somewhere where you can eat within that time. I am quite sure a number of people would also like to attend performances at the Canberra Theatre. That is also difficult to achieve unless there are matinee performances. A number of organisations have spoken to the Chief Minister about the difficulties of trying to manage a budget where there is not sufficient money for salaries. The needs of the workers in these organisations are important. It is important that these people are paid their proper wages. I think it is sad that on one level we talk about looking after individuals, but we provide nothing to facilitate individual needs being met.

Another important thing for people living within the community and having government services is the opportunity to have access to a proper complaints mechanism. There is very little information about how you complain. I think this is important because this is a way in which services can be improved. It also gives the opportunity for people

to raise issues. There is no complaints mechanism that is known about within the group houses and within other community services. Yes, people can go to the Health Complaints Commissioner, but you have to be in the know almost to know that you can go there. There is no information provided.

There are suggestions that a number of the parents of the people in community group houses do not have complaints. A number of them are too scared to complain. A number of the people who are getting services are too scared to complain. The attitude is that if you put up a complaint you will be told, "You can take your son and daughter home, if you like". That is not always possible because of their level of care needs. So you cannot say, "There are no complaints", and then say that that shows satisfaction with the services. I am quite sure that no satisfaction survey has been done. People quite often are too scared or too concerned to make a complaint because they are concerned about what will happen to their son or daughter.

Another part of the services that are available for people in group houses and in community services is advocacy services. It is interesting to note that advocacy services are funded by the Commonwealth. Recognising the importance of these services, the importance of the rights of people in community houses, one hopes that this funding continues if the Commonwealth withdraws these moneys.

Mrs Carnell made mention of respite services. Yes, there has been a considerable increase in the amount of government funding, particularly Commonwealth funding, in this budget. But when you talk to people who are trying to access respite services, particularly residential respite services, there has been a change in people being able to access them; in some cases, say, from one week in four to one week in eight. (*Extension of time granted*) I was speaking about people being able to access residential respite services. Where previously they were able to access them one week in four, say, to meet the need of the person, it is now one week in eight. There has been a considerable reduction in the amount of respite services available for people to use.

As I am sure Mrs Carnell is fully aware, respite services can be absolutely essential for families with children with disabilities. They are also important for the children themselves, whether they are young people or older people with disabilities, because this is an opportunity to live in another environment. It is an opportunity for people to find out other ways of living. Accessing respite can be a precursor to moving into a Disability Services house if, of course, there is an opportunity for anyone to move into a Disability Services house. It seems to be a closed book. There is no waiting list even though there are a number of children living within the community who would welcome the opportunity, and their parents would also welcome the opportunity, to have an alternative permanent residential house to live in. But there has been no increase in Disability Services houses even though these houses at this stage are not fully meeting the needs within the community. Also, the respite care services that are available are of a very limited type. There is the opportunity for residential services, but there is very little else available.

19 November 1996

It was impressive, as I said earlier, to see the reaction of the Government to various crises in the community. I am quite sure the people who are running the Friendship House in O'Connor are pleased to have the \$50,000. But did we have to wait for a crisis before we looked at the management and administration of that house? Why was this money not made available so people could offer a full service within that house? Far be it from me to suggest that people take actions to get a response. What do people have to do to ensure they can access services in this town? It is frightening to think what people might be forced to do to get a service.

Ms Follett: Yes, smash all the windows.

MS REILLY: Maybe it will be a glazier-led recovery in the ACT. One of the other important aspects of delivering community services in this town is proper award wages for the people who are working in this industry. We have seen the situation where there has been an award developed over a number of years. It took years for this award to be developed. I am referring to the SACS award. Some of the community organisations have been logged against this award, but do they know what is going to happen? Do they know that they will get money to pay proper salaries to their workers? No, they have been left dangling. They have been left wondering what is going to happen when they are paying their employees proper salaries that reflect the standard and quality and skill of their workers. They are competing for tenders to deliver services in the future against organisations that are not concerned about what level of wages they pay.

There is no recognition being given to those organisations which have logged for the SACS award, who respect and treasure their workers and pay proper award wages, as against those organisations which are unconcerned about the level of wages paid to employees. They are left uncertain about their futures. If a community service is uncertain about the future and whether it will be continuing to deliver services, what does it do to their clients? What does it do to the people in the community who depend on these services, never knowing when a service will stop because the employees can no longer be paid? Why is it considered acceptable within the social and community service sector to underpay workers? Why do we not respect the skills and quality of work of those people? They are providing services to the frail aged in our community. They are providing services to people with a disability. They are ensuring that all people within the community can participate fully within our community, but we do nothing to assist and facilitate these people.

Mr Humphries: That is not really true. It is a slight exaggeration. It is a huge exaggeration.

Ms Follett: Have you funded the SACS award?

MS REILLY: No, they have not, actually. They said there might be some money in some parts, but if you are providing a service in a youth service you can forget about the SACS award. (*Further extension of time granted*) One aspect of community services is those provided under the home and community care program, which is a joint program with the Commonwealth. As I said previously, any of the dollars there that are matched by the ACT Government are forced by the requirements of the Commonwealth.

Even though there has been some increase in funding, this has meant a restriction on the number of services that are around. It is also interesting to note that we actually have no idea of the size of the requirement for these services and what need there is in the community, because at no stage has there been any needs analysis done of community services within the ACT. It is vitally important to understand the full extent of the requirements for community care within the ACT.

Another part of the services provided under the general auspices of community care is employment services funded by the Commonwealth. An important part - - -

Mrs Carnell: Is that going to be my fault too?

MS REILLY: Mrs Carnell, I am not going to talk about employment. An important part of accessing employment is being able to get to the place of employment. Without discussing bus services and when they run or do not run - and that is an issue for quite a number of people with disabilities in the ACT - a number of people with disabilities, although they may be able to get work, are not able to use the bus services or are not able to drive themselves to these places of work.

Mrs Carnell: That is why all our new buses will have disability access, will they not?

MS REILLY: Unfortunately, if you are working at a time when a bus does not run, it does not matter how much disability access you have. If you finish work after 12 o'clock at night you cannot get a bus. People need to use taxis to access work in a number of instances, but the taxi subsidy scheme is so restricted that it is very difficult for people to use this service. Also, the cost of using it is so high that, for a number of people, most of their salary is going into paying for taxis to get to and from their place of employment. This is particularly true for people who are working part time. If we talk about people fully participating in the community, employment is a vital part of those people's lives and needs. It is something that we should be encouraging as much as we possibly can, without putting restrictions on the services. Another important aspect of accessing employment is ensuring that there is sufficient available. We should look more at the connection between schooling, which is a state responsibility, and accessing employment. What happens to people with a disability after they leave school? This is something that needs great consideration.

The other part of it that we need to consider is community consultation. It is good to see a number of reports and reviews coming out because there have been crises in various parts of the services. It would be good if we felt that there was some proactive work going on; that there was not just a response to a crisis. I am quite sure a number of people in the community, particularly those that need the services, would like to feel that there was true consultation going on. I ask for an extension of time.

MR SPEAKER: You still have at least a minute. Continue.

MS REILLY: I am sorry, Mr Speaker. I was responding to the gestures from across the way.

MR SPEAKER: Well, do not.

19 November 1996

Mr Humphries: I am reminding you that you said you were going to take 10 minutes.

MS REILLY: May I finish? Consultation is hollow when people consider that they are presented with a finished response and are told they can agree to it or not agree to it. Consultation becomes hollow when people have no certainty of the services which they can access, when they have no certainty that the services will be there next week or next month because the dollars could just run out or be cut. This is something that is important and this is something that affects all the people in the ACT - when the services are not there or there is no guarantee that the services will continue to be available.

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

That the debate be adjourned to a later hour and the resumption of the debate have precedence of Executive and Assembly business.

Sitting suspended from 12.19 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Chief Minister's Department - Financial Statements

MR WHITECROSS: My question is to the Chief Minister and Treasurer. Chief Minister, can you confirm that the Auditor-General has prepared a report for the Chief Minister's Department listing a litany of failures of performance by the department, including the fact that the department's financial statements were not submitted for audit until 20 August 1996, almost two months after the end of the financial year; that the contractors, or consultants, responsible for the preparation of the financial statements did not even contact the government auditors until 29 July; that material corrections had to be made prior to the issuing of an audit opinion, despite the chief executive having signed off on the financial statements two months after the end of the financial year - you still had it wrong; that the department failed to deal with issues raised in the interim management letter for the 1995-96 financial year, despite management claims to the Auditor-General that they had; that the department failed to address - - -

Mr Humphries: Is there a full stop there somewhere?

MR WHITECROSS: It is long, but it is true, Mr Humphries. Is it true that the department failed to address a number of issues raised in the 1994-95 management letters to the Chief Minister's Department and the ACT Treasury; that the department failed to reconcile the Territory's public accounts with the bank on a daily basis; and that the department failed to reconcile the Territory Public Account and Drawing Account No. 1? Could the Chief Minister please explain how her department failed so badly and what steps are being taken to ensure that such failures of performance are not repeated in the future?

MRS CARNELL: Welcome back, Mr Whitecross. Have you had a nice trip? Obviously, you would not be really up to speed, because you have been away for a while.

Mr Whitecross: You would be surprised.

MRS CARNELL: I was being very pleasant. Mr Whitecross said that the Auditor-General has prepared a report. Certainly, I have seen no report produced by the Auditor-General, but I can address a couple of the issues that you addressed. Has that report been tabled in the Assembly, Mr Whitecross?

Mr Whitecross: Have you seen it? It is your department.

MRS CARNELL: Has it been tabled? The fact is that it has not been tabled. The Chief Minister's Department did seek an extension for its annual report and it was granted an extension, as many departments are, and produced its annual figures inside that extension.

Mr Whitecross raised the issue of reconciliation of the daily balance. Mr Whitecross, just turn around and ask Ms Follett about this. She will tell you that it has never been done since self-government, but this year we came very close - in fact, much closer than ever before. Ms Follett will know that every year the Treasury, under Ms Follett as Treasurer, had its accounts qualified. One of the reasons was that they could not reconcile their daily accounts. Ms Follett was Treasurer under those circumstances. Mr Whitecross, as you can see, this year the Chief Minister's Department and therefore Treasury, did not have their accounts qualified. I understand that it is probably the first year that that has happened. I think that was a pretty impressive exercise, because it certainly showed that they had moved ahead quite significantly from the past.

MR WHITECROSS: I ask a supplementary question, Mr Speaker. Mrs Carnell has given us a history lesson about Ms Follett's time in government but has not actually answered the question. I would invite her to answer the question. I would invite her also to explain how the ACT Chief Minister's Department, which employs some very highly paid consultants and some of the best-paid senior executives in Canberra, most of whom are subject to performance agreements, failed so badly in their performance and what action she is taking, in the light of these failures of performance, to review whether they are meeting their obligations under their performance agreements.

MRS CARNELL: Mr Speaker, if the Auditor-General did not qualify the accounts of Chief Minister's, which he did not, then they did not fail. It is that simple. As I have said before in this place, the chief executive of Chief Minister's does have a performance contract, as do all of the other executives. They report against those - and, interestingly, very successfully. Mr Speaker, again I say that the accounts from Chief Minister's were not qualified, unlike in previous years. I think that shows that things are improving. We can always get better, Mr Speaker, but is it not good that we are getting better?

19 November 1996

Commonwealth Contracts - Business Assistance

MR HIRD: Mr Speaker, my question is to Mr De Domenico as Minister for Business, Employment and Tourism. Would the Minister for Business care to comment on suggestions made yesterday by the member for Canberra, Bob McMullan, and Brindabella MLA Bill Wood that the ACT Government is not doing enough to ensure that regional businesses are able to compete for Commonwealth contracts potentially worth tens of millions of dollars to this Territory? Is this so?

MR DE DOMENICO: I thank Mr Hird for the question.

Mr Wood: Ouch! It hurt you, did it not?

MR DE DOMENICO: Mr Wood interjects again. In his first interjection he said to Mrs Carnell that she should get up to speed. His second interjection is, "It hurt you, did it not?". The answer to the question, Mr Hird, is that yesterday's criticism by Mr McMullan and Mr Wood - - -

Mrs Carnell: It certainly was not Mr Langmore.

MR DE DOMENICO: No; he has gone.

Mrs Carnell: Is Mr Berry going to take that seat?

MR DE DOMENICO: I do not know. It had to be Mr McMullan and Mr Wood, because they are the only ones who talk to one another. Mr Speaker, yesterday's criticism levelled at the Government by Mr McMullan and Mr Wood really shows how hypocritical and out of touch the Labor Party in Canberra is. It also reveals how little, if anything, Labor did for business in this town.

The concerns expressed by the gentlemen were made all the more laughable when they were raised on a day when the Government announced the establishment of the joint industry and government committee known as the ACT Supplier Development Committee. Mr Speaker, the role of this committee will be to assist businesses and industry in the Canberra region to improve opportunities to compete for government contracts by sharing information and procurement and industry development policies. It will comprise representatives of the ACT and Commonwealth governments as well as peak business and industry bodies. Mr Speaker, this represents a significant development for Canberra's business and industry sectors and will greatly assist them to compete for lucrative Commonwealth contracts potentially worth \$80.5m. It is another initiative designed to help regional business and makes a mockery of the claims made yesterday by Messrs McMullan and Wood. Mr Speaker, the Government recognises the threats as well as the opportunities facing business in the Territory and is looking to maximise the opportunities through initiatives such as the Supplier Development Committee.

In addition to what was done yesterday, the Chief Minister has been heavily involved in the Canberra ministerial forum, an initiative facilitated by Warwick Smith. Two meetings have already taken place and have made considerable progress, both in developing strategies for stimulating the local economy and in discussing potential impediments to

business growth in the Territory. Never under Labor did we see such a program to encourage Canberra business, yet two of its members criticise us for not doing enough to assist the business community. That is quite incredible when you think that one of the people who criticised us was Mr McMullan, who as Senator McMullan was actually the Minister for Trade. As Minister for Trade for years and years, he did zilch to help local business. Mr Wood was Minister for Planning for years and years. If he makes a decision tomorrow, it will be his first one in five years, because he was not allowed to make decisions when he was in government; yet he had the temerity yesterday, with Mr McMullan, to criticise this Government.

Next month, the third ministerial forum will take place to discuss the implementation of the Commonwealth information outsourcing program. The answer I am getting to is that slowly but surely this Government has been doing things behind the scenes in a positive way to assist business. The other mob, when they were in government, did nothing.

Mr Wood: “Slowly” is the word. You said it.

MR DE DOMENICO: Mr Wood says, “You said it”. Of course we do things positively and behind the scenes, with no fanfare, but what do Mr Wood and Mr McMullan do? We saw them in front of Parliament House yesterday with the cameras. Having said, “Please turn up”, they should have met in a phone box, because hardly anyone turned up. No-one ran the story last night. Mr Wood criticises us for doing nothing, after he did nothing in five years. Had he come to talk to Mrs Carnell and me, he would have realised that, without any fanfare, we get together with the Federal Government and we get together with the business community. They actually do turn up to the meetings that we invite them to because we know who they are. This mob opposite took four years to realise that Auspace, a company in Mitchell, was world class in providing some facilities. They did not even know Auspace existed when they were in government. Luckily, Mr Lamont found out and did something about it when he was told by us to do so. Mr Wood and Mr McMullan, please do not preach to us on how to look after the business communities.

Chief Minister’s Department - Financial Statements

MR BERRY: My question is directed to the Chief Minister and Treasurer. I refer to the financial statements of the Chief Minister’s Department for 1995-96. Minister, can you confirm that an audit report to management prepared for the Chief Minister’s Department states that a number of discrepancies were uncovered during a stocktake, with assets totalling approximately \$485,138 identified as missing? I know the Chief Minister is used to losing more money than that and that is only chickenfeed. She is used to \$22.3m, \$30m or whatever. Can the Chief Minister - - -

Mr De Domenico: You lost \$4m in VITAB.

MR BERRY: I am glad you mention VITAB, because you handed it over to the taxpayer to pay and not to where it was supposed to be paid.

19 November 1996

MR SPEAKER: Mr Berry, ask your question.

Mr De Domenico: It hurts, does it not?

MR BERRY: No, not at all. You are the one who blundered. I know that Mrs Carnell is used to losing much more than \$485,000, but I wonder whether she could explain how the department can lose \$485,000 worth of assets.

MRS CARNELL: Mr Speaker, I make the point again that this supposed report that those opposite are talking about has not been presented to government. It has not been tabled in this place. It is very hard to make comments on a report that I have not seen and this Assembly has not seen. If those opposite would table the report, it would make it significantly easier to answer questions about it. They might be talking about a draft report that has not been finished yet and has not yet had comments from Chief Minister's included in it. By the way, it has not been seen by the Government at all. Those opposite who can remember being in government will know that Auditor-General's reports in draft form, before they have comments from anybody or from the host department, are often very different - - -

Mr Berry: Mr Speaker, I told her she could not handle it unless it was in millions.

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

MRS CARNELL: They are often very different from the final reports. Those opposite might like to table the draft report. Then we can all have a look at it. I can certainly state that the Government has not seen it. The Government would never see draft reports from the Auditor-General.

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

MR BERRY: Indeed I do, Mr Speaker. I know that Mrs Carnell is having trouble finding anything that is not in millions. This is only hundreds of thousands of dollars, I know; but I wonder whether she would take the time to tell us what her department is doing to try to identify where these assets worth nearly half a million dollars - I know it is small feed for Mrs Carnell - have gone and to ensure that further publicly-owned assets do not go missing in the same way as the millions we have had to take notice of before.

MRS CARNELL: Mr Speaker, I will ask you for a ruling on this. For the Opposition to ask questions on a report that is not public, that has not been seen by government and that they have not tabled in this place makes it impossible. As those opposite would know, draft reports of the Auditor-General never go beyond the Auditor-General, or the department or the entity on which he is reporting. It would be grossly improper for that to be the case. They simply do not go to government until they are in the final stage. Mr Speaker, I ask for a ruling on whether these questions should be allowed to go ahead under the circumstances.

MR SPEAKER: The Chair is not aware of whether the matter has come before the house or in fact whether it is public. I think, Chief Minister, you have already answered your own question on that matter.

Mr Berry: Mr Speaker, I asked a supplementary question. I just wonder whether the Chief Minister is going to have a stab at it - - -

MR SPEAKER: You have received an answer to the effect that the Government has not seen the report. How can the Chief Minister possibly answer - - -

Mr Berry: Does that mean, "I do not know; it is not a big enough amount" or just, "I do not know"?

MR SPEAKER: Resume your seat. I will call Mr Moore.

Ms Follett: Mr Speaker, I raise a point of order in relation to your previous comment. I know of no rule that says a Minister may be asked a question only about a report that has been tabled in this place or that has been made public. I believe that Ministers can be asked a question about any matter within their portfolio. That is what our standing orders say. We do not have to confine ourselves to matters which have been either made public or tabled.

Mrs Carnell: Mr Speaker, the point I was making - and this is certainly not a point of order - is that it is impossible to answer a question on a report that I have not seen if they are not willing to table it.

Mr Whitecross: Mr Speaker, further to the point of order: The Government seem to be developing a whole new rule about question time which says that if the department does not tell them we cannot ask them a question about it. Mrs Carnell's position is that because her department has not told her about it we cannot ask her a question about it. That is simply not good enough. She is responsible for what her department does. She is responsible politically for the administration of her department. She cannot simply get up in this place and say that she is not going to answer questions about the operation of her department. She is not willing to answer questions about the operation of her department, simply because she has not taken the time to find out the information from her department. If she does not know the answer, she should take the question on notice, as is the normal custom, go back and ask the chief executive the answer to the question and then come back and tell us the answer to the question. That is the normal procedure.

MR SPEAKER: There is no point of order.

Mr Humphries: Mr Speaker, on the point of order: The standing orders require that questions should not be of a hypothetical nature. "Hypothetical" obviously refers to - - -

Mr Berry: Mr Speaker, this is just another stunt.

MR SPEAKER: Order!

19 November 1996

Mr Humphries: The standing orders require that matters of a hypothetical nature not be the subject of questions. Those across the way allege that a report exists. We have never seen it. We, probably very foolishly, take their word that somewhere in the Auditor-General's Office there is some draft about a particular matter. That report has not been presented; it is not a formal document; it is not the subject of any Government consideration at this point in time. It therefore must count as a hypothetical question as to what our reaction would be to a document we have not yet had submitted to us. In the circumstances, to ask us questions about a document we have not seen, and are not entitled to see under the normal rules by which the Auditor-General operates, is in breach of the standing orders.

MR SPEAKER: I will answer Ms Follett's point of order. Of course the Opposition are at liberty to ask questions of Ministers. However, it is equally true that Ministers can then choose to answer as they see fit. If it so happens that the Minister concerned has not seen the report or is not aware of these matters, then they will give that answer and there is nothing that I as the Speaker can do.

Mr Berry: Why do they not just say, "We will come back to you."?

MR SPEAKER: I cannot force people to answer questions the way that members may wish them to answer them.

Mr Whitecross: Mr Speaker, further to this point of order, and picking up in particular some of Mr Humphries's comments, I simply make the point that if the Government are simply refusing to answer the question, which, as you have just ruled, they are entitled to do - they are entitled to say, "I am sorry; we are not going to answer that question - - -"

MR SPEAKER: I do not think that was the answer that was given.

Mr Whitecross: The Government can say, "We are not willing to answer the question. We know, as Mrs Carnell has confirmed, that a draft report exists, but we are not going to find out any more about it. As far as we are concerned, we are not going to talk about it". That is their right, but let them be judged for their refusal to answer the question. Let us not have a situation where they pretend to hide behind spurious standing orders, suggesting that this is a hypothetical question. Mrs Carnell has confirmed that this report exists. Mr Humphries is wrong to suggest that a question about something that Mrs Carnell has confirmed the existence of is hypothetical. The Auditor-General himself, in letters to the Estimates Committee, confirmed that he had written management letters to all the departments. I do not know how Mrs Carnell can say that these reports do not exist.

Mr Berry: Which takes me back to my supplementary question, Mr Speaker.

MR SPEAKER: No. The supplementary question has been answered, Mr Berry - maybe not to your satisfaction, but it has been answered.

Local Area Planning Advisory Committees

MR MOORE: Mr Speaker, my question is to Mr Humphries, as Minister for the Environment, Land and Planning. Minister, I wrote to you on 13 February regarding LAPACs and consideration of issues which may have legal ramifications. I wrote to you again on 15 April, again on 21 May, again on 1 August, again on 12 September, once more on 24 October and in - - -

Ms Follett: Is this hypothetically or really?

MR MOORE: In letters. Minister, when can I expect a reply to my letters of 13 February, 15 April, 21 May, 1 August, 12 September and 24 October? Is this consistent with your general approach to constituents? How do they manage when they have been trying to get a reply, as I have since February of this year?

MR HUMPHRIES: Mr Speaker, I would not dream of treating constituents the way I treat Mr Moore. I have had discussions with Mr Moore about this particular correspondence. It has been particularly difficult. I had thought I had replied to Mr Moore following a number of letters that he refers to. If I have not replied, then I apologise to him and I will make sure a reply is available, if that is humanly possible, this afternoon.

Chief Minister's Department - Financial Statements

MS McRAE: My question is to the Chief Minister and Treasurer. I refer to the financial statements for the Chief Minister's Department for 1995-96. A number of very serious concerns were raised in the Auditor-General's letters to management. Can you confirm that, despite your chief executive not signing off on the department's financial statements until 20 August 1996 and submitting them for audit, material corrections had to be made on the advice of the Auditor-General before the audit opinion was issued? Can you also confirm that one of the corrections was the inclusion of approximately \$22m of expenditure which had been understated as a result of unrepresented cheques at the year's end and not included in the cashbook balance?

MRS CARNELL: Mr Speaker, I make the point again that the draft report that I assume is - - -

Ms McRae: Mr Speaker, on a point of order: I did not talk about a draft report. I specifically said "the Auditor-General's letters to management".

MRS CARNELL: Thank you very much. I make the point that I have certainly not seen that letter, but if it is a letter that is available I am very happy to get the information for the Assembly. I am told that the report that was spoken about earlier, the draft report, does not have to be responded to by the department until Friday this week. It is very much a draft report.

19 November 1996

MS McRAE: My supplementary question is: Mrs Carnell, will you now table the Auditor-General's management letters to all agencies in relation to the 1995-96 financial accounts?

MRS CARNELL: Obviously, I do not have them with me, but anything that is available those opposite are more than welcome to have. I would have assumed, Mr Speaker, that as chair of the Estimates Committee Ms McRae would have had an opportunity to ask for those already. Certainly, everything that is available is on the table. I think it is very important, though, to realise that the Chief Minister's Department did not have their accounts qualified. If the Auditor-General had severe problems with the accounts of the Chief Minister's Department, then surely he would have qualified them.

After-Hours Duty Solicitor Scheme

MR KAINE: Mr Speaker, through you, I direct a question to Mr Humphries, the Attorney-General. Minister, I recall that Ms Follett was quoted in the media, I think back in June, as saying that your failure to secure the future of the ACT's after-hours duty solicitor scheme was disgraceful. Minister, did you fail to secure the future of the ACT after-hours duty solicitor, and was Ms Follett correct in accusing you of disgraceful conduct?

MR HUMPHRIES: I thank Mr Kaine for his question. He quite correctly recalls the press release that Ms Follett issued, headed "Threat to Duty Solicitor Service 'Disgraceful' - Follett", in which she suggested that the scheme was under threat and was going to go down the gurgler because of the Government's handling of the matter. I do not mind those sorts of claims being made in respect of me; that is fine. What I do resent, though, is the damage that it does to individuals who might be thinking of using the service. Every time a service is attacked and it is claimed falsely that a service is about to disappear or go down the gurgler - the birthing centre, for example - people who are thinking of using it start to mentally make new arrangements about doing something different or make the assumption that these services are not available.

Ms Follett: The police had already stopped referring people to it.

MR HUMPHRIES: The service was never under threat, Ms Follett.

Ms Follett: The police had stopped referring people to it. They thought it had stopped.

MR HUMPHRIES: That is not my fault. I did not at any stage stop the service. The service never discontinued. Not for one night did it discontinue. If someone told you it had discontinued, then you should have told them, "I will find out whether it is discontinued and I will do something about it", not issue a press release confirming information which in fact is not true. If people start rumours, then members in this Assembly should not be accelerating them by making comments that they should have known were not true.

The fact is that this Government did say that it was going to review the operation of that service on the basis that, because the service cost \$42,000 a year, it was costing the ACT taxpayer a total of \$334 for each phone call made to the scheme. I do not know about Ms Follett's administration, but I certainly do not regard a \$334-a-call telephone service as being particularly good value for money, and I said - - -

Mr Berry: A cheap trick.

MR HUMPHRIES: "Cheap", says Mr Berry. I do not think it was cheap, Mr Berry. I think it was a particularly expensive service.

Mr Berry: It is a cheap trick. If he is going to represent me, he should represent me fairly. "A cheap trick", I said.

MR SPEAKER: Of course you can be misrepresented. If you are going to sit there and mumble and interject when somebody is speaking, it is quite possible that you will be misrepresented.

MR HUMPHRIES: I thank you for your protection, Mr Speaker. The fact is that \$334 a phone call was simply not sustainable. We inherited it from the previous Follett Government. We said that we were not going to put up with that; that we were going to review the process and come up with a better scheme. Mr Speaker, I can confirm that we have done that. We have asked the Legal Aid Commission to seek tenders for the provision of the service. The commission and the chief executive of my department have now settled on a service provider. The previous service providers were Messrs Sutherland and Tiirikainen, Solicitors. The new service providers are Messrs Sutherland and Tiirikainen, Solicitors; but there is a difference. The previous service we inherited from the former Government cost the taxpayer \$42,000 a year to run. This service will now cost \$20,000 to run - the same people; half the cost.

We are also improving the service. Whereas previously the service was often unavailable when the mobile telephone was switched off, it is now going to have a call forwarding capacity so that there is never a chance for people not to be able to get in touch with the service. I think I should point out to those people who make the very simplistic assumption that less dollars equals less service - an accusation they often make against this Government, in fact very often - - -

Ms McRae: How very strange! What a strange assumption to make!

MR HUMPHRIES: You would never be guilty of making that assumption, would you, Ms McRae?

Ms McRae: Less dollars, less service - who would ever think of that?

MR HUMPHRIES: Who would ever think of that? Let her own words condemn her. Sometimes we can get better value for money. That is what this Government is aiming to do, and it has achieved that quite successfully in this case. Rather than being the subject of disgrace, it should be the subject of some congratulations that we have achieved that improvement in value for money for the people of the Territory.

19 November 1996

MR KAINÉ: I ask a supplementary question, Mr Speaker. On the basis of your answer, Minister, would it not be the manner in which Ms Follett raised this matter and raised doubts in people's minds that was in fact disgraceful, rather than any action that you took or failed to take?

MR HUMPHRIES: I do not actually blame Ms Follett. I can understand her philosophy about these things. She was the woman who put in place the Wastewatch hotline, which cost taxpayers \$74 a phone call - - -

Ms Follett: Mr Speaker, on a point of order, I ask you - and I realise that this may be beyond your wit and wisdom: Is Mr Kainé's question not purely hypothetical? The answer is yes.

Mr Kainé: On that point of order, Mr Speaker: My supplementary question, I submit, was quite in order and I think the Minister is entitled to answer it.

MR SPEAKER: I do not uphold your point of order, Ms Follett. The question is not hypothetical.

Ms Follett: I did not think you would, Mr Speaker.

MR HUMPHRIES: I will not take the point of order, Mr Speaker, about aspersing the Chair which Ms Follett herself has taken in the past plenty of times. I know that she is bristling about this, but the fact is that she herself put in place a Wastewatch hotline which cost taxpayers \$74 per phone call. Obviously, she is not a person much concerned about the waste of taxpayers' money in circumstances like this. As a Government, we will attack this kind of poor expenditure when it occurs.

Mr Moore: I raise a point of order, Mr Speaker. I think we really have to work question time by the rules. Standing order 117(c)(i) states that questions shall not ask Ministers for an expression of opinion. Mr Kainé clearly said, "Are you the disgraceful one or is Ms Follett the disgraceful one?". It clearly seeks an opinion, and I think it ought to be ruled out of order.

Mr Kainé: Mr Speaker, on that point of order: I did not ask the Minister for an opinion; I asked him for a comment on the matter.

Ms Follett: On the point of order: Mr Speaker, you might care to explain to us why when Mr Kainé asked Mr Humphries a question which related totally to my actions and my motives - a matter for which the Minister has no responsibility whatsoever - you did not rule that supplementary question out of order.

Mr Kainé: On that point of order, Mr Speaker: Clearly, the Minister has a responsibility for the matter that the honourable member raised and he is entitled to comment on it.

MR SPEAKER: I will examine the matter for you, Ms Follett.

Water and Electricity Charges

MR WOOD: Mr Speaker, my question is to Mr De Domenico, the Minister for Urban Services. Minister, recently ACTEW announced that they wished to increase water charges in the Territory by up to 50 per cent and increase electricity charges by 6 per cent. Minister, do you support the increasing of water rates by 50 per cent and electricity charges by 6 per cent?

MR DE DOMENICO: As it so happens, I personally do not, Mr Wood; but it does not matter whether I do or whether I do not. Because the Government has placed in line an independent pricing tribunal, it is up to ACTEW, the Government and anybody else in this community who wants to go before that tribunal to put forward their point of view. This Assembly, including people opposite, supported the establishment of the independent pricing tribunal. Once again, as this Government will always do, once we appoint an umpire we will abide by the umpire's ruling.

MR WOOD: Mr Speaker, I ask a supplementary question. I draw Mr De Domenico's attention to the fact that he is a shareholder - one of two shareholders. This is a body which you are controlling. Do you wish to get some of that water and wash your hands of any responsibility entirely? Secondly, is it not the case that - - -

Mr De Domenico: Secondly, Mr Speaker?

