



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

20 NOVEMBER 1996

Wednesday, 20 November 1996

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Wednesday, 20 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.

DEATH OF MR T.W.W. PYE, MBE

MR HIRD: I move:

That the Assembly expresses its deep regret at the death of former ACT Legislative Assembly and House of Assembly Member, Mr T.W.W. (Bill) Pye, MBE, and tenders its profound sympathy to his wife and his family in their bereavement.

Mr Speaker, I draw the Assembly's attention to the recent passing of a leading member of our community, Mr T.W.W. (Bill) Pye. I served, as did a number of other members in this place, with Bill Pye on the original ACT Legislative Assembly and later the ACT House of Assembly, which was the forerunner to this present ACT parliament. He established a unique record in ACT politics and he was a unique politician - unique, as you would know, Mr Speaker, because he always did his own thing. He served three terms as an elected Independent member of the ACT Advisory Council, including one term as deputy chairman. He was appointed to the first Legislative Assembly on 29 December 1977, as a replacement for the late Allan Fraser, also an Independent, and was a member of the first ACT House of Assembly.

T.W.W. "call me Bill" Pye was an outstanding citizen; no doubt, the reason why he was awarded the MBE in 1978 for his services to local government and the Canberra community. He was extensively involved in community and church work, serving on a number of local government and other committees, including the ACT Parole Board and the ACT Health Commission. He was three times president of the Canberra Day Citizens Committee, the forerunner to the Canberra Festival Committee; he was foundation chairman of the ACT Child Welfare Advisory Council; and he was involved with the ACT Kidney Foundation, the Ratepayers Association and the Foundation for Youth, just to name a few. He was a founding member of the Canberra Life Saving Club, the Good Neighbour Council, the Historical Sites and Buildings Committee and the Dickson Community Centre Planning Committee. You name it, and T.W.W. was in it!

He served with the Australian Military Forces from the outbreak of World War II in 1939, as a lieutenant training troops in various military camps throughout Australia. He was in Darwin on special duties in 1942 and was the first to report Japanese war planes heading towards the Top End. He served out the last two years of the war with the Transportation Corps of the United States Army in the South-West Pacific region,

seeing action in New Guinea and the Philippines. He returned to Australia in 1946. The family settled in Canberra, where Bill joined the Commonwealth Public Service, from which he retired in 1972. Most of his Public Service career was with the Department of External Affairs.

T.W.W. (Bill) Pye was a great Canberran, a great Australian, a great family man, a wonderful father and grandfather, and a compassionate human being. He will be remembered with admiration, respect and affection. Canberra is worse off for his going. Therefore, I have moved that this parliament place on record his outstanding contribution to our community and offer its condolences to his wife, Betty, and his family, to which he was so devoted.

MS FOLLETT: The Opposition joins with Mr Hird in this motion of condolence. Mr Pye was an outstanding Canberran and an absolute adornment to our community. He had a very long and very productive life and served his community extraordinarily well. Like many public servants in this town and others, Mr Pye took Canberra to his heart and never ever missed an opportunity to contribute in a voluntary capacity to the wellbeing of his community. I think many of the organisations that Mr Pye was involved in owe their success, their very being, to his work. He had an extraordinary breadth of interests. I know that he was involved in parents and citizens councils for local schools and a number of charitable organisations and church organisations. He was also - and this was very significant in Canberra - heavily involved in assisting migrants when they first came to this community. That was a job that needed doing very much when Mr Pye was active in it; and it still needs doing. I think the fact that he was able to recognise that need and throw his talents and his energies into meeting the need is very much to his credit and made a great contribution to the wellbeing of his community.

Mr Pye served in the pre-self-government Assembly and the House of Assembly. I am sorry to say that his service and mine did not coincide. Nevertheless, even though he was not a member of the Assembly at the time that I was, he was a very frequent visitor and an absolutely committed follower of the business of that Assembly. The reason was his vital interest in his own community, his willingness to help and his ability to right wrongs that he saw occurring around him and to take a full and active part not just in the political life but also in the social life of his community and in all kinds of human rights activities within the ACT.

Mr Speaker, I knew Mr Pye because of his closeness to the pre-self-government Assembly and because we discussed issues relating to Canberra - whether it was heritage issues, migrant settlement issues or other social justice issues. We discussed those frequently. Mr Pye was never backward in coming forward, as they say. He had an opinion on everything and it was always worth listening to. Many members will also know that he was an inveterate writer to the *Canberra Times*. He used that tool, I thought, to great effect and wrote a very good letter indeed. Just as his opinions were always worth listening to, his letters were always worth reading. What is even more extraordinary is that he got them published. I find that an exceptional achievement.

Most recently, of course, I think members will know Mr Pye because of his involvement in, or in fact his initiation of, the print handicapped radio station. Most of us will have visited the little radio studio on the Barton Highway and been interviewed by Bill Pye, probably at considerable length, probably in an extremely interesting exchange of views and probably to an exceptionally small audience. Nevertheless, I think the fact that Mr Pye picked up a need for a radio station dedicated to people who had difficulty with the print media and to people who may have been sight impaired, for instance, and actually set about, with his usual energy and his usual vivacity, setting up that radio station, keeping it going and making sure that there were interesting and lively debates going over the airwaves to his audience is a further tribute to his commitment to his own community.

Mr Pye had a very long and very productive life - a life which enriched the community that he lived in and particularly enriched people who were somewhat disadvantaged within that community. On behalf of the Opposition, I extend our condolences to his widow, his children and his grandchildren. I know how blessed Mr Pye felt by his family and I know that they will be missing him greatly. Nevertheless, they can be very proud of his achievements, the affection for him and the very real contribution that existed around him, and still does, in his own community. I think his family would be the first to say that he was a wonderful man. I am sure they will now be comforted by the fact that so many in the community share that view.

MR MOORE: Mr Speaker, I rise to support this motion and extend our condolences to Bill Pye's family. I heard Rosemary Follett talking about his breadth of interests. Anybody who served in this Assembly for any time would certainly be aware of the breadth of Mr Pye's interests. He was very forthright in his views and had no difficulty in picking up the telephone or stopping us in the street to share those views with us. There were many occasions on which I disagreed with him, but it was always a very frank and open discussion and one in which he always had particularly good reasons behind what he was arguing. In a democratic process that is very important. It was an important thing that Bill Pye understood.

I also had the pleasure of being interviewed by Bill Pye on print handicapped radio. To a certain extent, it was one of those ambushes that he was particularly good at, as Ms Follett said. It was probably a very small audience. He had me caught out on the back foot from very early in the piece and then gave me room and time to explain what my perspective was and why I was doing what I was doing. I think it is a great credit to him that he could use that sort of forum to bring out from somebody who was in a responsible position a full explanation of what they were doing and why they were doing it. I think too often in the media in the present day that is something that is missed. The short grab, an interview that works for two or three minutes, because that is what the media believe is the people's attention span, is favoured. It is a very difficult medium in which to deal with really complex issues.

Mr Speaker, it was always a great pleasure to talk to Bill Pye. I remember particularly when either you or your predecessor hosted a meeting here for previous members of the House of Assembly and various bodies. At that time I had a long discussion with Bill Pye about the service that he gave to the House of Assembly and the sorts of things that he was trying to achieve. When it is summed up, if we had more citizens like Bill Pye, Canberra would be a far better place.

Question resolved in the affirmative, members standing in their places.

PETITIONS

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

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

By **Ms McRae**, from 1,573 residents, requesting that the Assembly move that the Minister for Sport instruct the new management of the Civic pool to dismount the dome over the summer months.

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

National Soccer Centre

The petition read as follows:

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

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

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

Civic Pool

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 attention of the Assembly that:

The new management of the Civic Pool proposes to retain the dome over the pool throughout the summer months.

Your petitioners therefore request the Assembly to:

Move that the Minister for Sport instruct the new management of the Civic Pool to dismount the dome over the summer months.

Petitions received.

PAPER

MS McRAE: Mr Speaker, I ask for leave to present a petition which does not conform with standing orders, as it does not address the Assembly nor contain a request.

Leave granted.

MS McRAE: I present an out-of-order petition from 494 citizens requesting the removal of the dome on the Civic pool.

TRADING HOURS (AMENDMENT) BILL (NO. 2) 1996

MR OSBORNE (10.45): I present the Trading Hours (Amendment) Bill (No. 2) 1996, together with the explanatory memorandum.

Title read by Clerk.

MR OSBORNE: I move:

That this Bill be agreed to in principle.

Mr Speaker, I am very pleased to present this Bill to the Assembly. It provides for an annual four-week exemption from our new trading hours restrictions for the supermarkets in the town centres during the Christmas-New Year period. I believe that this proposal represents a sensible and suitable compromise to our current unpopular and inequitable trading hours laws - inequitable, because major stores in the town centres, such as Kmart, which on a number of lines are in direct competition with supermarkets which operate on an unrestricted basis, have already indicated that they will be opening at least until midnight throughout much of this period. This Bill will allow these major competitors in the town centres to operate on an equal footing.

It is no secret that I have opposed the current trading hours restrictions and that they are extremely unpopular with most people in Canberra. They are even unpopular with many small traders who operate in the town centres. Once the big supermarkets close each day, everyone leaves the centres, which, in effect, has placed a de facto trading restriction on the smaller businesses in each major shopping centre. This Bill will allow these smaller businesses to have a fair go over the Christmas period, too.

Mr Speaker, I do not wish to speak for very long and I do not wish to politicise this issue; I think we spent far too much time debating it before. I hope, though, that there will be bipartisan support for this amendment. It is designed to make life a little less hectic for all Canberrans, especially those with families, who struggle to fit in their normal shopping without the added burden of Christmas. There is not a lot more that I would like to say at this stage, other than that I have chosen the dates of 9 December through to 8 January as the period that fairly represents the holiday season for Canberrans and their interstate friends and relatives. Grocery shopping under the new restrictions between Thursday and Saturday nights is bad enough now. I hate to think what it will be like come Christmas Eve when those supermarkets try to close their doors at 7.00 pm.

Mr Speaker, many people who shop now for their groceries will naturally utilise that time for Christmas shopping, which will leave very little time to do their normal food shopping. That is why I hope that the Government especially would see some sense in what I am trying to achieve here. Also, by legislating, we will set in concrete a small period over the Christmas break in which major retailers will be able to employ more people, extra staff, especially school leavers looking for work prior to beginning their tertiary studies. This is not a political issue; this is something that I hope we can address sensibly and, as I said, have bipartisan support on. I believe this Bill to be a suitable response to the likely problems and a suitable compromise to make this period of the year a little less hectic. I commend it to the Assembly.

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

ELECTORAL (AMENDMENT) BILL (NO. 2) 1996 [NO. 2]

MR MOORE (10.48): I present the Electoral (Amendment) Bill (No. 2) 1996.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill is exactly the same as the one I introduced on 4 September 1996. When I introduced the Bill the title read "A Bill to amend the Electoral Act 1992". Unfortunately, I left off the words from the long title "and for related purposes". In fact, there are hardly any related purposes in the Bill. Nevertheless, I left this off. I was advised that, having done so, there may be a sense in which the Bill was not properly introduced and, therefore, it could be questioned on that basis in due time.

I must say, Mr Speaker, I think we have to improve our systems because this is on the same level as the sorts of corrections that the Clerk makes to a piece of legislation in terms of full stops, commas and so forth; they do not change the meaning and they do not change the intention. This sort of reintroduction of Bills seems to occur two or three times a year because some small mistake of this nature has been made. I think it is appropriate for us to look at our processes. That having been said, I made the mistake and it is now being corrected. In a short while, with leave of the Assembly, I will discharge the old motion in order to get this legislation up. I draw members' attention to page 3006 of *Hansard* of 4 September 1996 for the introduction speech to this Bill.

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

ELECTORAL (AMENDMENT) BILL (NO. 2) 1996

MR MOORE: I ask for leave of the Assembly to move a motion to discharge order of the day No. 21, private members business.

Leave granted.

MR MOORE: I move:

That order of the day No. 21, private Members' business, relating to the Electoral (Amendment) Bill (No. 2) 1996, be discharged.

I am moving that it be discharged from the notice paper because the title did not include "and for related purposes".

Question resolved in the affirmative.

SCHOOL-BASED MANAGEMENT

MS McRAE (10.52): Mr Speaker, I move:

That this Assembly asks the Minister for Education and Training to permit any school or college to phase in the introduction of School Based Management so that it is operative in all schools or colleges from term 2 in 1997 rather than the beginning of the 1997 school year.

This motion specifically calls on the Minister to allow some schools to opt out for the time being, and only for the time being, of the extended school-based management process that is going on at the moment. The Minister has begun a very thorough process of training and implementation; each school is involved; and this is in no way intended to be a criticism of what the Minister has begun. It is in response to a call for help that I have had from many small schools - probably the Minister has had these calls as well - where student numbers are such that the schools do not have a deputy principal, in particular. It meant that the training processes had to be undertaken by the principal and the bursar, which has put schools under enormous strain. The registrar, the bursar or the other office attendant has been called out as well as the principal. Very often a sufficient level of training has not been had or they have felt very rushed.

The request that has been put to me is this: Is there a possibility that some schools - not all; and not many, for all that - could be allowed to wait for another term before they actually begin the process? This is a testing of that question. From my experience, at this point it is very much to do with small primary schools. I have not had a direct request from any other school at the moment, but I did believe that it was important to leave in the full range of schools in case other schools chose to opt out. It is a motion that allows the Minister discretion. The schools, via the officials, would have to approach the Minister himself and plead a case, essentially, for not undertaking to begin the extended school-based management process in 1997.

The process of training had to be rushed. There had been a much more extended program planned, but the difficulties that assailed schools this year, with the dispute over pay rises, made that process very difficult to implement. From my experience, the strain on the small schools has been echoed by others as well, in that many which have participated in the training program feel uncomfortable and feel that they are not fully aware of the range of new responsibilities being placed on them. Again, that is not through lack of information. Some of the information needs reinterpretation and verification; it needs people to follow up on detail and to make sure that they understand.

I know that the ACT Council of Parents and Citizens Associations has put its own reservations and concerns, and the Minister will be well aware of those. Those concerns have to do with the levels of responsibility and liabilities for different people. Those different people are members of the school board versus the school principal, versus teachers, versus volunteers, versus non-school teaching staff of the schools.

There are some quite genuine concerns about those responsibilities. If people are feeling uneasy or unready to take them on, the Minister should give them a bit more time to be sure, so that, once they take on this full range of extensive responsibilities under the school-based management scheme, they are doing it in the full confidence that they are not going to foolishly make mistakes or fall into a level of liability that they had never intended.

In particular, the range of responsibilities to do with occupational health and safety has always been there; it has never been made clear. I know of many schools where some of the school staff are uncomfortable about the measures being taken to promote occupational health and safety. With this new layer of responsibility at the school level, there are some people who are very concerned that the full range of occupational health and safety issues will be dealt with almost in an improper way, or certainly in a way that makes them uncomfortable, because of the increased pressure on the funds that the schools will have to manage. There may be some issues which are overlooked and which should, in fact, be better supported.

Some schools, of course, are still not comfortable with the guarantees about funding. Again, it is not through the lack of information that is being provided. I think it is more to do with the rush and the feeling that there is insufficient time to follow through in detail and get the guarantees that schools feel they must have before these new responsibilities are taken on. In particular, of course, the P and C council has picked up the issue of guarantees not being given to grant increases at least in line with the CPI or inflation rates. Whilst that is not the only issue that people are asking for a slowdown on, it is one of the many that are bothering people. The slowdown has been asked for by schools with very small staff numbers and a lot of pressure to train very quickly. I am hearing from a variety of sources that, overall, schools are still not certain what the educational outcomes of all these changes are to be. Whilst these will be spelt out in time and better understood, again one of the real concerns that some school communities have is that they are taking on something that they are not quite ready for and they are not sure what the outcomes for their students are to be.

To sum up, this is not a motion asking for the extended school-based management process to stop; it is not a condemnatory motion. I am accepting that all efforts have been made and an extensive consultative process has been undertaken, albeit a truncated one because of the dispute that has been ongoing all year. I will not make accusatory statements about who is at fault in all of that; but it is a fact of life which meant that, instead of a full year of preparation, there has been only three or four months. It is a reiteration of the differences that exist within our school communities, meaning that some schools do not have the resources or the confidence to take these on. It asks for reasonableness on the Minister's part to allow a bit of flexibility so that, when the extended school-based management procedures are in place, we are all confident we are carrying everybody towards these new measures; rather than having some schools feeling that something is being imposed on them that perhaps they are uncertain about or unable to deal with and that they may then end up inadvertently making errors that are far more serious in consequence than the levels of responsibility they have had to carry thus far.

MR STEFANIAK (Minister for Education and Training) (11.00): Mr Speaker, when I first saw Ms McRae's motion, prior to hearing her speak, I was a bit amazed because I thought that in the form in which it is written it is entirely inappropriate, for several different reasons. To start with, it is 20 years late because, of course, we have had school-based management for a 20-year period. Therefore, when she spoke, I was pleased to hear her say "enhanced school-based management", which is what I would assume she meant from the start, because the current proposals are to enhance the concept of school-based management by adding some additional resources and responsibilities. ACT school boards have collectively expressed a very strong view through the school board forum that the ACT already has school-based management, and that is a very good thing.

Ms McRae might even have read this article from which I am about to quote. I note it is from a high school, although she did refer to a few primary schools. The topic of school-based management and the improvements and reforms was raised in the 14 November edition of the *Canberra High School Times*. It is a very successful school in both Ms McRae's and my electorate. It has a very experienced principal, who wrote regarding school-based management:

SBM is the topic of the time. These past weeks, the Registrar, the Deputy Principal and I have been attending meetings on the new financial regulations being introduced into our Department; we are previewing the new Schools' Manual, we've been talking to cleaning contractors, grounds' maintenance people and much more. At Board level, we have been discussing the services that will now become the school's responsibility and how all this will be managed. These are very exciting times and extremely challenging. It is called Extended SBM because ACT schools already have considerable responsibilities and Extended SBM begins in full on 1 January 1997.

Mr Speaker, the school board forum has also reminded the department that the establishment of school boards 20 years ago made Canberra a national leader in school-based management. I am sure Ms McRae is well aware of that point. Our school boards have been responsible for approving curriculum and determining educational policies, expenditure and use of resources at the local level since the 1970s.

The second reason why the motion is inappropriate is that the extension of school-based management in 1997 is, in fact, a staged one. Schools will gradually pick up extra tasks and freedoms during the year. They will have very little to do on day one of term one in 1997 that they do not do already. From day one of 1997, every school will have at least \$4,000 per annum in administration allowance alone, and that allowance is to assist with any increased workload. The administration allowance is at least equivalent to one day per week of extra administrative support if the school chooses to spend it in that way.