MR WOOD: As part of my supplementary question, Mr De Domenico. I know you want to avoid things. Is it not the case that your purpose in setting ACTEW up in its present manner is to avoid the sorts of decisions and the sorts of opinions that I am now putting to you?

MR DE DOMENICO: The answer to the last part of the question is no, of course not. Mr Wood would realise that it was not our amendment to the legislation; it was Mr Osborne's amendment, which we supported, and which you supported too, Mr Wood, if I recall correctly. I think you supported that amendment. I think you have to have the courage of your convictions, and the guts, to say, "I supported that because I thought it was a good idea". We believe it was a good idea. It is now up to ACTEW and up to others to go before an umpire, and it is the umpire that makes the decision.

Mr Berry: You can direct them. The two shareholders can direct them.

MR DE DOMENICO: Mr Berry interjects, "You can direct them". It is a pity you did not direct VITAB, Mr Berry, to pull out of the deal that cost us \$4m.

Water and Electricity Charges

MS FOLLETT: Mr Speaker, I direct a question to the Minister for Urban Services, Mr De Domenico. I refer to an article that appeared in the *Canberra Times* on Thursday, 14 November. It says:

A harsh winter, the attitude of Actew Corporation staff and its three-month bills had led to almost a 100 per cent increase in the number of people seeking help from the Essential Services Review Committee.

Minister, what action are you taking to ensure that ACTEW reviews its operation in the light of this criticism?

MR DE DOMENICO: I thank Ms Follett for the question. The Essential Services Review Tribunal will always take into account concerns expressed by any consumer, and will act accordingly. That has been the case since the tribunal's inception under the previous Follett Government, and the same thing will continue under this Government.

MS FOLLETT: Mr Speaker, after an answer like that I hesitate to ask him anything further. It is clearly - - -

MR SPEAKER: In which case, sit down and I will call somebody else.

MS FOLLETT: No, you do not get out of it that lightly. The Minister clearly has no interest whatsoever in the activities of ACTEW, but I ask the Minister: What impact does he believe a 50 per cent increase in water charges and a 6 per cent increase in electricity charges will have on the number of people who are seeking help from the Essential Services Review Committee when we have already seen a 100 per cent increase on ACTEW's record so far?

MR DE DOMENICO: I once again answer the question as I did Mr Wood's question. ACTEW made a submission to the independent pricing tribunal. The tribunal is not going to report until early next year; so I do not know what increase, if any, that tribunal is going to approve. Ms Follett's question is a hypothetical question. No increase at all has been announced. A submission has been put in by ACTEW. I stress once again that the Government is currently looking at the possibility of single billing for all amounts of money owed to this Government. You might be able to pay it off monthly or fortnightly. That is what we are looking at. That will help any people Ms Follett has referred to. The tribunal, established by the Labor Government and still there under this Government, will look upon those cases as they have in the past.

Budget Expenses

MS TUCKER: My question is to Mrs Carnell as Treasurer. I did give her notice of this so that she would have the appropriate budget books here.

Mrs Carnell: You said you were going to ask a question on an annual report. I did not know which one.

MS TUCKER: I am sorry you did not get the message that it was the Chief Minister's annual report. Do you have the Chief Minister's annual report here? Do you have Budget Paper No. 3?

MR SPEAKER: Would you like to go outside and discuss it, or is this question time?

MS TUCKER: I thought my office had asked Mrs Carnell to have her budget books here; but, if there has been a misunderstanding, obviously I cannot ask her to answer the question. Mr Speaker, do we have to have interjections? This is a fairly basic interchange.

MR SPEAKER: Ask your question.

MS TUCKER: Do you have Budget Paper No. 3?

Mrs Carnell: Yes.

MS TUCKER: Thank you. My question relates to table 4.1.1 on page 94 of Budget Paper No. 3, which sets out the general government sector budgetary situation in accrual terms.

Mrs Carnell: Page?

MS TUCKER: Page 94, table 4.1.1.

Mrs Carnell: Is it Budget Paper No. 3?

MS TUCKER: It is 1996-97 Budget Paper No. 3.

MR SPEAKER: Would you like an adjournment while we sort this out?

Mr Humphries: Mr Speaker, I suggest that it would be courteous of Ms Tucker - it would not cross her mind to do this - to come round and give the Chief Minister the details of what page she wants to refer to while someone else asks a question, and then we will come back to Ms Tucker afterwards.

MR SPEAKER: I would be happy to entertain that suggestion.

MS TUCKER: That page sets out the general government sector budgetary situation in accrual terms. It indicates that the operating result in 1996-97 is to improve by \$48m. That is your bottom line. Do you agree with that? A key factor in the improved budgetary situation is the claim that the Government is set to reduce expenses by \$32m, if you look further down the page. Can the Treasurer please confirm that this is the case and explain to the Assembly how the Government plans to reduce expenses by \$32m between 1995-96 and 1996-97?

MRS CARNELL: That is like asking about the meaning of life. For those who might not have been quite with it here, Ms Tucker has just asked how the ACT Government is planning to save money this year in comparison to last year, in every department, one by one and section by section.

MS TUCKER: Can I ask a supplementary question, then? I am assuming that that is what you are assuming that I am asking. Are you saying that this is about your general expenditure reduction and that it is about all your Government's business? If that is what you have just said, then I would ask: Is the Minister aware that on page 133 of the Chief Minister's annual report, which sets out the ACT Superannuation Provision Trust Account, a \$90m increase in liabilities following an actuarial review was included as an abnormal item in accordance with normal accounting procedures? Is she aware that Budget Paper No. 3 explains that 1995-96 expenses for the Superannuation Provision Trust Account included a one-off addition of \$90m? There was a question from Mr Kaine in the Estimates Committee about some discrepancy between the two figures for 1989 and 1991, but it is around \$90m. Can the Minister explain why this one-off \$90m increase was not included as an abnormal item in table 4.1.1, and can she confirm that, if it were, then territorial expenses for 1995-96 would actually be \$1,551m, not \$1,641m, meaning of course that the budgetary position has been misrepresented because the \$90m was not put as an abnormal amount?

MRS CARNELL: The \$90m abnormal amount for the increase in superannuation liabilities has been made very public the whole way through. It is in the accounts. We made it very clear in the Estimates Committee. I think Mr Kaine asked those sorts of questions. Yes, the unfunded superannuation liability went up significantly last year. I am sure that if I had had time and Ms Tucker had actually told me what the question was going to be, I could actually refer her to the page and the area. The \$90m was an abnormal figure last year as a result of an actuarial look at our unfunded superannuation situation. The fact is, of course, that unfunded superannuation continues to increase each year at a significant level, as all those here would know. It was an issue that we spoke about at length in the Estimates Committee. I do not think anybody in this place would believe for a moment that that \$90m was somehow kept secret.

Water and Electricity Charges

MS REILLY: My question is to the Minister for Housing, Mr Stefaniak. Minister, what analysis has the ACT Housing and family, children's and youth services sector undertaken to gauge the impact of ACTEW's proposed 50 per cent price increase for water and 6 per cent price increase for electricity on low-income earners, particularly ACT Housing Trust tenants? What measure is the Minister considering to assist such people with the hardship the proposed price increases will cause?

MR STEFANIAK: You are probably directing that question to the wrong Minister. I think Mr De Domenico has answered some questions in relation to ACTEW. Basically, Ms Reilly, that is for ACTEW. As you are well aware, ACT Housing charges tenants very reasonable rents based on their actual income. As the majority of our tenants are on some sort of pension, rents are limited. Certainly, there are none in the ACT above 25 per cent of the tenant's income. I suppose that is point No. 1 in terms of Housing doing the right thing. Also, there are various rebate schemes available in other areas and in other departments, Ms Reilly, which low-income people can access. I understand that they include a provision for paying a concessional rate for electricity, which a large number of Housing Trust tenants avail themselves of. Various other concessional rates are applicable as well.

MS REILLY: I ask a supplementary question. I am glad the Minister is not concerned about the possible impact of these price increases on his revenue. This is something that I think is probably a bit closer.

MR SPEAKER: No preamble.

MS REILLY: Will the Minister give a commitment to ensure that ACT Housing properties are properly insulated and that old and expensive hot-water units that have no off-peak systems are replaced, as this will allow ACT Housing tenants to minimise their energy costs in the light of ACTEW's proposed price increases?

MR STEFANIAK: Ms Reilly, I think at the Estimates Committee I actually answered a question on notice from you in relation to maintenance. Housing has cyclical maintenance arrangements. I think you will find that there was an increase in actual maintenance proposed for this financial year for Housing Trust properties. I think the increase was from about \$12.9m to about \$15m. The exact figures have actually been provided to your office, but there was certainly an increase in excess of \$2m for maintenance this financial year. Maintenance, of course, includes such things as hot-water systems.

ACTION Buses - Gas Engines

MS HORODNY: My question is directed to the Minister for Urban Services, Mr De Domenico. I understand that ACTION has recently contracted to buy from Dennis Dart a number of midi-buses with diesel engines to fulfil the promise made in the budget that ACTION will expand the range of buses in its fleet to provide greater service flexibility. Could the Minister explain why ACTION did not consider the option of buying these midi-buses with natural gas powered engines, given that Dennis Dart also supplies this type of factory-fitted engine with full warranty and that natural gas is 40 per cent cheaper to buy and produces significantly lower exhaust emissions than diesel?

MR DE DOMENICO: I thank Ms Horodny for her question. Yes, ACTION's contract for the supply of Dennis Dart SLF 9.0 midi-buses refers to a Cummins diesel-fuelled engine, and I will tell you why. As you have said quite frequently, ACTION has been trialling natural gas as an alternative fuel by dedicating two natural gas fuelled PR100s rigid buses. Unfortunately, though, Ms Horodny, following over two years of trialling, these buses have completed only 10,000 kilometres per year compared with 80,000 kilometres per year for a diesel bus. There is a great deal of difference. ACTION has had to provide two additional spare diesel buses to operationally support the two unreliable natural gas buses. As a result, this alternative fuel is not yet considered sufficiently reliable for ACTION to make any further commitments, given their primary role of providing a reliable public transport system. The two natural gas trial buses ran 10,000 kilometres per year compared with 80,000 kilometres per year for a diesel bus. As I said, that is why we will buy the diesel-fuelled engine and not the gas engine.

MS HORODNY: I ask a supplementary question. You read that very well, Mr De Domenico. I have that answer from the Estimates Committee. Is it true that the ACTION trial of those two natural gas powered buses used only prototype natural gas powered Mack-Renault buses and not production models which were available from a number of other bus companies, and that therefore the trial did not give a true representation of the benefits of natural gas powered buses?

MR DE DOMENICO: I will take that question on notice, Mr Speaker. I will consult the numerous expert engineers and others we have employed at ACTION and other places. If Ms Horodny's expertise goes beyond theirs, I would be interested in her reasoning.

Sportsfields - Watering

MR OSBORNE: My question is to the Minister for Sport, Mr Stefaniak. Minister, I have been advised that there has recently been a written instruction from the ACT Government's Bureau of Sport, Recreation and Racing to cut the amount of water supply to all sportsfields on district playing fields and neighbourhood ovals by 30 per cent as a cost-cutting measure. Minister, I draw your attention to the fact that the present levels of watering were developed by the turfs, soils and irrigation area of the then City Parks Technical Services Unit in the mid-1980s. The unit's research was conducted

into how much water is required to keep sports turfs dense and healthy in Canberra's harsh climate. The research established two facts: Firstly, that grasses grown in Canberra require 60 to 65 per cent of net evaporation to be added as irrigation for the grasses to retain their density; and, secondly, that, if the amount of water supplied falls much below 50 per cent of net evaporation, then the grass simply dies, leaving a clumpy dangerous playing surface. The resultant system was titled Comtrol. The Government may be surprised to note that the research undertaken by the Technical Services Unit led to its recognition at that time as one of the world's leaders in sports irrigation and management of cool season turf. The project won a Gold Technology in Government Award and Mr Keith McIntyre won the Ed Hunter Award in the USA for urban irrigation excellence. Mr McIntyre is the first and only non-American to win the award.

Ms McRae: It is a reading from the Bible.

MR OSBORNE: You should be so lucky, Ms McRae.

Ms McRae: It might be shorter. We all have that letter, Mr Osborne.

MR OSBORNE: I am trying to give all the facts to Mr Stefaniak so he can give us a good answer. Given that Comtrol is already set at the lowest limit of 55 to 60 per cent of net evaporation, any further reduction will result in grass death in summer, which will in turn result in increased costs in repair and replacement. Minister, my question is this: Have you considered the degradation and safety effects that lowering the water levels will have on the playing surfaces, and how do these new costs compare with those associated with maintaining the present levels of watering and the potential costs of repairing and replacing damaged fields? Further, what costs will the Government face when addressing litigation for failing to provide the community with safe public facilities?

MR STEFANIAK: I thank Mr Osborne for the question. Just before I answer that question, I inform Ms Reilly that the figures for maintenance of Housing Trust properties were just a little under \$12m last financial year and \$14.9m this financial year.

Now, Mr Osborne, I come to your question. I have actually had a lengthy discussion with Mr Keith McIntyre. Indeed, he will be coming in to see me and we will have some further discussions. He certainly has raised a number of issues which you relate to and which I would like to talk to him about. Mr Osborne, in keeping with our Government's drive for efficiency, we have reviewed a number of things, including sportsground maintenance and management arrangements. After very careful discussions with CityScape and City Services, the Bureau of Sport, Recreation and Racing has decided to reduce watering on neighbourhood ovals and district playing fields by 30 per cent this financial year. It was not a decision taken lightly. It was looked at with other possible options which I will come to.

Ms McRae: It is raining, Mr Stefaniak.

MR STEFANIAK: It is raining, Ms McRae. Rain is a very significant factor. Mr Osborne, I am very well aware of all the things you raised. In fact, I am a witness for someone who was injured on an oval when Mr Berry was the Sport Minister back in 1993. Injuries occasionally happen. As a lawyer, I am very aware of all the factors that

19 November 1996

you raised and the nature of our ovals. That is why a fair bit of work went into looking at this matter. As one of my colleagues said and Ms McRae said, yes, it indeed has been raining. It is important to take good advantage of that to ensure that we maximise cost efficiencies.

Mr Osborne, I do not think it is appropriate to do what the previous Government did when it rationalised costs by letting ovals go to low maintenance. Unfortunately, we were left with 27 ovals, 11 of them next to primary schools, that were not useable. I have had a number of discussions with various people in relation to the problems that caused, and as a result in some instances we have taken a number of steps to rectify the problems. To find reasonable efficiencies of about \$300,000 would mean removing another 20 ovals from the system, putting a total of about 45 ovals totally out of commission. I do not think that would be appropriate. Because we want to encourage people to use sporting facilities, nor would it be appropriate to look at things like doubling fees for ovals. I think it is important, Mr Osborne, that when we look at options for the maintenance of sportsgrounds we try a more scientific approach to general water usage.

As I have indicated and Mr Osborne has indicated, there are some risks involved in further water reduction; but I believe that it is important to try that, especially as we have had such good rain. I am well aware of what happened when the previous reductions in watering were brought in. I am also well aware that since then we have seen some situations where efficiencies could be made, for instance where ovals are being watered when it is raining. Those are the sorts of things I think we still need to look at to ensure that they do not occur and that we maximise efficient use of water, which after all is a scarce resource.

Mr Osborne, the bureau, in conjunction with the Department of Urban Services, has carefully considered the risks. Along with Urban Services, it will be very carefully monitoring the situation to ensure that any savings that can be made are made without damage to the ovals. Obviously, Mr Osborne, if we have a long dry summer the ovals will have to be watered. Our budget came in on target last year. I think in a couple of previous years there had been extra expenditure on water because of very bad summers. Those factors had to be taken into account. The situation will be monitored. Because of the benefit we have had so far in a very good season with a fair bit of rain, we believe that with close monitoring we can achieve our objective. I stress, Mr Osborne, that I am well aware and the bureau is well aware of the points you raised. I will be speaking further to the gentleman concerned. He has been around Canberra for a long time and has a number of useful comments to make, and a few good suggestions I would like to follow up further. This will be very carefully monitored, but on balance and on the information available it is certainly something worth trialling, particularly as a result of the nature of the season we have had to date.

MR OSBORNE: I ask a supplementary question. I think you tried to answer my question, Minister, but from what you have said can I take it that on balance this Government places economic issues above public safety, given expert opinion that even a reduction of 15 per cent on water would have long-term damaging effects on our playing surfaces? Are you saying that you will put money ahead of public safety and public health?

Mr Stefaniak: What are you saying?

MR OSBORNE: That is what I am asking you. Is that what I am to take from your answer?

MR STEFANIAK: Quite clearly, the answer to Mr Osborne's question is no. Mr Osborne, you should realise that you have one piece of evidence from someone. The Government has available to it other pieces of evidence as well. I have said no, Mr Osborne, and that is why - - -

Mr Osborne: How do you justify it?

MR STEFANIAK: I think I have answered that, Mr Osborne, quite clearly.

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

PERSONAL EXPLANATIONS

MS FOLLETT: Mr Speaker, I seek leave to make a statement under standing order 46.

MR SPEAKER: Proceed.

MS FOLLETT: In the course of question time, Mr Kaine and Mr Humphries, in a well-rehearsed dorothy dix of a fairly sleazy nature, managed to cast aspersions on my motives and, in fact, my character in having brought to public notice the future of the after-hours duty solicitor service some six months ago. Mr Speaker, I would like to advise the Assembly that in bringing forward that matter I was responding to a request to do so, both from the Community Information and Referral Service of the ACT and from the solicitors firm then conducting the after-hours duty solicitor service. I believe that I have done no more than behave as any self-respecting elected representative would do when asked to take action by an individual or an organisation whom they represent.

I would like to add to that, very briefly, and refer members to the Community Information and Referral Service's journal called *You Dared to Ask??* and an item headed "Support Needed for After-Hours Duty Solicitor Service". The journal says:

It seems that the ACT Government is considering no longer providing funding for the After hours Duty Solicitor service for people in police custody. This is despite the fact that access to such services is required under Section 23(G) of the Commonwealth Crimes Act. To lobby for the continuation of this service, write a letter of support for its work to -

and a name is given -

Office of the Attorney-General ...

19 November 1996

Mr Speaker, I was clearly not alone in thinking that this service deserved some support. I also have a copy of the letter from the solicitors concerned, Sutherland and Tiirikainen, Barristers and Solicitors. They say:

Initially the service was awarded to us for a 12-month contract. This expired in December last year.

That is December 1995. They continue:

Since then the department has renewed it on a month-by-month basis pending resolution of their position with regard to the service. The need for the service has been clearly demonstrated by its level of use -

and the letter goes on. I met with representatives of Sutherland and Tiirikainen. I was aware that they were also to meet with Mr Humphries as Attorney-General and as the man awarding the contract. After the representatives had met with Mr Humphries, they met again with me - at their request, I might say - and indicated yet again that they were gravely concerned about the future of the service. This was in May of this year, after the contract had expired in December of last year.

Mr Speaker, I put it to you that, given that six months has expired even since that matter was first raised, to the point now where Mr Humphries can tell us of its continuation, in my opinion the concerns expressed by the Citizens Information and Advice Bureau, by the representatives of Sutherland and Tiirikainen and by me were totally justified.

MR KAINE: Mr Speaker, I seek leave to make a statement under standing order 46.

MR SPEAKER: Proceed.

MR KAINE: Mr Speaker, in the preamble to that statement from the erstwhile Leader of the Opposition, she referred to the action taken by me and by the Minister as being sleazy. I think the question of who was indulging in sleaziness needs to be examined a little bit further. It was not me that put out a media release last June that talked about the performance of the Minister as being disgraceful. It is very interesting that, having been asked the question, the Minister gave a very comprehensive reply. His reply was that the arrangement entered into by the former Government - the Chief Minister in that Government was Ms Follett - was renegotiated by the Minister at a cost of \$22,000 less than the previous one, for the same service. I think it is right that I should ask the question as to whether or not the allegations made by Rosemary Follett, MLA, in June of this year were correct. The Minister proved that they were wrong.

I can only go back about five years ago. Wrong again, Rosemary! If anybody was being sleazy, it was in fact the former Leader of the Opposition and former Chief Minister, who put out that media release that tried to imply that somehow or other what the present Minister was doing was underhanded and was somehow depriving the public of a service, when in fact that was not the case. The public ended up with exactly the same service as they had before, at a price \$22,000 a year less. I ask the question, Mr Speaker:

If I am accused of being sleazy, is it not appropriate that the person who made that statement examine her own conscience as to who was being sleazy? I do not believe that I was. I think my question was a reasonable and honest question, and I believe that the answer given by the Minister was a reasonable and honest answer. The person with the custard on her face was the former Chief Minister and former Leader of the Opposition, who put out that media release in the first place.

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

MR SPEAKER: Proceed.

MR HUMPHRIES: Mr Speaker, I want to add only one brief thing to what Mr Kaine has already said. Ms Follett claims that she had a good basis on which to say to the public that the service was at risk. I invite her to produce any proof that that was ever the case; that there was ever any doubt that the service would continue. I refer members to a question I was asked that very month in this Assembly by Mr Moore. He asked me whether the service would continue and I categorically assured the Assembly, at the very same time as Ms Follett put this release out, that the service would continue no matter what the cost. That was my commitment, and there was never any basis for suggesting the service was going to end.

ANSWERS TO QUESTIONS ON NOTICE

MS HORODNY: Mr Speaker, I have a question under standing order 118A. My question is to the Minister for the Environment, Land and Planning. I would like an explanation from the Minister as to why he was unable to provide an answer to question on notice No. 338 within the required 30-day period as set out in the standing orders. The question was put on notice on 25 September and the answer was received only yesterday, 54 days after notification. I seek an explanation.

MR HUMPHRIES: Mr Speaker, perhaps you can take advice on this. I understood that the standing order that Ms Horodny refers to relates to questions which have not yet been answered. This question has - - -

MR SPEAKER: No. We did have this matter discussed earlier, Mr Humphries, and it was ruled that it is reasonable to request an explanation if a question is not answered within the 30 days but is answered after that time. It is still in order for a member to ask why it had not been responded to.

MR HUMPHRIES: I note that it was two or three weeks outside the 30-day period in which it was required to be answered. I do not know why it was not answered sooner. I will take the question on notice and find out.

19 November 1996

MS HORODNY (3.35): Is the answer, "I do not know."?

Mr Humphries: I said to you that I was going to take it on notice.

MS HORODNY: You are taking on notice the question as to why it was not answered?

MR Humphries: Why it was late, yes.

MS HORODNY: I move:

That the Assembly takes note of the paltry explanation.

I would like to hear an answer to the question that I asked. You are saying that you are going to take the question on notice, and I am moving that the explanation be noted.

MR SPEAKER: Mr Humphries, perhaps I could assist by simply asking whether you think it would be possible to find out by the close of business today.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (3.37): I could probably try to find out why, Mr Speaker, but I am not quite sure whether it needs the motion that Ms Horodny has just moved in the chamber. I have provided an answer to her question by saying, "I do not know". I have asked to be informed, before I come down to this place, of questions which are outstanding and which breach standing order 118A. I thought there were no such matters outstanding against that standing order, because I had had no advice. There are none on the notice paper that have not been answered, apart from possibly one; so I did not arm myself with any reasons as to why this answer was late. I was not aware that a standing order operated to require me to explain answers that had already been given in this place. I accept your ruling that that is the case, Mr Speaker, but I cannot answer the question. Ms Horodny has moved a motion to debate this matter. Quite frankly, I do not know that we can debate the matter. I do not know the reason for it.

Mr Moore: That is what you are doing now.

MR HUMPHRIES: I do not know how I can advance the debate by saying any more than I have just said. I do not know why the question was not answered. As I said, I will take the matter on notice and I will find out. Until I have the reasons, I am afraid I cannot enlighten you, Ms Horodny, or the Assembly.

MR MOORE (3.38): It is rather opportune to rise, now that Ms Horodny has moved this motion that the Assembly take note of the explanation. Mr Humphries has been caught on the hop for the second time this question time. The first time was when I asked him why he had not answered a question from me. Ms Horodny had to wait only 54 days. I wrote on 13 February, 15 April, 21 May, 1 August, 12 September and 24 October. In answer to my question he said that he treats constituents differently from the way he treats me. I accept that Mr Humphries said that tongue in cheek and I expect a better response, but it exposes Mr Humphries's inadequacy in providing answers.

When I mentioned to somebody that I was going to ask a question about this matter, the suggestion put to me was, "You should also ask Mr Humphries why it is that his office is the only ministerial office where the phones actually ring out". I thought I would mention that to you in this context as well.

What is being brought out here through my question and coincidentally through Ms Horodny's question - I had no idea she was going to ask it - is just what is happening. Things are going wrong. You are not getting an efficient operation going and getting replies out. In my case, Mr Humphries, there were a couple of times when we discussed matters, and I think it was quite right that you drew attention to that. Nevertheless, it is the normal process to acknowledge some things in writing. I went through copies of the letters I wrote to see whether there was anything extraordinary in them; but they are, by and large, letters drawing your attention to the fact that I was still waiting for a proper answer.

As far as I am concerned, the issue that Ms Horodny raises is a quite important one. It is about how we deal with you as a Minister and get decent answers. The Minister has given an answer to Ms Horodny's question. Nevertheless, we want to feel that we can approach your office and get reasonable answers. To put it in context, I must say that there are a number of people in your office whom I have approached and got very efficient responses from. I will not name specific people. At one stage when I was trying to get statistics on traffic accidents and heroin deaths I asked somebody in your office. I pointed out that I was in a hurry for the information, and the answer came back to me very rapidly. I think it is worth my putting matters in context by saying that there have certainly been times when I have had very efficient responses from your office. Nevertheless, there is a concern that for some reason some things seem to get buried.

MR BERRY (3.41): Mr Speaker, in the course of the continuing vote of no confidence in the Health Minister, the point was made that this - - -

Mrs Carnell: What is this about, Mr Speaker?

MR BERRY: This is about this motion. There is a motion, if you had been listening. The point was made - and I think it is right - that the Government had a bit of an attitude problem. This attitude problem is plainly described as rank arrogance. This is not the first time that Ministers and their departments have refused to answer questions.

Mrs Carnell: I raise a point of order, Mr Speaker. I ask whether this is relevant to the motion that is on the table.

MR BERRY: Yes, it is.

MR SPEAKER: I am listening very carefully, Mr Berry.

MR BERRY: Mr Speaker, there is a motion before the Chair. Mrs Carnell might squirm a bit.

19 November 1996

Mr De Domenico: What is the motion?

MR BERRY: It is pursuant to standing order 118A. I am involved in the debate in relation to that motion. The motion, Mr Speaker, was that this Assembly take note of the paltry explanation, as I recall. What we need to do is draw attention to the Government's attitude problem in relation to answering questions.

Mrs Carnell: I take a point of order on the grounds of relevance, Mr Speaker.

MR BERRY: This is another example of a government that will not answer questions.

MR SPEAKER: This is nonsense. Pardon me.

MR BERRY: Mr Speaker, the fact of the matter is that the Government has, pursuant to - - -

Mr Humphries: Mr Speaker, I raise a point of order. The motion Ms Horodny moved relates to a particular question which was asked on 25 September and not answered by 25 October as required by standing order 118A. That is the debate before the Assembly. Mr Berry does not know anything about that question. He does not even know what the question is about, but he wants to get into the debate and have a go at other things. That might be his prerogative in the adjournment debate. It is not his prerogative in the context of this debate about this particular question that was asked.

MR SPEAKER: I uphold Mr Humphries's point of order. It seems to me that this debate is getting totally out of control. A very simple question, a reasonable question and a question that could be asked under standing orders, was raised by Ms Horodny. Mr Humphries has undertaken to find out why the question was not answered within the 30 days.

MR BERRY: Mr Speaker, I raise a point of order.

MR SPEAKER: What I am saying is that this debate is getting right out of control.

Motion (by **Mr Kaine**) negatived:

That the question be now put.

MR BERRY: Mr Speaker, this is an issue about Ministers who will not answer questions - - -

Mrs Carnell: Mr Speaker, you just ruled on that. You ruled that it was not relevant, Mr Speaker.

MR SPEAKER: Relevance, Mr Berry. It is not a question of Ministers not answering questions.

MR BERRY: It is about Ministers not answering questions within the 30 days required pursuant to the standing orders.

MR SPEAKER: Within the 30 days.

Mr Whitecross: This motion is a motion that the Assembly take note of the Minister's explanation of why he breached standing order 118A. That is the issue that Mr Berry is debating. That is the issue before the Chair.

MR SPEAKER: You could have fooled me.

Mr Whitecross: Mr Speaker, in the context of debating the question of the Minister's explanation of why he has breached standing order 118A, it seems to me that it is perfectly in order for Mr Berry to allude to other occasions on which this Minister and other Ministers in this Government have also breached standing order 118A. If the Government do not like the medicine, then they ought to give some consideration to complying with standing order 118A, and then we would not be able to debate these motions. If the Government complies with standing order 118A, it will be impossible for any member to move this motion.

MR BERRY: This example of where the Minister has not complied with the standing order and replied to the question within 30 days - - -

Mr Kaine: I raise a point of order, Mr Speaker. Could I ask on what basis Mr Berry is on his feet? Is he taking a point of order? Is he engaging in some debate that does not exist? Why is he on his feet?

MR SPEAKER: I am amazed at the length to which this debate is running, considering that Ministers in the past from both sides have missed complying with the 30-day rule. This is becoming farcical, members. The undertaking has been given by Mr Humphries, as I understand it, to provide Ms Horodny with an explanation as to why the 30 days rule was not complied with.

Ms McRae: Mr Speaker, on a point of order: There is a motion before the Assembly. It is not up to you to determine how members respond to a motion, Mr Speaker. With the greatest of respect, it is not for you to determine what we will debate. We have a motion before the Assembly. Mr Speaker, it is entirely proper for Mr Berry to debate that issue. That is why the motion is before the Assembly. It is grossly unfair for the Government to keep interrupting that debate.

MR SPEAKER: The motion is that the Assembly take note of the explanation.

MR BERRY: No, Mr Speaker; wrong - the paltry explanation.

Ms Follett: Mr Speaker, on a point of order: I would like you to reconsider your comment that it is farcical for this Assembly to be debating within our standing orders a motion moved within our standing orders, a motion which we all understand. It is not a matter of whether you personally agree to the debate or not. Nor do I believe it is up to you to refer to members so debating within our standing orders as farcical. I think you should reconsider that.

19 November 1996

MR SPEAKER: Mr Humphries has already given an undertaking.

Ms McRae: He has not. It does not matter.

MR SPEAKER: Order! Mr Humphries has already given an undertaking to find out why the question was not answered within the 30 days. The undertaking has been given. I do not know what the basis of this debate is.

Mr Whitecross: I raise a point of order, Mr Speaker. With respect, you may not understand why people want to debate this issue, but there is a motion before the Chair and we are debating it.

MR SPEAKER: That the Assembly take note of the explanation.

Mr Whitecross: If you as a member of this Assembly want to debate the motion, then I suggest you come down to the floor of the chamber and debate the motion and let someone else take the chair. The fact is that there is a motion before the Chair. Members are exercising their rights under the standing orders to debate it. The basis on which they are debating it is that people are not satisfied with the Minister's explanation. Whatever undertaking the Minister has given, we are entitled, as members, to say that we are not satisfied with that.

MR BERRY: This issue is about attitude to the standing orders. That is why the motion that this Assembly take note of the paltry explanation has been moved. In recent days there have been another couple of examples of Ministers and their departments refusing to answer questions. For example, after the Estimates Committee had put its report together, departments and Ministers were providing answers which they thought might have been embarrassing to them. This is just the continuation of that attitude problem that this Government has on questions. There is no doubt in my mind that the Assembly should note this paltry explanation that this Minister has given.

Mr Humphries: On a point of order, Mr Speaker: I remind Mr Berry of what we are doing here. He obviously has lost sight of it.

Ms McRae: It is not your job.