What will the schools have to do in term one? Schools may choose to do a great deal if they wish, and no doubt some will. But what they have to do is very limited and is phased in. The phasing-in process provides that in 1997 schools will not pay for water, sewerage, waste, sanitary collection, irrigation services, security systems or fire lines.

In terms one and two of next year, schools will be tied to CityScape for landscaping, as they are now. The only difference is that they will pay the bill, with the full funding devolved to them. No further action is required. For all of next year schools will be tied to City Operations for their scheduled mandatory maintenance - things such as boilers and cooling systems. Again, they will have the option of paying the bills and, again, with funding devolved to them. In 1997 all schools will be fully funded for all energy and cleaning. All schools have the option of continuing to extend their central cleaning contracts until these contracts expire. Only eight schools will run out of renewals during term one of next year, and they have all been offered the assistance of the central office in organising their new contracts.

A third reason for opposing the motion, Mr Speaker, is that there is absolutely nothing to be gained by delaying the implementation in some schools for an extra term. Schools have been involved now for 18 months of consultation, in many cases, on a one-to-one basis, and have had extensive preparation for its implementation. Principals, registrars and bursars have been briefed through thousands of person-hours of professional development. Schools are currently finalising their planning for next year, and a delay now would cause great disruption. Every school has received a detailed booklet listing each financial allocation proposed for their school, with supporting historical information including maintenance costs and costs of utilities going back several years. There have also been meetings scheduled between individual schools and central office for the handover of cleaning contracts and discussion of school-based management resourcing generally. The school-based management team has also visited most schools in person and has attended the meetings of many school boards and P and C associations.

Mr Speaker, there is no issue that has not been discussed and no significant issue left unresolved. I think the adoption of Ms McRae's motion would result in the waste of what has already been a very extensive consultation process. There are a number of other things, too, which are relevant in this debate. That process, the consultation process, has involved the unions, principal associations, registrar and bursar associations, the school board forum and the P and C council. At a meeting of the School Board Management Consultation Committee on 23 September there was not one group - not one group, Mr Speaker - which took a position in favour of delaying extended school-based management.

I think the final reason why the motion is inappropriate is that 1997 has been planned as a year in which a considerable amount of support is being organised to assist schools with their school-based management expansion. I think this is terribly important to the point Ms McRae mentioned in relation to some of the small schools without deputy principals. She referred to primary schools and conceded that it is probably only a very few which have these concerns. But I think it is important to note that support. If school-based management is delayed, as proposed by Ms McRae, then schools will not be able to fully utilise this support for the entire year. The School-Based Management Coordination Unit will continue to assist schools with all facets of their new responsibilities. In fact, in the near future schools will be receiving management manuals outlining all necessary processes. Any school experiencing difficulty has only to pick up the phone and dial the

unit or one of the many help desks which will operate in central office. Bill-paying will be made easier through the introduction of direct debit, automated cheques for primary schools and corporate credit cards. School bursars and registrars have already been thoroughly briefed on those measures.

The support available to schools will include, as a cornerstone, a school resource group. The group will comprise principals and central office staff and will monitor progress and provide support to schools, where necessary. There is another avenue of further assistance to schools which might be experiencing some difficulties and need some extra help, advice or assistance in terms of operating. This support may range from simple advice to actual financial support, if necessary, which picks up a point Ms Tucker is keen on and which she will raise when moving her amendment. While this financial support will be available - and I am confident it will rarely, if ever, be needed because we have some very good operators already in our system - not only have the resource allocations been carefully developed, but principals have also proved themselves to be very competent resource managers.

I think the motion ignores the very thorough and supportive process which has been undertaken over the last 18 months - a process which has been a model of change management. I am happy to acknowledge that Ms McRae certainly concedes that there has been an extensive consultation process. Yes, we all realise that it was interrupted in some instances because of the industrial action; but it certainly has been a very thorough process and, indeed, an ongoing process, as I mentioned, in terms of the strategies and assistance bodies that have been put in place. I think the motion indicates a lack of understanding of the history of the process of school-based management in the ACT. Of course, it is a process that has been here for 20 years - a process that the former Labor Government also further developed. I think the motion is unnecessary. There are programs in place to alleviate the problems which Ms McRae has alluded to and they will assist any school which does have any further problems. Those things have been put in place. The necessary assistance is there. There is a very experienced team of people offering help to schools and to help guide schools through the next part of the process, which is the full implementation. Accordingly, Mr Speaker, the Government will not be supporting Ms McRae's motion or Ms Tucker's amendment.

MS TUCKER (11.09): Mr Speaker, we will be supporting this motion of Ms McRae's, and will seek leave to move an amendment to it. As members are well aware, I have spoken on a number of occasions about the issue of school-based management or, as Mr Stefaniak calls it, enhanced school-based management. I repeat that the changes are driven by the forces of economic rationalism and corporate managerialism, and they indicate the increasing commodification of education. This is quite clear from what the Federal Government is doing as well. It is obviously Liberal ideology.

I have extreme concerns about the whole idea, and I have said that consistently. That is why I have asked that an equity implications paper on this matter be developed. The concern of those in the community who are committed to the principle of equity of access to our schools and educational facilities for all people is that there be equal access to these facilities. There are real dangers, as has been shown in New Zealand and the UK.

It is very important that members in this place be aware of the dangers. I understand the situation at the moment, Mr Speaker, but I also think that, if we do not keep ourselves alert to the logical extension of this philosophy and this approach to education, step by step we will lose something that is probably seen by most Australians to be the most valuable social justice aspect of our society - that at least our young people have equal access to educational opportunities.

The concern is that, taken to its extreme, this model leads to schools being seen as small businesses and therefore principals or boards as financial managers. I heard Mr Stefaniak say that most of the principals are very good financial managers, so that terminology is already in use. Their effectiveness, therefore, could be seen to be measured by their ability to manage the finances of the school. Obviously, at the moment principals are judged on their educational abilities and, to some extent, their management abilities. The danger here is what happens when such an economic imperative is put on a principal.

Devolution of responsibility to individual schools came out of concern for social good, and it has been around for a long time, as Mr Stefaniak noted. However, this is something else. This is not where school-based management originally came from. This is quite different. This is coming from an economic imperative. These two concerns - the social good and the economic imperative - create a tension. We already know the results of that tension in the UK and in New Zealand. The economic imperative wins.

It is very interesting what happens socially. I have raised this issue before and I will repeat it. In New Zealand, when greater power was given to boards, there was a significant increase in the expulsion of Maori and working-class kids from school. That is to do with who goes on boards and powerful groups having power and looking after their own interests within a society, a facility or an institution such as a school. Obviously, the goal of social justice and equity has not been met with that particular model of school-based management. Goals of social justice and equity are more difficult to measure and more expensive to implement than the financial management aspect of a school. What was also seen clearly from the UK and New Zealand experience was that a great deal of choice was given to parents as part of this model. I do not have a problem with choice, but when areas have unequal socioeconomic or demographic features better-off parents always choose to move upward, so that schools in poorer areas are left with the more disadvantaged students. That is obviously not desirable.

This model also has very interesting implications for curriculum. This is ironic in a way, because school-based management was about devolution to schools of curriculum development based on very good principles. When you push this model and the economic imperative to the extreme, you end up with the curriculum having less diversity. If the school has to sell itself, it will want to sell itself to the middle-class parents who will pay the fees. It will therefore be able to attract sponsorship better, and the middle-class parents will buy the line that the school needs to focus on the narrow academic subjects more, because they all want their kids to be lawyers and doctors. This so-called enhanced school-based management - I doubt whether we can seriously use the word "enhanced" -

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means that you end up going back to a less diverse curriculum. “Enhanced” implies improved. I do not think it is about enhancing the principle of devolution to schools of curriculum and management in a sense appropriate to the community. As I said, I believe that it is an economic imperative and it is entirely consistent with the Liberal Party’s policies across the board.

Another danger of this form of school-based management is that it provides governments with the opportunity to pass the buck on responsibility for public education. Once schools hold the purse strings and have to make decisions themselves on how to allocate resources with a shrinking resource base, governments can wipe their hands of the ramifications and say, “It was not us. This principal was a bad manager”. We have already seen that happen. This distancing of government is also of concern, certainly to the Greens.

I will seek leave from members to amend this motion. I have had a meeting with Mr Stefaniak and Mr Moore about a request I made that the Government produce a paper on the equity implications of school-based management. An amendment has been circulated to members. I seek leave to move it.

MR SPEAKER: Is leave granted?

Mr Moore: I think Ms Tucker has to explain why she is seeking leave and not just moving the amendment, Mr Speaker. It is because there is an order of the day that she is superseding. Is that not right?

MR SPEAKER: Did you wish to explain why you need leave or do you want me to, Ms Tucker?

MS TUCKER: I thought seeking leave was probably quicker. I know that members do not want to stay here for a long time on this discussion. If I seek to suspend standing orders and move the motion, then we will - - -

Mr Moore: It is a matter of whether you just move the amendment or whether you seek leave. I understand that you are seeking leave because you are anticipating business on the notice paper.

MS TUCKER: That is right. I was assuming that no-one in this place had a problem with it. I apologise for not discussing it. I thought it would avoid a debate on the issue.

MR SPEAKER: For members’ interest, the reference on the notice paper is at page 1004, notice No. 22. Is leave granted for Ms Tucker to move her amendment?

Leave granted.

MS TUCKER: I move:

Add the following new paragraph (2):

“(2) to table in the Assembly on the first sitting day of 1997 a thorough assessment of the equity implications of School Based Management, including the ability of schools to provide high standard support to students at risk.”.

The amendment puts a timeframe on what has been agreed by the Minister - that is, that he will produce a paper on this critical issue.

MR MOORE (11.18): Mr Speaker, this is an interesting matter indeed. There has been a great deal of debate about school-based management and the implications for social justice. Ms Tucker has outlined a whole range of issues. When I look at the motion, my immediate reaction is to ask what the problem would be in delaying school-based management for some schools. When Ms McRae approached me, I indicated to her that on the surface I did not have any particular problem with that. Since that time I have been briefed by members from Mr Stefaniak's department, who by and large presented to me the same sort of case that Mr Stefaniak has presented, although I think one issue that Mr Stefaniak did not bring out is particularly important. It comes through to me and, I presume, Ms McRae because of our experience in school planning.

The planning for 1997 will be carried out by schools within the next two or three weeks. It will come to a head in the next two or three weeks; when schools close in December, they are to have the following year planned out. I have been asking myself about the disruption factor. Will it cause more disruption to schools if we say that they can have even more time on this, and will it actually gain anything? At this stage, I am not convinced by what I have heard that the gains will outweigh the disadvantages, so I am going to listen to Ms McRae's contribution to the debate. At this stage, I am inclined to say that there will be less disruption for the students - after all, that is what our schools are about - if we say that it is going to start at a particular time. The schools know what they have to do, and that will be delivered.

I would have thought that most schools are expecting, and already have in process, school-based management. Nevertheless, I have some real doubts about general school-based management, but not so much about the sorts of issues that are dealt with in this first round of school-based management, the general issues that Mr Stefaniak outlined - funding of utilities, human resource management, flexibility in the relief teaching budget, school-based selection of staff, and cleaning contracts. A whole series of issues turn responsibilities back on schools. This can be very positive in some ways. On the other hand, there are the issues that Ms Tucker raised about ensuring that particular schools do not suddenly become advantaged because of their socioeconomic location. This, of course, is a far greater problem in many other cities. The planning of Canberra has tended to give a fairly equitable distribution of people across Canberra.

There are some significant exceptions that involve schools, and I think we should be particularly aware of them. That is the issue Ms Tucker raised when she moved her amendment. I am much more strongly attracted to Ms Tucker's amendment than to the original motion moved by Ms McRae. Much of Ms Tucker's amendment would be consistent with Ms McRae's sentiments, which I have heard her talk about on quite a number of occasions. I am very comfortable about the amendment but have some doubt about the motion.

MR STEFANIAK (Minister for Education and Training) (11.23): I will speak to the amendment, Mr Speaker. Ms Tucker mentioned that Mr Moore, she and I had a meeting. She indicated that she recently wrote to me. Maybe the department has the letter; I certainly do not. On that basis the amendment is premature. If Ms Tucker does not get a response she is happy with, by all means she can move this amendment, but tabling an assessment in the Assembly on the first sitting day next year seems to be a little bit different to what we discussed in the meeting with Mr Moore. I indicate that the Government will not be supporting the amendment, although the points raised in my meeting with Ms Tucker and Mr Moore will be progressed. That is a separate issue entirely. I stand by what was said in that particular meeting. Ms Tucker has gone off on an ideological plane.

One point Mr Moore mentioned is very relevant. Canberra's schooling is not like that in some of the other large cities. Whilst there are some pockets of disadvantage, our system has always been very mindful of them and has always had in place a very large number of programs and significant financial assistance to assist those students in our system who suffer from some disadvantage, of whatever kind that may be. Under the proposals for enhanced school-based management, there are systems in place to give assistance, including financial assistance, to schools where that is needed. I remind Ms Tucker also of the equity fund, the literacy fund and several other programs within the department whereby students and schools in pockets of disadvantage can be offered assistance. I think she is coming at this from a very extreme ideological perspective which seems to be quite different from what anyone else in this Assembly is on about. For that reason, together with the meeting I had with Mr Moore and Ms Tucker and the fact that Ms Tucker has written me a letter I have not seen yet, I think this amendment is premature and inappropriate.

MS McRAE (11.25): Thank you, Minister, for pointing out that we are talking about extended school-based management. If we wanted to be formal, I would amend the motion; but that is precisely what I am talking about. First and foremost, as the Minister has pointed out, not all schools will have to do everything from day one next year. I grant that. I never suggested that they would. The point is that the schools having the most problems with the issue are the schools that do not know what it is that they have to do. They are uncertain. Despite the fact that the Minister talks about 18 months of training, they have not had 18 months of training. They have not been able to avail themselves of 18 months of training. Let us not skip over that. There was a major period when that training was not available.

I am talking about schools that do not have a spare person to pick up the phone. In a small school the bursar or the registrar and the principal are the only people in the office. Such a school does not have an excess of staff. The people you spoke about who went to train at Canberra High School left behind them a series of senior teachers able to take care of the school. I am talking about a very specific problem that would lead to a very specific request by schools. First of all, they would have to identify themselves as having a problem, in which case perhaps your help team could help. Secondly, the problem could be assessed on the merits of the case. I am not suggesting that there be a blanket drop-out process. I included in the motion the word "permit". The Minister would have to permit schools to drop out. It is a very specific process by which the Minister can evaluate just what the problem is before permission is granted.

The changes I propose, which I anticipate applying in not more than six or maybe 10 schools, will not affect the students. There will be no disruption to the students, Mr Moore, to pick up your point. As the Minister said, some of these things may not even be picked up in term one. There will be no direct effect on students in term one. The direct effect will be felt by very small staffs, for whom the calling out of the principal and one other staff member would be a major intrusion into the day. That is where the disruption and the pressure will be. I am hearing from people who feel that they have not had enough time to responsibly leave the school and do the training or people who, if they have done the training, have not had enough time to talk it through and do other things. That is specifically what I am talking about. I did not feel that I could confine the motion to that, because I do not know whether other schools are facing similar problems. My overwhelming impression is that most schools are okay, but let us not exaggerate the amount of time that they have had for training. It has not been 18 months.

In the course of the Minister's speech, he mentioned a training manual. As Mr Moore rightly says, with less than three weeks of the school year left we are going to a major new program, and the management manual is not out. These small schools cannot read it. It is not there. Yet the program is to begin on 1 January. The schools that are advanced in training or have had plenty of time to prepare and do things are okay. The schools that are not have nothing to fall back on. It is not good enough to say that all this is coming. It is not there, and that is creating the problem. There is a lack of understanding.

The P and C council has raised some issues that have not been resolved. Maybe there is no problem, but it is not absolutely clear that there is no problem. School resource agreements between the chief executive and the principals have not been established. What are we looking at? If the papers are not there, what confidence can we have that these people's troubles are being met? I am not suggesting that there is a major problem; I am suggesting that there are some very deep concerns and that people ought to be allowed to say, "Minister, we are on side. It is all right. We are doing it. We know we have to. But give us a break. Give us a bit of time". This is essentially the call for help that I have heard and I am responding to. I do not believe that it will affect the students if schools opt out. I do not believe that it will lead to major disruption. I do believe that if such a directive went out you would rapidly find these problem spots and, in effect,

accelerate the capacity of schools to come back in. I am not saying that they should stay out until the end of term one; I am saying that they should have until the end of term one to come in. Some schools may be ready to come in in March. I do not really care. The point is that I am hearing that, because there are sufficient worries for a sufficient number of people, perhaps some leeway ought to be considered.

As the P and C council says, people are still uncomfortable about the formula, but I accept that this can be part of ongoing negotiation on funds. The P and C council is very concerned about interchange of staffing points. The educational outcomes of interchange of staffing points have not been established. It should be subject to strict educational criteria. There is enough leeway in that. Again I accept that maybe this is a point for discussion and negotiation. Maybe something good will come out of this. But at the moment there are people who do not know what this means, how to deal with it or how the best educational outcomes are to be dealt with, and this in fact could have an effect on our children. This is an unresolved question.

Again I accept that maybe some of the bigger schools are comfortable. They have the formula together; they know what they are doing; they have had 10 people off at training and everything is going fine. But this is not what I am hearing from every school, and because that is the case I think that some space - I am not even suggesting that it be for everyone; I am not suggesting that it be for a long time - ought to be given to the schools to renegotiate their position.

The P and C council has raised the space usage formula as a problem. There are ongoing issues that are being debated. There are ongoing discrepancies in what schools do and do not pick up on 1 January, as the Minister pointed out. But the point is that the schools that are troubled do not know yet what they can and cannot pick up. They are not familiar yet with what they can opt out of and opt into, even within the leeway that is provided within term one, because they have not had enough time to digest, to be trained in and to understand exactly what to do.

As we know, board members, P and C council members and various volunteers working with schools this year may well not be there next year. Schools often have a major change of personnel, both staff and volunteer supporters, between years. This month we are getting everybody up to speed, saying that everything should happen on 1 January; that, hey presto, early next year we will have a new board, maybe a new principal, maybe some new people. Some of the schools know already that this is going to happen, and this is the sort of thing that is troubling them.

I do not want anybody in this debate to exaggerate what I am asking for today. There is no massive disruption plan. There is no overturning of extended school-based management. There is no walking away on Labor's part. We began this process. There is no walking away from some of the very serious issues that Ms Tucker raised. If I had my druthers I would have stopped this a long time ago. I am on the same ideological plane. I think it is fundamentally wrong, but I am not arguing that today.