Mr Humphries: It might not be my job, Ms McRae, but I wish to do so.

Ms McRae: What is the standing order?

Mr Humphries: It is to do with relevance.

Ms McRae: No, it is not.

Mr Humphries: Perhaps I should address my comments to you, Ms McRae. The fact is that I gave an answer to Ms Horodny's request to explain why an answer had been provided late. The answer was that I did not know and I was going to take the question on notice to find out. That is the issue being debated here. With great respect,

what supposedly happened in the Estimates Committee with another Minister cannot possibly be relevant to why I need to take on notice a question about why a question which I have already answered was not answered within the 30-day period required under standing orders. Therefore, these matters cannot be relevant.

Mr Whitecross: On a point of order, Mr Speaker: Mr Humphries is debating the motion.

MR SPEAKER: There is no point of order.

MS HORODNY (3.52), in reply: I think this is an issue about attitude, Mr Humphries, because it is the second time that I have been fobbed off in that way. I asked you many months ago why you did not provide an explanation within 30 days and the ruling was that, if you provided the answer before I had the chance to ask for an explanation, then my question was out of order. Seeking further details about that, we had a ruling from the Speaker that the question that I had asked was totally in order and that you had misrepresented the standing orders. For me, Mr Humphries, you continue to do this. This means that you have a very poor attitude in this Assembly to members' questions. I have to say at this point that the responses from your office are also very tardy. In fact, Mr Humphries, constituents are coming to me and saying that they are having difficulty in getting appointments with you, that you do not answer their letters - - -

Mr Kaine: On a point of order, Mr Speaker - - -

MS HORODNY: And that you are not responding to phone calls.

Mr Kaine: What the member is now saying is - - -

MS HORODNY: It is bringing out a whole - - -

Mr Kaine: Mr Speaker, I am on my feet on a point of order.

MR SPEAKER: Ms Horodny, sit down while a point of order is being taken.

MS HORODNY: There is no need to yell, Mr Speaker.

MR SPEAKER: Sit down.

Mr Kaine: The argument that the member is putting has nothing to do with the motion before the Assembly. I suggest that she be told to curtail it.

MR SPEAKER: I uphold the point of order.

MS HORODNY: For heaven's sake! Mr Humphries, if your office is overworked and you have too many areas to look at within your office and within your portfolio, it would perhaps be easier sometimes for members to speak directly to bureaucrats. Mr Humphries, if it is too difficult for you to have enough staff to provide answers to these questions, it might be easier for us to go directly to bureaucrats, but of course that is not allowed. There is a dome of secrecy around every department in this Government.

19 November 1996

That is a huge issue at the moment. It is very difficult to access information at this point in time. I am personally having great problems, particularly with your office and your department. I really would like an explanation as to why you have not answered this question within 30 days. I think 30 days is a reasonable time in which to answer a question. I would like that answer by the end of the day.

MR SPEAKER: The question is that the Assembly take note of the explanation.

Mr Berry: The paltry explanation. Mr Speaker, the motion used the word “paltry”. I heard Ms Horodny move it. Would you confirm that?

MR SPEAKER: Standing order 118A(b) states quite clearly that the wording is: That the Assembly takes note of the explanation.

Question resolved in the affirmative.

LAKES AND FORESHORES

MR SPEAKER: Members, on 25 September, Mr Moore moved a motion relating to the use of Canberra’s lakes and their foreshores. Ms Follett subsequently sought guidance from me on what form a legitimate amendment might take in relation to this matter. I have a reply here, but it is fairly detailed. In the interests of time, I seek leave to incorporate it in *Hansard* and circulate it to members.

Leave granted.

Document incorporated at Appendix 1.

STUDY TRIP Paper

MR SPEAKER: I present, for the information of members, the report of a study trip undertaken by me to the Queensland and Northern Territory parliaments from 14 to 18 October this year.

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 amendments to instruments, codes of practice, determinations, extension of operation of Act, housing and rental programs, instruments of appointment, management standards, registration of golf carts, regulations and Supreme Court Rules. I also present a notice of commencement of provisions of the Consumer Credit Act.

The schedule read as follows:

Adoption Act - Adoption Regulations - Determination of fees - No. 239 of 1996 (S271, dated 22 October 1996).

Associations Incorporation Act - Determination of fees - No. 235 of 1996 (S271, dated 22 October 1996).

Bookmakers Act -

Determinations of a place to be a sports betting venue -

No. 212 of 1996 (S248, dated 27 September 1996).

No. 251 of 1996 (S296, dated 31 October 1996).

No. 253 of 1996 (S297, dated 1 November 1996).

Determinations of directions for the operation of a sports betting venue -

No. 213 of 1996 (S248, dated 27 September 1996).

No. 230 of 1996 (S264, dated 11 October 1996).

No. 252 of 1996 (S296, dated 31 October 1996).

No. 254 of 1996 (S297, dated 1 November 1996).

Boxing Control Act - Determination of a Code of Practice - No. 233 of 1996 (S267, dated 11 October 1996).

Business Franchise (Tobacco and Petroleum Products) Act - Determination of fees - No. 208 of 1996 (S240, dated 23 September 1996).

Business Names Act - Determination of fees - No. 236 of 1996 (S271, dated 22 October 1996).

Consumer Credit Act - Notice of commencement (1 November 1996) of remaining provisions (S273, dated 23 October 1996).

Consumer Credit (Administration) Act - Determination of fees - No. 250 of 1996 and revocation of Determination No. 62 of 1995 made under the Credit Act - (S289, dated 1 November 1996).

19 November 1996

Credit Act -

Instrument of appointment to the Credit Tribunal - No. 245 of 1996 (S279, dated 24 October 1996).

Gungahlin Development Authority Act - Instrument of appointment to the Gungahlin Development Authority - No. 215 of 1996 (S250, dated 1 October 1996).

Health and Community Care Services Act -

Determination of fees and charges - No. 227 of 1996 (S259, dated 9 October 1996).

Determination of fees and charges - No. 240 of 1996 (S274, dated 23 October 1996).

Housing Assistance Act -

Kickstart Housing Assistance Program - No. 211 of 1996 (S242, dated 25 September 1996).

Variation to Rent Relief Program - No. 210 of 1996 (S242, dated 25 September 1996).

Instruments Act - Determination of fees - No. 237 of 1996 (S271, dated 22 October 1996).

Land (Planning and Environment) Act -

Land (Planning and Environment) Regulations (Amendment) -

No. 20 of 1996 (S238, dated 23 September 1996).

No. 21 of 1996 (S243, dated 26 September 1996).

Instrument of appointment to the ACT Heritage Council - No. 228 of 1996 (S262, dated 10 October 1996).

Liquor Act - Liquor Regulations (Amendment) - No. 23 of 1996 (S260, dated 10 October 1996).

Liquor (Amendment) Act (No. 2) - Notice of commencement (1 October 1996) of sections 5 to 46 (G38, dated 25 September 1996).

Meat Act - Determination of fees and charges - No. 248 of 1996 (S282, dated 30 October 1996).

Mental Health (Treatment and Care) Act -

Extension of operation of the Act - No. 258 of 1996 (S304, dated 14 November 1996).

Instruments of appointment to the Mental Health Council -

No. 216 of 1996 (S251, dated 1 October 1996).

No. 217 of 1996 (S251, dated 1 October 1996).

No. 218 of 1996 (S251, dated 1 October 1996).

No. 219 of 1996 (S251, dated 1 October 1996).

No. 220 of 1996 (S251, dated 1 October 1996).

No. 221 of 1996 (S251, dated 1 October 1996).

No. 222 of 1996 (S251, dated 1 October 1996).

No. 223 of 1996 (S251, dated 1 October 1996).

No. 224 of 1996 (S251, dated 1 October 1996).

No. 225 of 1996 (S251, dated 1 October 1996).

Milk Authority Act - Instruments of appointment to the Milk Authority -

No. 242 of 1996 (S278, dated 24 October 1996).

No. 243 of 1996 (S278, dated 24 October 1996).

Motor Traffic Act - Registration of Golf Carts - No. 249 of 1996 (S285, dated 31 October 1996).

Occupation Health and Safety Act - Instruments of approval of codes of practice -

National Standard Exposure Standards for Atmospheric Contaminants in the Occupational Environment [NOHSC:1003(1995)] - No. 255 of 1996 (S301, dated 12 November 1996).

National Occupational Health and Safety Certification Standard for Users and Operators of Industrial Equipment [NOHSC:1006(1995)] - No. 256 of 1996 (S301, dated 12 November 1996).

19 November 1996

Ozone Protection Act - Determination of fees - No. 229 of 1996
(S263, dated 11 October 1996).

Public Health Act - Determination of fees and charges - No. 241 of 1996
(S275, dated 23 October 1996).

Public Place Names Act -

Instrument No. 232 of 1996 - Street names omitted from schedule
(S266, dated 11 October 1996) - Amendment to Instrument No. 98
published in *Gazette* S126, dated 30 June 1994 - Division of Holt -

Page 1 - Le Fevre Court.

Page 2 - Charles Place.

Page 3 - Horden Close.

Page 3 - Ransford Close.

Determination of street nomenclatures in the Division of Ngunnawal -

No. 214 of 1996 (S249, dated 1 October 1996).

No. 257 of 1996 (S303, dated 13 November 1996).

Public Sector Management Act - Management standards -

No. 4 of 1996 (S302, dated 13 November 1996).

No. 9 of 1996 (S254, dated 4 October 1996).

Radiation Act - Instrument of appointment to the Radiation Council -
No. 231 of 1996 (S265, dated 11 October 1996).

Registration of Births, Deaths and Marriages Act - Determination of fees -
No. 234 of 1996 (S271, dated 22 October 1996).

Registration of Deeds Act - Determination of fees - No. 238 of 1996 (S271,
dated 22 October 1996).

Supreme Court Act - Supreme Court Rules (Amendment) - No. 22 of 1996
(S253, dated 2 October 1996).

Surveyors Act - Instrument of appointment to the Surveyors Board -
No. 209 of 1996 (S241, dated 25 September 1996).

Taxation (Administration) Act -

Determination to set criteria for stamp duty concessions under the Kickstart Housing Assistance Program - No. 226 of 1996 (S258, dated 9 October 1996).

Determination to set a uniform rate of stamp duty on all general insurance premiums - No. 246 of 1996 (S281, dated 29 October 1996).

Determination dealing with marketable securities amending certain references to paragraphs within the operative text - No. 247 of 1996 (S281, dated 29 October 1996).

Tenancy Tribunal Act - Instrument of appointment to the Tenancy Tribunal - No. 244 of 1996 (S279, dated 24 October 1996).

PAPER

MR HUMPHRIES (Attorney-General): I present, pursuant to standing order 83A, an out-of-order petition lodged by Ms Horodny from 175 citizens, relating to battery chickens.

**MENTAL HEALTH SERVICES
Report**

MRS CARNELL (Chief Minister and Minister for Health and Community Care): Mr Speaker, pursuant to section 120 of the Mental Health (Treatment and Care) Act 1994, I present the 1995-96 report of the Director of Mental Health Services. The report was inadvertently omitted from the Department of Health and Community Care's report for 1995-96, and I regret the oversight.

**MENTAL HEALTH CARE
Ministerial Statement**

MRS CARNELL (Chief Minister and Minister for Health and Community Care): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on mental health care.

Leave granted.

MRS CARNELL: Mr Speaker, I seek leave to incorporate the statement in *Hansard*.

Leave granted.

Document incorporated at Appendix 2.

MINISTER FOR HEALTH AND COMMUNITY CARE
Motion of Want of Confidence

Debate resumed.

MR MOORE (3.59): Mr Speaker, this motion grew out of frustration, I believe, with the way mental health has been handled, and I must say that it is a frustration I share. I also must say that it is a frustration I have shared since I have been in this Assembly. Those of us who served on the Social Policy Committee of the Second Assembly that looked at the mental health legislation realised that the issue of mental health was one that would not be easily resolved. We took the unusual step, for a committee of this Assembly, of saying that we believed that extra resources were required to assist in resolving those problems. This motion is clearly about that frustration, and, indeed, Mrs Carnell was on that committee - - -

Mrs Carnell: And we have made extra resources available.

MR MOORE: She indicates that she has made extra resources available. Looking back through the budget, I am still not convinced that those extra resources are actually made available and how much has been part of this changeover to accrual accounting and a different way of presenting things. I am open to be convinced that that is not the case, that indeed there has been more money put aside, but at this stage I have real doubts that that has been the case.

The motion has now moved a step further with the amendment by Mr Berry to include the mismanagement of the health budget. I suppose that, in this sense at least, Mrs Carnell ought to concede that she has not been able to achieve something she has claimed she could achieve. She has certainly claimed publicly that she could manage the health budget, improve health outcomes, and save money at the rate of some \$10m a year. Indeed, she was rather dismissive of the way the health budget had been dealt with by Mr Berry and Mr Connolly. An extra \$14m was put into the budget last year, and in this current budget more than that much again, making at least an extra \$30m going into the budget before the three years is up, rather than savings of \$30m. So there is a \$60m difference between what Mrs Carnell said she would do and what she has been able to do once she was put at the helm. It does not matter, from the point of view of a budget perspective, whether we have reduced waiting lists or any of those series of things, because it was Mrs Carnell who was saying, "We can still do those things and reduce the budget". I think it is appropriate for her to concede that issue.

The issue raised by this motion is the failure to give sufficient priority to people who are most disadvantaged in the community. By this, I believe, Ms Tucker is referring to people with mental health difficulties and other disabilities in particular. Finally, there is the issue of misleading. On the question of priorities, I happen to agree with Ms Tucker. I think inadequate priority has been given to mental health, and I have said that a number of times. I believe that this Government gives much too high a priority to support for business and much too low a priority to its core function, which is support for the disadvantaged in society.

Mrs Carnell: You just said we were spending too much on health, Michael.

MR MOORE: No, that is not correct. What I said was about the way you said you would be able to manage the health budget and what you have found to be the case now. At no stage have I said that you are spending too much money on health. I am saying that you said you could manage it in a certain way. You have not been able to do it. All I said was that you should at least concede that that is the case.

I think the most serious of the allegations is the allegation of misleading the Assembly. The Assembly cannot possibly work if Ministers are prepared to mislead it about what goes on in their portfolios or on other issues. I listened very carefully to Ms Tucker's indications of why she thought it had been misled, and I think it is worth quoting the way I heard Ms Tucker say something. She said, "I am sure Mrs Carnell has been clever about not overstepping the mark". That probably answers Ms Tucker's own question as to why this motion could not be supported in terms of misleading the Assembly. If Mrs Carnell has been clever in not overstepping the mark, then she has not overstepped the mark; she has not misled the Assembly.

I understand the frustration Ms Tucker feels when she asks a question and the general answer she gets is not specific to the question she asked. We see that all the time, but to a certain extent I have to say that that is politics. What all of us tend to do is answer from what we know. We tend to avoid the questions we do not know about, although we hear, in a quite refreshing way sometimes, people say, "I just do not know anything about that".

Mr Osborne: Speak for yourself.

MR MOORE: Mr Osborne is the exception, of course. We often hear him say, "I do not know anything about that". I know I should be careful about saying such things when he is going to speak after me.

When we are talking about politics, it is not so simple that we can say, "That is politics and that is finished". For everything that somebody does in a political way, they in turn have to answer to the people at the next election. Apart from the issue of misleading, the issues I see before me today - the issue of mismanagement, the issue of promising that you could handle the health budget and then not being able to handle it in the way you believed you could, and the failure to set appropriate priorities in the community - are fundamental to the differences between different elements in this Assembly and where they set their priorities, and for that Mrs Carnell does not have to answer in terms of whether she resigns her ministry or not. What she has to do is be able to justify that to the people of Canberra at election time, and that is why I believe she will answer.

The only issue, therefore, coming out of this motion where she really has to answer to the Assembly is the question of misleading.

19 November 1996

Mr Berry: And she has done.

MR MOORE: Mr Berry says, "She has done". I quote from Ms Tucker's own words, where she said, "I am sure Mrs Carnell has been clever about not overstepping the mark". If she has not overstepped the mark, she has not misled the Assembly and, in your own words, you have conceded that that has been the case. This motion carries a very clear warning about how far you can go in regard to misleading the Assembly.

MR HUMPHRIES (Attorney-General) (4.08): Mr Speaker, I want to relate a conversation that occurred last night. I was not a party to the conversation, but I am told that this is what occurred. If the parties who are here - - -

Mr Moore: Would this be accepted in court, Gary?

MR HUMPHRIES: Hearsay, Mr Speaker. We are not in court, so Mr Moore can take me to court if he wants to stop it being said; but I am going to relate it to the Assembly anyway because I think it is a matter of some interest on this issue. About three weeks ago the unfortunate smashing of the windows here led to Ms Tucker appearing in the *Canberra Times* promising to move a motion of no confidence in the Chief Minister. The Chief Minister was a little concerned that three weeks had passed since that claim was made in the paper and still the Chief Minister did not have a clear idea of exactly what the basis of the motion of no confidence would be. I do not think I need to remind members that motions of no confidence are just about at the peak of the pyramid of seriousness in terms of action against members of parliament, particularly members of a ministry. The only thing more serious than that is a motion of no confidence in the Chief Minister as Chief Minister, and that brings down the Government formally under the self-government Act. I suppose the next thing short of that is to move a motion of no confidence in a Minister. The consequence of that motion has to be that the Minister has to resign.

Mr Berry: It did not happen last time. It was a censure motion. You misled the chamber and ignored it.

MR HUMPHRIES: It always happens under this Government. Mr Berry does not quite understand that there is a difference between a motion of censure and a motion of no confidence. A motion of no confidence is more serious, and Ms Tucker was promising a motion of no confidence in the Minister for Health. As of last night, the Chief Minister, or the Minister for Health, rather - there is a difference in this case - did not know what the basis of this motion was going to be, had not seen the motion, did not know the details on which the - - -

Mr Berry: It was going to be a vote of no confidence. It has been known for three weeks, you just said.

MR HUMPHRIES: Mr Speaker, Mr Berry repeatedly took points of order previously about being heard in silence on these issues. I would ask him to respect his own rules in that respect.

MR SPEAKER: I uphold the point of order.

MR HUMPHRIES: The fact is that Mrs Carnell did not know what the position was coming into last night, so she rang Ms Tucker and asked her where she had misled the Assembly. She had seen Ms Tucker's press release saying that the Chief Minister had misled the Assembly, and she asked her, "Where have I misled the Assembly? I would like to know what I am going to have to defend tomorrow". Ms Tucker's answer was words to this effect: "I do not know yet. I will not know tonight. I will get back to you tomorrow". If I have misrepresented the situation, she can rise in her place and clarify that under standing order 46. I look forward to her doing that. I hope she will confirm that last night she could not supply to Mrs Carnell either the terms of the motion or any details of where she had misled the Assembly - a very serious allegation. She could not tell Mrs Carnell last night where she had misled the Assembly.

That exhibits one or other of two states of mind on the part of Ms Tucker. Either she was lazy and had not yet got around to putting together the motion and the case against Mrs Carnell, even though she had had something like three weeks in which to do so; or she was being dishonest or cowardly about the way in which she would approach this task today. Whatever the reason, I submit to the Assembly that it is an unacceptable use of the power to move a motion of no confidence in a Minister in any government for that kind of approach to be taken to a matter as important as this.

I have said before and I say again today that we are devaluing the currency of censure and no-confidence motions in this place. Talk about deregulation of the market. The Labor Party and the Greens particularly have comprehensively deregulated this area. There are now four no-confidence motions to the dollar. They are worth almost nothing. I ask members to read tomorrow's *Canberra Times*, if it arrives, and see where this issue is reported. Censure motions and no-confidence motions particularly are usually run on the front page of the *Canberra Times*.

Mr Berry: It depends on whether it gets passed.

MR HUMPHRIES: Even when they have not passed they are run on the front page of the *Canberra Times*. See where it runs tomorrow. I reckon it will not get much coverage, either in the electronic news tonight or in the pages of the *Canberra Times* tomorrow.

Mr Berry: Bill Clinton will be all over the *Canberra Times* tomorrow.

MR HUMPHRIES: There is room for more than one story on the front page of the *Canberra Times*, Mr Berry, in case you had not noticed.

Mr Berry: Not when Bill Clinton is around.

MR HUMPHRIES: We will see whether there is more than one story on the front page of the *Canberra Times*. Mr Moore made the point that this is a very serious matter and should send a shot across the Chief Minister's bows. Frankly, I am not sure that it will, because these motions are moved so often that they do not mean anything, either to people in this Assembly or to the general public of this community.

19 November 1996

Mr Berry: This has never been moved before.

MR HUMPHRIES: Motions like this are moved virtually every week. We have had censure motions galore. We have had threats of no-confidence motions. We have had this motion today. I very much doubt that it is going to be the last, if the last 12 months have been any indication. I would say to members: If you think it is important to have these no-confidence motions, reserve them for occasions when they have some meat. There was so little meat in this motion that Mr Berry had to move an amendment, find something else to tack on, so that he would have something to get his teeth into when he got to the motion itself. The original terms of this motion are so paltry, to use a word the Greens have used today, that Mr Berry had to add something in order to be able to contribute to the debate.

Mr Berry made no comment, nor has anybody else for that matter, on any of the other items in the three prongs of Ms Tucker's motion. Incidentally, the motion makes no reference whatever to mental health. This is supposed to be a motion about mental health, about how the Chief Minister had mishandled mental health issues. The words "mental health" do not appear in the motion at all.

Ms Tucker: Who says it was about mental health?

MR HUMPHRIES: You said it was about it the day after the attack on the windows at this Assembly. You said it was about Mrs Carnell's mishandling of mental health issues. That is what you said. Go back and read your comments in the paper and look at the comments on the news.

I have not heard anything of substance on this motion. I am at a loss to work out what the substance of it is. I am not sure whether it is to do with not having infection control procedures in group houses, or about not waiting until the Social Policy Committee had reported on mental health services, or about there not being room at Hennessy House, or about Government support for deinstitutionalisation - I understand that that has been criticised, but I am not sure whether that is the basis of the motion - or about Mrs Carnell not having enough time to attend to mental health issues. What I do know is that we have here a singular lack of conviction on the part of Ms Tucker as to what it is that she is moving as the basis for this motion of no confidence.

My party has a proud record on the question of management of mental health issues. I do not mean by that that we have solved the problems of mental health in this Territory. Clearly, we have not done that; nor did the Government which operated for nearly four of the last five years before we came to office last year. There are still, let me make it quite clear, almost intractable problems in the mental health area. I regret those, and I regret the fact that we and previous governments have not succeeded in overcoming them. But I will say, notwithstanding that, that our record on mental health issues is pretty good. It was the Liberal Party which established in government the mental health crisis service that has been discussed today. It was the Liberal Party which substantially built the new psychiatric unit at Woden Valley Hospital.

Mr Berry: What?

MR HUMPHRIES: Yes, it was. When Mr Berry became Minister for Health, it was about three or four months away from opening. It was sited, it was established, it was built, all but for the last three or four months of it, at the time of - - -

Mr Berry: That is true. I concede. I give up. I yield.

MR HUMPHRIES: Mr Temporary Deputy Speaker, I have indicated before that Mr Berry has asked for some consideration in his comments, and I would ask for the same courtesy.

MR TEMPORARY DEPUTY SPEAKER (Mr Wood): Yes, that is fair enough.

MR HUMPHRIES: We established those services in this Territory. (*Extension of time granted*) Our achievements in mental health are being continued. We intend to re-establish the position of liaison psychiatrist in the Canberra Hospital. We allocated an additional \$100,000 in this budget to establish a new mental health discharge liaison service at the Canberra Hospital. We are facilitating the construction of the Territory's first private psychiatric facility, at a cost of \$2.5m.

Mr Berry: That will help the poor!

MR HUMPHRIES: It will help the poor, Mr Berry, because at the moment the rich, or at least those with insurance, not other means - - -

Mr Berry: No; they are going to Sydney and Melbourne.

MR HUMPHRIES: Mr Temporary Deputy Speaker, I think it really is very unfair for him to behave like this. Let me say that Mr Berry does not understand that it will help the poor because the rich and those with means are presently occupying beds in our psychiatric unit. They are presently occupying our beds.

Mr Berry: No, they are not. They are going to Sydney and Melbourne.

MR HUMPHRIES: They are not going to Sydney or Melbourne, necessarily. They are also occupying beds in our public hospital and, if they can go to a private facility, which we are building at a cost of \$2.5m, then I believe that we will be considerably assisting both rich and poor in the Territory. We are allocating an additional \$45,000 for the secondment of a mental health nurse to the Belconnen Remand Centre. Clearly, a lot of people in the Remand Centre face serious mental health problems. An amount of \$50,000 has been allocated to the Mental Health Foundation to support the Warren I'Anson respite house. The claim that this was not being funded is quite inaccurate. A total of \$166,000 is being provided by Healthpact, under funding which we as a Government increased for expansion of mental health programs in 1996-97, compared with only \$31,000 in 1995-96 - a 500 per cent increase.

19 November 1996

I stand by the Liberal Party's record in government on these matters. We have not solved the problems of mental health in this Territory; but I would say, with respect, that it is rich for our opposite numbers over there to attack on this question when they had nearly four years to resolve these issues and did not do so. The only significant achievement they could point to after four years was the Mental Health Treatment Act and very little else.

Mr Berry: Not bad.

MR HUMPHRIES: It was not bad, but it was not particularly an exclusive achievement. Lots of people in the Assembly were involved in doing that. There was no particular exclusivity about that achievement. The interesting point about the record we have heard in this place is that there has always been a willingness from Mr Berry to attack the record of the Liberal Party, even though his own party does not agree with his position on it. Mr Berry attacked our record in government during the Alliance Government days. At the same time, Mr Connolly, as the incoming Attorney-General in the new Labor Government in 1991, commended the Alliance Government for its achievements in the area of mental health.

Mr Berry: That was a mistake, was it not?

MR HUMPHRIES: Mr Berry thinks it is a mistake. Perhaps Mr Connolly was more honest than Mr Berry is being now.

I simply want to restate the fact that there is no substance for this motion. By putting it forward, the Greens have again debased the currency of these motions. I do not believe that there will be much that changes as a result of this, and I think that is regrettable, because there is a need for us to be active in this area. We intend to be active and we will be active, but not because of motions like this on the floor of the Assembly. Finally, a piece of advice to Mr Berry: The mentioning of the form of people being tried in our courts leads to a mistrial because it prejudices the hearing of the facts in a matter. That is what is happening here. It is clear prejudices against the views - - -

Mr Berry: In the Magistrates Court they take form into account.

MR HUMPHRIES: Only after the trial, Mr Berry.

Mr Berry: Yes, that is right; they take it into account.

MR HUMPHRIES: The trial is still going on here, is it not? I think we are going to get an acquittal, or at least a not proven verdict. I think it is most unfortunate that we have wasted so much time today on this motion. I would urge the Assembly to dismiss the motion and to proceed to the real matters of importance today. I would have thought the next item on the agenda was really of far more significance and importance to our community than this item, and I hope we will proceed to that fairly quickly.

MR OSBORNE (4.23): I would have thought a motion of no confidence in a Minister, or anybody in the Government, warranted at least spirited debate, so I am quite disappointed to hear Mr Humphries say that it is not important. Nevertheless, we all know how slow he is in getting answers and answering questions and making appointments.

This motion from Ms Tucker is, I think, motivated more by frustration on her part than by any one incident. I suppose it is something that has built up over time, so I will not condemn her for at least bringing it onto the floor. I have to say, though, that many of the things we have discussed today, and much of what Mr Berry said, related to issues we dealt with in the past, issues over which we have already censured the Minister and for which she has been made accountable to the Assembly. I am a little disappointed about some of the things that have been brought up here today.

I am asked to go through this motion and either support it or not. The first point in Ms Tucker's motion states:

That this Assembly lacks confidence in the Minister for Health and Community Care by reason of her failure to adequately administer the health portfolio including:

- (1) failure to give sufficient priority to people most disadvantaged in the community;

Perhaps it should read "failure to give sufficient priority to people who Ms Tucker thinks are the most disadvantaged in the community". They may well be the most disadvantaged in the community, but I do not think we can necessarily say that people suffering from mental health problems are the most disadvantaged. A number of families in my electorate who have three, four or five children and no money and are living in a two- or three-bedroom house with no heating I would consider to be very disadvantaged.

As I said, these people may well be the most disadvantaged; but, when we politicians attempt to channel all our thoughts into one particular area and do not look for balance, perhaps our vision sometimes gets clouded. I would argue that the Minister for Police has been lacking in attending to his portfolio because I do not think enough money is spent on police officers in the Territory. I would like to see another 100, if possible. I know that this motion was motivated by the fellow who walked around the Assembly tapping on the windows with a hammer. Perhaps I could move a no-confidence motion in Mr Humphries every time there was an armed hold-up or a burglary. The point I am trying to get to is that being here is about balance.

19 November 1996

When I spoke to Ms Tucker a couple of weeks ago, I told her that I was quite happy to listen to what she had to say, but that if this was only a matter of a lack of finance there was no way I would support a no-confidence motion against Mrs Carnell. The Assembly has dealt with many of the issues regarding the health portfolio. I have said publicly that I think Mrs Carnell has too much on her plate. Being Chief Minister, Treasurer, Minister for Health, Minister for Education, Minister for Industrial Relations - you name it; she is the Minister for it - takes up a fair amount of time. Today I have heard nothing that would warrant me forcing Mrs Carnell out of her current position.

I do have to say, though, that I stand by my initial thought. I would like to see her hand over the health portfolio to someone who could focus all their time on it, and perhaps create a fifth ministry. In discussions I had, I think with Ms Tucker, she said that Mrs Carnell has always said that it would cost an extra \$200,000 for a fifth ministry. Ms Tucker might be able to refresh our memories on this later, but I think the figure was closer to \$50,000. Given that health is the most volatile portfolio, and certainly the one that I and, I imagine, most members think requires somebody's total attention, I think the money would be worth it. Sitting on her backbench we have an ex-Chief Minister, who I think is wasted. I know Mr Kaine is probably squirming in his seat as I offer him the health ministry.

Mr De Domenico: He just about had a heart attack.

MR OSBORNE: A heart attack, Mr De Domenico says. In all seriousness, someone of his calibre is wasted, and I would like to think Mrs Carnell would give serious consideration to utilising the talent.

In relation to Mr Berry's amendment, I must say that I have never seen him quite as intense as he is today on this motion. Perhaps he sniffs a future job if we were to support this motion. I was not here in the past, but I find it quite interesting to have an amendment from a Health Minister who, I am told, blew a couple of budgets himself.

Mr Moore: Yes, an ex-Health Minister.

MR OSBORNE: We have an ex-Health Minister wanting to condemn the current one for doing exactly what he did. I think Ms Tucker was motivated by frustration. Certainly, different politicians have different areas that are very close to their hearts, and it is obvious that mental health is very close to Ms Tucker's heart; but today I have heard nothing that would warrant a no-confidence motion against the Chief Minister. Quite frankly, if she is to keep the job, out of the four at the front, given her experience in health issues, given the experience Mr Berry often refers to, I suppose she is better than any of the other options. Certainly, nothing has been said on this floor that would warrant me supporting either Ms Tucker's motion or the amendment from Mr Berry.

MS TUCKER (4.32): Mr Temporary Deputy Speaker, I need to address a few points that have been raised, so I will go back over them in order. I would like to clarify for Mr Osborne that it is not just my opinion that these are particularly vulnerable groups in our community. The Burdekin report, which you may not be familiar with, was the report on mental health - - -

Mr Osborne: No; you said “the most disadvantaged”.

MS TUCKER: Yes. They are seen to be the most disadvantaged by major reports in Australia, including that of Professor Yeatman. The point has been made by both of those reports that services are unacceptably rationed. So there is an issue there that I think you probably do not understand.