I am arguing from the heart for people who have approached me in good faith, not asking for a major revolution, not being critical, not being political, but simply putting to me a case, saying, "Roberta, the P and C council is worried. We are worried. We have specific problems in small schools. These are the sorts of problems that have come up. Yes, the possibility of training is there. Yes, the help team is there. Yes, one day we may see a manual. Yes, the resource agreements may one day be there. We do not have any of these. We are not secure. We are worried about our liabilities and we feel that we need more time". I do not think a more reasonable request could be put up, and I think people ought to consider it very seriously.

Question put:

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

The Assembly voted -

AYES, 10

NOES, 7

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

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

Question so resolved in the affirmative.

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

MR MOORE (11.37): Mr Speaker, under standing order 133, I move:

That the question be divided.

One question would then read:

That this Assembly asks the Minister for Education and Training to permit any school or college to phase in the introduction of School Based Management so that it is operative in all schools or colleges from term 2 in 1997 rather than the beginning of the 1997 school year.

The second question would be Ms Tucker's amendment that was just passed by the Assembly.

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MR SPEAKER: Standing order 133 states:

The Assembly may order a complicated question to be divided and may order reports of committees and other matters be considered by parts.

The question is: That Mr Moore's motion that the question be divided be agreed to. Those of that opinion say aye - - -

MS McRAE (11.38): Just a minute, Mr Speaker. You have interfered before with amendments and variations. This amendment, this change, becomes a completely new motion. It is exactly the same problem that confronted you, Mr Speaker, when I wanted to amend the lakes motion. It is a completely new issue now. It is a debate about a paper, not any other specific activity that is going on. The motion specifically related to the delay. The two were intertwined. It was specifically an amendment to the motion that was before us. If we divide the two, the second one becomes a completely different issue about whether the paper should or should not be provided. I put it to you, Mr Speaker, that that is exactly the same problem that confronted you when you sat me down with my amendment about the lakes.

MR BERRY (11.39): This is clearly something that is meant to undermine the intent of the motion. It is being carried out without anything in writing before any of the members in this place to enable them to make a judgment on where the division is supposed to occur.

Mr Moore: Look at the notice paper and look at the amendment. They are the two parts.

MR BERRY: Mr Moore, at least you should have the courtesy to circulate something in writing so members can see what you are up to. That is the point.

Mr Moore: There are standing orders, Mr Berry. You know how they operate.

MR BERRY: My word, I do know how they operate, and I know how you operate as well.

Ms McRae: The standing orders divide the question, not an amendment.

MR BERRY: That is right. The standing orders, as Ms McRae rightly points out, divide the question, not an amendment.

MR WHITECROSS (Leader of the Opposition) (11.41): Mr Speaker, I think we need to have a ruling from you.

Mr Moore: We had one yesterday.

MR WHITECROSS: Bear with me, Mr Moore. We really need to have a ruling from you, Mr Speaker. On a previous occasion Ms McRae sought to move an amendment to delete the words of a motion and to substitute new words which, in your opinion, changed the intent of the motion. On that basis you ruled it out. Mr Moore, in fact,

called for that ruling. Now we seem to have developed a technique to get around your ruling. You move an amendment to add words to the end of the motion and then you use standing order 133 to delete the original words of the motion. The result is that you end up with a completely different motion being passed by the Assembly.

Mr Speaker, surely standing order 133 is not intended to allow us to separate the two parts of the motion so that we can vote a second time on an amendment we have just passed and so that we can delete the entire substantive text of the original motion moved by Ms McRae. The benefit of standing order 133 is obvious to all members. It is a way to avoid voting on a series of technical amendments. It allows you to say, "I want to separate paragraph 2 and I want to separate paragraph 3 so that we can vote on each separately".

Mr Speaker, if you allow this course to be followed here, you will be allowing a procedural device whereby we end up voting a second time on an amendment we have just passed and voting on a question to delete all the words of the original motion moved by Ms McRae. If Mr Moore does not like Ms McRae's motion, I suggest that the solution to his problem is to vote against the motion and to move another motion, rather than going through this device of adding some new words to the end and then deleting all the substantive words of the original motion.

MR HUMPHRIES (Attorney-General) (11.43): Mr Speaker, I understand what Mr Whitecross is saying. Superficially, what he says has some attraction, but the problem with what he proposes is that I do not understand how standing order 133 can be used other than in the way in which Mr Moore is proposing to use it. If Mr Whitecross is saying that you cannot use standing order 133 if by separating a question you separate an amendment from the original motion, let me say that that does not appear on the face of the standing orders to be their intention and it could produce anomalous results in other cases.

It is entirely possible that some members might feel it is appropriate to have a separate vote on two issues or might feel differently about a motion once it has been amended by the addition of certain words. Obviously, one member at least feels that they can support the second half but not the first half. They, obviously, cannot support only one half or the other half unless the motion is separated under standing order 133. That is what the standing order is for - to separate motions into two or more parts.

Ms Follett: Not once they have been passed. That is the problem.

MR HUMPHRIES: It does not say that in the standing orders. With respect, I do not know the logic in saying that this standing order operates only before a motion is amended or does not operate when a particular course of events has occurred. I can see the point Mr Whitecross is making, but I think he is stuck with the clear provisions of standing order 133.

Ms McRae: Mr Speaker, on a point of order: What will end up happening is that we will pass as a motion an amendment - - -

Mr Moore: She is speaking again.

Ms McRae: I am speaking on a point of order to explain the position. I know what Mr Moore is trying on, but listen to what this implies. It means that, any time you can get nine to put up an amendment, the amendment can then become the substantive motion and the original motion can disappear. The amendment could come into existence only because - - -

Mr Humphries: I think we will vote against it.

Ms McRae: You only have to get the nine. This is what has happened. You have to understand what is happening. Mr Speaker can take this on as a point of order and do some learned work on it. The intent is that an amendment become the substantive motion. The amendment came into existence only because there was a motion. If the amendment needed to be a motion, it should have been moved as a separate motion. I seriously question whether this is an appropriate use of the standing order.

MR SPEAKER: Order! I wish to give a ruling.

Mr Moore: I raise a point of order, Mr Speaker. Before you do that, I believe I have the right of reply in this debate.

MR SPEAKER: Would you like to have that right?

Mr Moore: Indeed. I think members have the right to speak if they wish. While on that point of order, Mr Speaker, I point out that Ms McRae was speaking a second time to the motion and really ought to have sought leave, which I am sure we would have been happy to grant, rather than pretending she was talking on some point of order.

MS FOLLETT (11.47): Mr Speaker, I would like to put two propositions to you. The first one is that if you read the relevant standing order you will see that it says:

The Assembly may order a complicated question ...

In my view, a question in two parts can in no way be termed a complicated question. How many members here do not understand the content of either of those parts? The answer is, of course, none of them. The second point I would like to put to you, Mr Speaker, is whether or not the amendment which has been passed, in fact, can be regarded as a question. The answer is no, it cannot. That question has been put and voted on. Mr Speaker, I believe that the amendment, taken alone, can no longer be termed under our standing orders a question. It has been passed. In the terms of the relevant standing order, Mr Speaker, I would put it to you that the question is not complicated and this standing order therefore does not apply. The amendment which has been passed is not a question. It has been resolved and now forms a part of a singularly uncomplicated motion.

MR MOORE (11.48), in reply: Mr Speaker, it is very interesting how Labor have been presenting standing order 133. Standing order 133 - - -

Mr Berry: Mr Speaker, I take a point of order. My understanding was that there were points of order which you wished to rule on. Mr Moore is closing the debate.

MR SPEAKER: No. I said I was about to make a ruling. I did not say I was making a ruling on points of order. I was about to make a ruling. Mr Moore is closing the debate. I shall then advise the Assembly of my decision.

MR MOORE: Mr Speaker, I think the way Labor are presenting standing order 133 is entirely inappropriate. Mr Whitecross says that it is there simply for mechanical changes. That, of course, is not true. Mr Speaker, the reason standing order 133 is there, as I see it - and I hope you will take this into account in your ruling - is that it allows members, when there is a question with a diverse range of matters in it, to support some issues and to vote against other issues. It is quite clear that when you get a complicated question it is very easy to catch members out by saying, "You voted for the motion" or, "You voted against the motion". In fact, there may have been a series of complicated questions in the motion, some of which you agreed with and some of which you disagreed with. Standing order 133 allows us to vote on the parts we agree with and the parts we disagree with. That leads me to the use of the word "complicated". When there is more than one issue, members may have different views on each issue. I am in that position in this instance. The whole issue is school-based management. I am keen to support one issue but not the other.

That leads us to the second point that Ms Follett raised: What is a question? We have an amendment. Again and again, Mr Speaker, I hear you say that you will now put the question. The question is what is before us now, the amended motion. We have agreed to this motion being amended. We now have a new question before us, and that is the whole of the amended motion. That is what is before us - a question of two parts. I want to be able to vote against one part of that and vote for a different part. I think Ms McRae is quite right. You gave a ruling yesterday, Mr Speaker, about times when there is a contra intention within a motion. Under those circumstances it is entirely appropriate that you rule that the question cannot be divided. If that is how you perceive this particular question, then I would concede that that would be entirely appropriate.

I would argue to you, Mr Speaker, that both parts of this particular question deal with school-based management. They both deal with improving equity in school-based management. In other words, in my perception, they run in the same direction. However, the fact that I wish to vote against one and in favour of the other highlights that there are differences. Mr Speaker, if you feel that this fits into the same category as the motion on lakes on which you gave a ruling yesterday, then I would accept that as a sensible ruling. I do not think that is the case, but I would accept that as a sensible ruling.

MR SPEAKER: I might as well take the last point that Mr Moore raised first. The statement I issued yesterday related to a situation quite different to what we have before us today. The matter that came up on 25 September referred to Canberra's lakes and foreshores. The amendment that was put forward to that motion referred to significant public works development in the ACT. In other words, it was completely different from a matter limited to Canberra lakes. The matter before us is different from that because both sections of the motion refer to school-based management. That is the first point I would like to make.

The second point I would like to make is that, for better or worse, we have passed an amendment, namely, Ms Tucker's amendment. We now have a two-part motion. If it is the wish of the Assembly under standing order 133 to divide that motion, then that is perfectly in order. I do not think that the word "complicated" has been interpreted as it should be. You can argue whether the word "complicated" should have been used, but I believe that Mr Moore's interpretation is correct. Individual members may regard a motion as complicated if they wish to vote for one section but not another. That is where the complication begins - not in the complexity of the motion, but in the complications that individual members may face. Whether there are nine in favour of this decision or not the Chair is in no position to judge. That will be a matter for the Assembly itself to decide. I therefore rule that the motion can be divided, and I put the question that the motion to divide it be agreed to.

Debate interrupted.

DISSENT FROM RULING

MR BERRY (11.55): Mr Speaker, I seek leave to move a motion of dissent from your ruling.

Leave granted.

MR BERRY: Mr Speaker, I move:

That the Speaker's ruling be dissented from.

Mr Speaker, I move this motion because, in the first place, I think that you have mishandled the debate in relation to this matter. The second reason is that you have completely ignored the requirement that the question has to be a complicated one before you can make a decision in relation to dividing it. Clearly, in this case it is not a complicated question. Mr Speaker, I will read to you the text of the motion as it would be put to the Assembly:

That this Assembly asks the Minister for Education and Training to permit any school or college to phase in the introduction of School Based Management so that it is operative in all schools or colleges by term 2 - - -

Mr Moore: I raise a point of order, Mr Speaker. Mr Berry is irrelevant, because your ruling was that this matter be put to the Assembly.

MR SPEAKER: Correct.

Mr Moore: You made no other ruling at all - just that this matter be put to the Assembly. If the Assembly does not like it, then it will vote the issue down. Mr Speaker, Mr Berry is talking about whether or not it should be put down, not about whether or not it should be put to the Assembly.

MR BERRY: No, I am not. Mr Speaker, I have leave to move a motion. I have moved the motion of dissent and I wish to proceed with that motion.

MR SPEAKER: Of dissent from my ruling.

Mr Moore: Mr Speaker, I emphasise again that your ruling is simply that the motion can be put to the Assembly. There is no other part to your ruling at all. Mr Berry is not speaking about whether it should go to the Assembly or not. It is an absolute nonsense that Mr Berry is perpetrating here. It is absolutely ridiculous.

MR SPEAKER: I have to uphold that point of order. If you do not agree with my ruling, Mr Berry, you vote against it.

MR BERRY: Mr Speaker, I have leave to move a motion of dissent from your ruling to put this motion to the Assembly. Your interpretation of standing order 133 has been questioned, Mr Speaker. You have agreed to put a motion which is not complicated on the basis that it is. Read the standing orders. The fact of the matter is - - -

Mr De Domenico: In whose opinion?

MR BERRY: We disagree with the Speaker, and that is why we dissent from his ruling. If you think it is complicated, go for your life. Mr Speaker, you are going to have to make the decision about this. That is fine as far as we are concerned, but we disagree with the tactics which have been used by Mr Moore. Mr Moore put it - - -

MR SPEAKER: Order! You are disagreeing with my ruling.

MR BERRY: Yes, that is right.

MR SPEAKER: You are not disagreeing with tactics by Mr Moore. That is out of order.

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

That the question be now put.

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Question put:

That the Speaker's ruling be dissented from.

The Assembly voted -

AYES, 6

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

NOES, 11

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

Question so resolved in the negative.

SCHOOL-BASED MANAGEMENT

Debate resumed.

MR SPEAKER: The question is that Mr Moore's motion be agreed to, that is, his motion to divide notice No. 3 in private members business. Those of that opinion say aye; to the contrary, no. I think the ayes have it.

Ms Follett: The noes have it.

Mr Moore: Mr Speaker, it is quite clear to me that the noes have it and I do not intend to call for a vote.

Mr Berry: I would like to call for one. The noes have it.

MR SPEAKER: The noes have it. The question now is that the motion, as amended, be agreed to.

Ms Follett: Just a moment, Mr Speaker. I thought you ruled that the ayes had it on the previous vote, and I said that the noes had it. I called for a vote. I thought you had ruled incorrectly, with respect. I want a vote, Mr Speaker. You called, "The ayes have it". I seek to differ and call that the noes have it and require a vote.

MR SPEAKER: I thought Mr Moore indicated that - - -

Ms Follett: Mr Moore is not sitting in your seat, sir. You are. You ruled that the ayes had it.

Mrs Carnell: He changed his mind.

Ms Follett: Not in my hearing. The Speaker never changed his ruling.

MR SPEAKER: I beg your pardon. I call Ms Tucker.

Ms Tucker: I ask for clarification. I am not quite sure what the last bit of the discussion was about. Can you clarify exactly what has just happened? I do not feel that I want to vote on this at this point.

Mr Moore: I raise a point of order, Mr Speaker. You certainly have the prerogative. Standing order 165 states:

In case of confusion or error concerning the numbers reported, unless the same can be otherwise corrected, the Assembly shall proceed to another vote.

Standing order 166 states:

If a complaint is made to the Assembly that a vote has been inaccurately reported, the Speaker may cause the record to be corrected.

You have room to move and to re-call the vote if you wish.

Mr Berry: That is a misuse of the standing orders, and you know it.

MR SPEAKER: No, that is not a misuse. Is it the wish of the Assembly that I put the question again? There being no objection, I put the question:

That the question be divided.

Question resolved in the negative.

20 November 1996

Question put:

That the motion (**Ms McRae's**), as amended, be agreed to.

The Assembly voted -

AYES, 8

NOES, 9

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

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.

SCHOOL-BASED MANAGEMENT - EQUITY IMPLICATIONS

MS TUCKER (12.05): I seek leave to move as a motion my amendment that has just been discussed.

MR SPEAKER: You will have to amend it, Ms Tucker.

Mr Humphries: I was going to move that we suspend so much of the standing orders as would prevent Ms Tucker from moving that this Assembly ask the Minister for Education and Training to table in the Assembly on the first sitting day of 1997 a thorough assessment of the equity implications of school-based management, including the ability of schools to provide high-standard support to students at risk.

Ms McRae: Mr Speaker, I raise a point of order. Does this not anticipate business that is already on the notice paper and should we not now revert to this issue being dealt with from the notice paper?

MR SPEAKER: She is seeking leave, Ms McRae.

Ms McRae: What is going to happen to the motion on the notice paper? Is she going to seek leave to remove it from the notice paper? I am asking for your advice.

MR SPEAKER: Ms Tucker is seeking leave to move a motion. She is seeking leave because we are aware that there is something on the notice paper - - -

Ms McRae: Not everyone is aware, Mr Speaker.

MR SPEAKER: Thank you, Ms McRae. I accept that. On page 1004 of the notice paper, item No. 22 makes reference to school-based management. That is why Ms Tucker is now seeking leave to move the motion that I think Mr Humphries clearly stated. Is leave granted for Ms Tucker to move the motion?

Leave granted.

MS TUCKER: I move:

That the Assembly asks the Minister for Education and Training to table in the Assembly on the first sitting day of 1997 a thorough assessment of the equity implications of School Based Management, including the ability of schools to provide high standard support to students at risk.

Question resolved in the affirmative.

POLICE COMMISSIONER

MR OSBORNE (12.09): I move:

That this Assembly:

- (1) reaffirms the recommendation of the Standing Committee on Legal Affairs, which was endorsed by this Assembly in 1995, regarding the statutory appointment of an ACT Police Commissioner;
- (2) notes its disappointment that the Commonwealth Attorney-General, Mr Daryl Williams, MHR, does not support the implementation of this endorsed recommendation;
- (3) notes that the Commonwealth Attorney-General, as the Minister responsible for the Australian Federal Police, remains the Minister responsible for the policing of the Australian Capital Territory; and
- (4) requests the Chief Minister to write to the Commonwealth Attorney-General to:
 - (a) express the Assembly's disappointment in his decision to not support the establishment of an ACT Police Commissioner; and

- (b) attend a meeting between himself and the Chief Minister, the Minister for Police and Emergency Services, and the Chair of the Standing Committee on Legal Affairs so that the position of the Commonwealth can be discussed, as well as issues of relevance to the ACT Budget.

On paragraph 5(b), Mr Speaker, I am quite happy for any other member of the Assembly to attend. Perhaps Ms Follett, as the Labor Party spokesman on the police, would like to attend. I am quite happy for an amendment to be made to that.