Mr Humphries made a few points, and I have to clarify one. Mr Humphries was very surprised because he could not see mental health in my motion. The point is that this motion is not about just mental health. That is why it is not specifically in the motion. It makes sense that it is not highlighted especially. The point I made when I proposed initially to put this motion of want of confidence was about the cumulative effect, about a number of events that have happened since I have been in the place and watched this Minister manage health. It is not about just mental health.

I would like to clarify something quickly for Mr Moore because I believe that he has misunderstood what I said. In the quote you gave, Mr Moore, I was referring specifically to the mental health figures only. I have my speech here and I said, directly after referring to the mental health figures, “I am sure Mrs Carnell has been very clever in making sure she has never quite overstepped the mark; but, quite frankly, I am fed up”, and so on. That was referring to the mental health figures.

Mr Moore: Which is where you were saying she was misleading.

MS TUCKER: No; that is when I was talking about mental health figures. Where I say that she has definitely misled, and basically I think she acknowledged it, was when she was referring to the fact that this nursing agency does not employ just nurses, this nursing agency sends all sorts of people out to jobs. That, I believe, is a mislead. To anyone who read that transcript, it is pretty obvious that the implication is that this service is able to employ nurses more cheaply than they can pay their carers, and Mrs Carnell does indeed have very different advice from my advice on that issue. I have spoken to three separate managers in these houses, who have said that they get untrained people from Michelle’s Nursing Agency. Mrs Carnell claims her advice is that everyone from that agency is trained. We obviously have two different sets of advice there, and that will be clarified, hopefully. In terms of the way she used the nursing agency and its title in her speech, the implication definitely was that it was so expensive to employ these staff in the houses and they could get nurses cheaper. I stand by that, and I believe that it is a mislead.

I was trying to make the point about why I am not focusing so much on that aspect, and this is once again a typical example of how Mrs Carnell will misrepresent - maybe she was not listening carefully. When I said, “Do not bother picking up your pens to see where we have caught the Minister out”, it was not because she could not be caught out. The point I was making was that that is not what this motion is about. This motion is about what is the underlying problem in health. Yes, there is a mislead, but this is a symptom. I was trying to make the point that we do not have to look at this particular symptom as the major issue of this motion. Mrs Carnell was very upset, because she said, “This is an unusual process. You do not put want of confidence motions because a whole system is not functioning properly”. Why not? I would have thought that was a major issue. I want to know why we do not have this area being managed properly.

19 November 1996

Mr Humphries, too, was very confused as to what this motion was about. He said, "What is it about? It is not about mental health, I can see that. It is about disabilities and it is about infection prevention". That is right, Mr Humphries. This is a motion about a number of issues in health. This is the big picture. Is that so difficult for this Government to look at? Your reviews that are coming out now and your strategies are talking a lot about intersectoral action and the whole picture. I do not know why it was so hard for Mr Humphries to understand that, and I hope that after this he has a better understanding.

He also said that we have assisted other members of this place in devaluing the currency. Once again, the implication is that this motion does not have anything in it that really matters, so I have raised an issue of little import and therefore devalued the currency of a want of confidence motion. I repeat: I believe that this is of critical importance to the people of the ACT, and that is why I have brought up this motion. Another point Mr Humphries made, which is an interesting one, is that we may not see a very good media coverage of this in the *Canberra Times*, therefore it has no value. I have been watching media for many years, and I can tell you that the things that matter in this world and in this society do not necessarily get good media coverage. That is a serious point.

Mrs Carnell used in her initial response a predictable tactic of quibbling over my choice of words, saying that I had said that you should put your pens down. I have explained what the intention was there, and I am disappointed to see once again that she has misrepresented what I have said and not actually addressed the issues. I keep repeating that they are major structural issues in health, particularly in the area of disability, mental health and the public primary health care system, which is what Mr Osborne has raised. He thinks it is an issue that has been dealt with in the past. I am sorry; it has not been dealt with. It is still occurring, and we still do not know how many people no longer can access the doctor because they do not have the money to pay the up-front fees.

Mrs Carnell also said that the only reason I am doing this is that I do not agree with her health policy. Once again, it is much bigger than my views on her policy. This is about major government responsibilities for the people of the ACT. Indeed, I do not agree with the priorities of this Health Minister, and it is my right, therefore, as an elected member in this place to make that quite clear. I have the right to disagree with her priorities. This is not about me not agreeing with her. It is much bigger than that, and I think it is very disappointing that we keep getting this debate brought down, if not to the personal, certainly to not the issues I am attempting to get discussed. Mr Humphries also felt that no-one else in this place had addressed the issues of this motion. Mr Moore certainly did, Ms Reilly certainly did, and I believe Mr Berry did, although he did focus on the budgetary aspects of it. Mr Osborne did briefly address the first part.

The question about how well this Health Minister is dealing with her portfolio, I believe, has to be seen in context. I am prepared to use this Government's own metaphors, if you like - it is their philosophy, really - that we have small government and that that government runs on the principles of business. The principles of business usually involve things such as demand assessment and so on. I would like this Government to show me

that they know what the unmet need is in these areas. They cannot. I have asked senior officials over and over again. Not only can they not show me what the unmet need is now; they do not do projected growth. They cannot tell me what the needs will be in the future, yet we see all these grand strategies about the future, about how we are going to get the staff working better.

I would suggest that, unless you have this basic information included in these reviews, you are never going to be able to meet the needs. You will continue to get crisis-driven policy. Maybe that is not a very comfortable thing for government because, if you do recognise the unmet need and the projected growth, you will find that there are resource implications. I am not looking at resource implications in this motion, because I do not believe that it is necessary at this point. What I am addressing is the structures of this area. If they were appropriate and sound and accountable, we would know where we were failing, and then the resource issue would be very clear indeed.

I notice one of the interjections Mr Humphries made when I was speaking was that I was capitalising on people's suffering. I found that interesting because at least Mr Humphries acknowledged that people are suffering. I have not heard Mrs Carnell acknowledge that once. I can tell you that people are suffering, because that unmet need, those figures on the paper, I am meeting. That unmet need has a human face, and it is very distressing. People in this town are caring for people who are very disabled; they have been caring for them for a long time. Some of them are getting to the point where they are suicidal, and they get letters from senior officials saying, "We cannot help you because we do not have accommodation or we do not have the resources". That is not good enough. That is the bottom line for me, and that is why I have raised this motion.

I am disappointed that so many members in this place have not understood. (*Extension of time granted*) Maybe I have not made it clear enough to members on the crossbench, because I do believe that they would be sympathetic if they could understand the dimensions of this problem. I hope in this wrap-up I may have influenced them a little in terms of their vote. This is a very critical issue, and it is a matter of responsible governance that has not been carried out by this Government, and especially in the area of health by this Health Minister.

I noticed also in Mrs Carnell's speech that she chose, once again, not to address quite a number of the issues I raised. She did not respond to my quote from the Mental Health Network. She also did not respond to why so many different figures have been put up as current mental health expenditure. She chose not to do that. She chose not to address the question of why we have unaudited figures given to Walter and Turnbull consultants. This is particularly odd, considering that we are supposed to have excellent financial managers running this place. She also did not explain why she believed two years ago that the ACT was 40 per cent underfunded in the mental health area but apparently now we are fine. In fact, I heard her tell the media, "Everybody is really happy". She also dodged the issue of her misuse of key concepts. I did not get any response to that, and I think that is offensive in the extreme to anyone who has taken any interest in the development of these key concepts and the subtleties involved in them. But she did not chose to do that.

19 November 1996

The issue of consultation is also very interesting. We are looking in the Social Policy Committee at issues of consultation and basic principles. What comes out always, and it came out in the conference I was at recently in Sydney - it was run by councils, which might be of interest to this council-style Liberal Government - is that one of the key concepts of efficient communication of information is the complaints mechanism. It is changing the situation so that you have complaints seen by the culture genuinely as information. What we are seeing in this place and in responses from this Government is that that is never seen as information. Complaints are always seen as an attack, and you do what you can to get rid of it, even if it means misquoting or misrepresenting or using lots of clever tactics. That is also totally unacceptable.

I was interested to see that it came out in the SPRAD review, too, which is the school review system. I was told consistently that it is 90 per cent satisfaction, and so we are meant to think everything is fine. But what came out very clearly in this conference is that it is the 10 per cent who are not satisfied who are interesting. It is that 10 per cent that you need to follow up because that is where your weaknesses are. If you have a real commitment to doing a good job in this area, you follow up those weaknesses. You do not intimidate people who approach you with information if they have the courage to do so. I have already covered that aspect of intimidation previously and I will not deal with it again.

Mrs Carnell: Without any evidence at all.

Mr De Domenico: No evidence at all. That is disgusting.

MS TUCKER: It is hard to provide evidence when people are asking you not to speak about what they are addressing because it is in confidence. The nature of the thing itself makes that difficult. It is very easy for you to totally disregard it, but that is fine. I have raised it because I know it is an issue. I will not be satisfied until I see clear processes for determining present unmet need and future need. Until I see strategies and plans which incorporate this information, we are likely to see crisis-driven policy in these areas, covered by grand rhetoric about how happy everyone is. Accountable government processes demand that this action be taken. I repeat that there may well be resource implications once this information is gathered, as then it will be clearer exactly what is not happening for people and, in this case under this Government, I suggest, the most vulnerable and disadvantaged in our community.

Mr Osborne: I raise a point of order, Mr Speaker. Under standing order 47, I would like to explain part of my speech. I said that I did not think mental health patients were the most disadvantaged. Ms Tucker said that I said they were not disadvantaged. I certainly do not think that, but I question whether they are the most disadvantaged members of the community. One could argue that unborn children are the most disadvantaged in the community, but we will not get into that, Mr Speaker. I thought I should explain it.

Question put:

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

The Assembly voted -

AYES, 8

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

NOES, 9

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

Question so resolved in the negative.

Question put:

That the motion (**Ms Tucker's**) be agreed to.

The Assembly voted -

AYES, 8

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

NOES, 9

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

Question so resolved in the negative.

19 November 1996

PERSONAL EXPLANATION

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

MR SPEAKER: Yes, proceed.

MR KAINE: Mr Speaker, in a short absence from the chamber during the recent debate I heard Mr Osborne make a suggestion to the Chief Minister about the portfolio of health and who might appropriately fill that appointment. I wanted to exhort the Chief Minister that, in the fullness of time, at any time in the future, having regard to the circumstances then pertaining and bearing in mind the exigencies of good government, if she deems it desirable to offer me a portfolio, she might ask me for an expression of interest rather than act on Mr Osborne's advice.

ESTIMATES 1996-97 - SELECT COMMITTEE Report on the Appropriation Bill 1996-97

MS McRAE (4.53): Mr Speaker, I ask for leave to present the report of the Select Committee on Estimates 1996-97 and move a motion in relation to the report.

Leave granted.

MS McRAE: Pursuant to order, I present the report of the Select Committee on Estimates 1996-97, together with the minutes of proceedings. The report was provided to the Speaker for circulation on Monday, 5 November 1996, pursuant to the resolution of the Assembly of 28 August 1996. I move:

That the report be noted.

Mr Speaker, let me begin by first thanking my fellow committee members. The Estimates Committee is one of the most challenging of the Assembly committees. Not only is it the largest, with six members; but also all other non-Executive members who are not on the committee, in most cases, when granted leave, have leave to ask questions. It, therefore, makes it a committee where forbearance and tolerance are required from all concerned. Collectively, with the excellent support of the committee's secretary, we have produced a report which has fulfilled the responsibilities placed on the committee by the Assembly.

Today, in tabling this report, I would like to highlight the major concerns the committee had with the papers presented for scrutiny. I do not intend to offer an exhaustive or detailed account, as all members have had plenty of time to read the report and as everyone will have their own opinion on the issues that are raised. What I will do is canvass three broad themes - the quality of the budget documentation, the shortcomings of policy and other Government decisions that need improvement, and new initiatives that are recommended by the committee which will enhance the financial and total management of the ACT.

First of all, I would like to highlight the quality of the budget documentation. In doing this I will be referring to recommendations 1, 2, 3, 4, 5, 6 and 11. It was a great disappointment to the Estimates Committee that, yet again, we had to worry about recommendations in terms of the clarity of the papers. The Estimates Committee grants that, in time, the accrual accounting system, supported by the Assembly, will yield a great amount of detail which has not previously been available. That was never in contestation. The Estimates Committee was told that, this being the first of the accrual accounts budgets, comparative data to the detail often wanted by members was simply not available. The committee was very disappointed about this. We felt that, at the very least, some greater level of care could have been given to the information that clearly was of interest and concern to the Assembly and to the general public.

Unfortunately, on top of that, in the new accrual accounts system there are still major gaps. It is absolutely crucial - and there is a recommendation about this later in the report - that we know what expenses there are, for instance, for accommodation and/or rent. We were told that the Government is working on a paper on this; but it is just one of the gaps that we think do not then allow for the argument to be put that these are perhaps the most open accounts we have ever seen. We have a government that has undertaken a major shift in ownership of public assets; but, as yet - I am not suggesting that it will not come - we do not have a thorough accounting of these costs.

Recommendations 2, 3, 4, 5, 6 and 11 all request amendments to budget papers which will improve accessibility of information to the general public and the Assembly - and future estimates committees, of course. Further, the committee requires better information on environmental programs, better performance measures that include qualitative rather than just quantitative measures - again, the Government has attempted, in some cases, to develop these - and more transparent information on forgone revenue, particularly in grants to industry. Some of these recommendations are not new, unfortunately. I sincerely hope that we will never need to make such recommendations again.

The committee in general, not unexpectedly, found the budget papers confusing and difficult to follow. The committee soon discovered that they were not on their own. As is noted in the Estimates Committee report, so did the Auditor-General. His concerns were very serious. Contrary to some public claims, they were not limited to the discrepancies between the audited and unaudited accounts. Since the Auditor-General is to report to the Assembly on the accounts, the Estimates Committee chose to confine the report to the comments that they did make, to raise the concerns and to just note that the Auditor-General's report on the entire budget documentation will be further scrutinised by the Public Accounts Committee of this Assembly.

All in all, it is not a very satisfactory outcome for this new set of accounts; but, as I have said, it is the first step of a new system that the Assembly has endorsed and the Estimates Committee is confident that, in time, some of the promises will be better realised. What is most important, though, is that the Government must heed the message of these recommendations - - -

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

Mrs Carnell: I require the question to be put forthwith without debate.

Question resolved in the negative.

ESTIMATES 1996-97 - SELECT COMMITTEE Report on the Appropriation Bill 1996-97

Debate resumed.

MS McRAE: What is most clear is that we are very firmly advocating that the Government take heed of these recommendations and make every effort to meet the requirements of making future budget papers as comprehensible as possible, along the lines of the suggestions of the Estimates Committee.

The second area to which I was going to draw members' attention was the recommendations that deal with what can be loosely labelled as policy, or perhaps bad policy, that has come to the Estimate Committee's attention in the course of the inquiry. For instance, the area of greatest concern was the claim that this budget would produce 2,700 jobs. It became clear during the course of Estimates Committee hearings that the definition of a job was a very fluid one. This is not acceptable. The committee was not satisfied with the sale and lease-back arrangements and has asked that these be further reviewed. The committee was not assured that the criminal injuries compensation levy had been thoroughly thought about. Again, we have recommended that it be given further review, as we did for the Kick Start program.

The new arrangements announced by the Education Minister in regard to preschools have now been overturned, as we saw in Ngunnawal and the part-time arrangements in some of the preschools, and the \$15 levy on registration policy also has had to be modified. In all cases, these were areas about which the Estimates Committee quite rightly expressed some concerns. I remind members that this was a unanimous report. It is not just an attack on the Government. It is the correct job of the Estimates Committee to raise these concerns. The Government has already responded to some of these concerns, and we sincerely hope that it will respond to the others that we raised in a similar vein. The rest of these recommendations in this area of the Estimates Committee's concern, as I say, will also require further work. This is committee work at its best, Mr Speaker - open scrutiny, fair and thorough criticism, and positive recommendations.

I am aware that other members of the committee will want to take some of these issues a lot further, and they will. They were not satisfied with some of the answers that were given by the Government. They were not satisfied that the compromise that the Estimates Committee had to reach - it being a six-person committee - was necessarily the best outcome in these areas. But all these issues have now been flagged in the report and through questioning. The committee's work has meant that these areas of worry will now be open to public scrutiny. Overall, this was an area of disappointment for the committee. In almost every aspect of Government activity we found major flaws. All of these, as I have said, have now been flagged and are open for the Government and the rest of the Assembly to further pursue, to ensure that improvements are made.

The third area is a quite positive mark of this committee's work and, I think, a relatively new one. I do not remember too many recommendations like these in previous reports. What, essentially, the Estimates Committee has done is offer some new initiatives for the Government to look at. Again, this is committee work at its best. The careful scrutiny by the committee of all the annual reports and budget papers has enabled members to see gaps and to offer some directions on matters of concern. There are four recommendations in this category, and I will give a brief description of each of them.

The first, No. 10, relates to assets. In short, the committee has called for a paper that details the Territory's marketable assets and liabilities. I have heard claims that such lists exist, and I sincerely hope that they do. But what was wanted by the Estimates Committee was to get some sort of a handle, for instance, on the claim - which is, of course, not one that we can test - that the Territory has about nine billion - - -

Mrs Carnell: You mean that you want an assets register?

MS McRAE: It is a bit more than just an assets register, Mrs Carnell. You may choose to contest this in the Government's response, but this was offered as a new initiative with a very specific purpose. The specific purpose was to get at marketable assets and liabilities with the - - -

Mrs Carnell: What is marketable?

MS McRAE: Mrs Carnell, it is open to you to ask the Estimates Committee for advice and guidance. This was offered as a very important initiative. Mr Speaker, Mrs Carnell can play cute games with words, but anything that is potentially for sale is marketable. If Mrs Carnell chooses to come to the Assembly for a definition of what is marketable, both the Estimates Committee and the Assembly will provide it. The recommendation was written with the specific intent of providing Assembly members and the general public with an idea of what the assets that Mrs Carnell referred to are. There was clear mention made by Mrs Carnell that, when our assets were being sold, they represented but one per cent of the total assets of the ACT.

19 November 1996

Mr Wood: It was 0.3 per cent.

MS McRAE: It was 0.3 per cent. Thank you. In that case, this recommendation was looking for the full picture of the marketable assets and liabilities of the Territory, to gain an idea of where the future direction might be. Mrs Carnell, you may choose to be a little disgruntled about this, but we can debate this further later.

Mrs Carnell: No; I am just interested. I just do not understand what a marketable liability is.

MS McRAE: As usual, Mrs Carnell, you have a bevy of 17,000 public servants. May I go on?

Mrs Carnell: They do not understand either.

MS McRAE: If they do not understand it, you may give up government today, Mrs Carnell. We can take over, and we can explain. This was a recommendation made in the best interests of the ACT. If Mrs Carnell chooses to ignore it, that is up to her.

The other recommendation, which again was made in the light of offering a new initiative which we felt would provide clearer direction for the management of the ACT, was recommendation 12. It asked the Government to provide a statement on its medium- and long-term strategies for superannuation, which will also include an analysis of emerging costs and an analysis of accrued unfunded liability. This is also of major importance. It is a debate that is not going to go away. We are all well aware that it is an area of emerging concern to the ACT. We do not have any idea of how many of our assets are potentially up for sale, and we have no idea about how big this emerging cost is and how we are likely to deal with it. In both instances, it is an invitation to the Government to offer some policy direction for discussion, debate and further perusal, so that all of us have a better idea of where we are going.

Finally, there were two recommendations in relation to the management of education in the ACT. The policy on preschool enrolments is a longstanding one; there is no question about that. It emerged this year that there are some issues around the management of the enrolments at preschool, and we have called for a review of that policy. However, consultation on education policies seems to be in need of complete reassessment. This, again, we are offering as a recommendation which is positive and perhaps a new initiative.

Serious concerns were raised about the reorganisations of the central office of the Department of Education, as these seemingly have been enacted without the thorough acceptance and understanding of teachers and the community. The twinning of the two colleges seems to have been sprung on the community. I am not questioning the Minister. He quite rightly stood up in the house and said, at the time we asked him, that the enrolments were sufficient in Stirling and that he was not anticipating a change;

but, of course, two months down the track, enrolments did not stack up, and suddenly we had a twinning process. We thought that, out of that, it would be very helpful if a better and more comprehensive consultative policy were developed. Our community has been an active partner in all our schools and colleges for a long time, and we think it would be an act of good faith to re-enunciate, reassess and redevelop that policy.

Overall, we have a report which is very critical of a wide range of Government activity. The recommendations cover improvements, specifically in relation to future estimates committee reports, then in general terms about Government activity, as well as some specific new initiatives. I commend all members for their earnest and hard work and I commend the report to the Assembly.

MR KAINÉ (5.09): Mr Speaker, this year's budget estimates process has been a very interesting one, because of the change in the format of the budget and what it now shows compared to what the old government budget accounting system used to show. I think that that has led to some confusion on the part of the members of the Estimates Committee as to quite what the budget is purporting to show. Those of us who have a background in accounting, of course, understand full well what accrual accounting is about and what the new basis of accounting was intended to achieve. Some of us have been pressing to achieve full accrual accounting for some years, because it is, in fact, a much more comprehensive way of showing what the Government is spending its money on - not how much it is spending, but what it is spending its money on.

I suspect that some members of the Estimates Committee have not quite grasped what accrual accounting is and how it differs from the form of budgets that we had until last year. Hence, there are two phenomena. One is the fact that the Estimates Committee's report is quite uncritical. When you examine it, it is quite uncritical of what the Government does.

Mr Wood: Come off it!

MR KAINÉ: It has made a few suggestions, but it is quite uncritical. I repeat, Mr Wood: It is quite uncritical of the Government's approach to budgeting. That is one phenomenon. The other is that, because people did not understand what the budget was attempting to do, they asked for a truckload of additional information. Up in my office, on my side desk, I have a pile of information that came back as additional information asked for by the Estimates Committee. I will guarantee that most members of the Estimates Committee have the same pile and they do not know what to do with it.

Ms McRae: I have read every word. It is fascinating stuff.

MR KAINÉ: You might have read it, but you do not know what to do with it. That is the point. The committee asked the Government to provide an enormous amount of information, which will never be used for anything. What I am suggesting, Mr Speaker, is that perhaps the Estimates Committee ought to reconvene between now and next May-June for the purpose of determining what the function of the Estimates Committee in future years is going to be and how it should go about its task - what the nature of its task is, compared to what it was up until last year. I fear that most of the members of the Estimates Committee certainly have not grasped the difference

19 November 1996

between what we had last year and what we had this year. Maybe they never grasped what we had last year and the year before either, but they certainly did not grasp what we had this year. I simply raise the question that there needs to be some considerable definition of what the role of the Estimates Committee is in future years and how it is to go about its task in order to be useful. I am not sure that this year's Estimates Committee was all that useful.

To exemplify my comments in that respect, I refer to recommendation 10, to which Ms McRae referred. It is that the committee recommends that the Government provide a separate budget paper containing a statement of the financial position of the ACT's marketable fixed assets and liabilities. First of all, fixed liabilities are not marketable. I do not think anybody would buy a fixed liability. But it raises the question of what is a marketable asset.

Ms McRae: Mr Kaine, you were on the committee. You could have helped us. It is a bit late to draw this nonsense now.

MR KAINE: I am entitled to raise questions about the budget, just as you are, and I intend to do so.

Ms McRae: You are not. You should have done it in the committee.

MR KAINE: The balance sheet, which is part of the accounts as now presented, is, in fact, a statement of the assets and liabilities of the Territory. If they are all marketable - and I could argue that every asset that the Territory owns is potentially marketable - then the balance sheet satisfies that criterion that has been set forward there by the Estimates Committee. I think that what the Estimates Committee meant was that some assets are more marketable than others. There are some which the Government might want to sell because they are a bit more attractive to the market, and those are the ones that they want identified specifically.

So, while I did not argue with the recommendation that was put forward by the committee, I have some questions in my mind about how the Government interprets it and what it can do that it did not do this year. I use that as a simple example of the fact that, in my view, members of the Estimates Committee do not understand what an accrual budget does, and they were not clear on what information they had before them and how they could use it. The search for additional information was much different from what would happen, for example, at a shareholders meeting of a public corporation, where the shareholders sit to examine the year's accounts - the profit and loss account, the income and expenditure account and the balance sheet. Those shareholders would not have asked for the same sort of detailed information as the members of the Estimates Committee asked for. They would, rather, have done an analysis of those accounts to determine whether the Government was doing well or doing badly. That analysis did not take place. I come back to my point. I think that maybe the Estimates Committee ought to be reconvened and take some professional advice from somewhere as to what its role is under the new system and how it should perform its function.

I just want to comment on recommendation 5, which comes back to this question of performance measures. Those of us who have sat on estimates committees for the last nine years have, every year, tried to get performance measures that could show how well the government was doing. We now have outcome-based accounting, where the performance indicators had better be fairly precise, because only by measuring them can you determine whether the Government is meeting its objectives or not. So, to some degree, I was disappointed that the performance measures as expressed in the budget in many cases were still not capable of objective measurement; but I give the Government the benefit of the doubt, in that this is the first year that we have had such accounting and I presume that next year the statement of outputs and outcomes will be much more specific and will form a basis for the Estimates Committee to look at those and see whether the Government is performing in terms of its own predictions or whether it is not.

This particular recommendation also raises the question of social and environmental indicators. This introduces a complexity, because the books of account normally do not include social and environmental factors. They are books that show expenditure of money, collection of revenues and the like. We are asking the Government to go beyond that and to include two new dimensions to the accounts. So, the accounts in future will not only be financial; they will include social and environmental indicators as well. The environmental accounting concept, of course, is still embryonic, although it has been given a lot of attention around the world in recent times. No doubt, just as concepts of program budgeting, performance indicators and the like have been evolved over a period of about 20 years, we will eventually see a clear definition of what we mean by environmental accounting and it will be properly incorporated into the accounts. I have mentioned this in other places. I do not expect to see it in this decade, quite frankly, because it is too ill-defined at the moment as to what is meant by it and how you incorporate it into a set of financial accounts.

I have only one other matter that I want to comment on, Mr Speaker. That is a matter on which the committee has made no recommendation. It has to do with paragraph 2.10, which talks about the future of the Estimates Committee. It states that the committee proposes that, once next year's Estimates Committee has reported on the budget proper, the committee be re-formed to examine the detail of all agency operations and performances over a more extended period. I have raised this matter before. We are in the situation already where the Estimates Committee overlaps the responsibility of the Public Accounts Committee. It is the responsibility of the Public Accounts Committee to look at the accounts of the Government and determine whether they are in order. It is the responsibility of the Estimates Committee to look at the estimates - not at what happened last year or the year before. That is performance information that is the prerogative of the Public Accounts Committee. We are duplicating in the two committees the responsibility for this function. I have argued before that - - -

Ms McRae: You lost. Helen Szuty did it.

MR KAINE: I listened to you in silence, madam. I have argued before, on many an occasion, that we do not seem to be too clear on what the role of the Estimates Committee is. When you get to the point of suggesting that the Estimates Committee be reconvened six months after the estimates have been dealt with,

19 November 1996

so that you can take the end-of-year reports for the year before and have a look at what the Government did last year, I think it is obvious to any reasonable person that you are taking on a function that is properly the responsibility of the Public Accounts Committee.

I can see no justification whatsoever for reconvening an estimates committee under those circumstances. It has been obscured a bit before because we have been able to do the two things simultaneously. We have been able to look at this year's budget and last year's performance because we have had the annual reports for last year and we have been able to do both. Now, the distinction is quite clear, where the estimates process is completed long before last year's annual reports are available. I think it does seriously raise the question of whether that is a proper function for the Estimates Committee or not. I merely draw it to the attention of members and ask them to think about whether we are not detracting from the responsibilities of the Public Accounts Committee in proposing to reconvene the Estimates Committee to look at the Government's financial performance in past years.

Mr Speaker, I think that the Estimates Committee report is a good one. I am sure that the Government will take the recommendations seriously. I look forward to a much better informed Estimates Committee dealing with the estimates in a more comprehensive way, and a different way, next year.

MR WOOD (5.21): Mr Speaker, I think Mr Kaine must have received one of his regular kicks on the shins for putting his signature to this unanimous report. It is, in fact, a report that is critical of the budget and of the way that it has been presented. The criticism is contained both in the text and in a large number of the recommendations that now go to the Government.

The budget that was examined by the Estimates Committee had its focus on jobs. That was the theme of the Chief Minister and Treasurer's approach, and it was a correct approach. It was an approach that ought to have been adopted; but, unfortunately and regrettably for the ACT, it has not been carried through successfully in this budget. Members know - we have all the information from the Australian Bureau of Statistics - that the situation in Canberra is very difficult. In the last year, employment is down from 161,600, on their figures, to 156,300. The labour force has contracted. It is lower. It is down from 172,100 in the last year to 169,500. In the last year, consequently, unemployment is up from 6.1 per cent to 7.8 per cent. That is the dismal, disgraceful record of this Government. Those details are set out, in slightly different statistics, in the budget. They are there in the detail of the budget. But, of course, in the Government's rhetoric - the Chief Minister's rhetoric - as great a gloss as possible has been put on it.

Since Mr Howard's election, the signs - indeed, the threats - have been clear that we were going to face very difficult circumstances in the ACT. It has been quite obvious, and it has been said by many, that positive measures have to be undertaken to overcome the negative effects of Mr Howard's administration on the ACT. But, in the time since the

election of Mr Howard, the Government has done nothing. It did defend Mr Howard, I suppose. The early rhetoric from this Government was one of supporting Mr Howard and criticising the Opposition and others for daring to speculate and for being scaremongers. I can remember the responses to some of the questions we asked. But there has been no positive action on the part of this Government.

I have to say that, over time, the Chief Minister's rhetoric has moved to blame Mr Howard and to comment that it is very difficult for her under his policies. It is certainly difficult under Mr Howard's policies. It is equally difficult under Mrs Carnell's policies. The budget has brought about an inadequate response, too late in time. It took aim at jobs. That was the main feature of the budget. It was the right target; but the missile to that target - that is, the budget - fell short of the mark. It fell wide of the mark. It fell well away from the target.

Many of the grandiose claims in the budget are not supported by facts. The unanimous report of the committee makes this point. It says, "The committee was not convinced" and "... there should be no misunderstanding or potential for misrepresentation as to the creation of job opportunities". Ms McRae made some reference to this. For example, there were 50 new teaching jobs, it was said. There are not 50 new jobs. There might be 50 new teachers to replace teachers who are leaving - normal separations - but there are not any additional teachers in our classrooms. There are no new jobs. Yet that was part of the claim of the Chief Minister in adding up something like 2,700 new jobs. There is not one additional teacher in any classroom in the ACT. In my language, that is just sheer misrepresentation. The same thing applies in respect of the graffiti gang. We are going to get people out there cleaning up graffiti. But the actual numbers of people fell short of what was claimed, because these are short-term, part-time jobs. So, in this respect, as in many others, the claims in the budget have not been substantiated.

The budget has been too slow. It has been inadequate to respond to the need imposed by the administration of two Liberal governments with influence over Canberra. Mr Speaker, the Government was not able to balance its budget. It could not do it. It has delivered an economy in Canberra which has left it considerably short in its revenue. In order to find the money, it has had to indulge in a sale of assets. It has funded a \$100m shortfall in this way. Again, Ms McRae made it clear that the selling of that proposition was misleading. It is quite clear that \$100m worth of assets were going to be sold; but the presentation was false. We were told persistently that this is but 0.3 per cent of our assets. Our assets, the budget says, are something like \$9 billion, with a couple of billion dollars of liabilities and a net \$7 billion of assets. The claim that this is only 0.3 per cent was presented to us so that it would be seen as no big deal to sell off this amount of property. They said, "We are selling \$100m worth. That is nothing. It represents very little in our budget". In fact, it is a very large amount of asset sales. It is a big deal, and no amount of misrepresentation can disguise that.