Mr Speaker, I have taken this step because I have been extremely disappointed with the recent decision of the Commonwealth Attorney-General, Mr Williams, not to support the Assembly's request. As members will be aware, the Legal Affairs Committee last year held an inquiry into the future of policing for the ACT. The report was tabled in September of last year, 14 months ago. One of the four recommendations of that committee was that the ACT Government consult with the Commonwealth Government in order to change legislation to provide for the statutory appointment of an ACT police commissioner by the middle of this year. As Mr Williams recently announced, he is not willing to participate in discussions or agree to this proposal. I note Mr Humphries's comment on this decision when he said:

This is a very disappointing development. The Commonwealth Government has demonstrated a lack of serious commitment to accountable police management for the people of Canberra.

The Australian Federal Police provide services under contract to the ACT Government, but all parties in the Assembly wanted to see a more accountable mechanism created for policing activities in the territory.

Mr Speaker, I wrote to the Estimates Committee to see whether it would call Mr Williams to appear before it both to explain and to clarify his position and also in his capacity as the Minister responsible for the AFP and therefore the police in the Territory. The chair of the committee, Ms McRae, wrote back to me stating that the formal procedure required this matter to be referred to the Assembly via the committee's report. However, the committee's recommendation on this issue is not quite as strong as I would have liked, so I have come up with this motion to see whether we can get some action.

As has been well publicised, the people of the ACT pay \$53m a year for its police. That these police have a commissioner who is not legally accountable to our Minister or to this Assembly is a ludicrous and unacceptable situation. I am aware that there are lines of communication in place and that up until today there has only ever been the occasional dispute. A notable exception was the incident at the Indonesian Embassy a number of years ago which turned into a bit of a shambles. Mr Speaker, we are the people who get the blame for the decisions that are made, we are the employers of the police and we are the ones who pay \$53m a year for their wages; yet we have no legal control over our own police force. Quite frankly, Mr Speaker, I think that is a joke.

Last year this Assembly had no direct say when there was a change of commissioner, and the new commissioner totally restructured our police force. I am not saying that that was good or bad; I am just saying that we had no say. Daryl Williams and our current commissioner, Mick Palmer, are not legally required to consult with our Minister on any police issue or even to tell us what policy decisions they have made, which, I am sure members will agree, is neither good management nor good government. Quite frankly, the people of the ACT deserve better than this relationship which relies totally upon goodwill.

Mr Speaker, I will not say much more than that. My opinion has been aired publicly on a number of occasions. I am sure that most members will agree that the response from Mr Williams was unacceptable. We elected members of this Territory are accountable to our constituents for matters involving the police. We pay so much money, yet we have no say. That is why I have taken this step of asking that the Chief Minister, Mrs Carnell, write to Mr Williams asking him to come down here and explain his action. I hope and expect that all members will support this motion.

MR HUMPHRIES (Attorney-General and Minister for Police and Emergency Services) (12.15): Mr Speaker, I have considerable sympathy with the motion that Mr Osborne has moved. I must confess that it is not easy to have to rise to express sympathy for a motion which is fairly damning of the Federal Attorney-General, because he is a member of my own party. It is difficult for the ACT to have to be at loggerheads with the Commonwealth government on any issue, irrespective of the party to which that government belongs. Clearly, the ACT has a very powerful vested interest in close cooperation with the Federal government, and it needs to concentrate very heavily on working through difficult issues, attempting to resolve them by consensus and negotiation ahead of withdrawing to the battlelines and talking up active hostilities.

However, I think I agree with Mr Osborne that in this particular matter the point has been reached where the position of the Commonwealth appears to be very difficult for the ACT to live with. The practical difficulties imposed on the ACT are severe. The compromise necessary to accommodate the Commonwealth's requirements - to quote the Federal Attorney, to accommodate the clear command structure of the AFP as they perceive it - indicates great difficulty for the ACT. It makes it very hard for us to operate the policing function in the ACT as appropriately as I believe it should be operated.

Mr Speaker, I understand the difficulty that having an ACT commissioner or ACT chief of police would create in the minds of some at the Commonwealth level in terms of creating potential dual sources of authority for officers serving in the AFP. You could imagine the situation, theoretically at least, where a police officer receives directions from the Federal Commissioner of the AFP and the ACT Commissioner of the AFP which are contradictory and has some doubt as to which he should obey. That is a theoretical problem. I believe that in practice there would not be a problem, because the ACT in practice exercises considerable autonomy over the policy guidelines under which the Australian Federal Police operate.

Clearly, the most important guideline under which the AFP operate is the law of the Territory. Up until now, the law of the Territory for the people of the Territory has been made in this chamber, not in the Commonwealth Parliament, except of course to the extent that national laws are made in the Commonwealth Parliament. I have not observed the Australian Federal Police having any difficulty in operating under laws made by this parliament. For example, with respect to possession of small quantities of cannabis the law applying in the ACT is different from that in other parts of Australia. The Australian Federal Police have no difficulty effectively applying that law. The fact that some officers of the AFP operate in other jurisdictions where other laws apply does not occasion any difficulty. Similarly, other policies formulated at other levels and applying in the ACT and governing the AFP's operations in the Territory do not occasion any practical difficulty. The knee-jerk reaction of the Federal Government in saying that they cannot tolerate the concept of a separate ACT commissioner is disappointing, is not well-based in logic and has the potential to compromise the ACT's policing function.

It is important that a Minister in this chamber be accountable to the parliament and the people of the Territory for the conduct of Federal police in the Territory, because those police are paid for by the taxpayers of the Territory. They are charged with the peace and order of the Territory. I think it is extremely important that we emphasise to the Commonwealth that we view our responsibilities as being such that they give us a greater say in the management of the Federal police function in respect of the Territory and that the recommendation made by the Standing Committee on Legal Affairs last year is an appropriate accommodation of that duty and should be acted upon by the Commonwealth. I therefore support the reaffirmation of that recommendation. I also note that the Commonwealth Attorney-General does not support the recommendation. That is disappointing.

I have a slight difficulty with paragraph (3) of Mr Osborne's motion. I am not really sure that it is entirely true to say that the Commonwealth Attorney-General remains the Minister responsible for policing in the Capital Territory. Technically, I think that is a debatable point, but I certainly accept the spirit of what Mr Osborne has said. I advise the Assembly that the Chief Minister has already written to the Commonwealth Attorney-General seeking a meeting with him on some related issues. If that invitation is taken up, it is my intention and the Chief Minister's intention to raise with the Federal Attorney-General the concerns that this Assembly has expressed in the recommendations of the standing committee and will express today in the passage, I assume, of this motion.

I advise the Assembly that, if this motion is passed in the present form and the Federal Attorney-General accepts our invitation to meet, we will ask him whether it would be acceptable to invite Mr Osborne, as chair of the Standing Committee on Legal Affairs, to attend the meeting as well. I hope that we can deal with the issue by sitting down with the Commonwealth and impressing on them that the resolution of this issue they have imposed is a most unsatisfactory outcome of these deliberations and it does not leave the ACT in a position to adequately and comprehensively take responsibility for the policing of the Territory. Frankly, with an area as sensitive as this, it is not acceptable to leave that issue dangling on some jurisdictional divide between the Commonwealth and the ACT. The authority must be clear, and I hope that the motion Mr Osborne has moved will reinforce that authority.

MR WHITECROSS (Leader of the Opposition) (12.22): I want to speak briefly to affirm the Labor Party's support for this motion and the comments that both Mr Osborne and Mr Humphries have made in relation to this matter. We are a self-governing Territory and we are responsible for a whole range of our own affairs. It is quite appropriate that there should be a statutory position in the ACT answerable to the ACT Government and the ACT Assembly on policing in the ACT. It is an issue that we are going to have to continue to work through with the Commonwealth. I understand some of the Commonwealth's concerns. I think Mr Humphries touched on some of them. There are, obviously, some operational considerations affecting the thinking of the Federal Attorney-General on this matter. Nevertheless, like other jurisdictions, we are entitled to a level of autonomy. I think this motion makes that point. Therefore, we are happy to support it.

MR MOORE (12.24): When the Alliance Government originally agreed with the Federal Government on the process for dealing with our police force I was critical, and I have been critical about that agreement ever since. This issue illustrates more than anything else why that is the case. It demonstrates the same perception as the Federal Parliament demonstrated when Kevin Andrews presented his Bill on euthanasia. It was not a question of whether or not there should be euthanasia; it was a question of whether or not a self-governing Territory should be a self-governing Territory, with control over its own laws and important areas of jurisdiction. I would go further and say that the current agreement we have with the Commonwealth is inadequate, and that we ought to see what we can do to withdraw it. I am not aware of when it comes up for renegotiation or reconsideration.

I believe that we should work in the same way that the Canadian Provinces work in dealing with the Royal Canadian Mounted Police Force. They effectively contract out police services. You may recall that just prior to self-government Colin Winchester, before his very untimely death, went to Canada and was to report on that issue. He indicated publicly that he favoured that process. That would give us a far more effective way of dealing with the police force. Having seen the attitude of the Commonwealth should strengthen the Minister's arm, and he should begin to consider the possibilities of putting our policing out for tender. The Federal Police would have a major advantage over any other police force in tendering. I think it unlikely that another police force would win, although I would expect the Victorian and New South Wales police forces to tender for such a project.

When you look at the way the whole purchaser-provider model has been adopted by this Government, it makes very good sense for us to go down that kind of path to give us control over our own police force. Of course, there are significant disadvantages in how the Federal police force operates here in looking after the Commonwealth and Commonwealth areas. Let us be open about this. The Commonwealth are doing nothing to look after us. We see constant cuts to our finances. Time after time the Federal Parliament says, "Too bad". The Prime Minister does not even live here in the Lodge. The Federal Government have taken a totally negative view to Canberra. They will continue cutting Canberra and I think that we owe them absolutely nothing.

On this issue, we have the chance to show a bit of strength in our arm and say that this is not a process that we want; that we are prepared to go out to tender to get the sort of police force we want. If we get a far better tender from the Victoria Police, for example, and they are prepared to do the job for a five- or six-year period, then we should go for it. In the meantime, Mr Osborne's motion, which does not go anywhere near as far as I would go, is a step in the right direction. That is why I have no hesitation in supporting it. It is time there was a bit of fire in Mr Humphries's belly and a bit of fire in the belly of this Government as a whole in their dealings with the Federal Government. They should stop being pushed around by the Federal Government. This is a very pertinent example of the way this Government has allowed the Federal Government, their Federal Liberal colleagues, to push us around. Put an end to it, I say. Step one is Mr Osborne's motion; but, if at the meeting that Mr Osborne has proposed - if the offer is still open to people like me, Mr Osborne, I would like to attend, too - we do not get a reasonable hearing, then let us have a look at our options and let us find a better way to deal with it so that Canberra can stand on its own two feet.

MR OSBORNE (12.29), in reply: I thank members for supporting my motion. I would like to clarify a couple of points. Mr Moore said that this motion does not go far enough. I agree that it does not, but this is the first step in what I see as a long process. I do not imagine that we will get very far with Mr Williams. I would hope that he would see reason. I did consider censuring him or condemning him.

Mr Moore: Mr Speaker, I seek leave for this debate to proceed to its conclusion.

Leave granted.

MR OSBORNE: I did consider the option of censuring or condemning Mr Williams, but I did not think it would augur well for any meeting I might have with him, so I am prepared to give him the benefit of the doubt. This issue of a police commissioner is unique. I heard Mr Moore speak of the Kevin Andrews euthanasia Bill. This is nothing like that. This is a request from a committee the members of which were unanimous in their recommendations. Their report came to the Assembly and received unanimous support. This is something that every Canberran would support, I would imagine. Every politician here has been supportive. As I said, this is a unique situation. This is something everyone wants. The only person I have heard say anything against our recommendations is Mr Williams. I think it is imperative that he explain his situation to us.

There are some potential problems that Mr Humphries spoke about; but, if we obtained our own police commissioner, police who came to work here in the ACT would perhaps sign contracts to be accountable to our police commissioner. We can look at a situation a lot closer to home than Canada. Norfolk Island has its own parliament and its own police commissioner. It employs AFP officers. The precedent has been set. Mr Williams should afford us the courtesy and come and speak to us.

This is not about attacking the AFP. I think they have done a tremendous job, especially since I have come into this place. I have paid particular attention to their role. That was obviously started by Mr Palmer stepping into the void left by the previous police commissioner and was admirably taken up by Mr Stoll and, to a lesser extent,

by Mr McDermott and the other superintendents around the Territory. I know that our superintendent in Tuggeranong, Mr Alan Castle, is doing an absolutely tremendous job and has the support of the whole community. This is not about attacking our AFP. It is not about attacking the Police Minister. I think that in trying circumstances Mr Humphries has always been very helpful with my office on police matters. This is about being accountable. This is about giving us what we all want, as set out in a unanimous report. I am very pleased that this motion has received the support that it has.

Question resolved in the affirmative.

Sitting suspended from 12.33 to 2.30 pm

MINISTERIAL ARRANGEMENTS

MR DE DOMENICO (Minister for Urban Services): Mr Speaker, I wish to inform the Assembly that the Chief Minister will be absent from question time today attending an official engagement to mark the visit to Canberra of the President of the United States of America. In Mrs Carnell's absence, questions normally addressed to her as Chief Minister, Treasurer or Minister for Health and Community Care should be addressed to me.

QUESTIONS WITHOUT NOTICE

Aquatics Inquiry

MR WHITECROSS: Mr Speaker, my question without notice is to the Minister for Sport, Mr Stefaniak. Minister, can you advise the Assembly what is the relationship between Leisure Australia, which currently manages the Civic, Tuggeranong and Erindale pools, and the company LRM Australia, which is currently carrying out an inquiry for the Government into aquatics, which I understand includes consideration of all water-based sporting and recreational activities in the ACT, including the possible need for a Belconnen pool?

MR STEFANIAK: In terms of the exact relationship, if there is one, I will have to take that on notice, Mr Whitecross; but, if you are trying to connect anything untoward between the two, I do not think you will have much luck there.

Futsal Stadium

MS FOLLETT: Mr Speaker, my question is also to the Minister for Sport, Mr Stefaniak. Mr Stefaniak, in early September of this year, you and the Chief Minister told the people of Canberra that the futsal stadium by the lake would be - and I refer to the Chief Minister's press release - "a temporary outdoor stadium". Mr Stefaniak, could you please explain to the Assembly and to the people of the ACT why that unsightly "temporary" seating is still there; when it will be removed; and who will pay the costs of its removal?

MR STEFANIAK: Firstly, it is an interesting question, Mr Speaker, because I think Ms Follett might be one of the few people who actually think it is unsightly. Yes, it is a temporary stadium, Ms Follett, and it is outdoors. You will notice that after the futsal competition a quite considerable number of things that were put up have, in fact, been taken down; but the seating remains. The seating was used as recently as last week during the Australian Federal Police Games. It is envisaged, I understand, that that seating will be taken away very shortly, because there will be a gap from December through to, I think, some time in January at this stage. Also, the seating will be needed elsewhere around Canberra for such things as the Australian under-19 cricket championships, the Summernats and a major softball championship event, all scheduled for January 1997.

Ms McRae: The Summernats are going to do wheelies on the futsal stadium!

MR STEFANIAK: If you shut up, you might learn something, Ms McRae. I will mention that last event again because of Ms McRae's cackling, Mr Speaker.

Mr Humphries: Hyena-ing.

MR STEFANIAK: Hyena-ing or cackling. It might have drowned out my reference to that very important tournament, for which some seating will be needed.

MR SPEAKER: Order! Play on, Mr Stefaniak.

MR STEFANIAK: Thank you, Mr Speaker. That last event was a major softball championship event. Those events are all scheduled for late December and 1997. So, it will be taken away for that, Ms Follett, and I understand that the next event it will be brought back for will be the Woodies.

Arts Funding

MR HIRD: My question is to the Minister for Arts and Heritage, Mr Humphries. Minister, I note that Mr Wood, member for Brindabella, referred in yesterday's *Canberra Times* to a streamlined grants process under the cultural development funding program, saying that he did not believe that the process was open to consultation. How does this Government's record for funding for the arts and consultation with the arts community compare with that of previous governments?

Mr Berry: Mr Speaker, on a point of order: Does this question anticipate a matter which is on the notice paper? I refer you to the discussion of a matter of public importance.

MR SPEAKER: I have been looking at that. Mr Hird, I think, referred to an article in the *Canberra Times* yesterday.

Mr Hird: Yes, I did.

Mr Berry: It was in relation to a meeting on funding for the arts, Mr Speaker. I think it anticipates the debate on the notice paper.

MR SPEAKER: I am advised that the matter is on the daily program, not on the notice paper. Had it been on the notice paper, it might have done so. However, it is on the daily program.

MR HUMPHRIES: Mr Speaker, in the 1993-94 budget, the ACT Arts Council was allocated annual funding to be paid in two instalments. When the second instalment became due for payment, the ACT Arts Council was informed that their funding would not be forthcoming. Bear in mind who was the Minister at the time. At the time, the ACT Arts Council had a number of projects running and was in receipt of Australia Council funding on a dollar-for-dollar basis, dependent upon ACT funding. The ACT Arts Council was given no notice that it was being defunded. The then Minister, Bill Wood, declined to allow for any period of notice, despite repeated requests. Other community arts groups lost their funding in the same peremptory manner at the same time. I thought it would be timely to remind Mr Wood about these things, in conjunction with the matters he raised in the *Canberra Times* yesterday. As they say in equity, "You do not come to equity without clean hands". The ACT, I might point out, is now the only jurisdiction in Australia that does not have a functioning arts council.

I think that the Government's record in the areas of funding of the arts and consultation with the arts community compares very well with that of the previous Government. I have, as Minister, revived a practice which I used the first time the Liberals were in government, in 1989-91 - to have regular meetings with the arts community. My arts forums, three or four of which are held a year, are open to all members of the community who are involved or interested in the arts. That, Mr Speaker, with great respect, is the ultimate form of consultation. I open the doors at a public place; I advertise the existence of these meetings; I say that I will answer any questions people have to ask about it; and lots of issues are indeed raised. There is plenty of discussion and debate at those meetings, as members who have not come there would probably not know.

Quite apart from the strength of that community consultation process, which eclipses anything that the previous lot ever put in place, we will have a very significant injection of funding for the arts in this Territory over the next couple of years. The \$3m extra for the arts over the term of this Assembly has been put into effect in a number of ways.

Already a significant part of the extra \$1m for the arts development program has been received by arts groups, and a significant number of new projects have been funded as a result of that. Shortly, we will be making announcements about the spending of \$600,000 over the next two years on a public art program, which will see a number of important public places in the Territory - public buildings in the Territory, particularly - enhanced through the injection of money for public art.