There is a limit to what can be sold. As a result of the presentation, the committee has recommended that we have a separate budget paper next year, with a statement of the ACT's marketable assets. We want to know those assets with a potential for sale. Of the \$9 billion worth of assets, those with a potential for sale are only a small amount, and \$100m is a very large part of what is marketable. There was evasion on that point.

19 November 1996

The current budget confirms what many said about one aspect of last year's budget. Remember the keynote of that budget a year ago - the three-year budget. This was the main selling feature of that budget. The Estimates Committee last year was sceptical about those claims. The Estimates Committee last year saw little to differentiate the three-year budget from forward estimates. A year later, the Chief Minister has admitted the fraudulence of her earlier claims. The Estimates Committee this year says that the current budget has returned to forward estimates. Where is the three-year budget? We never had it.

What about this year's budget? Again, we have to separate the rhetoric from the facts. For example, what is in the budget? There is nothing in the current budget about a futsal stadium costing \$250,000, was it? That was dismissed as petty cash, not really a large enough item to have to be included in the budget.

Mr Moore: But do not worry; we will win the Olympic bid!

MR WOOD: Mr Moore, have we won the Olympic bid?

Mr Moore: I am sure that we will, shortly.

MR WOOD: We had better get down to New South Wales and convince SOCOG and others, because my reading of the information tells me that futsal is not in, and is not going to be in. Let us look at the facts of the budget. For Bruce Stadium there is now a proposal to spend \$27m. I do not see it referred to in the budget. Forget the \$250,000.

Mrs Carnell: Mr Speaker, on a point of order: I think there needs to be a tiny bit of relevance. I do not expect a lot of relevance, but - - -

MR SPEAKER: I uphold the point of order.

MR WOOD: It is not irrelevant. It is simply embarrassing. That is the definition. These are the facts that are not in the budget.

Mrs Carnell: And they are not in the report that you are debating.

MR WOOD: They are very much part of all that has occurred, Mrs Carnell. The \$27m for Bruce Stadium will probably never have to be spent, but there is a speculative amount there that is not included in the papers. This is symptomatic of so much that happens when the budget disguises the facts of the situation.

Another matter in respect of jobs that is worthy of consideration is the problem faced for the ACT by the outsourcing of government business by the Howard Government. It has been clear since Mr Howard - - -

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

MR WOOD: I seek an extension, Mr Speaker.

Mrs Carnell: Can it be a relevant extension?

(Extension of time granted)

MR WOOD: You can argue about relevance, Chief Minister. I know that it is embarrassing. That is the problem. What is not relevant is embarrassing to the Chief Minister. That is the way she presents it.

The outsourcing of business is a primary concern for this Government. The budget should have had a response to that problem. Our future depends very largely on it.

Mrs Carnell: There is \$2m for business loans and \$700,000 for business incentives.

MR WOOD: It will not go very far. It is not factored in. As I read your rhetoric in *Jobs For Canberra*, it is not factored in. There is no reference anywhere at all to the outsourcing of Commonwealth business. Yet the ACT's future depends very substantially on holding that business in Canberra.

The budget failed to attend to the major problem facing Canberra at the moment. With others - there is nothing hidden about this; everybody is pointing to this problem, especially the business community - I called for the Government to attend to that need. Yesterday, I did so again, and the Government came out with a statement, made at the last minute, pointing out what it intends to do. The Minister said today, in answer to a Dorothy Dixier, that the Government has been working, and these are his words, "slowly but surely" - it is not so surely, but it is certainly very slowly - to attend to the problem. So we do have some response, belatedly; but again it is too little and it is too late. It should have been in the budget.

It is particularly noteworthy that there is no money attached to this proposal now put forward by the Deputy Chief Minister, yet it is quite clear that a considerable amount of money will have to be expended to assist Canberra business if we are to help them make their submissions and if we are to help them develop consortia and new arrangements that will be necessary to attract this business. Yet, with the announcement, there is no indication of money. The announcement needed to be a great deal more than it was.

Mr Kaine made some comments about the accrual budget. I will say this: He professes to understand it. Perhaps he should. He is a trained accountant, as he often tells us. But it was my very clear impression during all the Estimates Committee hearings that there was no-one there who was on top of accrual accounting. No-one, from top to bottom, including the bureaucrats, fully understood what it was all about. We have all stood up in this Assembly before. We have all heard the rhetoric. Earlier governments have been going down the path of accrual budgeting. So it is our responsibility. I cannot walk away from that. But I hope that, as time goes by, the people who are formulating it, as well as those who are trying to understand it, do become more proficient at reading through it.

There is one note on comparisons that I want to make, because we heard from Ms McRae that it is difficult to make comparisons from this year to last year. There is another comparison that is difficult to make. I can compare these last couple of budgets of Mrs Carnell's with the budgets of the Follett Government in the time when

19 November 1996

I was a Minister. We told the people where there were changes. I can recall the media statements I put out, included in the budget papers, saying where we were reducing expenditure. We were quite open about it. But nowhere have we seen that in the last two budgets. The reductions are there, but they are disguised. Ms Tucker was trying to get a grasp on some of that today, but she was not getting too far in her questions. It is typical of this Government that it deals so much in obscurity. So much is disguised. It is a pattern of this Government.

The budget is not an open response to the problems of Canberra. It is not the best response. The Estimates Committee's report is clearly a strong criticism of the Government in many areas. In particular, it does not deliver on the jobs it promises. Therefore, it does not deliver a budget that is appropriate for the ACT at the moment. It is simply a bad budget.

Sitting suspended from 5.37 to 8.00 pm.

MR HIRD (8.00): Mr Speaker, I would like, first of all, to draw to the parliament's attention a number of points in the Estimates Committee's report on the 1996-97 budget. The most important is the reference to the budget format. The 1996-97 budget brought down by the Carnell Government is unique, in that this Government is the first in any Australian jurisdiction to introduce output-based accrual budgeting. As a result, the ACT is now leading Australia in budget management and financial accountability.

The output-based accrual budget, supported by agency and ownership agreements, plus performance agreements between Ministers and chief executives, is a clear demonstration of this Government's commitment to open and transparent government and independent scrutiny of our performance. Indeed, so radical is the move forward into the new era of accountability and performance monitoring that some members of the Estimates Committee, especially those with no commercial experience, had difficulty in comprehending the change. The committee process itself was a very useful learning experience. By the end, I believe that the committee had a much better appreciation of the importance of the new budget format, as well as the necessity for the Government's adopting it. Both major parties in this parliament agree that it will provide better accountability for expenditure of the community's money. And you cannot argue with that.

Furthermore, this parliament should be proud of the fact that the Australian Society of Certified Practising Accountants, of which Mr Kaine is a member - - -

Mr Kaine: A fellow, not just a member.

MR HIRD: A fellow, I beg your pardon. The society has acknowledged the introduction of this advanced system of public sector accounting with a major award. This accolade from such a professional body is a feather in the cap of the Chief Minister and Treasurer, Mrs Carnell, and the Government's Office of Financial Management.

Mr Speaker, there are, of course, other aspects of the committee's report that I would like to comment on - in particular, mental health, ACTION, policing and employment. As members would be aware, the Chief Minister and Minister for Health, Mrs Carnell, only this week has announced a major restructuring of ACT mental health services - important changes that will improve services provided for people experiencing mental illness. The Government has demonstrated that it is serious about the way it cares for the mentally ill - and, indeed, all Canberrans who are ill - by allocating an extra \$1.3m to mental health services since it came to office in 1995. The number of beds for mental health patients will be increased by 30 per cent with the opening next year of the new private psychiatric centre at Calvary Hospital.

Ms McRae: What are you talking about? I think you have the wrong one.

MR HIRD: Listen and learn. I was silent, madam, when you spoke. So be quiet, madam.

However, most importantly, our whole approach to community health is to make it more community based. One thing that accrual accounting is already achieving is the identification of the costs of purchasing ACT health services on behalf of the community. We all know that health costs have blown out dramatically, not just in the term of this Government, but in every year since the introduction of self-government. Mr Berry should know, because he is written into history as the only Minister who did not serve his full term. The big difference is that now, for the first time, we are seeing where the high costs are and why they are increasing at such a rate. It is only with this information that the health system can, at last, be made more cost-effective. Mr Speaker, I commend all staff involved in our health services, and I believe that this parliament should place on record the achievements of the staff in their seemingly never-ending battle to improve the Territory's health services.

Much has been said about the so-called sale of ACTION buses. Mr Speaker, what the Government is planning with ACTION is not a sale, as such. If you sell an asset, you quit that asset. The Government is not quitting anything with ACTION. What it is planning is a lease arrangement which will enable it to retain the use of the ACTION fleet but which at the same time will free up much needed funds that can be put to use in other areas for the benefit of the wider community.

Mr Berry: We are not selling them; we are just exchanging them for cash.

MR HIRD: Be quiet, Mr Berry. Standing order 202 is there, and we might have to exercise it.

Expenditure will be spread over 15 years, which means that that revenue can be freed up for more useful and effective purposes. It is another example of how, with better management, the Government is delivering more cost-effective services to the people that it serves in the Territory - something which is beyond the ability of those opposite to even contemplate. In line with its commitment to consultation, the Government continues to listen to the concerns of bus travellers, with the introduction of timetables that will meet community needs. They went out and asked for advice from the community - the very people that they serve.

19 November 1996

I turn to policing, Mr Speaker. Once again, the Estimates Committee has referred to the need to stress to the Commonwealth this parliament's desire to appoint a separate police commissioner for the ACT. Whilst the Australian Federal Police is doing a good job policing the Territory, it comes under the jurisdiction of the Commonwealth Parliament, which puts the commissioner in the compromising position of having dual responsibilities. This creates its own problems in situations such as the recent riots at Parliament House. I was surprised to learn that the Federal Attorney-General had denied the wishes of this parliament that an ACT commissioner be appointed, with sole responsibility for policing in the Territory. Mr Speaker, the Estimates Committee has recommended that we continue to negotiate with the Commonwealth over the AFP's accountability to the ACT. I commend that recommendation to the parliament.

I turn now to superannuation. Whilst the Government has responded to the challenge posed by rising unemployment and low economic growth with a budget strategy for enhancing investment and employment in the Territory - - -

Mr Berry: What? You do not believe that?

MR HIRD: You should have done something about this when you were in government, but you did not. There is one issue which must be of serious concern to all members of this Assembly; that is, the question of superannuation. Once again, it has not been possible in this budget to make any provision for overcoming the continually increasing staff superannuation problem. It is not just a problem for the current Government. It has been a mounting problem for all ACT governments, and still is a serious concern for all of us within this parliament, and should be. Superannuation liabilities will be more than half the Territory's total liabilities of some \$2 billion dollars by the end of this year. It just cannot go on like this. Mr Speaker, if we do not bite the bullet and take serious stock of this situation, future governments will face serious consequences and the people of the ACT will be forced to carry a huge financial burden. The inevitable result will be that important services will have to be cut, and the people who need these services will be hurt the most.

On a more optimistic note, however, initiatives incorporated in the 1996 budget will produce - contrary to what other people are saying - job opportunities for Canberra people in both the private sector and the public sector. The \$94.6m capital works program, for instance, will support at least 1,500 jobs, many of which will be created with the \$88.8m worth of new capital works. There are also two significant projects that will have more influence on the ACT and the adjoining region than any other development since the establishment of self-government. I refer to the very fast train proposal and the upgrading of Canberra Airport to international standard. The very fast train now has the support of the ACT, New South Wales and Commonwealth governments and looks certain to proceed to the stage of calling for detailed proposals. Upgrading the airport to a standard where it can be established as an international freight terminal and stand-by for Sydney's international passenger terminal has long been a personal passion for me. I am delighted that the Commonwealth Government has now demonstrated its interest by allocating \$1m for a full environmental impact study, Mr Speaker. (*Extension of time granted*)

As a further impetus to job creation, the Carnell Government's 1996 budget will be supplemented by \$487m worth of major construction projects provided for Canberra in the Federal budget. Importantly, Mr Speaker, the Government is addressing the problem of teenage unemployment with initiatives designed to stimulate business development - more than I can say for the previous Government - and to encourage job creation in the private sector. These measures include the proposed replacement of the old betterment tax with a change of use rights charge, changes to the payroll tax threshold from 1 July 1998 and a \$2m business development fund to provide finance for developing small to medium business enterprises. The economic impact of corporatisation of ACT Tourism and the construction of a new visitor information centre on Northbourne Avenue is expected to be in the order of \$70m a year by 1999. The Government is committed to providing training opportunities for the ACT work force, especially for young people looking for work and those still at school, for whom training for a future job is important. It is expected that 50 teaching positions in the Education Department will be filled by new graduates.

Finally, Mr Speaker, in formulating recommendations 9 and 10, some members of the Estimates Committee showed an ideological adherence to hanging onto public ownership of assets, even if that meant imposing a cost on the community in terms of lost services. Similarly, their blinkered attitude prevented them from seeing that, at times, it is better to lease than to own - and this is the time. Or it may be better to sell a low-yielding asset and convert it into cash than to go into debt. The Government's strategy this year is to reduce net assets by \$24m and retire some debt. Unlike under previous governments, there will be no new borrowing. That is a fundamental point of the budget which is absolutely essential for sound economic management but which was missed by most members of the committee. However, given the enormous changes which had to be understood and digested by the committee, I think it did a reasonable job under the circumstances. In the issues which really matter, it could find no argument with the direction in which the Government is going. I would like to acknowledge my colleagues on the committee and thank them for their input. Accordingly, I commend the Estimates Committee's report to the parliament.

MS TUCKER (8.14): Mr Speaker, the Estimates Committee is a very important part of the process of scrutinising both the new budget and last year's performance. It is, as the report points out, stressful for all of those involved. I, too, would like to thank the members of the committee, and other members who popped in and out, for their generally cooperative approach. As it is so important, I look forward to working with other members over the coming months to improve the process, however. Of course, with 17 members and a tight timeframe, it will never be perfect; but I think there is room for improvement, and I will talk a little more about this at the end.

We have heard other members talk about the difficulties the Estimates Committee faced this year with the new accrual system. In fact, there have been reforms on many fronts over the past 18 months. The jury is still out for many of them; but it is worth remembering the phrase, "Any experiment which results in the cure being worse than the disease is a failure". I sincerely hope that the move from an input-based cash system to a output-based accrual system and other reforms to the system of government in the ACT will not be like this. But reform fatigue is certainly setting in.

19 November 1996

Accrual accounting, obviously, does have some benefits, which we have heard about at length, so I will not elaborate on them here. But I want to say again that accrual accounting in its present form still tells us about only emerging financial liabilities such as superannuation and the depreciation of physical assets. Future financial liabilities will have an impact on the capacity to fund social services. But the danger, once again, with a model such as this is that we kid ourselves into thinking that these are all the costs. The costs are much broader and deeper than this.

The Greens are very pleased that, after knocking the idea of environmental accounting as loopy, there now seems to be genuine acceptance from the Government, or certainly from some senior officials, that having a better idea of environmental costs is the way to go. We look forward to working to apply appropriate models for the ACT. The correspondence between the Auditor-General and the committee has also been discussed. There are glitches, because this is the first year; but it does appear to be reasonably serious that unaudited financial statements were used for the preparation of the budget. The Auditor-General's report to the Assembly is, indeed, going to be very interesting.

As well as dealing with accrual accounting, the committee was faced with this budget being the first with a purchaser-provider model operational. The Greens are still very sceptical about the purchaser-provider reforms, for a number of reasons, including efficiency. When we look at an area in Urban Services, for example, where the purchaser is about 20 per cent of the overall expenditure on a particular service area, you have to wonder whether we are really decreasing the amount of bureaucracy. I think we really need to question the merits of the purchaser-provider model in a small jurisdiction such as this, particularly in some of the smaller departments. I acknowledge the benefit of having a clearer idea of what we are providing and how much these services cost; but we all have to be aware of the obvious danger of focusing on the cost as a sole measure of effectiveness, especially to compare very different areas.

The arts versus sports grants are a good case in point. Using a dollar figure to judge the effectiveness of an arts grant, as opposed to a sports grant, is very dangerous. Of course, arts grants are more costly to administer. So, comparing that to the cost of administering a sports grant does not necessarily tell us anything about the effectiveness of delivering services to the community.

Ms McRae: That is right, particularly when they make random decisions anyway. "Where was futsal?", I ask you.

MS TUCKER: Yes. I have just been to a meeting of the arts community, where they were being informed - but it was called "consultation", and they could not accept that. It was more like being informed about this trial that is being imposed. I did not see that the bureaucrats had an answer to the cost of this trial and the cost implications of it, let alone to the inappropriateness of it, for many other reasons.

If new models such as purchaser-provider, performance agreements and output-based funding are to be effective, the models need a lot more work. I think there was perhaps some explicit acknowledgment of the need for significant improvement and refinement in some areas, particularly on the indicator front. Apart from the overall lack of quality

social and environmental indicators, one serious deficiency the committee highlighted was the fact that many of the quality indicators were only to refer to performance measures for policy advice. Last year, we were told that the new outlook-based budget model would be the answer to all of the problems we have ever faced on the indicator front. It is an ongoing process, but I look forward to a much more positive response from the Government to the recommendation on indicators this year than we had last year. Mr Speaker, I did not receive any clear answers to how the purchase agreements would be evaluated. Another good political line that has been used to sell this budget is that it was a bottom-up, or zero-based, budget. That may be a good political line, like the three-year budget was last year; but the truth is that agencies did not chuck out last year's figures when coming up with this year's expenditure targets.

The final issue I want to raise in relation to the budget reforms is the issue of community service obligations. It was rather curious that the only area that had explicitly identified CSOs was ACTION, given that CSOs are a major aspect of the purchaser-provider model. The committee was also concerned about the absence of any environmental CSOs for ACTION, which is rather curious for a public transport system, especially since the Government did indicate in last year's Estimates Committee that there would be these indicators. Maybe if we did acknowledge the contribution that public transport makes - contributing to protection of the environment by reducing greenhouse gases - the bus service would not keep getting cut. The costs would show that it was worth while maintaining it, and these costs would be seen as an investment and not a subsidy. I would like to remind the Government that the Select Committee on Estimates made a number of recommendations about CSOs last year.

The asset sales were another issue - the smoke and mirrors cash surplus - the first in the whole budget strategy of relying on asset sales to plug the deficit without, it appears, any detailed cost-benefit analysis. The outcome of the Public Accounts Committee inquiry into sale and lease-back transactions is also going to be very interesting. Obviously, one of the greatest motivations for the ACT Government, aside from window-dressing the ACT's financial situation, is tax. But, if we are just shifting the costs from the ACT to the Commonwealth, ACT citizens are not benefiting from such transactions in the longer term. The merits of the whole strategy from a longer-term economic point of view need to be seriously questioned. The Public Accounts Committee will possibly be too late for the buses and the Magistrates Court, but there is at least the potential to come up with some principles on this very important issue.

The second main big-picture item that the committee looked at was *Jobs for Canberra*. It was clear from the start that *Jobs for Canberra* was a bit of a whitewash. Questioning in the Estimates Committee confirmed this point and also balanced this against the jobs that have been lost in the public service over the past 12 months. It is going to be interesting to see whether the committee can evaluate whether or not the target of 2,700 jobs that it is claimed will be created by this Government can be assessed.

Kick Start was one of the most controversial items in *Jobs for Canberra*. I guess that the kindest thing to say about Kick Start is that it is about the best you could expect to come up with for something that was cooked up in about three days, with no consultation, no open tender process and no substantive analysis. We even had the concept of

19 November 1996

intellectual property rights brought into that discussion, in a desperate attempt to defend this lack of an open process. I think that issue will probably be brought up many times. I wonder what the ACCC would think about the level of competition involved in this whole process.

Getting to the bottom of the mental health budget proved almost impossible. I have spoken at length on this already today. Workers compensation was also an interesting debate. An unsatisfactory response from the Minister, in my view, on his knowledge of which companies were actually using appropriate preventive measures for occupational health and safety and the lack of information on this were disturbing, to say the least. There were many issues that the committee pursued which are not even in the committee report.

Of course, the Greens were concerned about changes to the funding and structure of the environment department and what this will mean for protection of the ACT environment. It was also interesting to learn about the lack of comprehensive records kept by the ACT Government on the energy and resources it uses and its lack of comprehensive waste recycling facilities across government departments.

I would like to conclude by expressing my frustration at the difficulty the committee often faced in getting straight information out of people appearing before the committee - and that goes for bureaucrats as well as for Ministers. I guess that it is a blinkered approach that prevents real participation in the budget process from non-Executive members. The estimates process is, unfortunately, too much about covering up as much as possible, and ducking and weaving on questions. The Government's response to Estimates Committee recommendations is also often part of this art of denial and cover-up. How can we ever have a council-style government, a more multipartisan approach to issues, or whatever you like to call it, if the government of the day goes out of its way to avoid transparency?

Similarly, committee recommendations are also not often taken seriously. The standard approach is either to say, "We are doing that already", or to defend the status quo. It would be refreshing if the Government responded by saying, "Yes, you are right. We should do this", and set about doing it. I acknowledge that there are times when there is a very positive response; but I think there is a lot of room for improvement on this front, too.

MR MOORE (8.24): Mr Speaker, I appreciate having the opportunity to rise and speak on the report of the Select Committee on Estimates. The estimates process this year was quite different in many ways from that of previous years. As a person who has been involved in the Estimates Committee since the beginning of self-government, I found it particularly interesting to deal with the accrual accounting. At the same time, I think the committee was working in very difficult circumstances indeed. When we recommended, as part of the Public Accounts Committee, that we should change to accrual accounting, we knew that there would be one year at least when accountability would be weaker than in most years. Nevertheless, I think the committee has worked well to come out with a report that can be useful for members and for the Government, provided that the Government does not simply prepare answers to the recommendations without reading the text.

One of the things that concern me is that there is sometimes a propensity amongst governments to just read the recommendations and say, "Yes. We have to respond to that recommendation", without trying to understand the thinking of the committee behind it. To illustrate that, Mr Speaker, I will take first the example from recommendation 23, dealing with InTACT. The committee was particularly concerned, and in fact asked quite a range of questions, about outsourcing involved with InTACT. I must say, Mr Speaker, although the recommendation agreed to in the committee was that "InTACT, in its general purchasing policy, apply the Community Benefits section of the RFO to ACT and region small business in respect of all its direct purchasing", there are still huge doubts in my mind as to whether this is the best way to go about purchasing.

I recognise that this is an administrative function of government, and so there is a general thrust, when we are dealing with administrative arrangements, to be reluctant to interfere with the way government does its business and carries out its administration. In the end, it was that reluctance that probably weighted the balance for me, anyway, in not seeking to overturn the process that InTACT is involved in. Mr Speaker, I still believe that InTACT - which I must say has already received widespread respect in the community - is quite capable of carrying out its purchasing process itself. I believe that that is the case, and I still believe that it would be of more assistance to more small businesses in the Territory if that were the case.

On the flip side is an issue that I know Mr Wood and Mr McMullan from the Federal Parliament have touched on. That is the approach to outsourcing. Perhaps if we can find this halfway approach to outsourcing and can illustrate in Canberra that it can work, there is just a possibility that the Federal Government, instead of going full-on for its outsourcing program, with an expectation of the same sorts of failures that they have experienced in South Australia as far as small business is concerned, will be able to pick up some lessons from the ACT. That, in turn, may assist in protecting small businesses. In an outsourcing arrangement where the whole of a department's purchasing is outsourced - or, in this case, the whole of the ACT Government's purchasing of information technology in a prime set of areas, in the four areas that InTACT deals with, is handed to one company or a consortium - that basically eliminates, for a long time, all other players in the market.

For the taxpayer, of course, that brings about other risks. Information technology does not go up in price, like almost every other commodity. It almost invariably comes down in price. Therefore, a long-term purchasing agreement is likely to be of disadvantage to the taxpaying community. Similarly, the competition in information technology is so great that going to one purchaser or one consortium effectively eliminates the competitive edge. So, I think there is a whole series of doubts that have been raised, and InTACT will be monitored carefully by members.

We also dealt with the issue of sale and lease-back in recommendations around recommendation 10. It seems to me, Mr Speaker, after a series of questions, that the crunch is that sale and lease-back is simply a different form of borrowing. The money stream is tapped into. The rental stream, in this case, is tapped into, and that becomes

19 November 1996

a repayment. The irony is that in this case often the Government has created a rental stream. They have actually said, "Where we own buildings, we are going to assign to that building, or that office block, a rental stream. Now that we have a rental stream, instead of that being paid back into general revenue, it can actually go to paying off a loan". So, whatever you call it, it is another form of borrowing.

There was an article by Crispin Hull in the *Canberra Times* that I thought very clearly expressed what was the advantage in this system over other systems of borrowing. The advantage is that the person from whom you are borrowing the money actually gets a tax break from the Federal Parliament. In other words, what the taxpayers save in Canberra Australian taxpayers pay in another form, because they do not have the money. The difficulty for us in the ACT is that, if everybody else is doing it and we as Federal taxpayers are paying for them to do it, then basically we are missing out.

It is one of those things that really governments at their COAG meetings ought to deal with and say, "What is the point of having a win in this port, because we are getting a tax break in another way?". If the win is effectively a transfer of money from the Federal Government to the ACT Government, then I guess we are going to have to ride with it for some time. But that has not been the case. Recognising that, I think the committee made a very important recommendation to "define in the budget paper the ACT's major marketable fixed assets, indicate whether these assets are Territorial or departmental, indicate the amount by which these assets are to be depreciated and the resulting written down value of the assets". That is important. The committee also recommended that the Government "identify assets which have the potential for sale and leaseback, and sale of the lease".

It strikes me that there is a whole series of possibilities for this sale and lease-back. For example, if we look at public housing, there is \$1.4 billion, roughly. We have a clear rental stream associated with that particular one. The sale and lease-back of public housing may well be a useful device, if that is what the Government is intending to do. If they are intending to do it, then perhaps we could also learn some lessons about Challis Street in Dickson and how that has been done. There is a sale and lease-back arrangement, at the end of which in, as I recall, 12 or 15 years' time - I do not know which, but it is one of those two; let us say 12 years' time - that comes back into government ownership. If you apply the same system to a \$1.4 billion asset and divide it by 10 and borrow \$140m a year on a sale and lease-back, at the end of 10 years it starts to return to the government. So, we continue the system, and the system becomes sustainable. So, you have a method, effectively, of continuing that kind of borrowing.

If that is what you are going to do, tell us. Then let us have an appropriate, open debate about whether we should be having a sale and lease-back system of government housing or whether we should not. I think there is a whole series of other issues that come into play as to whether there is reasonable social justice in that. Maybe another example is that we would assign a rental stream to the Canberra Hospital. What is that worth? It would be \$300m or something in that order. If that is the case and we can assign a rental stream to it, then let us try to work out what the sale and lease-back arrangement would be there.

That is what I believe the committee is saying in point (iii) - "identify assets which have the potential for sale and leaseback, and sale of lease". But there are also, as I understand it, a number of buildings which are currently in private ownership and which are to return to government ownership. This is our point (iv). My understanding is that the National Convention Centre is one of those. Tell us what are the outstanding debts on it, what is its likely run-down period, and when it is coming back to government. Let us identify these things. Let us get them open. Let us get them in the public sphere.

Mr Speaker, another thing that was dealt with in great detail was *Jobs for Canberra*. I heard Ms Tucker and others touching on it. (*Extension of time granted*) Mr Speaker, the *Jobs for Canberra* issue, I think, is a particularly important one, because it is one where the Government was really caught out. They were really caught out in presenting something which just was not the case. They have really gilded the lily and presented something in a way that may have suited their political purposes but that really in the end was a mean thing to do to unemployed people in Canberra. They were trying to suggest that there were 3,000 jobs here, 50 jobs there and so on, when, in fact, they were not talking in the traditional way about full-time equivalents. So, recommendation 7 of the committee was to put these things on a full-time equivalent basis. If you then want to say, as is the case with the graffiti program or the Kick Start program, "This will mean that 60 people will have jobs", I do not have a problem with that; but at least identify them in our traditional way where we can do comparisons of what is the full-time equivalent.

The other one that I think is worth mentioning is the implication that there were new jobs when there were not. The best example of that was with the 50 new teachers. There are not 50 new teaching positions. There are 50 new teachers. But they are replacing 50 older teachers. They are replacing teachers. So, there were no new jobs. There were new people in those jobs, but there were no new jobs. I think that one is a very clear example of providing information and claiming it to be something that it is not - an issue that I call gilding the lily.

Mr Speaker, the Ngunnawal preschool was another interesting one. I notice that the Government has now made a press statement about this. They have decided to back off from Ngunnawal preschool because of the ideological objections of people like me. Mr Speaker, if you want to call someone who wishes to protect government education an ideologue, then I am very proud to have an ideological position on it. That is what it was all about. It was all about whether or not government education as a whole was going to be protected in this way. I hope that this Liberal Minister watches very carefully his Liberal counterparts on the hill and is in a position to explain to them, when they come up with ideas which are effectively per capita funding, that it will undermine government education, it will undermine equity, it will undermine the opportunity individuals have and it will undermine individual choice - the very things they claim to represent. I am happy, of course, to speak in more detail to the Minister about that, should he like it.

I would just like to raise one further issue that comes out of the budget and that the Assembly committee did not comment on. It came out of the capital works program. That is the issue of Ginninderra Drive and John Dedman Parkway. It seems to me, Mr Speaker, that the money is up for expenditure on the extension of Mouat Street and we have a proposal now before the community. I understand that there is to be a community meeting and explanation of it tomorrow night. I offer my congratulations

19 November 1996

for the consultation process. But, if that work is going ahead, it really is important for the planners to sit back and have a look at where is the best place for expenditure of our money. At the moment, as I understand it, it is a traffic engineer who is making the recommendations dealing with the extension to Mouat Street and Ginninderra Drive, instead of somebody who has stood right back from the planning perspective and said, "What is the best overall picture that we can create here?"

I am very worried that a short-term solution - which is cheaper, granted - will be offered. The cost of the Mouat Street extension is, as I remember, something like \$3.4m; Ginninderra Drive, some \$9m; and then we have John Dedman Parkway crossing those two, all running together. It is appropriate for the Government to just put a hold on that and look very carefully at it from a planning perspective, instead of letting a traffic engineer rewrite the planning rules. Having listened to a number of people involved in that, particularly members of Mr De Domenico's department, I think it is time that that was looked at from an overall perspective instead of in that narrow way.

Mr Speaker, I would like to thank the other members of the select committee for their general tolerance and understanding. I think that the chair of the committee has done a particularly fine job in very difficult circumstances.

MR BERRY (8.40): Mr Speaker, this was an interesting experience from the outset. Aside from the fact that the budget was flawed in a range of areas and that this had been shown conclusively in the Estimates Committee hearings, we had the scenario that the Government's performance, both in preparing the budget and before the committee, left a lot to be desired. Clearly, Mr Speaker, it is just not up to scratch. We heard a bit said about the new budgeting process, the accrual system. We heard its praises sung - how it was the greatest thing since sliced bread, how it was time that the public sector caught up with the private sector and how we were ahead of New Zealand. What a joke! We are ahead of New Zealand! We would want to be. We have had self-government only since 1989; we do not have an army; we do not have a navy; we do not have a diplomatic corps; we do not have three million people. Why would we not be ahead of New Zealand when it comes to implementing this sort of stuff? To make those sorts of comparisons with New Zealand is just a little bit rich.

One of the biggest gaps in the accrual system is that side of the budget papers which demonstrates where our investment goes. It was raised in the Estimates Committee report. I think it was recommendation 5 that talked about the social and environmental indicators. The fact of the matter is that that is the major flaw with accrual accounting thus far. It has not been completed yet, because you cannot show the worth of your investment in the population, for example, in terms of education and wellness. You cannot show an estimate of your investment in the environment, in terms of its condition, what it will be like in future years, what future generations will have to pay for, and so on. That is a major gap, and it is something that makes the rest of it pale into insignificance, because you just do not have the value of your investment accounted for. If you have a look at a private sector investment, a business balance sheet, you can clearly see where the business stands, because you see all of its investment, right to the bottom line. But you cannot see that in the public sector, and you cannot see it with the partial application of accrual accounting in the public sector that we have in the ACT. So we have a long way to go yet.

Mr Speaker, the budget was handed down by a Minister who had failed spectacularly to manage last year's budget. What we see in this year's health budget is last year's blow-out built in for future generations to pay and for future governments to sort out. In the budget papers we are told that the Minister estimated last year that she would spend \$283m this year; but, of course, she predicts that she will spend \$322m. That is a pretty big gap in the Chief Minister's estimate. It just shows a level of incompetence that we have never experienced in the past. Mr Speaker, she is selling the Territory's assets to pay for her failure to control the health budget. Future generations will have to pay for the incompetence of this Health Minister.

At the same time, we have seen the failure of the savings targets - all those glib promises of savings which were not delivered. That is another failure in the health portfolio. But here is a good one. Here is a beauty. The Estimates Committee spent a lot of time scrutinising the Government's position in relation to the sale and lease of assets, and they were misled. They were very clearly misled, because, the Saturday after this report came down, there was an announcement in the *Canberra Times* calling for expressions of interest for the Moore Street building in Civic. That was not mentioned in the Estimates Committee process. It was kept secret from the Estimates Committee because you intended to mislead them. Mr Moore, you are entitled to feel misled, as I was, because I sat through that process, and then all of a sudden we find an ad in the *Canberra Times* talking about the sale or lease of another government building which had not been raised in the Estimates Committee. That is misleading. There was no intention at all to tell the Estimates Committee exactly what was going on.

Mr Speaker, the Government boasted about a budget which would deliver over 2,700 jobs. We have heard that this was illusory. It was a con. Fifty-four per cent of young people, who got faith from that budget, were misled. In fact, 54 per cent of the young people out there who are unemployed were misled by that budget. So, too, would be anybody in this Assembly who believed it, because it was quite untrue.

Mr De Domenico: How do you know? Have you a crystal ball?

MR BERRY: Mr De Domenico says, "How do you know?". Just take, as one example, the 50 teacher jobs. You end up with the same number at the end of the year. Do not give me that nonsense.

Mr De Domenico: I will bet you that the 50 teachers who get jobs will be delighted, though. Go and talk to them.

MR BERRY: Do not give me that nonsense. This was a smoke and mirrors effort, which fools nobody. You misled us again. You misled us on the sale of assets. You misled us on jobs. Where else will you attempt this? How soon will the Independents wake up to you lot? Will they cop being misled time after time? Or is it just because you are Liberals and everybody expects you to do that? It is okay because they are Liberals; they always do that. Perhaps that is the situation, Mr Speaker.

19 November 1996

Now we get to the noisy Minister for Industrial Relations. He revealed, on workers compensation, that it was his agenda to break down conditions of workers in this Territory. What are these proposals based on?

Mr De Domenico: You are being mendacious.

MR BERRY: You can withdraw that now and save me the trouble of raising a point of order. It is not allowed. Mr Speaker, I raise a point of order. Mr De Domenico accused me of being mendacious. That has already been ruled on in this Assembly. I think he should withdraw.

MR SPEAKER: That has been ruled on; that is true.

Mr De Domenico: I withdraw "mendacious".

MR BERRY: Thank you. Mr Speaker, these proposals were based on anecdotal evidence. In questioning in the Estimates Committee, we discovered that the data collection system - which would help him identify what and where the costs in workers compensation were and also whether these costs are rising, falling or static - just does not work. He did not know. It was anecdotal evidence. Here is a Minister who is prepared to make judgments on wages and working conditions on anecdotal evidence, on ideology. That is what he is going to make the decision on - anti-worker ideology.

Mr Speaker, this Minister made it clear that he wanted to switch the costs of workers compensation away from the people responsible - that is, the employers - and back to the ordinary taxpayers, preferably through the health and social security systems. That is what this Minister was on about. Mr Speaker, the committee, on questioning the Minister about his use of a solvent to clean graffiti - he laughed at this, by the way - found that the Minister took virtually no precautions and had no idea of the training required to use this substance. In fact, he admitted that he did not know what the product was. Mr Speaker, I was provided with a safety data sheet in respect of this particular chemical. I will just give you one example. It says, "Keep your arms covered, because it will hurt your skin. Wash thoroughly. If you get it in your eyes you have to rinse them for 15 minutes". I think that suggests that the product is dangerous. Mr Speaker, this is the Minister who is responsible for occupational health and safety making these sorts of claims about dangerous products and creating poor examples for the community. The Minister responsible for occupational health and safety in the Territory has been seen to set a poor example.

During the course of the committee's inquiry, it was my duty to ask a range of questions. On many occasions, there was a tardy response to those questions, particularly the ones that were likely to be embarrassing. Let me give you an example. Mr Speaker, we asked some questions about the chief executive of the ACT administration and his sweet taste, if you like, for exotic motor cars. It was in relation to whether or not the Government had changed its policy on Australian purchased vehicles. They claimed that they had not and that they relied upon some public service regulations which allowed a different sort of vehicle from the normal vehicle if it was approved by the public service commissioner.

Mr Speaker, we did not get the answer to this question until yesterday, long after the Estimates Committee hearing. (*Extension of time granted*) What an example to set for the rest of the people in the ACT administration! We found that the chief executive discarded his \$27,000 top-of-the-line Holden Calais vehicle after 13,000 kilometres and then the vehicle was handed over to another officer, who now drives that above-standard vehicle. So, Mr Speaker, because the chief executive wants a better vehicle, a different vehicle, a four-wheel-drive vehicle, which is not available, he is able to discard his \$27,000 car - - -

Mr De Domenico: Four-cylinder, more energy-efficient.

MR BERRY: Mercedes makes four-cylinder cars, too, you know.

Mr De Domenico: Yes, but you would not let him have one of those.

MR BERRY: Apparently the public service commissioner would. Mr Speaker, the \$27,000 car was discarded. It was above standard, but another officer was able to drive it, just because the chief executive officer of the department wanted a more expensive vehicle - a \$34,810 car - and it was discarded at 13,000 kilometres. There is no precedent for this.

Mrs Carnell: Where is the recommendation?

MR BERRY: Mrs Carnell interjects, "Where is the recommendation?". Mr Speaker, the point I am making is that this question was not answered until yesterday. Then we see a minute from the commissioner for public administration - and I will table this - where the application is made for this vehicle. It was said in the answer given by Mr De Domenico that the Holden Calais was purchased on 22 May 1995 and the Subaru was purchased on 1 May 1996. But in a document dated April 1996, which approved the purchase of the Subaru Liberty four-wheel-drive vehicle, it went on to say, "As you know, Mr Walker is currently making use of a non-standard departmental vehicle". The vehicle in question is a Subaru Liberty, a four-cylinder four-wheel-drive. So, he was making use of the vehicle before it was purchased. No, that could not be true. I think he must have had the vehicle. I think one of these documents is wrong. Which one is it?

Mr Speaker, we have a situation where a special deal was done, apparently, on the documentation, after the event. He likes Subaru four-cylinder four-wheel-drive vehicles. They are more expensive than a Calais. He can get them approved by a subordinate in the Public Service, at his whim. That is not the example I would be setting for people within the Public Service, and it is not the example - - -

Mrs Carnell: You mean four-cylinder cars?

Mr De Domenico: Four-cylinder cars that are more energy-efficient?

19 November 1996

MR BERRY: Mr Speaker, a more expensive motor car than the most expensive Holden is not a cheap motor car. A more expensive motor car than the most expensive Holden Commodore is not a cheap motor car. It is \$7,000 dearer than the most expensive Holden Commodore. You people are kidding yourselves if you think the people out there will swallow the suggestion that this is not waste. Mr Speaker, this is a situation where the Government has been caught out. It was clear that they knew that they were caught out, otherwise they would not have delayed the answer for so long.

MS REILLY (8.55): Mr Speaker, I want to talk about the Estimates Committee report as well. As many other members and other people within the community have said today, I too had trouble scrutinising this budget. I think it is rather sad, going from phone calls I had from people in the community, that they were not able to see what the detail of the budget was for the ACT in this coming year. Many people are interested in the budget process; but this one was made exceptionally difficult for people to understand, and I think that is a pity. It seems almost as if it was a secretive process. I did not realise that accrual accounting meant that you did not give out information. For the many times that it was said that it was similar to private enterprise accounts, I was surprised to find how hard it was to scrutinise it.

The other thing that was unfortunate was that there was no comparative data. That has also been raised by other people. Also, the annual reports in a number of cases failed to provide any information, or very little information, on the activities that were undertaken in 1995-96. You wonder: Maybe they did not do anything; or was it the fact that there were so many problems that they did not wish to report on what was going on in the Public Service in the ACT? I think that is unfortunate, because there are many worthwhile activities.

With the failure to provide comparative information, it was very hard to see what this budget was going to do for this year. There was actually no reason for it. In any system where you are changing from one type of accounting to another type of accounting it is accepted practice to provide information on both types of accounting. There is no need to use the excuse that we have a new system and we do not need to provide the information on what was happening previously. It is also usual practice to provide some information within your annual reports on the activities that have been undertaken in the previous year. I was very pleased to see that there was a recommendation within this Estimates Committee report that there be much better and much more open processes for reporting on activities in following years. The Commonwealth has managed to do this, in looking at activity reports for a number of years, in an open way. It will be good to see whether the ACT Government can follow suit.

Let us look at one program in particular - the Kick Start program. This was one that maybe they will regret in the future. They have been quite open in saying how this program will work. This has been an initiative that has been tied to the jobs for Canberra push of this budget. Even after three months, I would be curious to know how many jobs you can put down to this Kick Start program. It is good to see that we will be actually reviewing how it is going after six months. I am quite sure that a number of people are going to be very interested to see what the take-up rate is.

There is an issue in relation to the Kick Start program that is of grave concern, and this was raised in the Estimates Committee. We have an expenditure of \$2.5m, which will be under the auspices of one bank. There was no tender system undertaken to decide which lending authority would look after the Kick Start program. I am sure that there are other lending authorities in this town that would have been interested in business of this size. I think this is something of grave concern. If they are not going to tender for a \$2.5m project, what about some of the other projects that are around that are for smaller amounts? We will look at Kick Start also in relation to jobs, and this is going to be an interesting review process.

The other part of the housing budget that was extremely interesting was a loss of \$10.4m, which was paid back to the Federal Government to look after Costello's black hole.

Mr De Domenico: No; it was Beazley's black hole.

MS REILLY: It is Costello who seems to be attached to the black hole. No-one else can find it. This amazing generosity of the ACT Government to hand back such a high proportion of its housing budget - \$10.4m out of a housing construction budget - is of such import that it was raised last Friday at a national meeting of housing workers. It was seen as quite astounding that we would hand back that amount of money and that they would take that amount of money out of something as important and as vital to industry and jobs as the housing budget. As a lot of the housing authorities realise, and as a lot of the workers in the housing construction industry realise, you take money out of the construction industry, you take money out of the housing budget, and this affects jobs and it affects construction.

Of course, we have the selling of 180 to 200 houses, which is expected to realise \$21m. That will be reinvested in housing, as required under the Commonwealth-State Housing Agreement and also as the Minister has made the commitment to do this. There will be the further construction that is supposedly to replace those that are sold; but we will not have an increase in - - -

Mr De Domenico: More jobs, as you build houses.

MS REILLY: Mr Speaker, may I have an opportunity to speak without other people interrupting?

MR SPEAKER: Yes. Continue.

MS REILLY: In relation to the replacement of 180 to 200 units, these will take time to be constructed, for obvious reasons. At the same time there will be the loss of the 180 to 200 units that are sold. The number of housing units that are available for low-income people in the ACT will, in this year in particular, be reduced. Housing sales in some areas have gone ahead apace. Mr Stefaniak has told us how much has been realised to date. There has been \$11m to \$13m, I think, already made in housing sales, because we are selling considerably more houses in a very flat market at this time in the ACT. One is left to wonder about the sort of business understanding of those that want to sell so many houses at a time when the housing market is extremely flat. One wonders again about the valuations and what is being realised from those units that are being sold. So, the waiting

19 November 1996

list for housing is not being reduced through these sales. We have to wait for the construction to happen before people can move into these new units that will be constructed. One is glad to see at least that reinvestment will happen and that the number of jobs in the construction industry will not be reduced, which may have happened with the taking out of the \$10.4m.

I was pleased to hear the Minister tell me during question time that the maintenance budget has actually increased this year. This will come as a great surprise to a number of public housing tenants who were told, in fact, that there was no money for maintenance this year because they had to have a reduced housing budget. I am quite sure that many of them are going to be very pleased to find out that, in fact, there is a more than full maintenance budget this year. Maybe the requests for maintenance can now be fulfilled, because for many tenants accessing maintenance is extremely hard. There does not seem to be any response at times from ACT Housing. I think it is also sad that the issue of the redevelopment of Ainslie has been tied entirely to having enough money to do refurbishments, to having enough money for ACT Housing to continue. So, the loss of the \$10.4m has to be replaced by redeveloping Ainslie, without any proper consultation with the community about some of the requirements they may have for Ainslie.

One of the difficulties with the budget, as I have said, has been the difficulty of scrutinising what will happen. There is very little detail. One of the items that failed to be detailed was the electric fence to go around the Quamby youth remand centre. It is very unfortunate that this fence is going up, because it illustrates further the crisis management of a situation. It is a further knee-jerk reaction to something that is happening. I do not deny that the detainees in that centre are escaping; but there is no behaviour management, according to the answers to the Estimates Committee's questions. It is responding on a day-to-day basis. It is responding after the detainees have escaped. Instead of looking at it as a long-term process, it is just responding to a situation on a particular day at a particular time. This is just another example of crisis management within the ACT Government at this time.

We can look at the family services budget as well. It is very pleasing to see the increase in foster care places that were announced in this budget. But that also came as a result of a crisis just at the time the budget was being developed. I think this illustrates quite well the way in which this budget was put together: There is a crisis; so you find a quick response to answer that crisis. You do not get the feeling of any long-term management, of looking at long-term outcomes. It is crisis management and hoping that you can fit the lid on the mess.

MS McRAE (9.05), in reply: Will I be closing the debate, Mr Speaker?

MR SPEAKER: Yes.

Mr Stefaniak: We are reserving our reply for later.

MS McRAE: I should hope so.

MR SPEAKER: Proceed.

MS McRAE: Mr Speaker, in concluding the debate, I want to bring attention again to the issues that the Auditor-General raised. Since they have not really been dealt with in detail, I thought that I would refer to them just to make sure that they are on the record. The Auditor-General noted, as did the committee, that the budget papers included a caveat to the effect that the actuals used as comparative figures are unaudited and may be subject to some change. We noted that; but there were further problems that we knew were the subject of correspondence between departments and the Auditor-General in terms of the costs of goods and/or services provided by departments to other departments free of charge being included in the financial statements but not in the budget papers; capital injections or distributions being treated differently in the budget papers and the financial statements; and the accounting treatments for some other transactions being different in the financial statements and the budget papers.

We were well aware, and we were made aware through discussion with the Auditor-General and officers of OFM, that these matters were the subject of correspondence and further negotiation between the Auditor-General and various departments. I think it is very important that the Assembly does not lose sight of the fact that there are profound problems and, no matter what gloss you put on them, these problems are still being negotiated and these adjustments will be effected through the ownership agreements tabled in the Assembly. This budget has not come without some cost, and the cost is that we have budget papers that need adjustment.

What was clear to the Assembly's Estimates Committee was that this process has been a hurried one. It has been one that has been done with very minimal resources, and it has put enormous strains on departments. We accepted in faith, in the end, the compromise that was agreed to. We accepted the idea that these budget papers will be adjusted in good time. But I do not want it to be lost that the committee was concerned that this level of error should still be in budget papers. Some of them are audited and some of them are unaudited. That is not the problem. It is these other issues that have been raised. I think it is very important that the Assembly does not lose sight of those criticisms and those concerns.

Various comments have been made about the estimates process next year and how we should or should not do it. I have no quarrel with Mr Kaine saying that the Public Accounts Committee has a charter. I interjected at the time, much to his chagrin. I apologise; it is not very pleasant being interjected upon. But the point is that, in previous times, when we have had an early budget, there has been a second estimates process. So, it is not written in stone that the Public Accounts Committee should look further at the second round of annual reports and other expenditure.

Mrs Carnell: But it is not written in stone that they should not, either.

MS McRAE: That is quite right, Mrs Carnell; it is not written in stone that they should not. But I do think that that is something that the Assembly should have a good look at and consider the implications of before we make a decision one way or the other. The main problem is that next year, when we do have an early budget, we will again be confronted with the problem of unaudited accounts; so we will be dealing with budget papers that then may well be subject to further modification and changes once the

19 November 1996

fully audited accounts are through. So, we will have two different sets of accounts that will be looked at. A lot of that will be alleviated by the fact that there are regular monthly payments to departments now and that the whole process of financial management has changed. But I do not want it to be considered that the subject has been decided one way or another yet. I think that it warrants a great deal more debate by the Assembly before any final commitments are made one way or the other.

As all members of the committee and other members of the Assembly have mentioned, there is a lot more in the text than came out in recommendations. We were not terribly keen on having 150 useless recommendations. So, we narrowed it down to the three broad areas that I mentioned in my introductory speech. Those still contain quite a level of work for the Government to do, which we will be keen to see in this initial response and then, of course, we will be matching it to the appropriation papers when we come to debate them later this week.

The issues are serious. It is important that the Assembly feels that the Government takes these things seriously. I was concerned by the interjections about the asset register. That recommendation was taken with great care. There is some very serious intent behind recommendation 10, as Mr Moore outlined. It comes very much at the notion - and it is not a judgment - that, if we have governments that believe that asset sale and lease-back management processes are better than borrowing, then we had better - - -

Mrs Carnell: Like New South Wales?

MS McRAE: Mrs Carnell, I did have the grace to say that we did not judge it. Perhaps I should express the stronger Labor opinion on that; but I will desist. At the moment, the judgment will be made by others, rather than by me or the Estimates Committee. We did not come down one way or another, although I imagine that the majority opinion may well not be in Mrs Carnell's favour.

In the accrual accounts that the Commonwealth is looking at and is about to put into place, all sale-lease management processes are called borrowing. So, there is every ground for believing that this is another form of borrowing. The Estimates Committee has left this open to a certain extent, because the judge and jury still have to sit and judge; but the intent of the recommendation, which seemed to upset a few people earlier, was to say, "All right; if this is a process that we are going to follow, if this is a process that Government is trying to convince us is a good one, then what potentially is up for sale and what is not? What are the restrictions that are going to be placed on it? What is the road map for the future that goes this way? What assets are sacrosanct and what assets are not?"

Everybody got into a great tither when I ran off my quite well sourced idea that schools could be sold. Yet, if you look at the potential of this, there is every chance that that is a perfectly reasonable path to go down if you are looking at asset lease-back processes. Schools that are very tired may well be an asset that is very nice to sell off, lease back and then be rid of. Whilst we have this process in train, I think it is absolutely essential that the Assembly does not underestimate the importance of that recommendation, because it means that it opens up that process to proper scrutiny, proper analysis and proper policy development that then gives people the options that the Government is potentially looking

at and where the Territory might be headed. So, I just wanted to reiterate the importance of that recommendation amongst all the recommendations which were the product of a unanimous report, with quite obvious strong differences of opinion, which were compromised on and dealt with in the spirit of trying to get a full Assembly view.

Contrary to a lot of opinion that is expressed, it is not the Estimates Committee's role to reject a budget. It is the Estimates Committee's role to raise the concerns that the estimates for the budget may raise for the Assembly. I think that the Estimates Committee has taken this job extremely seriously and, under very trying new challenges, has done a very thorough job. I again commend my fellow Estimates Committee members and the committee secretary for their work, and I further commend this report to the Assembly.

Question resolved in the affirmative.

ESTIMATES 1996-97 - SELECT COMMITTEE
Report on the Appropriation Bill 1996-97 - Government Response

MRS CARNELL (Chief Minister and Treasurer) (9.14): Mr Speaker, I present the Government's response to the Select Committee on Estimates report on the Appropriation Bill 1996-97. I seek leave to make a statement.

Leave granted.

MRS CARNELL: I would like to thank the committee for its examination of Government expenditure and revenue estimates for 1996-97. The Government supports either in principle or in full all but one of the recommendations. Four recommendations will be delivered through annual reports and ownership agreements rather than the budget papers. Many of the recommendations of the committee will be achieved through the implementation of the Government's financial management reforms.

I will not respond to all of the recommendations in tabling this report, as they are outlined in my response, Mr Speaker. I am confident that everybody will take the opportunity to make further comments when we debate the Appropriation Bill. I would, however, like to take the opportunity to comment on some of the issues raised. While acknowledging that this transitional year has presented some difficulty for the committee in relation to comparative information, I note that the committee has not expressed any concerns about the financial management reforms themselves. Mr Speaker, I find this very interesting because during the debate this afternoon and this evening you really would not have known that the committee had accepted the financial management reforms totally and had not suggested that there were any fundamental problems with them at all, Mr Speaker.

Mr Berry: The major problem with it - - -

19 November 1996

MRS CARNELL: There is absolutely nothing in the report to indicate any major problems whatsoever. Mr Speaker, I believe that these financial management reforms place the ACT in a unique position of public sector accountability in Australia and will provide a sound foundation for scrutiny by this Assembly. The success to date of these reforms has recently - - -

Mr Berry: We will not be able to compare it next time because it will be nine months instead of 12.

MR SPEAKER: Order!

Mr Berry: It is all a big smoke and mirrors shonk.

MR SPEAKER: Order! If you want to talk, go outside and do so. Mrs Carnell has the floor.

MRS CARNELL: Mr Speaker, the success to date of these reforms has recently been recognised by the ACT Division of the Australian Society of Certified Practising Accountants. The Office of Financial Management has been jointly recognised for its outstanding achievement in public sector accounting. Further, Mr Speaker, Mr Rex Hollier, also of the Office of Financial Management, was jointly awarded recognition as the Public Sector Accountant of the Year. Mr Speaker, I would like to personally congratulate the people who work in OFM and, for that matter, in Chief Ministers, and particularly Rex Hollier, for getting those awards. I think we all should be very proud that we have public servants working in the ACT who have achieved this sort of recognition in a very difficult area.

I think that runs at absolute odds with the approach that Mr Berry took earlier of attacking at least one public servant in this place who is not in a position to defend himself. Mr Speaker, I really find it extremely difficult to understand. I do not believe that there would be another parliament that would criticise a public servant for moving from a six-cylinder car to a four-cylinder car. You have to admit, Mr Speaker, that this is somewhat obtuse, to say the least. Apart from it being just personal vitriol, Mr Speaker - - -

Mr Berry: It was the \$7,000.

Mr De Domenico: Let us have a look and see what happens on Thursday. Okay? We will see how many you approved. All right?

Mr Berry: Go for your life.

MRS CARNELL: Mr Speaker, nothing based upon any recommendations - - -

Mr De Domenico: If that is the game you want to play, we will see how many you approved.

MR SPEAKER: Order! Mrs Carnell has the floor.

MRS CARNELL: Yes, Mr Speaker, but it has never stopped - - -

Mr Berry: Mr Speaker, I raise a point of order. Mr Speaker, Mrs Carnell was given leave to respond to the Estimates Committee report. The Estimates Committee, unfortunately, was unable to make any recommendation in relation to Mr Walker because the answer to the question was not given in time. Therefore - - -

MR SPEAKER: There is no point of order. Continue, Chief Minister.

MRS CARNELL: Mr Speaker, Mr Berry asked significant questions in the Estimates Committee.

Mr Berry: Mr Speaker, therefore Mrs Carnell is not speaking to the report and is acting beyond leave.

MRS CARNELL: Mr Speaker, this is not a point of order.

MR SPEAKER: There is no point of order. The matter came up during debate.

MRS CARNELL: Mr Speaker, a number of questions - - -

Mr Berry: Mr Speaker, let me draw it to your attention. I will say it to you again so that you understand.

MRS CARNELL: It is not a point of order, Mr Speaker. Rule on it.

Mr Berry: Mr Speaker, I draw it to your attention that Mrs Carnell sought leave and was granted leave to respond to the Estimates Committee report. She is not permitted to respond further, beyond those boundaries.

Mr De Domenico: Mr Speaker, on that point of order - - -

MR SPEAKER: Just a moment. Mr Berry, the matter came up in debate in relation to the Estimates Committee report. If there was nothing in the Estimates Committee report, the person who raised the matter was out of order.

MRS CARNELL: It was out of order to start with.

Mr Berry: No. Mr Speaker, you misunderstand.

MR SPEAKER: I have not misunderstood.

Mr Berry: Indeed you do, because there was a debate - - -

MR SPEAKER: And that is what is being responded to as well.

Mr Berry: Mr Speaker, no, it is not, because the debate is over.

19 November 1996

MRS CARNELL: But I am responding to the Estimates Committee report. So if it is all right to talk about - - -

Mr Berry: Mr Speaker - - -

MR SPEAKER: You will have the opportunity to respond to the Government's response in due course.

Mr Berry: I am happy to put more of this on the record and I will do so in due course, if that is what you wish; but the Estimates Committee report is this document, no more.

MR SPEAKER: There is no point of order. I call Mrs Carnell.

MRS CARNELL: Mr Speaker, I have to ask the question: If it was all right for Mr Berry to speak about this issue when he was speaking to the report, why is it not all right for me to speak about it when I am tabling the Government's response to the report? You have to argue - - -

Mr Berry: It is not mentioned in the report.

Mr De Domenico: Then why did you talk about it?

MRS CARNELL: Yes. Mr Speaker, that was the issue I was actually raising in my response here. I was very interested to note the number of issues and items that were raised in the debate on this report and that simply are not in the Estimates Committee report at all.

In fact, as I have already said, Mr Speaker, the Government has supported either in principle or in full all but one of the recommendations. We believe that a number of the recommendations are very sensible and will add to the whole process. It is a very great pity, Mr Speaker, that Mr Berry, and others as well, did not confine themselves in their speeches on this report to the actual issues that were in the Estimates Committee report. I think that Ms McRae did a reasonably good job in the report, at least when it came to the recommendations. I have to say that in the actual text of the report there were some comments that I think were way off centre, but I suppose the issues that we usually look at in this situation are those relating to the recommendations.

Mr Speaker, I come back to the point I made earlier. There may be occasions, but I cannot see a situation where it is appropriate to attack in this forum a public servant who already has been attacked and questioned in the estimates procedures. I do not believe that it achieves one thing for the status of this Assembly, Mr Speaker. Again I come back to the issue. We have probably managed to create a precedent that I am sure no other parliament will manage, and that is to criticise somebody for moving from a six-cylinder car to a four-cylinder station wagon, Mr Speaker. It is not a BMW, Mr Speaker; it is not even a Mercedes Benz; we are talking about a four-cylinder station wagon.

For all of that, Mr Speaker, this budget provides for an improvement against last year's accrual operating result while maintaining and improving services to our community. It provides job opportunities for Canberrans while continuing to meet our election commitments. Mr Speaker, I commend the Government's response to the Estimates Committee report. The Government at least has taken this whole process very seriously. We looked at the recommendations very seriously. I would like to thank Ms McRae and members of the Estimates Committee for the work that they have done on the 1996-97 budget. I certainly commend the Government's response to the Assembly. I move:

That the Assembly takes note of the paper.

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

ABORIGINAL RECONCILIATION AND MULTICULTURALISM

MRS CARNELL (Chief Minister) (9.24): Mr Speaker, I ask for leave to move a motion relating to Aboriginal reconciliation and multiculturalism.

Leave granted.

MRS CARNELL: Mr Speaker, I move:

That this Legislative Assembly:

- (1) recognises that Canberra is a multicultural community which places value on the significant contributions which continue to be made to the development of the Territory by all Canberrans, irrespective of ethnic or racial background;
- (2) denounces racial intolerance in any form as incompatible with the kind of community we are and want to be;
- (3) affirms that all Canberrans have full access to the Territory's social, political and economic life regardless of race, ethnicity, religion, language, gender or place of birth;
- (4) affirms its commitment for the ongoing process of reconciliation and achieving a greater understanding between Australians of Aboriginal and Torres Strait Islander descent and those of non-indigenous background, particularly in the context of redressing their profound social and economic disadvantage; and

19 November 1996

- (5) affirms its support for maintaining and enhancing the ACT as a culturally diverse, tolerant and open society united by an overriding commitment to our democratic values and the Australian concept of a "fair go" for all.

Mr Speaker, I certainly hope that those sentiments are sentiments that all people in this Assembly will support. Recent incidents here in Canberra and, over the past few months, elsewhere in Australia have shown that there are people who do not share the view that Australia is a place that treats people equally and provides a fair go for all. There are people who have used the issues of funding for Aboriginal groups and future levels of immigration to further their political agendas. These issues have been degraded into a debate where arguments centre around discrimination on the basis of skin colour and race, prejudice and intolerance. Unfortunately, the cynical pursuit of power by these people is driven, Mr Speaker, by discrimination. This has achieved considerable media coverage which, in turn, provides these people with a warped sense of credibility.

We are fortunate here in Canberra that we have, in the main, a well-educated society that can see through these arguments. Nevertheless, it is time that this Assembly and the Territory stood up for multiculturalism and Aboriginal reconciliation and repudiated racially divisive views. Tonight I hope that this Assembly will unanimously place on record our commitment to both multiculturalism and the continuation of the reconciliation process. I am sure that I speak for all members of this Assembly and residents of our community in declaring that our cultural and linguistic diversity is one of the Territory's greatest assets.

The reality is that people have settled in the ACT from all around the world. The facts provided by the 1991 census show, Mr Speaker, that 23 per cent of Canberra's population were born overseas in more than 125 different countries. This figure does not include their Australian born children. Fourteen per cent are from countries where English is not spoken as a first language. Sixteen per cent speak a language other than English at home, and over 60 languages are spoken by Canberrans. Around 1,000 new migrants settle in Canberra every year. Mr Speaker, there are 16 ethnic clubs and 35 ethnic schools in Canberra. In addition to programs broadcast by SBS radio in Canberra, there are 31 ethnic language programs broadcast by Community Radio 2XX and Canberra Multicultural Radio. Furthermore, a large percentage of small business operators in Canberra are from diverse cultural and linguistic backgrounds. Canberra is a home to representatives of 95 diplomatic missions.

It is against this background that we acknowledge both the multicultural reality as well as the international dimension of the Canberra community. We all have a responsibility to ensure that members of our community are treated equally and with dignity, regardless of their accent, colour of their skin, gender, race or religion. We acknowledge Canberra's cultural diversity and, at the same time, respect the rights of all Canberrans to promote their culture, heritage, language and religion.

It is time to accentuate the positive aspects of our culturally diverse community and state openly and unequivocally our support for our multicultural community. In particular, we highly value the contribution of many people from diverse cultural backgrounds who are involved in the business, community, industry and tourism sectors. Migrants are

a great asset to our city. Business migrants, in particular, generate employment and investment opportunities in the Territory. Canberra's migration strategy, *A Step into the Future*, is designed to encourage migration to the ACT, especially by business migrants. We see the contributions of these migrants as essential to our economic growth.

The Government is committed to ensuring that migrants settle successfully in our city and feel that they belong to our community. We have invested a great deal of resources in the past year to ensure that this occurs. It is, therefore, important to reject views that imply or provoke racial division in our community. Racism in any form is unacceptable in a democratic country like Australia, or in any State or Territory. In fact, in an educated community such as Canberra there is no place for racism, let alone any racist behaviour. I believe that this motion will send a strong signal to those in our community who may think it is right to engage in racist behaviour in the streets, in the playgrounds or in any other places for that matter, Mr Speaker. In the context of free speech, we must be mindful not to contribute to intolerance. It is, therefore, incumbent upon us all to share in the responsibility of enhancing a tolerant community.