Mr Speaker, that is not just a device to demonstrate a commitment to the arts and to beautify the Territory; it is also an engine to drive private sector investment in the arts, which in some cases has been quite ready and quite spectacular but which in other cases needs some encouragement. We are going to set a good example through the ACT public purse. There is also an increase of \$865,000 in the Healthpact funding for projects to do with the arts and culture. I think that those commitments more than adequately demonstrate that this Government takes seriously the process of both consulting with the arts community and funding the arts community appropriately.

MR HIRD: My supplementary question is this: Did I hear you correctly, Minister, to say that, in the 1993-94 budget in the Territory, the ACT Arts Council was allocated annual funding to be paid in two instalments? And, Minister, could you just reiterate who the Minister was at that time?

MR HUMPHRIES: There was a lot of noise in the chamber, and Mr Hird may not have heard what I said there. The fact is, Mr Speaker, that those fairly high-handed actions were undertaken by my predecessor, Mr Wood, who at the time, I recall, had a great deal of flak floating around about the peremptory cutting off of funding. There have been far fewer organisations defunded under this Government, because there is more money available. We have made that possible. We want to keep going projects which are important and valuable to the arts community, and therefore that has not been a problem under this Government.

Arts Funding

MS TUCKER: My question is also to the Minister for Arts and Heritage, Mr Humphries, on actually the same subject. Last night I attended a briefing for members of the Canberra arts community, which totally failed to allay their concerns about proposed new arrangements for the administration of arts grants. The public servants whom you sent to face the people - you were not there, and it was not a very consultative atmosphere at all, I have to say - told the meeting that they could not say who had proposed the changes in the first place; that they had no plans for how its success could be evaluated at the end of the proposed trial, if it were introduced; and that very little money would probably be saved. The chair of the ACT Cultural Council told the meeting that the council had not been consulted in the development of this proposal and that it was very unhappy when it had been informed the day before, when it had had the first meeting,

about part of the proposal which was to shift responsibility from the Minister to the Cabinet. The meeting also passed a unanimous motion condemning the proposal of moving responsibility from the Minister to the Cabinet as well as the whole process. Can the Minister tell us exactly who did first suggest the key changes embodied in this proposal and why the ACT Cultural Council was not involved from the very beginning of such a suggestion?

MR HUMPHRIES: Mr Speaker, let me start by saying that I have to indicate my great concern with the line of questioning we have seen from the Greens in the last couple of days that blames public servants - servants of this Government, or of any government, for that matter - for decisions made by the Government. In your question you will see - - -

Ms Tucker: I felt sorry for the public servants. I said that you should have been there.

MR HUMPHRIES: Maybe you felt sorry for them, but your question clearly - - -

Ms Tucker: They got a hammering because you were not there.

MR HUMPHRIES: I was not invited to go to the meeting. That is why I was not there. For that matter, I was here in the chamber with you, Ms Tucker. Believe me, I would rather have been at the meeting than in the chamber with you, Ms Tucker - or anywhere perhaps. Read your question. I think that the criticism you have made of public servants ought not to be the theme of future questions.

Ms Tucker: They did the best they could. I am not criticising them.

MR HUMPHRIES: That is not how I heard the question; but I will let Ms Tucker consider her own conscience on that question.

Members interjected.

MR HUMPHRIES: I do not believe in blaming public servants for the decisions of governments.

Mr Whitecross: When are you going to examine your conscience?

MR HUMPHRIES: We have seen plenty of that over here. The man who said that the police could not answer the telephone - - -

Ms McRae: It is true.

MR HUMPHRIES: It is not true. It was proved not to be true on that particular occasion, if you recall well.

Mr Whitecross: No, it was not.

MR HUMPHRIES: Yes, it was. Mr Speaker, I think that the important point to make here is that it is governments who are responsible for decisions and for policy, not public servants. If they are merely the messengers on those issues, they should not be attacked or blamed for that fact.

Mr Speaker, let me deal with the substance of what Ms Tucker had to ask. The reason why the Cultural Council was not consulted in advance about this new grant administration arrangement is that it was not a process specifically about arts grants; it was a process about government grant-making generally. There are many organisations and semi-government or purely government bodies which are involved in the process of administering grants. It so happens that in the arts sector we have what I would call elbow's length funding from the Government through the Cultural Council. Other bodies, purely internal to the Government, make decisions about funding allocations.

The concept which was developed by the Chief Minister's Department was that there should be a trial period during which we centralised grant administration - not grant decision-making - to see whether that could produce savings that would provide for a better allocation of resources and for the ending of duplication in grant-making processes. Some examples were found of organisations which had received funding from different arms of government, where it was not apparent that there was funding from the other arm of government when a decision was made on a particular grant, and where it could be argued that there was some considerable overlap in the way in which those grants ought to have worked.

So, Mr Speaker, I defend the process whereby we at least explore the means for better grant administration. But the Cultural Council's role has not been changed at all. The Cultural Council is still the premier advisory body on the arts and will consider who should receive arts grants. No administration process impinges on that at all; but the administration of those grants is a matter which is now, under this trial, to be centralised to see whether that produces savings. That is a process that I think we deserve to have the chance to explore, because I think it means that we have an opportunity to provide better value for money.

MS TUCKER: I have a supplementary question, Mr Speaker. Once the Minister has received this motion that was passed last night at the meeting and has had a fuller opportunity to speak to the council - I understand that they are very concerned that their role will change because of his proposal that responsibility go from the Minister to Cabinet - will the Minister reassess whether or not the basic aspects of this proposal are appropriate and ask the community in a more consultative manner before a new proposal to deal with the inconsistencies in grants and acquittal procedures, which are what apparently this is mainly about, are implemented?

MR HUMPHRIES: No, I will not, Mr Speaker, because the precept on which that question was based is false. I do not believe that any responsibility shifts away from the Cultural Council in these matters. I met with the chair of the Cultural Council about 10 days ago, and he did not mention this issue. If he was desperately concerned, he obviously forgot to mention it.

Mr Wood: He did not know about it.

MR HUMPHRIES: He did. He did know about it. I am sure that he knew about it at that stage.

Mr Wood: No, he did not.

Mr Berry: Are you sure? Did you tell him? Did you tell him during the meeting?

MR HUMPHRIES: All right; Mr Speaker, obviously those opposite know better than I do on that subject. Let me say that I am quite prepared to discuss it with the chair of the Cultural Council and indeed the whole Cultural Council. I also met with the whole Cultural Council about 10 days ago, and they did not mention it either.

Mr Berry: Did you tell them? Did you mention it at the meeting?

MR HUMPHRIES: No; because it was not my initiative and it was not my job to do that. Mr Speaker, this is a whole-of-government reform. It is not within my purview to say that we are going to exempt the cultural sector from that process. It is only a trial. That is the opportunity for people to see how it works. If it does not work very well, then obviously we will have to reconsider it.

Phillip and Stirling Colleges

MS McRAE: Mr Speaker, my question is to Mr Stefaniak, in his capacity as Minister for Education. Minister, what process has been put in place to ensure that the twinning of Phillip and Stirling colleges is achieved without disruption to the students and teachers? Who is coordinating and managing the procedure? Will the students and teachers be expected to travel between both colleges? If so, what form of transport will they be using, and will the time it takes between colleges be factored into the timetables? Where are the staff and faculty meetings going to take place? Will these new procedures be finalised before the end of the school term?

MR STEFANIAK: Ms McRae mentioned a number of things there. A number of things are happening with the twinning of Phillip and Stirling colleges. Both college communities are working towards that very effectively. The principal's position has been advertised. We have a principal now at Phillip College, Mr Speaker. The principal's position for the twinned college will be filled by the end of the year. I am pleased to say that the process has been travelling very well.

Mr Speaker, I think it is important to emphasise that both Phillip and Stirling colleges will provide their advertised curriculum for 1997 and 1998. So students need not travel. Ms McRae asked: Will the students have to travel to both campuses? The answer is no. Students will not be made to travel between campuses unless, by their own choice, they elect for a course offered on the alternative campus. A follow-up question from that, I suppose, would be: Will student travel reduce learning time? Again, the answer to that is no, because over time, Mr Speaker, the timetables at both campuses will be synchronised.

Ms McRae also mentioned staff. Mr Speaker, the principal will manage and consult with staff on both campuses to determine their most efficient use. It is highly likely that over time teachers will elect to teach at alternate sites for their own professional advancement. Mr Speaker, teaching and non-teaching staff will be involved in developing the twin campus details with the college executive and board. From this process, the details of staff movement will be discussed in terms of college needs.

Mr Speaker, one of the other things she was concerned about was supervision. Staff in both colleges are professional educators. As a result of developing the strategic directions, they will ensure ownership of and commitment to the success of the twin campus. There will, of course, be one principal in relation to both campuses. In terms of things like staffing cuts, the answer is no. The normal staffing procedures will operate there. There will be some initial savings of money, but for the first two years that will be ploughed back into the colleges. There will be about \$70,000 a year there, Ms McRae.

So, in terms of the actual twinning, it is going along very effectively. It is, I think, being positively received by the communities there. In fact, I have recently seen a couple of the newsletters, especially the Stirling College newsletter, and I understand that everyone concerned is working away very well to make this a very successful operation. I think it does give great educational opportunities for the students of Woden and Weston. I think everyone is working towards making the new twin campus an exemplary educational institution in the ACT.

MS McRAE: Mr Speaker, I have a supplementary question. Minister, will you be making a public statement or providing any public guidelines on these changes that are proposed? Who, in fact, is in charge of these procedures? You listed most of the things that I mentioned, but you did not say whether it was being coordinated by a committee or an individual person, or who was actually doing the overseeing of these new arrangements. So, who is doing it, and will you be making a public statement or sending out a circular to this effect so that parents and students have all this information?

MR STEFANIAK: At present, Ms McRae, there is still a principal at Phillip and a principal at Stirling. From next year there will be just the one principal, and that position will be announced fairly soon. As I have indicated, it has been advertised, and that should be decided upon very shortly. So, when that occurs, Ms McRae, there will be just the one principal looking after both campuses. For Phillip College one of the big criticisms was that they did not have a principal or even an acting principal there. Of course, Di Scobie is at Stirling. But from the beginning of term 4 we did appoint an experienced college principal for Phillip. As I indicated, the permanent position will be announced prior to the start of the next school year.

Truck Parking - Residential Areas

MS HORODNY: My question is directed to the Minister for Urban Services, Mr De Domenico. I draw your attention to subsection 151(1) of the Motor Traffic Act, which states:

A person shall not stop or park a motor vehicle, or park a trailer, on a public street except on the carriageway of the public street.

I also draw your attention to paragraph 158(1)(n), which states:

(1) A person shall not stop or park a motor vehicle or park a trailer -

... ..

(n) upon a public street or public place, in such a position, in such a condition, or in such circumstances, as to be likely to cause danger, obstruction or unreasonable inconvenience to other persons using the public street or public place.

In relation to the overnight parking of large trucks in residential streets, mostly including nature strips, has any agreement been made between you and the Transport Workers Union that your department will not take action on trucks which park in residential areas in breach of the Motor Traffic Act, or has any other agreement been made to water down other aspects of your truck parking rules?

MR DE DOMENICO: The answer to both parts of that question is no.

MS HORODNY: I wish to ask a supplementary question, Mr Speaker. Mr De Domenico, will you continue to allow trucks to flagrantly breach the Motor Traffic Act, by refusing to book those that are parked illegally, or will you give a commitment to phase out all trucks over 12 tonnes from parking in residential areas?

MR DE DOMENICO: The answer to the second question is no. Mr Speaker, can I suggest that Ms Horodny is attempting to pre-empt a debate that is down the track.

Mr Humphries: On the notice paper.

MR DE DOMENICO: On the notice paper.

MR SPEAKER: Yes, I will uphold that.

MR DE DOMENICO: Can I also suggest, Mr Speaker, that Ms Horodny wait until we have that debate on Thursday. I know what her views are. If she had her way, we would be banning anything that has been motorised, on four wheels, from parking anywhere. It has taken over 18 months for people - including the Transport Workers Union, the truck owners and drivers, the Government and the people representing RORE - to come around a table and get so close to unanimous agreement that it does not matter.

Based on that, the code of conduct was issued to the community. There has been 18 months of consultation as well, Ms Horodny, getting to the stage of introducing legislation in this place in the next day or so. Can I suggest that you have a look at that legislation before you do anything else. If you want another briefing before the legislation comes in, we will give you another briefing. The Government will continue to book any vehicle - whether it is a car, a truck, a trailer, a caravan or anything else - that is parked in a way that is dangerous to the community. That will continue to happen. That is continuing to happen, Ms Horodny. We will also make sure that people - - -

Ms Follett: If you can get them to come out. They do not come out on weekends, for instance, do they?

MR DE DOMENICO: They do go out on weekends sometimes, Ms Follett.

Ms Follett: No, they do not.

MR DE DOMENICO: They do go out on weekends, Ms Follett. Ms Horodny, the traffic people always do their job to the best of their ability, and they will continue to do so.

Copland College

MR WOOD: Mr Speaker, my question is to Mr Stefaniak, the Minister for Education. Minister, what plans have you put in place to ensure that Copland College remains open, following the closure of Charnwood High School and a decrease in enrolments at the college?

MR STEFANIAK: Mr Wood, I am pleased to say that the college has actually conducted a very good campaign this year, and certainly the teachers and the students have generated a fair bit of interest in their college. I have seen some excellent posters which have been put up around the place. They have had a quite good response. One of the problems there, Mr Wood, is that, whilst there have been declining numbers, it is a very large catchment area. There are something like 1,400 students or potential students in the catchment area, and about 28 or 30 per cent in the catchment area actually go to Copland College. There are a number of students who come from outside the area to Copland College, which I suppose is pleasing; but the big thing, obviously, for Copland is to ensure that they get more students from their own catchment area. It is a very good college, Mr Wood. It has a very good reputation.

Mr Berry: Charnwood High School was a very good school, too.

MR STEFANIAK: You should have done something about that, Mr Berry. You had about four or five years - - -

Mr Berry: And we did.

MR STEFANIAK: Yes, you did - nothing. So, in relation to Copland College, it has a very good reputation and is an excellent college. Indeed, it is now embarking on a lot of effort to ensure that its numbers are turned around, and I believe that that can occur. The Government certainly is very supportive of efforts it makes to improve its numbers. As recently as yesterday, I had discussions with my colleague Mr De Domenico on issues such as bussing. I see people from the college on a number of occasions, and, over about the last 15 months, they have raised a number of issues. They have indicated things that they wish to do in terms of their college. They have indicated concerns that they have had. I am pleased to see that there has been a very big effort put in this year in terms of enrolments for next year.

The college is secure in its numbers for next year. It has a committed staff, who are doing a lot in terms of promoting their college in the region, as indeed are the students. I certainly have spoken to a large number of parents who would have had children attending there and who are very happy with the college, Mr Wood. I certainly hope to see that, with continued effort and support, the numbers will not only turn around but increase, so that we will see a lot more students, especially the in-area students, going to that college. It is also helped by the fact that it seems that both Hawker and Lake Ginninderra colleges are now pretty well full. That is a further factor, I think, that will assist Copland, as indeed will such things as the growing population in Gungahlin.

MR WOOD: I have a supplementary question, Mr Speaker. Minister, can you assure us that you are not planning another twinning surprise?

MR STEFANIAK: Mr Wood, you know that events often happen fairly quickly in education; but I do not think anything that looks remotely like that would be on the cards or possible, certainly in the foreseeable future. I have said that there have been a number of efforts put in this year by the staff, by the students and by the department to assist Copland College. I think there are a number of factors that are travelling in its favour, in terms of increasing its numbers. It offers some very good courses, Mr Wood. It is looking at further specialties there. For example, the greater emphasis we are placing, and indeed our system is placing, on developing vocational education and training courses in our secondary colleges and the expansion that is going to occur there will also assist colleges such as Copland. So, I think there are some excellent things which are in the pipeline and will be greatly beneficial to Copland College, Mr Wood.

Chief Minister's Department - Financial Statements

MR KAINE: Mr Speaker, in the absence of the Chief Minister, I will direct my question to the Deputy Chief Minister. Minister, I seek clarification of a matter that was brought up yesterday during question time, regarding some draft documents sent by the Auditor-General to the Chief Minister's Department and certain issues arising, or allegedly arising, from those documents. Particularly given that the Opposition alleged that they exposed major accounting problems - this was the big expose - can you indicate to us just what status these documents enjoy and just what validity they have?

MR DE DOMENICO: I thank Mr Kaine for the question. Before dealing with a number of the specific issues that arose yesterday, it is important to place the process of management letters - which I think is what Mr Kaine was referring to - in perspective, to ensure that this Assembly has a balanced understanding of the independent audit by the Auditor-General. As Ms Follett and Mr Kaine would know, being ex-Chief Ministers, and especially Mr Kaine with his accounting qualifications, the process goes this way: After agencies' submission of annual financial statements to the Auditor-General, a complete audit according to accepted accounting and auditing standards is undertaken, quite obviously. As a consequence of the audit, the Auditor-General provides an opinion as to the "true and fair" view of the financial statements. Following the audit opinion, the Auditor-General follows up with a draft management letter to the chief executive, raising other matters of concern that arose during the audit process. Following further discussion with the Auditor-General, a response to this draft management letter is provided by the agency. Final management letters are issued to the departments through the Minister. The Auditor-General reviews management's response and finalises a submission for tabling in the Assembly in December. That is the process, and it has been for a long time.

In relation to the management letter for the Chief Minister's Department, which is what Mr Kaine was alluding to, annual accounts were certified without qualification. However, a final management letter has not been issued to the Chief Minister by the Auditor-General. In fact, the Auditor-General confirmed on 19 November - yesterday - that most management letters are yet to be issued by the Auditor-General and are still at a draft stage. Questions in a draft report can be "unbalanced" without management comments. Indeed, Mr Speaker, I would like to table a letter received late yesterday by the Chief Minister from the Auditor-General, which expresses concern over the actions of the Labor Party yesterday. I table that letter now, Mr Speaker.

I suppose that I should congratulate the Labor Party on another first. Not only does it have the record for the largest number of Auditor-General qualifications and the late submission of annual reports, but it has now, through its irresponsible and ill-informed actions, created a situation where the Auditor-General has found it necessary to express concern about the antics of the Labor Party in the Assembly and the threat that this poses to his independent role and proper process. I suggest that members opposite read that letter before they make any comments.

While a final management letter has not been issued to the Chief Minister by the Auditor-General, the following comments may be useful for this Assembly in order to provide some "balance" to the inappropriate use of draft reports. The allegation, for example, that \$22m of expenditure was understated as a result of unrepresented cheques is incorrect. There has been no understatement of expenditure identified by the Auditor-General in his unqualified audit opinion. This allegation by, I think, Ms McRae yesterday may relate to the accounting treatment of cash in transit in the cashbook prior to the completion of the audit. This matter was identified and, in fact, resolved during the course of the audit.

As to the other allegation, Mr Speaker, \$485,000 in assets did not go “missing” during 1995-96. This was a gross misrepresentation by, I think, Mr Berry, because the \$485,000 he referred to in the Assembly represented the historical purchase price of assets, not the written-down value. In fact, the written-down value of these assets was \$149,000, the difference of \$339,000 being depreciation over the life of the assets. These assets were purchased over a period of years, going back to 1992, and since then have been traded in or disposed of in an appropriate manner; but, because the higher accounting standards now in place did not apply in previous years, this disposal was not reflected in the assets register on a timely basis. This matter has since been addressed by the department, and no suggestion has been made that there is any concern of “theft, misappropriation or loss” of these assets.

Mr Speaker, the irony here - and Mr Kaine will appreciate this - is that this issue has come to light only by the action of senior management of the department and because of the new accounting procedures recently introduced. To meet the requirements of accrual accounting, they completed a diligent stocktake, which identified deficiencies in assets registers of the former three entities now comprising the Chief Minister’s Department. The historical cost of these assets represents less than the 5 per cent materiality threshold as applied under generally accepted accounting standards. In other words, Mr Speaker, we are cleaning up the accounting deficiencies that existed in the past under previous Labor administrations. What Mr Berry, in fact, did yesterday was unwittingly expose poor management practices during the time he and his colleagues were in government.

In the audit opinion on the Chief Minister’s Department annual accounts for 1995-96, the Auditor-General provided emphasis on the timely reconciliation of accounts. This matter referred to the daily reconciliation of the central government public and drawing accounts. Under the financial management reforms, these accounts have now been closed. The fact that these accounts were not reconciled on a daily basis is agreed. However, this matter was the result of the severe disruptions experienced from the work bans during the prolonged industrial dispute earlier this year. So, up-front, it is clear. This is what the story is. The facts of this matter are that there were thousands of transactions, totalling far in excess of \$760m, which were paid and banked but not reflected in the central government ledger while the dispute - orchestrated, by the way, and backed by the members opposite - was under way. Notwithstanding this severe backlog, the officers of the Office of Financial Management are to be congratulated on their diligent reconciliation of these transactions - \$760m, Mr Speaker, with only \$150,000 left unreconciled. This, no doubt, contributed to the Auditor-General’s decision not to qualify the accounts.

It is acknowledged, Mr Speaker, that the Chief Minister’s annual accounts were submitted past the generally required due date.

Mr Berry: Mr Speaker, on a point of order: I think there is a question of order in relation to some of the comments that Mr Carnell - I mean Mr De Domenico - has made. He is a mere shadow of his leader, I suppose. He accused Labor members in this chamber of orchestrating an industrial campaign. That ought to be withdrawn. It is a mere imputation. We did not - - -

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MR SPEAKER: I did not hear that he was actually saying that you had orchestrated an industrial campaign.

Mr Berry: The imputation is that we orchestrated an industrial campaign in the ACT which caused the Territory a great loss of funds - - -

MR DE DOMENICO: I can recall your conversation with Mr Brereton. I will table the letter that we tabled before, if you like.

Mr Berry: Is there a point of order or is there not, Mr Speaker? Are you going to rule our way or their way, or is that a silly question?

MR SPEAKER: I am sorry, but I did not hear Mr De Domenico say that the Labor Party had orchestrated an industrial campaign.

Ms Follett: On the point of order: I did hear it. Mr De Domenico said quite clearly that the industrial campaign had been orchestrated and, I think he said, backed as well by members opposite, pointing at the Labor members.

MR DE DOMENICO: Yes, it was.

Ms Follett: That is a clear imputation on all of the members opposite him and it ought to be withdrawn.

Mr Humphries: Mr Speaker, on the point of order: I think that is an extremely difficult interpretation to make of what Mr De Domenico said. He referred to the fact that the Labor Party had backed the dispute. Clearly, they had. And “orchestrated”, with respect, is hardly much different from “backed”. It is all right to back it, but it is not all right to orchestrate it; is that the implication? If there is no implication to be drawn from backing the dispute, it seems to me that orchestrating it is no offence either. These are legitimate debating points, points that Mr De Domenico is entitled to make in the debate, and he should not have to withdraw them.

MR SPEAKER: There is no point of order. Would you mind coming to a conclusion, Mr De Domenico. I want to say something about that later.

MR DE DOMENICO: I was just about to finish, Mr Speaker, before I was interrupted. Thank you for your protection.

Mr Kaine: And I have not asked my supplementary question yet.

MR DE DOMENICO: That is right. It is acknowledged, Mr Speaker, that the Chief Minister’s annual accounts were submitted past the generally required due date. There is no doubt about that. However, the late submission was made with the formal approval of the Auditor-General as per standing procedures for late lodgment. It is important to have some perspective on the question of timing, Mr Speaker. There are two important issues. Firstly, the prolonged industrial dispute, as previously outlined, affected the Chief Minister’s annual accounts like no other department’s as a result of the central government ledger. Secondly, this matter was complicated by the

successful move from cash to accrual accounting. I do not expect you to know what accrual accounting means; but sit down and listen. You should have been taking notes. You might learn something. Mr Speaker, this stands in stark contrast to the previous Government, which in one year alone - that is 1991-92 - did not even have the majority of agency annual reports submitted by 30 September. So, for Mr Berry and others to come into this place yesterday and criticise one annual report or some accounts being reported late, with the approval of the Auditor-General, to me, Mr Speaker, is hypocrisy in the highest degree.

MR KAINE: Mr Speaker, I have a supplementary question. That was a very fine and detailed explanation, and I thank the Minister for it. I was not sure that I understood yesterday, but I do understand now. From what the Minister says, rather than the implied - - -

Members interjected.

MR SPEAKER: Order! Mr Kaine is asking a supplementary question.

MR KAINE: Let Ms McRae cackle away. She does it all the time. It does not disturb me in the slightest. Rather than the implied criticism that the questions yesterday laid at the door of this Government, it seems that, in fact, it rebounded. It is Opposition members who have egg on their faces, because the facts relate to matters that occurred while they were supposedly running this Territory.

MR DE DOMENICO: I thank Mr Kaine for his supplementary question. Mr Speaker, there is no doubt that this Government is the first government - State, Federal or local - in this country to put in a form of accrual accounting. This Government has exposed all the deficient accounting methods adopted by previous governments. Can I say that we will continue to expose those deficient methods, Mr Speaker. It is a pity that the members opposite do not, in fact, sit down and learn something about accrual accounting and proper accounting methods. I was in Melbourne only last week, at a local councils meeting, where the ACT Liberal Government was praised by all and sundry for having the guts to bring in an accrual accounting system. Mr Kaine, I know that you understand the accrual accounting system. Ms Follett might understand it as well. But it is a pity that others opposite do not sit down and find out exactly what is going on.

Dillybag Cafe

MS REILLY: My question is to the Minister for Family Services and Minister for Children's and Youth Services. The proceeds of the Dillybag Cafe in the Woden Town Centre library have contributed to the running of the Woden Community Service for many years, and now the Minister for Urban Services will be evicting the Dillybag Cafe on Christmas Eve. Will the Minister be compensating the Woden Community Service by increasing its grant to replace the money that it will lose as it will no longer be able to operate the Dillybag Cafe?

MR STEFANIAK: In terms of what is happening with the Dillybag Cafe, where it is going and what has happened with the move, I think you might have to ask my colleague. The Woden Community Service has not come to me at all, Ms Reilly, in relation to this.

MS REILLY: The question was in relation to the grant for the Woden Community Service, which I thought was under the auspices of the Minister that I asked the question of.

Mr Stefaniak: Give us your brief.

MS REILLY: Oh, now he has a briefing!

Mr Stefaniak: What is your question, Ms Reilly?

MS REILLY: My question is: Will the Minister be providing an additional grant to the Dillybag Cafe to compensate them?

MR STEFANIAK: Ms Reilly, in my experience in government, if someone wants some extra money they are not backward in coming forward to you. No-one has come forward to me about this yet. So, I would just make that little point. Mr Speaker, the Dillybag Cafe is located in the glass-fronted area of the Woden library and, yes, it is operated by the Woden Community Service.

Ms Reilly: Come on! We did not ask for that.

MR STEFANIAK: Just shut up and you might learn something. This is in Mr De Domenico's area, too. The site has been identified as the most suitable potential site for a shopfront. The co-location of the library and a shopfront at Woden is aimed at improving government information services to the whole community. The Woden Community Service were shown preliminary drawings prepared by the architect in October this year. They were asked to comment on the proposals, to enable further design work to be undertaken. Those drawings provided three alternatives for including the cafe within the redevelopment, Ms Reilly. The area identified for the cafe in these initial designs included approximately 50 square metres inside the building with access to an area outside for additional tables.

The Woden Community Service chose not to proceed with negotiations concerning the relocation of the cafe. A letter notifying the department of its decision to cease trading and terminate its lease has been received. I understand, Mr Speaker, that a letter has been received from the Woden Community Service staff indicating that the Government has forced the closure of the cafe. This is not the case. The decision to cancel the Dillybag Cafe lease was made by the Woden Community Service. I am advised, Ms Reilly, that at all times we have endeavoured to meet their requirements and have offered to continue negotiations concerning the cafe site, despite the decision by the Woden Community Service to cease trading.

Human Rights Office

MR MOORE: Mr Speaker, my question is to Mr Humphries, and it concerns human rights. Mr Humphries, I note a series of actions taken in the Senate about the reduction of human rights, particularly in Queensland. Senator Nick Bolkus put out a media release in which he stated:

The inability of the Federal and Queensland Governments to agree on arrangements for joint human rights offices in Brisbane, Rockhampton and Cairns is a disastrous outcome for the protection of the human rights of ordinary Queenslanders.

Similarly, Senator Bourne, the Democrat Whip, has put a motion in the Senate noting that redundancy notices have been issued to 30 Queensland staff of the human rights office.

Mr Berry: Mr Speaker, I know that Mr Moore has big plans for his future, but Queensland?

MR SPEAKER: I am waiting to hear the - - -

MR MOORE: The crunch is coming.

MR SPEAKER: I hope that it is coming quickly, Mr Moore.

Mr Berry: Are you moving?

MR SPEAKER: Just a moment. Mr Moore is asking the question.

MR MOORE: It is all right. I am quite happy to give Mr Berry the floor for a bit longer, so that the rest of us can witness the circus.

Mr Speaker, my question to Mr Humphries is: Has the Federal Government taken the same approach to the ACT, in terms of funding for human rights, and what are you doing to ensure that the human rights of ACT citizens remain protected, as far as our ACT Human Rights Office is concerned?

MR HUMPHRIES: Mr Speaker, I thank Mr Moore for this question. I am not sure exactly what the Federal Government has done in respect of the Queensland or other State human rights functions; but I can say I am not much impressed with the decisions that the Federal Government has made in respect of ACT Human Rights Office functions. As members will know, there is an arrangement whereby the ACT and the Federal Government share the costs of the Human Rights Office here. We fund approximately half of the cost of the office and we also supply a commissioner. Up to the present time, that arrangement has worked reasonably well. It may not have been quite in kilter with the number of claims being made under Territory versus Federal legislation through that office; but certainly it was an approximate sharing of the cost of that function.

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The Commonwealth has proposed to renew an arrangement for the funding of the Human Rights Office in the ACT, but on the basis that there is a considerable reduction in Commonwealth Government funding of the facility and a suitable increase in ACT Government funding. I think we are to increase our funding by 20 per cent and they are to reduce theirs by 30 per cent. So, Mr Speaker, it is not a deal that we exactly wanted to rush out and embrace.

Mr Speaker, I can indicate that tomorrow I will be bringing to the floor of the Assembly legislation which will establish a freestanding ACT discrimination office, which will have the function of providing for complaints under ACT discrimination legislation. It will provide for a discrimination tribunal, which will be a function of the Magistrates Court. Magistrates will constitute the discrimination tribunal. There will be a discrimination commissioner, whose function it will be to provide for conciliation of complaints, for public education about discrimination functions and for overseeing discrimination issues in the ACT. So, Mr Speaker, that is the proposal I will put to the Assembly tomorrow.

Let me say that I think it is unfortunate that we have had to separate ourselves from the Commonwealth in this regard. It would have been better to have a single one-stop shop in the Territory where everyone who had a complaint could go. What it does, unfortunately, leave open - although it is for us a cost-effective solution to this cutting of Federal funding, in effect - is the question of where people who have a complaint under Commonwealth legislation go in the ACT. I understand that, if they are not to be serviced by the ACT office - and that would depend on their coming to some agency arrangement with us - then they will have to be serviced out of Sydney, which would be unfortunate for those people who needed to use the Commonwealth discrimination Act. Fortunately, the Commonwealth and ACT legislation is very much overlapping, and there are not many cases of people who would be disadvantaged were they forced to use ACT legislation rather than the Commonwealth legislation.

MR MOORE: Mr Speaker, I have a supplementary question. Then, are you appalled by the reduction in the protection of human rights by your Federal Liberal counterparts compared to the efforts of the previous Labor Government?

Mr Berry: I do not think he can ask for an opinion, Mr Speaker.

MR SPEAKER: Exactly. Questions should not ask Ministers for an expression of opinion.

Charnwood High School Site

MR BERRY: My question is to the Minister for Education, Mr Stefaniak. Following the Government's decision to bludgeon Charnwood High School into closure by withdrawing its funds, the Government has announced that it will seek tenders for the sale of two sections of the former Charnwood High School site. The original plan is starting to show through. The two sections are to be rezoned - one for housing purposes - - -

Mr Moore: On a point of order, Mr Speaker: I would have thought that Mr Berry, who is so keen on the standing orders about questions, would have taken note of standing order 117(b), which says that questions shall not contain inferences or imputations. Using the word “bludgeon” there carries an inference or an imputation.

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

MR BERRY: The two sections are to be rezoned - one for housing purposes and the other to have its use extended to include a licensed club and community office, and sporting and retail facilities. They were key elements of the expressions of interest made during the consultation process, as you would agree. The recent lease purpose change made for the nearby Charnwood Tavern, to include a licensed club, now threatens the proposal developed by the community and demonstrates to the community that the consultation process was just another sham from the outset. Behind closed doors, there was a little deal going on to change the lease purpose clause.

MR SPEAKER: Is this a question?

MR BERRY: Mr Speaker, you allowed the Greens to ask a lengthy question.

MR SPEAKER: I am going to talk about this in a moment.

MR BERRY: Mr Speaker, the closed - - -

Mrs Carnell: Mr Speaker, on a point of order: Mr Berry seemed to be insinuating that there was some deal done, and I think he should withdraw that immediately.

MR SPEAKER: Yes, I would have to ask for that to be rephrased, Mr Berry.

MR BERRY: Mr Speaker, the behind closed doors arrangement that was reached - - -

Mrs Carnell: Mr Speaker, I raise a point of order again.

MR SPEAKER: There is an imputation there.

MR BERRY: I withdraw that, Mr Speaker. The arrangements that were reached by the Government to change the lease purpose clause on the Charnwood Tavern - - -

Mr Wood: The shonky arrangements.

Mrs Carnell: On a point of order: I ask that Mr Wood’s interjection be withdrawn as well.

MR SPEAKER: Yes. Mr Wood, your interjection is not helping the debate. Would you mind - - -

Ms Follett: On that point of order, Mr Speaker: I find extraordinary the regularity with which you require people on this side of the house to withdraw comments but you would not require the withdrawal of a comment from that side of the house that we had deliberately orchestrated an industrial campaign and dispute. You did not require that to be withdrawn.

MR SPEAKER: There is no point of order. Mr Berry was managing quite well because he was not referring to imputations; but I have been asked by the Chief Minister, Mr Wood, if you would withdraw the comment “shonky”.

MR BERRY: Is “shady” all right?

MR SPEAKER: No.

MR BERRY: Could you give a list of the ones that are no good?

MR SPEAKER: Just ask the question, Mr Berry. You do not have to go on with all these dramatics.

MR BERRY: This orchestrated lease - - -

Mr Hird: On a point of order, Mr Speaker: I notice that you gave a direction to Mr Wood to withdraw the word “shonky”, and he has not done so. He has disobeyed the Chair, and you may have to take the appropriate action under standing order 202(e).

Mr Wood: In response to the heavy over there, the word is withdrawn.

MR SPEAKER: Thank you.

MR BERRY: This orchestrated lease purpose change for the Charnwood Tavern, which now allows the Charnwood Tavern to operate as a licensed club, threatens the proposal developed by the community and demonstrates to the community that the consultation process was yet another sham. Mr Speaker, will Mr Stefaniak tell us what he did to prevent this little deal - can I say “little”? - this little orchestrated arrangement, from undermining the outcome of community consultation on the future of a school he closed?

Mrs Carnell: Mr Speaker, on a point of order: There is no doubt that there is an insinuation that a deal has been done, and that is simply unacceptable.

MR SPEAKER: Yes. If you are going to ask a question - - -

MR BERRY: I will withdraw it. I do not want to upset the sensitive little petals too much.

MR SPEAKER: You presumably want an answer to a question. I suggest that we leave the theatrics out of it. Otherwise, I will rule the whole thing out of order. I will have no choice. We will never finish.

MR BERRY: Mr Speaker, I would not be shocked. So that I do not upset the precious little petals, I withdraw any imputation that they find might offend them. But this unsatisfactory arrangement has undermined the outcome of the community consultation. Minister, what did you do to prevent this little arrangement from undermining the community consultation on the future of the school you closed?

MR STEFANIAK: He is utterly unbelievable, is he not, Mr Speaker? He is absolutely unbelievable. What arrangement? What deal? What are you talking about, Mr Berry? It is absolute nonsense. It is absolute lunacy.

Mr Berry: “Shonky” seems to be the thing you are most frightened of.

Mrs Carnell: Mr Speaker, I ask for that interjection to be withdrawn.

Mr Berry: Mr Speaker, I said that “shonky” was the thing they seemed to be most frightened of, and that is quite apparent.

MR SPEAKER: Just a moment. Earlier, I asked Mr Wood to withdraw the word “shonky”, and I am asking you to do it now.

Mr Berry: I make no imputation, Mr Speaker. I will withdraw it. They seem to be wilting.

MR STEFANIAK: He is incredible! In terms of what arrangement or what deal - indeed, if he wants it, in terms of lease purpose clauses and the Charnwood Tavern - he had better ask somebody else about that, because that certainly is not my area. Mr De Domenico or Mr Humphries might be able to help him there. But, in terms of this particular process, Mr Berry, I will be quoting from - in fact, I think I will probably tender it - a press release from Mr De Domenico in relation to the high school site and also shortly I will read from a document in relation to that. But, just in relation to this particular process, we will take a few points one by one.