Recent reports indicate an upsurge in racially motivated attacks on members of Canberra's Asian communities. This is simply unacceptable, Mr Speaker. I am sure everybody in this Assembly and, hopefully, everyone in Canberra believes that, too. In response, the Office of Ethnic and Multicultural Affairs, in conjunction with Canberra's Asian community groups, has developed a campaign which includes the implementation of an anti-racist policy within ACT schools to be implemented in early 1997, development of a media campaign involving prominent Canberrans from business, the community and politics to highlight the benefits of multiculturalism, and contact with counselling services to ensure that victims of racial abuse can find help. We owe it to our young people and the next generation of Canberrans to maintain a culturally harmonious community, free from discrimination and intimidation, and to be respectful of each other's cultural backgrounds. A multicultural society where people are free to reach their full potential, unhindered by prejudice and ignorance, is our bridge to a peaceful and prosperous future.

This motion also says something about our attitude towards the Aboriginal and Torres Strait Islander people of Australia in the ACT. There is no doubt that we need to find solutions to the special needs of the Aboriginal and Torres Strait Islander communities, particularly in the areas of health and education. I will be talking at greater length about Aboriginal and Torres Strait Islander issues and reconciliation in the December sittings, when I table the 1995-96 report on the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody. There will be an opportunity at that time to also re-endorse the Council for Aboriginal Reconciliation's vision that we originally endorsed as a vision shared by this Assembly in April 1994. Mr Speaker, I therefore call upon all members of this Assembly to join me in supporting this motion on Aboriginal reconciliation and multiculturalism, and in particular to demonstrate our support, our unanimous support, for the ACT's multicultural community.

19 November 1996

MR WHITECROSS (Leader of the Opposition) (9.34): I am pleased to rise to speak to this motion because I, like a great many Canberrans, have been very troubled by some of the debate that has gone on in the Australian community, before I left, while I was away and since I have been back. It is indeed an unsettling debate which Australia could well do without.

While I was overseas recently I visited a number of parts of America. You will be aware, I am sure, Mr Speaker, that in parts of America racial tensions are particularly high. One particular part of America which I visited was southern California and there issues of racism are used openly in the public debate. The public debate centres around arguments that welfare services and social services, government services, are about this racial group taking away from the dominant white racial group. To me, Mr Speaker, it would be a tragedy of the first order if Australia were to descend to the point where we were not able to look at issues of justice, fairness and equality of opportunity in a way which ignored the racial origins of people and instead took the view that we were not going to provide services which people from other races were going to benefit from. That is an awful situation which I witnessed in parts of America. It is a situation which I would like to see Australia avoid.

Mr Speaker, I want to speak a little about Aboriginal reconciliation because I believe that this is something which we have to pursue actively. This motion states points of principle about affirming our commitment for the ongoing process of reconciliation and achieving a greater understanding between Australians of Aboriginal background and Torres Strait Islander background, and those of non-indigenous background, and addressing the profound social and economic disadvantages there.

The key word to me in this is the word "process". Reconciliation between the indigenous peoples of Australia and others of non-indigenous background in Australia is indeed a process. It is not simply a matter of our saying we are all friends. It is something that we are going to have to work at. It is a matter of building relationships. It is about understanding history and sharing history between people of Aboriginal and Torres Strait Islander backgrounds and others because, Mr Speaker, we have to understand the points from which we are coming if we are indeed to be reconciled and to be able to move forward. It is about understanding that much of the history is a history of oppression and of injustice. Mr Speaker, it is impossible, for instance, to deal with the question of Aboriginal reconciliation and to ignore issues like the stolen generation inquiry and families being broken up by state intervention. Nor is it possible for us to ignore the injustice caused by the high rates of incarceration of people of Aboriginal backgrounds in our prisons. These are things we have to understand and these are problems we have to grapple with if reconciliation is to be meaningful.

Similarly, Mr Speaker, we have to value cultures. This is something which applies equally to people from multicultural backgrounds and to people from Aboriginal and Torres Strait Islander backgrounds. The valuing of cultures is essential to mutual understanding and to our progress as a community. It is not good enough for us to say that people who come to Australia should accept the dominant cultures. We have to have a culture of tolerance, one in which we all see the values in each other's cultures and in which we all work together to create a strong and diverse community.

Mr Speaker, too often you hear in this debate diversity confused with division. The view is expressed that, if we are different, then somehow we are divided. It is perfectly possible for us to be a diverse community, for us to each carry our own cultural background, whether that is a Celtic background, an Italian background, a Vietnamese background, a Lebanese background or an Aboriginal background, and yet to be one society and one nation. That is the bridge that we have to cross, Mr Speaker. We have to look to the future from that point of view of our mutual understanding.

I believe that the values of a multicultural community, of non-discrimination and of reconciliation, are important. I believe it is important that we say publicly that racial intolerance is not acceptable; that we want Australia - we want Canberra - to be a tolerant and fair society, not a society in which racial intolerance is considered to be as legitimate a point of view as tolerance. Mr Speaker, tolerance does not mean that we should tolerate intolerance. Tolerance does not mean that racist opinions should be treated as an acceptable alternative to the tolerance which we as a community value. It is important that we say that those racially intolerant views inhibit other people in the community in taking their proper place in the community and are therefore not acceptable.

I particularly want to affirm point three of the Chief Minister's motion which talks about Canberrans having "full access to the Territory's social, political and economic life regardless of race, ethnicity, religion, language, gender or place of birth".

Mrs Carnell: They are the same words agreed to on the hill.

MR WHITECROSS: I know, and I said I agree with them, Mrs Carnell. Mr Speaker, these are indeed important principles which we should be embracing. I think we in this Assembly can be particularly proud of some of the steps, albeit small steps, that we have taken in this place to ensure that full access to the Territory's political life can proceed regardless of race, ethnicity, religion, et cetera, because we have taken some steps to ensure that we do not have a situation in which people are forced, for instance, to swear allegiance to a foreign monarch in order to serve in this place - something with which they have no cultural links - and they are not forced to pray a Christian prayer or a monotheistic prayer in order to participate in this place. They are small steps, but to me they are important steps in making this Assembly a more tolerant and open place, a more inviting place for people from the diverse backgrounds that we have in the ACT. As Mrs Carnell said, 23 per cent were born overseas in more than 125 different nations. We have to build here a society which truly recognises that diversity.

Mr Speaker, one thing which is of concern about these kinds of motions is the threat that they will be seen as all about words and not about actions. Mr Speaker, I think it is important that we in this Assembly, indeed, the Government as well, demonstrate that our commitment to the principles in this motion is real; that there are actions to back up the words. Mrs Carnell referred to some of those actions in her speech, but I would like to see us make clear the kinds of actions that might put flesh on the bones of the principles that are set out in this motion. For that purpose I would like to move the amendment circulated in my name, which reads as follows:

After paragraph (5) add the following paragraph:

“and (6) calls on the ACT Government to:

- (a) table the 1995 Update Report on the Implementation of the Recommendations of the Royal Commission on Aboriginal Deaths in Custody;
- (b) report to the Assembly on current Access & Equity policies for ACT Government services;
- (c) report to the Assembly on the progress towards developing an ACT Languages Policy;
- (d) report to the Assembly on measures in place to provide cross cultural awareness training to employees in the ACT Government Services including nurses, teachers, police and other public contact staff.”.

Mr Speaker, the amendment sets out what I think are some fairly uncontroversial actions that we can take to practically demonstrate our commitment to the principles set out in this motion. Reporting on our implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody is part of our practical demonstration that we have an ongoing commitment to the process of reconciliation. Mrs Carnell has indicated that she intends to do that next month, and I am pleased to hear it.

The amendment calls on the Government to report to the Assembly on current access and equity policies for ACT government services. That is another way that we can demonstrate that we in the ACT are truly committed to ensuring that people of diverse backgrounds, diverse languages, cultures, races, religions, genders, et cetera, can access ACT government services. Once again, that is not a controversial policy. The amendment calls for a report on progress towards developing a languages policy. We have heard from the Government a number of steps along this path of recognising people from other language backgrounds. A comprehensive languages policy would help show to the public the ACT Government's and the ACT Assembly's commitment to truly ensuring that Canberrans have full access to the Territory's social, political and economic life regardless of their language background. Mr Speaker, the amendment also calls for a report to the Assembly on measures in place to provide cross-cultural awareness training to employees in the ACT Government Service, including nurses, teachers, police and other public contact staff, to ensure that we provide the best possible level of service and the most understanding level of service to people regardless of their background.

Mr Speaker, many of these things, I am sure, are already being done; but, at a time when questions are being raised about the direction in which this country is going to go, it is all the more important that we remind people of the practical ways in which we are going about ensuring that Canberra is a tolerant and fair society, one which grants to all

Canberrans full access to the Territory's social, political and economic life regardless of race, ethnicity, religion, language, gender or place of birth, and that our commitment to the ongoing process of reconciliation is truly a commitment to a process and not just a principle.

MS McRAE (9.48): Mr Speaker - - -

Mrs Carnell: I thought we were having only one speaker.

MS McRAE: Since when?

Mrs Carnell: I thought that was what Mr Humphries had organised. It is all right.

MS McRAE: No, not at all. I want to have my say.

MR SPEAKER: You have the call, Ms McRae.

MS McRAE: Thank you, Mr Speaker. I want to add to this debate by focusing attention on one of the most complex and interesting issues. Too often, when we are talking about people from other cultures, people from other places, it seems to me to be a very wooden debate.

Mrs Carnell: There goes the one speaker.

Mr Humphries: Yes. We had agreed on that.

Mr Whitecross: No. We were honest. We did not promise.

MS McRAE: There was no agreement that I knew of. I hope I did not break anybody's word, but there was no agreement that I should not speak.

Too often we talk about it as if it is not about human beings coming to live in this country and it is not about indigenous people already established with their language encountering another culture. I want to add today from some of the best writing I have ever found on the complexity of this process and then make a plea around those sorts of issues. I will begin with one quote:

The world and we ourselves only come really to be familiar presences to us when we speak about it and about ourselves in our own language. The images of reality in the borrowed language are no more than pictures seen through the lens of a camera, never with the eye of the senses. In the borrowed language, in the language which is not growing within us but rather settling within us like sediment, we are anonymous not only to others but also to ourselves.

19 November 1996

It is that transition that people make when they come to Australia, speaking a language other than English. Here is another wonderful quote from a Finnish person:

It is my Finnish language that is my skin, my air I breathe, my snowfall, my rage and my sorrow; it is in this language that I heal my deepest wounds, and it is here that I shape and root my deepest feelings. My Finnish language is the very source and ground of my own being.

It is this that we are talking about. It is indigenous people encountering another language. It is people from another language having to learn English when they come here. That is at the profound level of transition that people have to make. Even Shakespeare wrote about the transition to another language. He knew this feeling. The author wrote:

To take away our mother tongue from us is like skinning or flaying us alive.

Shakespeare, in *Richard II*, had Mowbray speak of it and he says this as he is sentenced to banishment from his country and his language:

The language I have learnt these forty years,
My native English, now I must forgo;
And now my tongue's use is to me no more
Than an unstringed viol or a harp;
Or like a cunning instrument cas'd up
Or, being open, put into his hands
That knows no touch to tune the harmony.
Within my mouth you have engaol'd my tongue,
Doubly portcullis'd with my teeth and lips;
And dull, unfeeling, barren ignorance
Is made my gaoler to attend on me.
I am too old to fawn upon a nurse,
Too far in years to be a pupil now.
What is thy sentence, then, but speechless death,
Which robs my tongue from breathing native breath?

This is the reality that we are talking about. When we talk about multicultural Australia we are talking about multilingual Australia. We are talking about extraordinary adjustments for individuals which we should praise. We should give medals, celebrate and marvel that they have been able to make this transition, to make this place their home; marvel that our indigenous people have had to take on English, to forgo their native tongue and to adapt and live in this strange country that Australia has developed to be.

I claim both personal experience and professional training in this area, and I feel it very profoundly. I think that we very easily lose sight of that depth of personal experience that each person who comes to Australia and has to learn English has gone through. Each person has had to make the transition. It is a living death for many and we have grossly underestimated that difficulty.

It took until the late 1950s, early 1960s, before some of our own policy-makers started to understand what was happening. It took the children of the migrants to get into the public sector, to get into the policy-making sector, to join ethnic communities councils. It took the children, for whom it was a lot easier to learn the language, to stand up and say, "Hang on a minute; this is not fair. These people have come here to work for this country. These people are helping to shape Australia. The very least you can do is offer translation and support. The very least you can do is offer English". I remind members that in the 1950s learning English was at six o'clock in the morning on the radio. I know hundreds upon hundreds of migrants for whom that was English. My uncle learnt English from crossword puzzles and a dictionary. Those days changed because Australia is a welcoming and open country, and because each of us has learnt along the way that we are simply not talking about picking up a case and dumping it. We are talking about human beings who are making the most profound adjustment that an adult can make, and that is a living death for many, as Shakespeare put it so well; but, as the other linguists put it, they are losing their very being and having to create a new one, and for an adult that is no joke.

So the language courses started to come. The early English courses for children were developed only in the late 1960s and early 1970s. The thorough ESL programs, the languages in the workplaces, began only in the early 1980s. Sixteen years ago I was involved in the first multicultural programs on radio and the battle for SBS began. This is what we are fighting for - the right of these services to be maintained. Words are wonderful. There is no question that we can all be tolerant, fair, and caring and sharing, but our country will be judged on how we maintain these very essential services that make the difference for a worker going into a factory and losing their hand because no-one has thought to tell them in their own language that that machine is dangerous. These are the transitions that we have made between the rush of migrants in the 1950s and now.

In the last 40 years the growth in Australia has been extraordinary in its acceptance of diverse cultures, in its capacity to support them and the services that it has to offer. It has been extraordinary in the level of understanding that we now bring to the treatment of our indigenous people, and how we expected them to move to English as if it could be done just at the flick of the fingers. We now understand these things that these writers put so eloquently. We are dealing with something which is very profound and extremely difficult. In my opinion, every person who creates a new English with a vowel at the end of every word, with an intonation in the wrong place, with the stress on the wrong syllable, ought to have a medal because it is such an extraordinary transition. This is what we are celebrating; that we have built a country around these people who are willing to do that and work for Australia. They do not deserve the sort of scorn that has been poured on them by ignorant, misunderstanding people.

19 November 1996

I am very happy to support this motion, but I do not want to lose within that the basic humanity of what we are talking about, the depth of the transition that we are asking for, the complexity of what we are doing, and then the challenge to us in government and opposition to provide the right sort of services that value this richness and make it grow and give back to the country in terms of multilingual services. I will finish with an excellent poem which is called *The Official Measure*. In poetry it tries to say what happens to a person and then a nation and a country when this transition is not recognised and rewarded. This is the poem called *The Official Measure*:

I predict a general collection
where the goodness of the few walks in the streets
and cries unheard like the Baptist in the wilderness
I predict that every town in Sweden
will organise bazaars, funfairs, communal activities
in order to buy back the lost words for the poet
in order to return to the immigrant poets
the words they have lost
in the labyrinth of adjustment
in the sea of assimilation
Who will be able to prevent us from becoming
shadows without bodies
Who will be able to prevent us from writing
with gall instead of ink
Who will be able to prevent our songs
from urging revolt
The people without language
The people who cannot talk
gather within them gunpowder instead of words
Who would be able to prevent our songs
from lighting the fuse.

MR DE DOMENICO (Minister for Urban Services) (9.58): Mr Speaker, I would like to make a small contribution to the debate. I was impressed by what Ms McRae had to say. If we can work on a lot of other issues in that way, I think a lot of people will be very proud of this place. As someone who was not born in this country and was one of the migrants who came here in the middle 1950s, I am delighted that we are getting to this stage now, albeit it has taken us 40 years. I was one of those people who were fortunate - at that stage I thought unfortunate - to be brought into a place where we could

speak Arabic, Italian, French, Greek, Spanish and Maltese, but not English. I can recall how ashamed I was even to dare to speak anything but English on the train in Melbourne with my parents for fear of being ridiculed by other persons on that train who could speak only one language - that being English, of a kind.

In those days you were welcomed with open arms in this country if you assimilated. Assimilation meant that you had to forget all about your ethnic groups, your culture and your language and take on board the culture, language and habits of the country that welcomed you with open arms, so to speak. It is a very different thing now, though, thank God. They went a step further after that. After about 10 years, assimilation was gone and the word that was then bandied round was "integration". Integration meant blending your culture with the host country culture, which is supposedly the best culture around. If you did, well done. You got a pat on the back and you were more than welcome. I was still called words like wog, dago, plonko, and everything else. I was called wog because I happened to be under five foot three inches. I was then, and I still am. I was called dago because I did not look Anglo-Saxon, and plonko because we happened to drink red wine. I had the added disadvantage of being Catholic as well, and, after a while, I also barracked for Collingwood; so I could not win at all. Gone are those days, thank God - or are they?

Then there was another thing called multiculturalism. I take my hat off to a guy who is still running around in Canberra, Al Grassby, who really put multiculturalism on the map by doing and saying what he did from time to time, albeit flamboyantly according to some and funny and fantastic according to others. I was fortunate enough to work with a Victorian Minister called Walter Jona in the 1970s and was very proud to be able to announce that the then Victorian Government, the Hamer Government, was the first government, State or Federal, Liberal or Labor or Callithumpian, to give statutory recognition to the word "multiculturalism" by means of a piece of legislation. It was the Immigration and Ethnic Affairs Act of 1977, I think it was, in Victoria, and it happened to talk about a thing called multiculturalism. I still think that, even though a lot of people talked about multiculturalism, not too many people realised what it was. To me, multiculturalism is treating every person, of whatever race, colour, creed, kind, height or whatever, as a human being. Usually, if you treat people like human beings, they treat you the same way. If we could always treat ourselves as human beings in this place and in other places, I think the world would be a lot better.

I was very moved by what Ms McRae had to say because I still remember what my mother and father speak like right at this minute. I can remember my mother first coming to Canberra and saying what a wonderful place "Manooka" was. To her it will always be "Manooka", never Manuka, because that is the way she pronounces it. She could never pronounce Sir William McMahan's name. It was always Billy "MacMahone", because that is the way she was taught. It was never a lounge suite; it was a lounge "suit". How funny is this language called English. I can still remember my mother working in a factory making Astor television sets. She learnt Greek because she happened to be working next to a Greek lady. The Greek lady could not speak English and neither could my mother. My mother could speak a little bit of Greek and she ended up speaking Greek fluently.

19 November 1996

What I am trying to get at, Mr Speaker, is that we have gone through a lot during those 40 years. Perhaps people like the Federal member for Oxley should read history. Perhaps they should experience some of the things that people like me and others have experienced. As I said, it is very nice to know now that you are not called wog, dago or plonko. Yes, we were born overseas, and, yes, we do like red wine. It is not a bad drop from time to time. It took people like Al Grassby, and others, I must say, to put the word “multiculturalism” on the map, and thank God that they did. It is nice to all get together like we are going to do tonight and support a good motion as moved by the Chief Minister.

I am delighted to be able to stand up in a place where we can boast of people like Mr Stefaniak. I recall another candidate in the last election named Gregor Aouad, who was from the Middle East. Another, Sylvia Zamora, was from Latin America. I am aware of Ms McRae’s Italian background. I have not forgotten you, Ms Horodny. I recall that Mr Westende came from Holland. Canberra, really, is the jewel in the crown in terms of allowing its citizens full access to social, political and economic life.

Mr Hird: What about the Irish?

MR DE DOMENICO: Mr Hird asks about the Irish.

Mr Osborne: What about Lucy Horodny from the Ukraine?

MR DE DOMENICO: Yes, I mentioned Ms Horodny. We are not the token migrants. It gives me great pleasure when people say to me, “Yes, you are called De Domenico, but you were obviously born here because you speak English without an accent”. My reply to that is that I speak English without an Italian accent because I speak Italian without an English accent. It is always good to be able to say that. I am delighted to be able to stand here and support the motion as presented by the Chief Minister, and I hope that all members of the Assembly will do the same.

MS HORODNY (10.05): Madam Deputy Speaker, the Greens are very happy to support Mrs Carnell’s motion tonight. I want to read a paragraph from the *Canberra Times* of 3 November. It was in a letter to the editor from Robert Johnston of Rivett. In his closing paragraph he said this:

I am ashamed to admit that I agree with Ms Hanson in one respect: Aborigines should be treated the same as everyone else - their communities should have ready access to schools, quality medical and dental care, sanitation, good roads, and all the other infrastructure that mainstream Australia takes for granted.

I have to say that Robert Johnston of Rivett got to the heart of the matter here. Where is the equality between Aboriginal and non-Aboriginal Australians? Unfortunately, equality is not there. If we look at access to education, to health and to work, there is no equality at the moment, I believe. Maybe, in the view of some people, a lot of money is being spent on Aboriginal issues, but I believe it is a huge problem. It has been neglected for such a long time. We are not going to solve it overnight and we are not going to solve it without huge amounts of resources.

If we look at Aboriginal deaths in custody, infant mortality and the lifespan of Aboriginal people, it is true that the Aboriginal situation in Australia is a very sad one. It is an issue that at times makes me feel quite ashamed to be an Australian. It is an area that has been neglected for such a long time. We see Aboriginal communities living in Third World conditions in a country that has built much of our wealth on mining, logging, farming and urbanising the very lands which are absolutely integral to the culture and the lifeblood of Aboriginal communities.

The fact is that reconciliation cannot happen in the absence of vast amounts of resources. Indeed, it is the lack of resources that have been allocated to Aboriginal reconciliation that is one of the chief causes of the continued problem. Like Mr Whitecross, I went to the very good leaflet that has been put together by the Council for Aboriginal Reconciliation. They point out eight of the key issues in this debate that are so critical to Aboriginal reconciliation. On the issue of improving relationships the leaflet says this:

With few exceptions, relations between Aboriginal and Torres Strait Islander peoples and the wider community have been poor. Indigenous Australians have long suffered from violence, dispossession, racism and the failure of government policies.

It was standard practice ... Children were taken from their families and homes ... Whole communities were shifted from their homes to another part of the country. Aboriginal and Torres Strait Islander life has been regulated and supervised at almost every turn ...

This isn't just history. Indigenous Australians still suffer intense scrutiny wherever they go and whatever they do. They still remember.

Reconciliation means healing the ruptured relationships. But what can be done?

Many Australians have never met an Aboriginal or Torres Strait Islander person. Some assume knowledge through what they hear from others or see in the media, much of which fuels hurtful stereotypes.

I would suggest that some of the debate that has gone on in the last six months is exactly that. There has been a lot of hurtful stereotyping and a lot of assumed knowledge, sadly, by individuals who do not understand the full extent of the difficulties. The leaflet continues:

Learning about Aboriginal and Torres Strait Islander people and the impact of institutions on them is the first step to better relations.

Australia does have many cultures. The Aboriginal and Torres Strait Islander cultures are special. They are particularly special because their values are those of Australia's first people. All Australians can learn from this unique heritage. But culture does not stand still and, after two centuries of interference and dominance, indigenous cultures have survived and have developed. Despite losing traditional homelands on many occasions,

19 November 1996

being taken from families and living in a society where English is the dominant language, Aboriginal and Torres Strait Islander people have retained a strong sense of their own cultural identities. More and more we see that strong sense of culture and identity being celebrated in Australian society. That has been a truly wonderful thing. I think there has been more of that since the Council for Aboriginal Reconciliation has been set up.

A critical issue in this whole debate, too, I think, is the issue of compassion. The Dalai Lama, amongst many other leaders in our community, says that what the world needs more of is compassion. It is precisely compassion that is required to carry Aboriginal people into an age of self-determination with dignity. As for racial intolerance, I believe that Canberra has always had a very good record in this regard, until very recently. I have to say that the current Prime Minister must take some responsibility for a lack of leadership on this issue. Instead of making a statement to direct this nation on this issue, as he did to his credit on the gun debate, where I think he did show strong leadership and take a strong stance, he, in ignorance, is leading a charge against so-called political correctness. In fact, on television tonight there was a sorry report on what the PM was up to today. I think that was very unfortunate. The Prime Minister does not seem to understand the value of leading by example.

As I said, the Greens are very happy to support this motion, but I would like to take this opportunity to say that we should also look for appropriate practical legislative mechanisms to promote this debate. We believe that the same principles of affirmative action, equal employment opportunity and anti-discrimination that are in the Public Sector Management Act should be included in the Territory Owned Corporations Act. That is why we have drafted amendments to the TOC Act to include the very things that Mrs Carnell has put in paragraph (3) of her motion, and that is:

... that all Canberrans have full access to the Territory's social, political and economic life regardless of race, ethnicity, religion, language, gender or place of birth.

As I said earlier, it is up to elected representatives to show leadership on this issue. That means legislative commitment to eliminating discrimination and promoting the employment opportunities of disadvantaged groups in our community.

MR HUMPHRIES (Attorney-General) (10.14): Mr Speaker, I also want to associate myself with the motion that the Chief Minister has moved. It is important at the present time that the Australian community indicate its collective reaction to the issues which Pauline Hanson has placed on the table. I heard one commentator say that the issues raised by someone like Pauline Hanson are by no means new. One can go to a pub almost anywhere in Australia, or perhaps to a supermarket or other places, and hear views of the kind expressed by Pauline Hanson expressed by other Australians. The disturbing feature of the most recent debate, however, has been the perception that these views are other than extreme views, isolated views and the views of only ignorant people. That has been challenged by the fact that they are espoused now by a member of the Federal Parliament.

Mr Speaker, there is, in a sense, an argument about public spirit and public direction on policy in this country. I think it is important that we, as a part of that process of public direction and public debate, state very clearly on behalf of the people we represent what our view is about the direction the Australian society should head in, and our views about the fundamental principles that we hold dear as members of the Australian community and, indeed, as leaders of the ACT community. For that reason, the five principles which the Chief Minister has put forward, the same five principles that essentially were endorsed unanimously by the Federal Parliament a few weeks ago, are a chance for us to restate our belief in our support for those values, and our conviction that Australian society should be built on these principles and that we should not succumb to policies that are based around principles of division or racism.

In that spirit, Mr Speaker, I have to express some slight concern about the amendment which has been put forward by Mr Whitecross. I have two concerns about it. I am concerned about the procedure that Mr Whitecross chose to use to bring this amendment forward. It was not discussed with anybody on this side of the chamber, except for a few moments before it was introduced. It represents a departure from the agreement that I thought we would reach on the principles that the Federal Parliament has reached agreement on, in that it departs from a statement of our beliefs and principles as legislators and talks instead about government policy and action. It puts on the table a series of specific initiatives which may or may not be appropriate to this particular debate.

I think that, generally speaking, those principles are appropriate to this debate and I am prepared to support at least three of those four specific actions that flow from the amendment. Mr Speaker, it is unfortunate in the sense that it carries the connotation that, having agreed to these principles, the ACT Government now has certain responsibilities to move forward to redress certain problems in pursuing those principles. I think it could be said that the amendment implies that it is the ACT Government's responsibility to do something about Aboriginal deaths in custody and it is the ACT Government's responsibility to put in place access and equity policies, and in a sense it is. In a sense it is our responsibility, but a statement of those things as objectives clouds the real issue that we have raised tonight, and that is unanimous agreement on certain principles.

Even at this late stage I would appeal to Mr Whitecross not to proceed with this amendment if he does not believe it is going to get the support of all in the Assembly. The concept of moving this motion was very simple. It was to send to all in the community an unambiguous statement about the principles in which every one of us, without exception, believes. If we cannot do that because semi-political issues have been added, that is very unfortunate. We did not cast these words in isolation. We circulated these words to other members of the Assembly and we based them squarely on the words that were agreed by members of the Federal Parliament just a few weeks ago. I appeal to members to not divert the attention of commentators and observers or the focus of this Assembly away from that fundamental issue.

Mr Speaker, I move the following amendment to Mr Whitecross's amendment:

Omit paragraph (6)(c).

19 November 1996

The so-called ACT languages policy which is referred to in initial capital letters there was a proposal put forward, I understand, by the previous Government in draft form and not delivered. It has not been expressly adopted by this Government as its policy - - -

Ms McRae: It bloody-well should be.

MR HUMPHRIES: Maybe so, Ms McRae. Let me say, for argument's sake, that perhaps it should be adopted as Government policy, but not in the context of this debate tonight.

Ms McRae: Why not? That was just the guts of it.

MR HUMPHRIES: Because this is a motion about sending a signal to the community about the values that we all believe in. Let me record that even now there is sniggering on the other side of the chamber about this, and it is very unfortunate.

Mr Speaker, I believe that we should be concentrating on sending a signal out there - to the racists in this community, to the people who believe that it is all right to denigrate Aboriginals in this community, to the people who believe that multiculturalism is some kind of fraud, to those who believe that a tolerant society is something that other people can believe in but not them - that we, the people elected to represent the whole community in this Assembly, do not hold those views, and we want to send an unambiguous signal to the whole community that we are united on these basic principles.

Mr Berry: Do you remember the backyard? I would go quiet if I were you.

MR HUMPHRIES: I think it is very unfortunate that we have interjections on this, Mr Speaker. We have tried to build up a consensus on this issue. I appeal to the Labor Party even now not to divide the Assembly on this issue. We were not consulted about this amendment. We gave this motion to you some time ago. The same motion was moved in the Federal Parliament, to which Kim Beazley and every other member of the Labor Party in the Federal Parliament was prepared to agree. I would appeal to the Labor Party once again not to divide the Assembly on this issue. We want to send a signal that we are agreed. We are not going to be dictated to or held over a barrel on this.

Mr Berry: Vote against us, then.

MR HUMPHRIES: Mr Speaker, I ask once more for a chance to make my speech. I did not interrupt Mr Berry in his comments.

MR SPEAKER: Yes.

MR HUMPHRIES: Mr Speaker, I think it is important that we not divert from that path. I appeal to members of the Labor Party not to put this amendment forward, in the first place. At least accept our amendment to remove subparagraph (c). In that way the message about this debate can be that we are agreed in our views about Aboriginal reconciliation, about multiculturalism and about racism, not that we have other things which on this occasion divide us.

MS REILLY (10.22): Looking at the amendment that Mr Humphries has put up and subparagraph (c) of Mr Whitecross's amendment, I am surprised, to some extent, at the objection, because tonight we have had two moving speeches on language and the importance of language to people coming from another culture who have to learn a new language. The speeches from Ms McRae and Mr De Domenico underlined how important language is. They also underlined how language can be used against people as well. I think that to cut out language at this point, considering the speeches that have been made tonight, would be sad. There is an opportunity to report on what a language policy could do.

In fact, this Government has already done a number of things. Look at the interpreter cards that they have produced and their support of other services that assist people with learning a language. I am not quite sure of the reason for their fear about that part of the amendment. If you look around this Assembly I would suggest that everybody here has come from somewhere else at some stage. It was sad to see that we use surnames as a marker about whether people came here recently or came from another place. There is nothing wrong with holding an Anglo-Celtic surname. In fact, it does not give you an indication of a person's background and what their cultural ties might be. I think it is also sad that we end up with almost like a hierarchy of ethnic groups by discussing it in that way. The point is that most Australians have come from another place at some time, apart from people of Aboriginal and Torres Strait Islander descent.

That aside, Australia has a proud democratic tradition that has fostered freedom of speech and freedom of political activity. We believe in giving people a fair go. We have been world leaders in giving votes to women, in setting up universal suffrage and in setting up a number of social welfare measures. These are things that Australians can be justly proud of. But, in order to continue to enjoy freedom of speech and political activity, we must always guard against losing these privileges. It is sad to see the current debate in this community in Australia dissolving into the ugly and often destructive discussions that have happened. We are seeing Australians abusing other Australians, taking away their freedom to live within this community of ours, through this discussion and through allowing the abuses that are going on currently in some places.

Australians have been willing at times to acknowledge our prior history and policies that are no longer acceptable. Consider how recently it was that we got rid of the white Australia policy. It was dropped from all political parties' policies and from government policies and programs. We have been willing to acknowledge over the last few years the fact that there was not a peaceful settlement of Australia. We have been willing to accept that there were people already living here. In fact, settlement from 1788 onwards was an invasion of Australia. There was Aboriginal and Torres Strait Islander resistance to the European settlement of Australia. To recognise these things is a central part of any reconciliation process.