The first is the closing of the school. Mr Berry, I think it is common knowledge that you and your colleagues sat there, through 3½ years of government, while the Charnwood High School went from about 640 kids down to about 275, and you did absolutely nothing about it, unlike this Government, which is prepared to do things when schools seem to get into a bit of trouble and which actually has a ministerial advisory committee looking in great detail at, and involving members of the community in, what to do when school enrolments do change. They are coming up with some very good things which, I think, will help our system very much indeed, including such things as the colleges specialising in certain subjects and actually coordinating activities - something that your Government never did, Mr Berry. So, let us not have any more of that absolute crap about Charnwood High School.

Let us now look at the consultation. Your Government was not exactly known for being a very good consultative government. In fact, Mr Berry, I think that is probably one of the big reasons why at the 1995 election you got only about 30 per cent of the vote and we got about 41 per cent of the vote. There has been a significant amount of consultation

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in relation not only to the Charnwood High School site but to the whole suburb of Charnwood, including the public housing, which I am responsible for, and for which we have announced in the budget \$500,000 for a pilot project. So, you might like to look at a positive there.

In terms of the former Charnwood High School, my colleague Mr De Domenico tells me that the meeting last night was very positive and that people are pretty happy. As you, yourself, initially mentioned in your long, rambling and occasionally-interjected-to question, there were a number of things there which the community really wanted considered and which certainly were considered.

Ms McRae: You did not tell them about the licensed club.

MR STEFANIAK: Here she goes. Mr Speaker, Mr De Domenico, on 20 November - this morning - announced that the Government will seek formal tenders for the site of the former Charnwood High School in two parcels. One parcel will be developed to enhance existing community and education uses through, for example, the licensed club, associated office, retail, medical centre, childminding and sports use, with the other parcel being zoned for housing. Tenders will be accepted for the purchase of one or both parcels. The Government expects the sale to be completed early in the new year. The sale will be conditional on the completion of any necessary variations to the Territory Plan, which will require formal public consultation. I will read that again. The sale will be conditional on the completion of any necessary variations to the Territory Plan, which will require formal consultation. However, community use could commence immediately after the successful tenderer is announced.

It does not surprise me in the slightest, from Mr De Domenico's comments to me, that the meeting last night was positive and that people were very supportive. It does mean, Mr Berry, that, unless there is some way that you lot can stuff this up, there is going to be community use. There are going to be, from my knowledge of what occurred in relation to the high school site and the expressions of interest, some very good local expressions of interest from local people and local clubs who want to get involved there. These are some very useful things for the Charnwood community. I understand that a number of people in the Charnwood community belong to the clubs that are involved.

Ms McRae: Why did you not tell them? Answer the question.

MR STEFANIAK: You are worried about this, because you lot did nothing. You sat on the Holder High School site. We had to fix that one up. This is another case of you lot doing absolutely nothing. You are dreadful. Now you have the temerity and the cheek to come here and try to criticise this Government, which is at least trying to do something for the community. What absolute hypocrites! Do you think people have such short memories? Of course they have not. Really, you are unbelievable.

MR BERRY: Mr Speaker, I have a supplementary question. I know that I may not use the word "little" any more when I speak, but I can now use "stuffed up" or "crap". That is all right.

MR SPEAKER: No, you cannot.

MR BERRY: “Hypocrites” is out. “Little” is out. So, I will not use them. Mr Speaker, will the Minister tell us whether or not he knew - - -

Mr Kaine: Mr Speaker, on a point of order: I draw your attention to standing order 202(d) and (e). I think the member opposite is stretching it exceedingly today, and you might like to refer to those two parts of the standing order.

MR SPEAKER: I shall consider that.

MR BERRY: Mr Speaker, will the Minister tell us whether or not he knew that the club lease purpose clause was being changed or had been changed? If he does not know, could any of the other Ministers who might know tell me?

MR SPEAKER: Mr Stefaniak, would you mind withdrawing the word that you used earlier.

Ms Follett: There were three of them.

MR STEFANIAK: I think I used the word “crap”, did I not?

MR SPEAKER: Yes.

MR STEFANIAK: I withdraw that unreservedly, Mr Speaker.

MR SPEAKER: Thank you.

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

MR SPEAKER: Before we move on, I would remind members that standing order 117(a), in its preamble, states, “Questions shall be brief”. Yesterday, on two occasions, we had two very detailed questions - - -

Mr Wood: They were not from us, though, were they?

MR SPEAKER: No. That is true. I concede that to the Opposition. They were very detailed questions. In fairness to the Ministers and in fairness to the people asking the questions, if you are going to ask detailed questions, would you please give consideration to putting them on the notice paper rather than asking them in this chamber. You may not get the answers that you require, simply because they are not sufficiently detailed. I know that this is of some concern to members. It makes it very difficult for Ministers to attempt to give a comprehensive answer if it is too detailed. I simply mention that and ask members to pay attention to it.

PERSONAL EXPLANATIONS

MR DE DOMENICO (Minister for Urban Services): I want to use standing order 46 because I claim to have been misrepresented.

MR SPEAKER: Right.

MR DE DOMENICO During the course of question time Ms Reilly asked a question of Mr Stefaniak. She said words to the effect of, "Your colleague Mr De Domenico is closing down the Dillybag Cafe". Just for the record, I would like to say that that is not true. For the edification of Ms Reilly and others, the Dillybag Cafe is located in the glass-fronted area of the Woden library. Some of you might have been there. I have. It is a wonderful cafe. The cafe is operated by the Woden Community - - -

Ms Reilly: Why are you closing it down?

MR DE DOMENICO: Just sit there and listen and you might learn a few things. You have been here for a while, but you still have not learnt. Sit down and listen. The site has been - - -

Ms McRae: Not as much as you, yes.

MR DE DOMENICO: No; you will learn something, too. The cafe is operated by the Woden Community Service. It is not operated by the Government; it is operated by the Woden Community Service. The site has been identified as the most suitable potential site for a shopfront, which is what the community wants. The co-location of the library and a shopfront at Woden is aimed at improving government information services to the community. The Woden Community Service, which runs the Dillybag Cafe, was shown preliminary drawings prepared by the architect on 23 and 28 October 1996 and was asked to comment on the proposals, to enable further design work to be undertaken. Notwithstanding that they were asked and shown plans, the Woden Community Service chose not to proceed. They wrote a letter saying, "We no longer want the lease".

Ms Follett: I raise a point of order. Mr Speaker, I think the standing order under which the Minister has leave refers to matters of a personal nature.

MR SPEAKER: Yes.

Ms Follett: I am perfectly prepared to allow the Minister to speak on this, but not under that standing order. If he wants to expand an answer which he gave, there are other provisions he might want to make use of. This is not an explanation of a personal nature.

Mr Humphries: On the point of order: Mr De Domenico was accused in question time of closing down the cafe. Mr Berry said, "Mr De Domenico" or "the Minister for Urban Services is going to close down the cafe". If that is not personal, what is?

MR SPEAKER: That is correct. I do not uphold Ms Follett's point of order for that reason. This is a matter of a personal nature - that Mr De Domenico is going to close down this cafe. Mr De Domenico is explaining why he personally is not closing it down - or, at least, that is what I assume he is doing.

MR DE DOMENICO: Yes. The bottom line is that it is not mine to close down, so I will not. It is the Woden - - -

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

MR DE DOMENICO: Mr Speaker, do I have the floor, or - - -

Mr Berry: I take a point of order. Mr Humphries pointed to me and said that I had said certain things about Mr De Domenico. You said that was correct, I am afraid, Mr Speaker.

MR SPEAKER: It was Ms Reilly, I think, who asked the question about the Dillybag Cafe. I would like to correct that.

MR DE DOMENICO: Mr Speaker, really, the facts of the matter are that the - - -

Ms Follett: On the point of order, Mr Speaker: May I ask you a - - -

MR SPEAKER: Oh, dear me; we are going on today, are we not? Come on, what is it?

Ms Follett: No; this is an important point, Mr Speaker. The Minister, as Minister for Urban Services, is responsible for government property. He is surely making an explanation in his capacity as Minister for Urban Services. It is not a personal matter.

MR SPEAKER: I am sorry. We are so precious in this chamber that I am not prepared to accept that. The comment was made that Mr De Domenico did so, not the Minister for Urban Services. If we are going to become precious, then I will be quite as precious as everybody else. There is no point of order.

MR DE DOMENICO: The bottom line, Mr Speaker, is that it is not mine to close down, for a start. The Woden Community Service wrote a letter to the Department of Urban Services saying, "We no longer wish to renew our lease". We went back to them and said, "Listen, are you sure you do not wish to renew your lease, because we would love to have you here?". They said, "No, thank you". It is not the department that is closing it down, and certainly it is not me who is closing it down. It is a wonderful cafe. I wish they would come back and reconsider, in fact.

MS REILLY: Mr Speaker, I want to make a personal explanation under standing order 46.

MR SPEAKER: Yes.

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MS REILLY: I would like to point out that I did not mention Mr De Domenico's name in my question. I referred to the Minister for Urban Services as he is the Minister responsible for government property, which I was discussing. I did not mention anyone by name. I talked about the Minister who was responsible.

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

MR SPEAKER: Yes, proceed.

MS FOLLETT: Thank you, Mr Speaker. Mr Speaker, I wish to advise you and the rest of the Assembly that when I take a point of order in accordance with the standing orders - I believe that as a member of this place I have every right to do so - I expect to be treated by the Chair with the respect which is due to every member here in equal measure. I do not appreciate your shouting at me, attempting to intimidate me, calling me "precious" or using other epithets. I will take points of order when and if I see fit in accordance with our standing orders.

MR SPEAKER: And I will rule accordingly, as I see fit.

MS FOLLETT: Mr Speaker, I have no objection to your ruling.

MR SPEAKER: Thank you.

MS FOLLETT: I do object to your shouting at me and abusing me.

MR SPEAKER: I did not abuse you, Ms Follett, and I would ask you to withdraw that.

MS FOLLETT: Mr Speaker, I will withdraw "abuse", but you were being loudly critical of me.

MR SPEAKER: Thank you.

QUESTIONS WITHOUT NOTICE

ACTION Buses - Gas Engines

MR DE DOMENICO: Mr Speaker, yesterday Ms Horodny, I think, asked me a question about natural gas powered buses and I suggested that I would get some more information for her. I will present that to her instead of reading it into *Hansard*. I might just give it to her, if I could.

Mr Whitecross: Why do you not table it so we can all share it?

MR DE DOMENICO: If she wants to table it, she can.

PERSONAL EXPLANATIONS

MS TUCKER: I seek to make a personal explanation under standing order 46.

MR SPEAKER: Yes, proceed.

MS TUCKER: Thank you. Mr Humphries, in question time, accused me of attacking public servants. I would like to make it quite clear that what I was pointing out was that the public servants were actually getting a very difficult time in a meeting because he was not present. I had great sympathy for the plight of the public servants. I was not attacking the public servants.

MR WHITECROSS (Leader of the Opposition): I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Proceed.

MR WHITECROSS: Mr Speaker, in the course of an answer that Mr De Domenico gave to a question from Mr Kaine, Mr De Domenico suggested that the Auditor-General had said that I, and other members of the Assembly, for that matter, had wrongly drawn conclusions or opinions in question time yesterday. In relation to that matter, I simply wish to make the point, Mr Speaker, that my role and the role of my colleagues in this place in question time yesterday was to ask questions, not to draw conclusions or opinions. The difference between question time yesterday and the question today, Mr Speaker, is that today Mr De Domenico, the Deputy Chief Minister, actually answered the questions, whereas yesterday the Chief Minister, Mrs Carnell, could not answer the questions. Mr Speaker - - -

Mrs Carnell: I raise a point of order, Mr Speaker. That is not a personal explanation, and it is not a point of order. If saying that \$485,000 had been stolen or “nicked” yesterday was not making allegations, I do not know what was.

MR SPEAKER: Okay. Everybody settle down.

MR WHITECROSS: Mr Speaker, I had not finished my personal explanation. As I indicated - - -

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

MR SPEAKER: I am still waiting for the personal explanation, and I will rule you out of order - - -

MR WHITECROSS: Mr Speaker, as I said, Mr De Domenico had incorrectly said - - -

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

MR SPEAKER: Would you mind resuming your seat, Mr Whitecross. Thank you. I call on the presentation of papers.

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Mr Berry: Mr Speaker, I take a point of order. I see that Mrs Carnell was rising to respond to the answer that was given in relation to this matter in question time by Mr De Domenico.

MR SPEAKER: There is no point of order.

Mr Berry: She was not even here, so it is pretty hard for her to know.

MR SPEAKER: I call on the presentation of papers.

MR WHITECROSS (Leader of the Opposition): Mr Speaker - - -

MR SPEAKER: Resume your seat, Mr Whitecross. You have had the opportunity - - -

MR WHITECROSS: I just want to seek, Mr Speaker - - -

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

MR SPEAKER: I would be very reluctant to use standing order 202, but I will.

Mr Hird: I was just about to draw your attention to standing order 202(e).

MR WHITECROSS: Mr Speaker, if I may be allowed to get a word out so that you know why I am on my feet, I - - -

MR SPEAKER: You have not yet made any approach on this personal explanation, Mr Whitecross.

MR WHITECROSS: I was seeking a clarification of your ruling.

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

Ms McRae: He is standing on a point of order. Give him a go.

MR WHITECROSS: On a point of order, I am seeking a clarification of a ruling given by Mr Speaker. Mr Speaker, I understand that in making a personal explanation there are two parts. In the first part you indicate where you have been misrepresented, and then you have an opportunity to explain why that misrepresentation was incorrect. Mr Speaker, how can I point out how I have been misrepresented if I cannot refer to the words of the Minister to indicate where I have been misrepresented?

MR SPEAKER: You have not referred to them yet.

MR WHITECROSS: Mr Speaker, what I said was - - -

MR SPEAKER: Your preamble went for longer than a matter of public importance.

MR WHITECROSS: Mr Speaker, I will try again. May I try again? I seek your indulgence, just to be clear.

Mr Humphries: Mr Speaker, I raise a point of order. Mr Whitecross is flagrantly attempting to abuse the standing orders. Mr Whitecross knew full well that what he was saying was not a personal explanation under standing order 46. He is not so stupid as to rise in this place and say the things he said, thinking that he might have been making a personal explanation. He was attacking the Chief Minister. He was debating something which has not yet occurred. He should not be permitted to attempt again to do what he has already done, which is breach the standing orders.

MR SPEAKER: That was certainly my reading of the matter. If you wish to make a personal explanation under standing order 46, ask to do so. I will grant permission, but I will not allow you to debate the issues.

MR WHITECROSS: Certainly, Mr Speaker; nor would I wish to. Mr Speaker, Mr De Domenico suggested in his remarks that the Auditor-General had said that I had done two things - that I had drawn conclusions on the basis of the draft letters and that I had compromised the independence of the Auditor-General. Mr Speaker, my personal explanation is this: I did not draw conclusions. I asked questions. There is nothing in the Auditor-General's letter which indicates that the Auditor-General has said anything to the effect that I have compromised his independence.

PAPERS

MR DE DOMENICO (Minister for Urban Services): For the information of members and pursuant to section 22 of the Territory Owned Corporations Act 1990, I present the 1995-96 Report of ACTEW Corporation Ltd, together with the financial statements and the Auditor-General's report.

MR HUMPHRIES (Attorney-General): Mr Speaker, for the information of members and pursuant to the Annual Reports (Government Agencies) Act 1995, I present corrigenda to the 1995-96 Report of the Department of Education and Training and the Children's, Youth and Family Services Bureau. These corrigenda were made available to the members of the Select Committee on Estimates 1996-97.

I also present the ministerial travel report for 1 July to 30 September 1996 and the revised Administrative Arrangements as contained in *Gazette* No. S150, dated 1 July 1996.

Finally, I present, pursuant to standing order 83A, two out-of-order petitions lodged by Ms Horodny, from 175 citizens, relating to battery chickens, and from 400 citizens, concerning the construction of the Revivalist Centre in Chisholm.

ARTS FUNDING
Discussion of Matter of Public Importance

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

The need to maintain public confidence in the funding of arts and for consultation if changes are proposed.

MR WOOD (3.47): Mr Speaker, some years ago a young and inexperienced Minister for Education walked out into the community and announced grandly that he was going to close up to 25 schools; that the decision had been made and could not be changed. He did announce that he would consult on the implementation of that decision. We well remember the outrage that the announcement by the Minister for Education, Mr Humphries, created at that time. The community in the education area simply refused to accept that. Nothing has changed; Mr Humphries has not learnt over the years.

Last week it was announced to the arts community that there will be changes to the arts funding process. It was announced that the decision has been made but there will be consultation on its implementation - the same approach that the younger and less experienced Mr Humphries adopted some years ago. Let me read from the brochure that was circulated; but not in Mr Humphries's name, I might say. I quote one line:

This forum has been organised to assist in developing arrangements for the trial.

The decisions have been taken. Obviously, Mr Humphries and the Liberal Government have forgotten the lessons from that earlier hasty action. That is unfortunate. I am prepared to say that thus far Mr Humphries, I believe, has had the respect of the arts community. That respect is now likely to be lost. It is known, of course, that the Carnell Government, as a whole, ran very strongly on the matter of consultation during the election campaign. We have seen since that that was a deception. Evidence in this Assembly and beyond over and over again has shown that consultation has no meaning for them.

The meeting last night that was announced in the brochure from which I quoted was held to discuss the implementation of that policy decision. The meeting declined to do so. I went to that meeting for a good part of its session and can report that it comprised a broad representation of the arts community who were outraged, angry, distrustful and resentful. There were two bureaucrats there who had to carry the brunt of the criticism which was directed at the Government. It was not directed at them; it was directed at the Government. Those bureaucrats had a difficult time because they had an impossible task to carry out. I quote the motion that was passed at the end of that meeting of arts people last night:

This meeting rejects the aspects in the trial of the revised administration of community activities grants, specifically the creating of a further bureaucratic tier to the current arts grants process, and that the final responsibility remains with the Minister and not Cabinet as proposed.

As I say, the meeting was a representative gathering of 100 or so arts people from across all areas of the arts and they passed that motion unanimously. The meeting last night gave an emphatic no to the implementation of the trial. It was an emphatic no to the proposal itself. The whole tenor of the meeting was, "We do not trust the Government".

Mr Humphries: That is your interpretation of it, Mr Wood.