This willingness to change and to consider where we fit into the global stage has led to Australia becoming a decent society. Our cultural diversity and pluralistic society are two major indicators of the fact that we are a decent society. This ability to change and to maintain this climate of tolerance has strengthened our community as a whole, but we must continue to maintain the tolerance and to maintain the important and good parts

19 November 1996

of our society. In the same way, the ACT is a multicultural society and we go about celebrating this diversity in many ways. We are the national capital and we have people from many other different nations living and working here because of diplomatic postings. We recognise this and we live together in harmony in most cases. We work towards accepting these changes and making them a good part of our community.

We go beyond just a superficial recognition of differences in cultures through the education system, where we accept difference. We look at different cultures. We look at language and we accept differences in language. We also, as part of our education system, continue to work towards maintaining our tolerance and our democratic activities. If we allow abuse and intolerance to grow within our society we lose and curtail freedom for all of us. If we do not make comment, if we allow this abuse to go on, we lose. As a whole this community loses.

The motion raises the issue of disadvantage, particularly in relation to Aboriginal and Torres Strait Islander communities. I think we need to look at the disadvantage that is suffered through the failure to recognise and acknowledge differences in culture. It is not just a matter of saying, "They have not got the same as us". Quite often it has been impossible for them to access services that are open to other members of Australian society. In some cases they do not have access to the most basic essential service, clean water. In a discussion last week Mick Dodson was talking about access to housing, but it goes beyond that. It is even access to infrastructure. Without your basic infrastructure a house is not going to be able to stand up to the rigour of some of the harsher parts of Australia.

There is also the need to recognise differences in culture and people's needs. Particular things like housing are not all the same. The desire to live in a three-bedroom brick house is not something that is dear to the hearts of all. I think we need to look at cultural differences in the way we deliver services as well as acknowledging some of the differences in language or food or whatever, because services and people's needs for services vary. In Aboriginal communities when you are looking at houses, it is not just a matter of having a house that might be suitable to be put up in a suburb of Sydney. We have to take account of the climate and the cultural need where this house is to be located. The standard grid pattern is not always the most suitable for Aboriginal communities because it does not take account of their kinship needs. If you look at the size of houses, most people of Anglo-Celtic descent are happy to live in a nuclear family situation. For a number of cultures extended families are important, so an ordinary sized suburban house is not going to be suitable. Recognising diversity within the Australian community goes beyond just the language; it goes beyond just saying, "We accept them". We must look at the services and deliver services that are appropriate.

It is important in all these issues that the Government show leadership. It shows leadership not just through making statements but also through the action it takes. The amendment put up by Mr Whitecross recognises the importance of the action that a government takes. It is not just a matter of saying, "We must have a tolerant society". You must also ensure that people have the opportunity to access that society.

It goes beyond just language and acceptance of culture. It goes to what sorts of services are available. It goes to having the right policies and the right programs that allow access and allow freedom to take part fully in the Australian community. For those reasons I support the amendment put up by Mr Whitecross.

I would not agree with the amendment suggested by Mr Humphries - that we take out subparagraph (c) of that amendment - because, as I said at the beginning, language is important, just as other speakers have said tonight. It is important that, as part of the Government and as members of the ACT Assembly, we work towards making sure that all members of our community have access to services and that we facilitate their participation fully in our community through legislation and through the programs that we offer. (*Extension of time granted*) It is important, in relation to Aboriginal and Torres Strait Islander people, that we participate in and work towards the reconciliation process, and that we recognise and acknowledge the long continuity and attachment that Aboriginal and Torres Strait Islander people have for the land. They are the custodians of this land and we should recognise and acknowledge this relationship. That is central to the success of the reconciliation process. I think it is important that we acknowledge the diversity of the ACT community and that we celebrate these differences and value all the contributions that we make to this community.

MR STEFANIAK (Minister for Education and Training) (10.34): Mr Speaker, I will be brief. Like Mr Humphries, I do not really think we need Mr Whitecross's amendment. In fact, Ms Reilly has rattled off a large number of actions that this Government and previous governments of the ACT have taken in this area.

In relation to the substantive motion moved by Mrs Carnell, the ACT has a very proud tradition as a very diverse community which has welcomed people from over 60 nationalities to the Territory since World War II. These people have contributed immensely to the development of Canberra. Canberra would not be what it is today without the involvement of the very substantial proportion of our population who have come from overseas. Close on a third of the persons who are in the ACT now were born overseas. We also have a substantial population of Aboriginal and Torres Strait Islanders. We are truly a multicultural city. People from various races and nationalities have contributed most significantly to this city. Accordingly, Mr Speaker, the Chief Minister's motion is a most appropriate and timely one, and it deserves the support of everyone in this house.

MR BERRY (10.35): Mr Speaker, I rise to express some disappointment at the amendment moved by Mr Humphries. I have to say, though, that I am happy that the earlier intention to delete the second subparagraph in Mr Whitecross's amendment has been dropped. I think that is a good sign. I have to say that Mr De Domenico made an eloquent speech in relation to this matter. In relation to subparagraph (c), there is a lot of relevance between what he said and what is available by way of the amendment proposed by the Leader of the Opposition. Mrs Carnell, I would have thought, would have supported that amendment because she has had such a high profile on these issues. She has made some quite good points about the interpreter card. I would have thought that a subparagraph which merely says "report to the Assembly on the progress towards developing an ACT Languages Policy" would not have ruffled her at all. Again, I am disappointed in that.

19 November 1996

Mrs Carnell and Mr Humphries made the point that we are supporting a motion which is generally the same as that moved by the Prime Minister. I suppose the reason why the Prime Minister did not include a clause like that which exists at subparagraph (c) of the amendment proposed by the Leader of the Opposition is that the Feds already have it and do not have to. It should not be any trouble for us. The ALP announced its position on this issue early in the piece and Mrs Carnell was quick to say, "Me too". She put together a motion which subsequently found its way to the Assembly. It was made clear that that was the motion that was going to be moved in the Assembly, and here it is. The Leader of the Opposition has quite properly proposed a sensible amendment which ought to be adopted without dissent. I again say that I am disappointed that Mr Humphries has moved in the way that he has, and I indicate that the Labor Party will be opposing the proposal by Mr Humphries.

MR KAINE (10.38): Mr Speaker, I intend to be brief. I have said before on occasions in this place, Mr Speaker, that I am disappointed at some of the things that happen here, and tonight is one such occasion. The motion that was put forward by Mrs Carnell is based on such Australian fundamentalism that there should have been no debate about it. We should have voted on it almost without debate, except for contributions by one or two people to support the thought that is inherent in it. What have we had? We have had an hour-and-a-half of debate which seems to be based on the premise that some of us are more cultural than the rest, and those who came here within the last 40 years are more multicultural than the ones who came before that. Instead of us supporting the motion unanimously, the debate, to anybody who has been sitting aside and listening to it, has been based on the premise that there are huge divisions on this issue.

I submit, Mr Speaker, that we have come to the point where, if the people in this place really mean what this motion says, they should vote on it unequivocally, without qualification, without further circumlocution and without any more of this strange debate that we have had. They should simply convey to the community out there that the words that are in this motion are what we really mean without qualification. I would be much more gratified, and I think our community would be much more gratified, with this motion, if we were to do that right now and cut this debate off without further divisiveness.

MR OSBORNE (10.40): I am a little bit sad, having sat back for the last hour and listened to the political debate that has gone on in this Assembly. I would have thought that we were mature enough at least to have tried to be unanimous, without people trying to undermine the intent. It is very sad, Mr Speaker, that we even have to debate this issue. Unfortunately, we are doing so, and I will be very brief.

Mr Speaker, I would like to speak first on the Aboriginal reconciliation issue. Some of my closest friends are Aboriginal. I played football with a fellow called Ricky Walford, who I consider to be one of my closest friends. I spent many off-seasons up at Walgett with him. It is sad that some people, under parliamentary privilege, have taken an opportunity to attack him and his people. Mr Speaker, I was at the national prayer breakfast about a week-and-a-half ago and a speaker there, an Aboriginal pastor, related a story about himself as a child when he was living in a remote community in Western Australia. He was four years old. He and his sister were sitting under a tree near

their house and a car pulled up and two ladies got out and gave them some lollies. They both went in the car. They said, "Come along with us and we will get some more lollies". So they went in the car and both he and his sister next saw their parents two years later.

Ms McRae: They were lucky.

MR OSBORNE: They were very lucky, Ms McRae. It really moved me because I have young children of that age. I turned to my wife, who was with me, and I said, "Could you imagine if someone did that to us; just took our kids without telling us and we did not see them for years and years?". Mr Speaker, to say that Aboriginal people have not done it tough, I think, is ignorant.

Skin colour and ethnic origin is an important feature in a person's life; but, as far as I am concerned, what is of far greater consequence is how they conduct their lives. My best friend is Indian. He was the best man at my wedding. He is the godfather of my son and I trust him implicitly. I love him dearly. I grew up in the inner west of Sydney and from about the age of 10 to the age of 15 I spent just about every day with my best friend at the time and his family. He was Lebanese. One of my dear friends from school who is still a friend of mine today is a fellow by the name of Jimmy Chong, who is Korean. Mr Speaker, as I said, the fact that someone is from a different country or speaks a different language means nothing. Today in Tasmania a white Caucasian Australian person is before the court for committing probably Australia's worst ever massacre. He is not from another country. He is one of us.

Mr Speaker, it is very sad that this debate has turned into what it has. I choose to believe that, as human beings, we all have an inherently equal value. I think that the misguided thinking that has gone on in the last few weeks is terribly damaging to this nation. As I said earlier, I think it is sad that we in this Assembly are not even able to stand up as one and be united on one issue. It is sad that we have had to have a political debate over something that requires uniform and bipartisan support. I was talking to my colleague Mr Moore a little earlier. One thing that has really upset me about this whole issue is not the fact that it has come up - I think things need to be discussed - but the number of people who have come out in favour of some of the things that have been said. It makes me sick in the stomach. It is a terrible blight on us as a nation to have such a big number of people supporting Pauline Hanson and her views.

Mr Speaker, I said I would be brief. I do not judge people because of their colour. I do not judge people because of what they eat. I do not judge people because of the way they look. You only need to look at my colleague here beside me whom I accept as a human being.

Mr Moore: Sort of.

MR OSBORNE: Sort of. Mr Speaker, on 28 March 1963 a man stood up and proclaimed to the world that he had a dream. The dream was that his four young children would one day be able to live in their nation and not be judged by the colour of their skin but rather by their character. I have a dream as well. I have a dream that my four children will grow up in a nation that is consistent with the dream of Martin Luther King.

19 November 1996

I want my children to respect everybody, no matter where they come from. It is sad, as I said, that we are even debating it. It is even sadder that some people have tried to score cheap political points over it, and I am sure that they will be exposed.

MR MOORE (10.48): Mr Speaker, in rising to support this motion I thought I would relate a small anecdote about my family. My son, who is in kindergarten, was at home one day and we were trying to recall the name of one of his classmates. We ran through a series of things such as, "The girl who sits down in the corner of your class". No, that did not help. "She has curly hair". That did not help. "In fact, she has black curly hair". No, that still did not get there. "In fact, she has black skin". No, that did not help. Anyway, some hours passed and one of us remembered the name. I do not recall the name, but let us say it was Rowena. Somebody said, "It is Rowena". Another hour or so passed and our kindergarten child came in to us and said, "Yes, she does have black skin, doesn't she". I thought that we could learn a great lesson from that. It simply had not occurred to him that there was any particular difference. The kids in the class were different. They looked different. Some were a bit taller; some were a bit shorter; some wore slightly different clothes or had different haircuts or whatever. This was just another one of those factors. I think the lesson from that statement from our kindergarten child - "Yes, she does have black skin, doesn't she" - really tells the whole story of tolerance. It is that sort of tolerance that we need, and it is that sort of tolerance that I hope for in supporting this motion.

Question put:

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

The Assembly voted -

AYES, 11

NOES, 6

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

Mr Berry
Ms Follett
Ms McRae
Ms Reilly
Mr Whitecross
Mr Wood

Question so resolved in the affirmative.

Amendment (**Mr Whitecross's**), as amended, agreed to.

Motion, as amended, agreed to.

SUSPENSION OF STANDING ORDER 76

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

That standing order 76 be suspended for the remainder of this sitting.

PLANNING AND ENVIRONMENT - STANDING COMMITTEE Report on Nudurr Drive Construction

MR MOORE (10.52): I present report No. 19 of the Standing Committee on Planning and Environment entitled "Inquiry into the proposed construction of Nudurr Drive, Palmerston", together with extracts of the minutes of proceedings. Pursuant to the resolution of the Assembly of 26 September 1996, the report was circulated when the Assembly was not sitting, on 18 October 1996. I move:

That the report be noted.

Mr Speaker, the inquiry into the proposed construction of Nudurr Drive, Palmerston, was assigned to us by the Assembly and was, indeed, an interesting inquiry. In this case, the committee listened very carefully to what the department had proposed and why they felt the need to construct Nudurr Drive and to construct it in the location that they had proposed. We listened very carefully to the views of residents as well as those of the Government's officials. In the end, the committee determined that we would endorse the work proposed by the Department of Urban Services for Nudurr Drive, including the additional \$70,000 worth of improvements. In other words, we believed that the compromise proposed by the department was adequate.

The committee was concerned about information that had been provided to residents. They presented us with a statutory declaration that they had been given information from the shopfront. It was a statutory declaration, but we had no way of testing it further. Of course, we take a statutory declaration very seriously. The information was that the construction of Nudurr Drive would have occurred further from those houses than the plan actually proposed. There is a recommendation to deal with that. Politically, it is always much easier, of course, when residents register a complaint, particularly against a government department, to say to the department or to the Government, "You have it wrong. What we need to do here is to do it in an entirely different way".

In this case, the committee, I think, acted entirely appropriately, as our committees are inclined to do, in determining that the action taken by the Government was appropriate. But it was done after listening very carefully to the residents and going on site to understand the residents' concerns. We still do understand the residents' concerns.

19 November 1996

While the outcome of this report, I am sure, was disappointing to a number of the residents, I hope the general outcome will not be as bad as they believe it to be, once those earthworks are in place. I appreciated the work of the secretary to the committee, Rod Power, as always, and the cooperation of my colleagues in dealing with this issue.

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

CHILDREN'S SERVICES (AMENDMENT) BILL 1996

Debate resumed from 26 September 1996, on motion by **Mr Stefaniak**:

That this Bill be agreed to in principle.

MS REILLY (10.57): I will be brief on this Bill. I congratulate the Government on putting up this amendment, because, as is said in the explanatory memorandum, it has made the interests of the child paramount. It also follows the recent changes to the Commonwealth Family Law Act, and I think this is important because, where children come under the auspices of the Act, it is the child that is important, not the interests or the needs of the parents, the foster parents or other people. It is the best outcome for that child that is important, and that has to stay as the central focus of any consideration. It is important that it is spelt out in legislation, which is what these amendments are doing. For that reason, I support the Bill.

As well as putting it into legislation, it must be reflected in the administration and management of this Act and the programs that come under the auspices of this Act and the Government in administering the Act. I want to emphasise today that it is not just a matter of having legislation; it is what you do with that legislation that is important. The administration of the Children's Services Act continues to be the focus of a number of complaints, concerns and worries about what is happening in some circumstances, and I think this is something that needs to be addressed and attention needs to be paid to it. It is important that we have the legislation, but we must administer the Act in the best possible way to ensure that the needs of children remain paramount in any consideration. It cannot happen just with legislation; the administration is also important.

Section 83 also needs to be changed to take account of the changes to section 5. With the way that is written, those subsequent amendments are required. But I would like to point out that, in section 83 subsection (1), paragraph (c) is missing. It would be useful to know what orders would be made under paragraph (c) as included in subsection (3). I think that is something that needs to be addressed as well. Apart from the comments about the administration of the Act, I have no objection to the amendments that are being proposed, and we support them.

MS TUCKER (11.00): The Greens will be supporting this Bill. This is basically an amendment aimed at clarifying the objectives of the Children's Services Act and, therefore, protecting children. Unfortunately, the interests of the child do often get lost in the system. If the legislation itself is not clear enough that the interests of the child are paramount, then the chances of this not happening are even greater. This is, therefore, a good amendment which I am happy to be supporting. Of course, then we have to make sure that the rest of the legislation and, indeed, the whole child protection system are focused on the needs of the child above all else.

The Children's Services Act is in need of review. I know this is on the agenda of the Government over the next year. What concerns me still, following questions I raised in the Estimates Committee, is the level of consultation that is going to take place in this review. The Government said they would consult a small number of stakeholders, initially, to prepare a draft Bill. I have mentioned in discussions with bureaucrats about other legislative reviews - the Mental Health (Treatment and Care) Act is the most recent example - that involving the community at an early stage rather than later is desirable. It makes sense, for a start, that the people who are going to have to implement the legislation should be involved in designing it, and a whole lot of energy and anger can be saved by getting input from relevant stakeholders at an early stage. I, therefore, look forward to the Government designing a good process for the review that will ensure we get the best possible legislation, with the interests of the child absolutely central.

MR STEFANIAK (Minister for Education and Training and Minister for Housing and Family Services) (11.02), in reply: I commend to the Assembly this amendment to the Children's Services Act. I thank the two speakers for their comments. It does provide an urgently needed, philosophical and legislative framework for child protection work and for the Children's Court. It does, as Ms Reilly quite correctly says, make the interests of the child paramount, above anyone else's interests, be they parents or be they anyone else. Also, it seeks to bring the ACT child welfare legislation into line with modern child welfare practice and with the UN Convention on the Rights of the Child.

As important as this amendment is, it is but a small part of a thorough review of the Children's Services Act to be undertaken in the first half of next year. The review is necessary. The Act is now 10 years old and requires comprehensive revision in the context of current best practice in child welfare. Some States have passed new legislation and others are in the process of doing so, and it is of paramount importance that the children of the ACT are not left behind their interstate counterparts in this crucially important area. Victoria and South Australia have adopted new Acts in the past two years. New South Wales, Queensland and Western Australia are reviewing their legislation. Tasmania will have a new Bill before its Parliament before the end of this year.

Mr Speaker, there are many issues to consider in a review such as this. Although there is work to be done with the child-care and young offenders sections of the Act, my intention is to concentrate on the child protection aspects because I consider this area to be in the most urgent need, to bring it into the realms of best practice. In child protection we need

19 November 1996

to review several areas, including the grounds and the process for removal of abused and neglected children, and the process of review of child protection orders, and we need to formulate an ability to transfer ACT orders to other jurisdictions and to allow orders from other jurisdictions to be administered in the Territory.

Mr Speaker, we also need to consider the adoption of family group conferencing - a successful innovation emanating from New Zealand and operating in several Australian States. We must further consider whether it is timely to adopt the Aboriginal placement principle which is already a part of our much more modern Adoption Act 1993. These are a few, but certainly not an exhaustive listing, of the issues that will be addressed in the review. The Department of Education and Training and the Children's, Youth and Family Services Bureau are in the process of recruiting a project officer to coordinate the review. That project officer will assist the bureau to consult with key stakeholders and prepare a document in the form of a draft Bill for community consultation, formal consultation, by June 1997.

The review of the Children's Services Act will ensure our legislation is completely geared to the best interests of all the children of the Territory. It is something that is long overdue, and this important amendment which we will pass today brings the ACT child welfare legislation into line with modern practice and, leading into a review of the Children's Services Act, merits endorsement. I thank members for their comments and their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

BUSHFIRE (AMENDMENT) BILL 1996

[COGNATE BILL:

AIR POLLUTION (AMENDMENT) BILL (NO. 2) 1996]

Debate resumed from 26 September 1996, on motion by **Mr Humphries**:

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 the Air Pollution (Amendment) Bill (No. 2) 1996? There being no objection, that course will be followed. I remind members that in debating order of the day No. 2 they may also address their remarks to order of the day No. 3.

MR WHITECROSS (Leader of the Opposition) (11.06): Mr Speaker, these two Bills follow on from the report that was considered earlier in the year on managing fuel in areas around Canberra and the ACT to ensure that we minimise the risk of bushfire. The key elements of these Bills are to implement some of the recommendations that were in that report and make it compulsory for managers of bushfire-prone government land to prepare bushfire fuel management plans. It seems self-evident to me that people managing land, whether they are private owners of land or whether they are managers of government land, have to take responsibility for the fuel management of those properties to ensure that they minimise the risk of bushfire and of it spreading.

Mr Speaker, these two pieces of legislation work together to provide the framework for those plans and to allow the process of development of those plans to continue so that as we move into the next seasons we will have a situation where we have fuel management plans for all government land and, as a result, have a good understanding of the implications of policies to minimise fuel on government land and have confidence that all is being done to minimise risks to government land and to the lands around the ACT. The Air Pollution (Amendment) Bill (No. 2) makes further arrangements for permits for the burning of plant matter. Once again, I believe it is a sensible amendment in line with those policies. The Opposition will be supporting these two amendment Bills.

MS HORODNY (11.09): Mr Speaker, the Greens will support these Bills. We note that the Bills implement the recommendations of the task force on fuel management practices, which was chaired by Graham Glenn and which reviewed current practices for bushfire fuel management in the ACT. The task force came up with a number of recommendations that focused on the need to reduce the potential for bushfire outbreaks, through the establishment of bushfire fuel management plans for public lands. We appreciate the fact that conservation groups were represented on the task force and were able to provide considerable input into the task force's recommendations. There is a formal recognition in the Bills that it is possible for fire to be used as a management tool for conserving the biological integrity of a particular ecosystem. However, this can be done only with a great deal of care and forethought. One example that comes quickly to mind is serrated tussock, which can easily establish itself in native grasslands if the native grasslands burning management practice is not carried out very carefully.

I have a few quick comments on these Bills. They set a framework for the development of bushfire fuel management plans. The critical issue will be the content of such plans and, for us, whether environmental considerations have been adequately taken into account. We are, therefore, pleased that the draft plans will be released for public comment before finalisation and that such plans will be available for public inspection. We are also pleased that there are deadlines incorporated into the Bushfire (Amendment) Bill for the production of the draft fuel managements plans. The delays that have taken place in the development of nature conservations plans and strategies, as required under the Nature Conservation Act, have been an ongoing concern to us.

Another point to note about these Bills is that these bushfire fuel management plans will apply only to public lands such as the various nature reserves and open space areas. Given that nearly a quarter of the ACT is rural land, there is also a need to look at bushfire management on private rural properties. I note that the task force felt that rural

19 November 1996

lessees did not need to prepare fuel management plans as rural leases were already subject to the Bushfire Act. This may be true, but I think it is important that the property management agreements that are being introduced across rural leases incorporate bushfire fuel management plans as part of an integrated approach to the ecologically sustainable management of rural land. In conclusion, we look forward with interest to reviewing the bushfire fuel management plans as they are developed.

MR HUMPHRIES (Attorney-General and Minister for Police and Emergency Services) (11.12), in reply: Mr Speaker, in closing this debate, let me thank members for their support for these two Bills. They are quite significant Bills because they put in place a train of reform in the area of bushfire management in the Territory which I think is extremely important. Last summer we had a relatively light bushfire season, and that was a great blessing for the Territory. Who knows what this summer will bring? What is clear, though, in the report by Howard McBeth in 1994 is that - in fact, I think his words were - a major conflagration in the Territory is not merely a possibility; it is a probability. For that reason, action of this kind, I think, is extremely timely - indeed, even urgent - and it is appropriate that we put in place mechanisms to protect the Territory, our bush capital, with so much of our Territory interfacing with the bush, against the eventuality that we will find ourselves the victim of major fires in and around the Territory.

It is worth pointing out that this has been an area of considerable controversy over a number years. Changes to management of the bushfire brigades, bushfire fighting capacity generally, and bushfire fuel management, have been the subject of considerable anxiety in some sectors of the community and some strong dissension of view. I am glad that, in a sense, today's debate indicates we are moving to a resolution of those issues, to put ourselves in the best possible position to prepare the community for the task of both preventing these bushfires from occurring and responding when they do occur.

Ms Horodny made a small point I want to respond to about the need to make sure rural lessees are part of this process. I share her concern that rural leases, making up such a large proportion of the Territory, should not be exempted from the process of bearing responsibility for managing that task in a preventive fashion. I do not think they are exempted, because of the nature of the property management agreements that we have the capacity to impose and because of the other provisions of the Bushfire Act. Members will recall debating some elements of that only a couple of years ago. But I think, Mr Speaker, it is important that we work through the mechanisms one by one. If it appears that we cannot manage rural leases or there are a significant number of rural lessees who are not prepared to do their duty under the framework in place when this legislation passes, I certainly will be supportive of moves to strengthen those provisions and make sure everybody is effectively pulling their weight. But, for the time being, I think the mechanisms proposed here deal with the situation appropriately. The vast majority of landowners in the Territory, of course, are the Commonwealth and Territory governments and, therefore, we should be putting in place the right mechanisms for ourselves and for our own land as the first step.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

AIR POLLUTION (AMENDMENT) BILL (NO. 2) 1996

Debate resumed from 26 September 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR HUMPHRIES (Attorney-General and Minister for Police and Emergency Services) (11.16): Mr Speaker, I ask for leave to move together the two amendments circulated in my name.

Leave granted.

MR HUMPHRIES: I thank members. I move:

Page 2, line 8, clause 4, paragraph (a), omit “and” (last occurring).

Page 2, line 9, clause 4, paragraph (b), omit the paragraph, substitute the following paragraphs:

- “(b) by adding at the end of paragraph (3)(a) ‘and’;
- (c) by omitting from paragraph (3)(b) ‘and’; and
- (d) by omitting paragraph (3)(c).”.

19 November 1996

They simply amend a small drafting error in the course of the preparation of this Bill. It was intended to repeal only paragraph (3)(c) of section 27A, not the whole of subsection (3).

Amendments agreed to.

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

Bill, as amended, agreed to.

LAND (PLANNING AND ENVIRONMENT) (AMENDMENT) BILL (NO. 2) 1996

Debate resumed from 5 September 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

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

LOTTERIES (AMENDMENT) BILL 1996

Debate resumed from 29 August 1996, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (11.18): The Opposition will be supporting this Bill. It contains some quite sensible provisions, including an update from the current \$40 as the total prize pool amount before you have to go through the hoops of the Lotteries Act. I am sure there are plenty of small charities around the place that are operating inadvertently in breach of the Act and unaware that the prize pool threshold is as low as \$40. This Bill also contains the quite sensible provision that in future these amounts be set by regulation. I note the Minister's indication, in her presentation speech, that, if this Bill is passed, she intends to set the level at \$500, which sounds like a very sensible level. I note also in passing, with some satisfaction, that someone has gone to the trouble of fixing up some spelling along the way by deleting the "z" in "authorized" and "organization" and replacing it with "s"; and by deleting the "x" in "connexion" and replacing it with "ct". It looks much better to me. We will be happy to support the legislation.

MR MOORE (11.19): In rising to support this legislation, let me say that once it was tabled I raised with a number of Government members, including specifically Mr Humphries, the issue of this method of dealing with this amount. There is no doubt that there is a problem in that the amount was set at \$40 in 1964 and now needs to be changed. It seems to me that we actually have a tool available to us by which we could set the level and have it changed, effectively, automatically. The Chief Minister has

indicated \$500 is the level. Such amount could be achieved by setting it at equivalent to five penalty units, which we are quite familiar with in legislation, and using that process so that we know what the amount is. That would save this business of then having to gazette it again, having recognised that it was a problem, and going through a disallowable instrument sort of proposal.

I had considered putting an amendment, but I felt that it was probably not appropriate to do so with just this one piece of legislation. It would be much more appropriate for the Government to look at this as an overall policy and say that it is a worthwhile policy for dealing with the problem. What I will do here is support this legislation but ask you to look at that as a possibility for a policy to apply across this sort of Act. I think that would save such pieces of legislation coming back before the Assembly or even being brought to the Assembly's notice, as the amount would be determined by the Minister by notice in the *Gazette*. This may well reduce the amount of administration that is required to deal with this sort of issue. Other than that, I think it is quite sensible to move from the \$40 amount to ensure that there is no inappropriate burden on people who are genuinely running small raffles.

MRS CARNELL (Chief Minister and Treasurer) (11.21), in reply: Mr Speaker, I thank members for their support for this piece of legislation. It is sensible legislation. I agree with Mr Whitecross that there are lots of little charities that did not realise they had to seek approval for a \$40 raffle. It is hard to think of what you could possibly raffle that would fall underneath that value in total.

Mr Moore: A chook, Chief Minister.

MRS CARNELL: A single chook raffle.

MR SPEAKER: A copy of *Hansard*, perhaps, Chief Minister?

MRS CARNELL: That is true. That would be worth very little, especially today. You are right, Mr Speaker. I take on board Mr Moore's comments about the penalty unit approach. I wonder whether he could think of something else to call it; but it is something that we will look at, because it does seem, at least at first look, to have some real benefits for a streamlined process. I thank everybody for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

19 November 1996

DENTISTS (AMENDMENT) BILL 1996

Debate resumed from 29 August 1996, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR BERRY (11.22): Mr Speaker, this is a process that was put in place many years ago. The Minister's speech indicates that this is the eighth in a series of nine ACT health professional registration laws that are to be amended in accordance with the national recognition principles. That is a process which, of course, has been supported from the word go by the Labor Party. On examination of the Bill, it complies, so far as I can make out, with those principles or any standards which it may be necessary to embrace here in the ACT. I see that dental therapists get a special mention in the Minister's speech and, of course, are dealt with in the legislation. This is uncontroversial legislation which picks up proper national standards and will be supported by the Labor Party.

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (11.24), in reply: I thank members for their support on this piece of legislation. It has been a long time coming. I am sure that dentists and others will be pleased that it looks like finally being passed tonight.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

Answer to Question on Notice

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (11.24): I move:

That the Assembly do now adjourn.

Mr Speaker, earlier today I was asked by Ms Horodny for the reasons for the delay in answering question on notice No. 338. She asked me whether I would get back to her today as to the reasons why it was not tabled or made available at least in the 30 days required by the standing orders. I can give this information to Ms Horodny: The question was placed on the notice paper on 25 September. A response was received by my office from the Planning and Land Management Division of my colleague's department on or about 3 October. About seven days later, on 10 October, I approved the answer, subject to some amendments. The amendments were received back in the

Planning and Land Management Division on 23 October. That period seems very long - between 10 and 23 October - basically for a document to move from my office to the Planning and Land Management Division of the Department of Urban Services. Indeed, it was almost two weeks. I do not have an explanation of why it took so long to go between those two places. I will indicate that, since this incident occurred, we have changed the procedure for the movement of documents between my office and my department and that particular transmission method is not used any more.

It was sent back to my office five days later, on 28 October. Amendments had been made as I had requested, but a further change had been made by PALM so that the answer was fully correct. They had, in other words, identified something about the answer which ought to have been changed and had modified it. It was not a very significant change, but there was a change that they had made from the original that I had approved. In my office there was some uncertainty as to whether I needed to see that a further time before it was submitted. Eventually, it was submitted to me on Monday of this week. I approved the change; it was then lodged that same day; and Ms Horodny received it either yesterday or today.

There are some periods there in which delay has occurred. I can only indicate that I regret that that delay has occurred and I will find out why that delay has occurred and advise Ms Horodny about that. I reject the assertion that this indicates any fundamental problem with the way in which the system works. If this is typical of the system, obviously it is a serious problem. I do not believe that it is. I also want to indicate that I have great confidence in my staff being able to handle matters backwards and forwards between my office and my department and within my office on these matters. There were some comments made today about my staff. Clearly, as Minister, I am responsible for what goes on in my office. On the basis of discussions I have had with my staff today, I certainly reject any suggestion that any of them have been less than diligent in the way they have handled their duties. I am satisfied that they have been diligent and I stand by them.

Question resolved in the affirmative.

Assembly adjourned at 11.28 pm