MR WOOD: It was pretty clear. It is not an interpretation when it was said as loudly and as clearly as it was. At the outset the meeting got a briefing on the changes. The emphasis in those changes was on streamlining. As the debate proceeded, it was agreed that they would like streamlining; but, in fact, the bureaucrats could not carry that argument because it was quite apparent that "streamlining" was not an appropriate word. When you complicate the process, when you add a whole new layer or two layers to that process, when you add a very much greater workload, when you add more to the top of it, it cannot be said to be streamlined. So that argument was not pursued.

It became clear after questioning - it was not in the initial briefing - that what is proposed to happen is that arts grants and other grants will go to Cabinet. They will be circulated, as Cabinet papers are, around the whole bureaucracy. The fact is that the arts community recognised that there was a further bureaucratic and political intrusion into the granting of arts funds. That is what they resented and that is what they utterly resist. We all know the extensive work that goes into submissions to Cabinet and the great amount of extra involvement that brings, and there is no way that you can describe that as streamlining. It is complicated, Mr Humphries. The meeting simply did not trust the words that were being said, and they were very suspicious of the agenda behind the proposal.

So the defence moved, as Mr Humphries did today, to saying that this is an all-of-government response, whatever that means. Is it an expression of no confidence in the Minister that it now has to be done through the whole-of-government process - no confidence in not just this Minister but other Ministers who are involved in different branch areas? Is it an expression of no confidence in the ACT Cultural Council?

Mr Humphries: Were you actually at this meeting?

MR WOOD: Yes. You should have been there.

Mr Humphries: I was not invited, so I did not know it was on.

MR WOOD: You should have been there. I give it to Mr Humphries that he tends to front up to meetings. He does not usually avoid them. His presence would have been appreciated. (*Quorum formed*) The all-of-government approach may well also denote a lack of confidence in the Cultural Council. A briefing had been arranged for them on the Monday, I understand, as I heard last night. As I heard last night, from the floor, the Cultural Council had no knowledge of this dramatic change until that meeting which transpired, I think, only yesterday. So we need to hear from the Minister what his attitude is to the Cultural Council. Does he still retain confidence in that premier advisory body?

Another claim made last night was again dropped rather quickly. That was a claim of double dipping, which was offensive to all in that room. This concept of acquiring funds from more than one source was better put by one of the people present as complementary funding. It is something that I encouraged as Minister, and I believe other Ministers have encouraged - to go to the Health Promotion Fund for grants. Yet that was offensively referred to as double dipping. Perhaps Australia Council funds are seen as double dipping. That was quickly dropped because it was seen as inappropriate and offensive.

The meeting reasserted most strongly its requirement for arm's-length funding, for peer assessment and for retention of the Cultural Council. It rejected totally political intrusion, intrusion by senior bureaucrats specifically from the Office of Financial Management, and, as the motion suggests, it did not want to get further distant. It wants to be close to its Minister, as it believes it has been in the past, and it did not want that disturbed. The whole tenor of the night, as I say, was that they did not trust the level of senior bureaucratic influence and likely political involvement that is to be imposed. They simply do not trust the motives and the agenda behind this, or the Carnell Government.

They want to maintain the system that has been in place so far and that has clearly worked very well for the arts; a system where recommendations are made to the Minister and those recommendations are discussed in the whole process with the Minister, as has been pointed out. If a recommendation comes forward, for example, Mr Humphries, to defund the Arts Council of the ACT, that may then be done if that comes through that lengthy process.

Mr Humphries: It will under the new arrangements, too. What has changed?

MR WOOD: They do not accept that that is the case. They do not believe that. There is a new process. In fact, Mr Humphries, those people last night were on your side because they believed that you stood up for the existing arrangement but that you were rolled in Cabinet. You might comment on that.

Mr Humphries: They were there, were they?

MR WOOD: No, they were not there, but that is what the gossip mill tells them - that you have been rolled, and that others with no great interest in the arts are now to take control of arts funding. That is the concern they had last night.

MR HUMPHRIES (Attorney-General and Minister for Arts and Heritage) (4.01): Mr Speaker, I do not know what sort of brief Mr Wood had to fill in some time this afternoon, but I have to say that I think there could have been stronger issues on which to run an MPI. The problem with this MPI is the premise on which it is based. The premise is that there have been changes made to the administration of arts funding in the Territory which are deleterious to the efficiency or good operation or effectiveness of the arts sector.

Despite having 15 minutes in which to elaborate on this question, Mr Wood was unable to pinpoint or identify what it was that was wrong with the proposed system of funding - either the arts grants or any other form of grants in the Territory under these new arrangements which, I emphasise, are a trial, not a permanent arrangement. I am really

rather surprised by that, because Mr Wood is familiar with the present processes, having administered them himself at one stage. He could easily have made inquiries to establish what the new process was about, to clear up some of the obvious concerns and doubts which have crept into his own mind about that; but he has not done so. Let me put this question to the Assembly: What exactly is it about the new arrangement which is wrong?

Mr Wood: Were you rolled?

MR HUMPHRIES: No; I have asked you the first question, Mr Wood. You answer the question first. The point is that Mr Wood has based this MPI on the premise that something is wrong, but he has not said what it is that is wrong.

Mr Wood: No consultation, Mr Humphries, for one. Do you want to respond to that?

MR HUMPHRIES: There is only one element, Mr Speaker, which I think Mr Wood has touched on which happens to be true.

Mr Wood: He will not touch it, you see. He talks over the top of it.

MR HUMPHRIES: I listened in silence.

MR SPEAKER: Interjections are out of order, anyway, Mr Wood. Ignore it, Mr Humphries.

Mr Wood: Mr Humphries wanted to ignore that interjection. The second point which I made - - -

MR SPEAKER: Order!

Mr Wood: The second point which I made was the intrusion of Cabinet.

MR SPEAKER: Order! Mr Wood, you were heard in silence.

Mr Wood: No, I was not.

MR HUMPHRIES: Will someone go and get Mr Wood's tablets? He needs his tablets. Mr Speaker, I ask the question again: What exactly is it about the present proposal which they do not like? There is only one thing that they have drawn attention to which is of substance, and that is the fact that Cabinet is involved in approving applications for grants rather than a single Minister. What exactly is wrong with that? What exactly is wrong with having a whole-of-government view about the allocation of grants in this Territory? Mr Wood has not made out a case for what is wrong with that. I suppose you could say that it probably would take a bit longer, maybe another week or two, to get a submission to Cabinet than to get a submission to the Minister, which could involve a slight delay; but, given that grants are made on an annual basis generally, I would have thought that that is a very small and insignificant consideration in this whole affair. Okay, we have Cabinet being involved in these processes rather than Ministers. Well, big deal, frankly!

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Mr Speaker, the fact of the matter is that there is nothing of substance that he has pointed to as the basis for this MPI, other than community fears or concerns. I agree that community concerns and fears are a legitimate basis on which to have some concerns, but I happen to take a different view from Mr Wood. My view is that if there is a community concern about a particular issue, if they perceive that there is some problem, my first job as a member of the Assembly, as a responsible elected member of parliament, is to go back to the source of this apparent problem and find out what the facts are.

Mr Berry: Mr Speaker, I would like to raise a point of order. I heard Mr Humphries say that Mr Wood ought to go and get his tablets, or words to that effect. That is a clear imputation against Mr Wood and I would ask that he withdraw that.

MR SPEAKER: I did not hear it, actually.

MR HUMPHRIES: If you want to use that standard, Mr Berry, that is fine by me. If Mr Berry finds that offensive, I withdraw it, Mr Speaker. I am sure he will live by that standard himself in the future, will he not?

Mr Speaker, if there is a problem, you go and find out what the problem is. You go and ask someone, "What exactly are you proposing that is so offensive?". To be quite frank, I think it is lazy political activity, it is laziness on the part of a politician, to hear someone claiming something is the case and simply to parrot that concern without checking to see whether it is well based or it is not. We all have access to information in this place. I am prepared to brief any member on this procedure who wants to know about it. To simply say, "Someone said this is a problem and therefore it is", is lazy, Mr Speaker. It is lazy and it is inappropriate. I think it shows contempt for the processes. All of us should be enlightening the community about what is going on, rather than feeding on community fears and ignorance.

Mr Speaker, the criticisms of these processes, such as they are - I am not really sure what they are - are particularly inappropriate, coming as they do from the mouth of a member of the Labor Party. Remember that the Labor Party's idea of a perfect funding formula was to wheel out a large whiteboard in Parliament House and write down all the funding allocations on the whiteboard. These people using the Ros Kelly whiteboard system are prepared now to complain about a government that goes through a process of greater scrutiny in making grant allocations.

Mr Wood: You really are struggling, Gary. I can see that you got rolled. You are not arguing very well.

MR HUMPHRIES: It was your faction, too, was it not, Mr Wood? Was she not a member of your faction as well? The man from the whiteboard party is saying - - - (*Quorum formed*) Mr Speaker, I welcome members to the chamber to hear these words of wisdom. The trial, and I emphasise that it is a trial, for the revised administration of funding programs in the ACT is predicated not on a desire to make arts grants less accessible, not to use, for example, the Ros Kelly whiteboard funding approach towards the funding of the arts, which we know is the Labor Party's preferred approach, but rather to increase accountability to the community through a new process.

We have already demonstrated an extraordinary commitment to accountability to the community, one that no other State or Territory has matched, with the introduction of accrual accounting which records the cost of every activity undertaken by the Government according to output.

This new trial grants process will maintain and even expand that accountability. The community has an assurance of the tightest scrutiny of grants, independently reported against and accounted for in public documents. The fact that the whole Cabinet, rather than a single Minister, Mr Speaker, considers those grants is again a measure of public accountability. It seems strange that these people opposite have sometimes argued for more accountability, but now seem to argue for less. It is very hard to understand. This process, I should emphasise, Mr Speaker, will in no way affect peer assessment processes.

Mr Wood quite mischievously suggested that the Cultural Council's role in some way was being detracted from, downgraded, derogated from or compromised. None of those things is true. It is quite false and quite wrong to suggest that any of those things are likely to occur. In fact, the Cultural Council's role in this whole process is completely unchanged and they are not likely to notice any difference in approach. For that matter, the position of individual arts practitioners or applicants for funds is also substantially unchanged. I doubt that any member of the arts community will notice any difference in their application processes. What they will notice a difference in, I suspect, is the process of reporting on grants which have been made. Rather than dealing with one area, they will be dealing with a different area of government in terms of accounting for and collecting the money that they have been voted. So, Mr Speaker, I think it is very unfortunate that people are drawing the conclusion that this results in some corruption of the system or some downgrading of the system of accountability. Quite the contrary. It is precisely the reverse.

I would be very interested to hear what Ms Tucker thinks are the criticisms of this process, but I would urge her not to fall into the trap of thinking that extra scrutiny within the Government of this process is necessarily a bad thing. It may be true that having a matter go to Cabinet, rather than before a Minister, could take slightly longer in itself.

Mr Wood: Would you call it streamlining?

MR HUMPHRIES: A Cabinet submission takes a bit longer to prepare than a submission to a Minister; but, because we are streamlining the process of management of the entire grants round - advertising of grants will be conducted through this centralised process, and the management of information going out to people about potential grant applications will be managed by the centralised process - cost savings and time savings in that process may well cancel out and overcompensate for the extra time that it takes. I again urge members not to jump to conclusions about this process.

We have had a process of community consultation going on in the past week. I know that Ms Tucker has said that this sounded more like a process of being told what was happening than a process of consultation; but I assure her and other members that the Government is interested in the outcome of that process, which the Community Information and Referral Service is conducting at our behest, and that my failure to attend

last night's meeting was not some kind of snub to that consultation process. I did not know it was going on and I was not invited to attend. I am always willing to attend those meetings to hear people's concerns face to face. Indeed, there will be people who want to see me about this issue and I will also hear them face to face.

Mr Speaker, I emphasise again that this Government has a clear commitment. It has a clear commitment towards squeezing the maximum amount of juice out of every lemon that the taxpayer provides us with. We have a duty, which we take very seriously, to ensure that if there is a better way of delivering the same service or an improved service to the community we will find it. That is a commitment that I think we are entitled to make on the mandate we have from the people of Canberra. This is part of that process. It is a trial of a new system of grant-making across the Government. I say again, as I said during question time, that if the process does not produce a better outcome for all concerned, particularly for those who receive grants, a different system or the old system will have to be considered.

Mr Speaker, not trialling some new system is the most reprehensible of all, given that there are very considerable sums of money involved in this process. I stand by that process. I hope that members of the Assembly will realise that it is time for some innovation and some new thinking. I know that Mr Wood is very much wedded to the past, to the glory days of the Follett Government; but, Mr Speaker, things have moved on. The Territory's financial position demands that we look at innovations, and that is what we are now doing.

MS TUCKER (4.15): I was at that meeting last night, too, and I would have to agree with Mr Wood's impressions of the meeting. I indeed was left with questions that were not appropriate to ask of the bureaucrats. I concur with Mr Wood that those public servants bore the brunt of anger against this political decision or proposal. I am still not clear whether it is a decision or a proposal. Anyway, there is obviously - - -

Mr Wood: Yes, they decided.

MS TUCKER: It sounds like that, from what Mr Wood says. I have not seen that brochure, actually; but if it is as he quoted, to assist in developing arrangements for a trial, it sounds pretty well as if it has been sorted out and it is going to happen. I was under the impression, as were other people there, that it was actually a consultation; but maybe it was one of those sorts of consultations that happen after the event, and that has not worked on many occasions here.

Mr Humphries: It is a trial, Kerrie.

MS TUCKER: Yes, but the point is that some people were under the impression, incorrectly, obviously, that this was an idea. So you have come up with a trial of a specific - - -

Mr Humphries: You should be dispelling those things, not feeding them.

MS TUCKER: No, it is fine. I am asking questions here, Mr Humphries. I am telling you what the feeling of the meeting last night was. I think you should listen because it sounds as if you have a bit of damage control to do. I am perfectly willing to accept that your intentions are good, but you do have damage control to do because people there were feeling very unhappy. As for the question of whether you were there or not, I also accept that that was an oversight. They said you were not invited.

Mr Humphries: On whose part?

MS TUCKER: You were not invited. That is what is so amazing. If this is a whole-of-government approach, someone in this Government neglected to tell the Minister for Arts that there was a significant meeting going on to talk to the community about what they perceived, rightly or wrongly, to be a major new initiative in arts funding. They neglected to tell you, the Minister for Arts, that you should come.

Mr Humphries: The Government did not organise the meeting. The Community Information and Referral Service organised the meeting. That is why we did not go.

MS TUCKER: All right; okay. Mr Humphries interjects that it was a community organisation that did it. I knew that that meeting was on, and if you were in touch with the arts community you should have known too. I wonder why your bureaucrats did not let you know. I am not attacking bureaucrats; I am asking a question, though. Where are the communication links? Honestly, it was really unfortunate that you were not there, Mr Humphries, because you - - -

Mr Humphries: Well, I am sorry. I did not know it was bloody on.

MS TUCKER: Yes, I know. I am just telling you that that is why you have to get into damage control, because that was a mistake, even if you did not mean to not be there. It had a very unfortunate consequence because, basically, this is a political decision and you have to answer the questions. If it is as you say, if it was not about consulting people about a proposal for a new arrangement but was actually the presentation of a trial, then you do have a problem and it was not - - -

Mrs Carnell: It makes no difference.

MS TUCKER: It makes no difference; okay. It makes a huge difference to the community when they are presented with a fait - - -

Mr Humphries: How?

MS TUCKER: I wish you would just listen.

Mr Humphries: I am listening.

MS TUCKER: If you present people with a fait accompli like that, saying, "We are going to have a trial", and then the question is asked, "Okay, how are you going to evaluate the trial?", you say, "That has not actually been worked out yet". That is your response. It is not your responsibility as Arts Minister, apparently.

Mrs Carnell: No.

MS TUCKER: I am still not clear whose responsibility it is. It is the Chief Minister's responsibility. Okay. If you are going to present people with a trial, it is your responsibility to see that the methodology is good enough so that people have some sense of the credibility of that trial. Evaluation mechanisms ideally go right through a process, by the way, not right at the end. That way you can adapt the thing as it goes, and evaluate it again at regular points. There was no information about that and that was one of the reasons why there was huge frustration at that community meeting. They were saying, "Okay, if you are going to do this, how are you going to work out whether or not it works?". There was no answer. So we have established that it is a presentation of an idea that is definitely going to happen.

The Minister, Mr Humphries, has addressed the questions about accountability and the Cabinet. There were concerns because there was the impression - Mr Humphries has confirmed this - that there is going to be more time required for this process. The point made by a lot of people at that meeting was that people who work in the arts are often impoverished. They often have to be dependent on grants for their livelihood and they do not have a disposable income. A lot of them do not own a house. They were very concerned to hear that this process might take more time, and that is disappointing.

Mrs Carnell: It does not make any difference.

MS TUCKER: Mr Humphries just confirmed that it may take more time to go through Cabinet, Mrs Carnell, so - - -

Mrs Carnell: The trial, but not the grants. The grants do not depend on the trial.

MS TUCKER: No. Mrs Carnell interjects again that the trial is not about giving out the grants. The trial is a trial of a process which is about how grants are given out. Mr Humphries has confirmed that this new process for giving out grants will mean that the application goes through Cabinet and that this will take a little bit longer. That is a concern for people in the arts community. The financial security of artists is often non-existent. As I said, practising artists are often impoverished. Grants processes are a very significant aspect of their lives. You can reassure that community that this is not going to make it any more difficult for them. That is what they need to hear and that is why I am telling you. If you have answers to these concerns it would be really good if you could give those answers to the community.

I acknowledge that Mr Humphries has a good relationship as Minister for Arts with the arts community and he has explained that it was not his intention to not be at that meeting, but I must say that I think he would have been interested. No doubt he will talk to people about why the arts community prefer to work through a Minister and not the Cabinet. They feel that they can develop a relationship with you. They have had a good relationship with you and the previous Arts Minister, apparently, and they feel that there is more accountability about decisions that are made at a political level. Their concern is

about the language once it goes to Cabinet. "A decision was taken" is the language that comes out from Cabinet. "I did not make it; none of us actually made it. It was just this decision that was taken", is the language. This is the concern that is coming out. So it would be well for you to address those - - -

Mr De Domenico: Have you dispelled that concern?

MS TUCKER: I listened to that meeting. Mr De Domenico does ask the most irritating questions. I do not know why I am bothering to answer it. I do not think I will. I think I will just let it go. That is the issue. I believe Mr Humphries is interested in what came out of that meeting, so I will continue. I will ignore Mr De Domenico's irrelevant interjections. I have dealt with the accountability question. If the Minister for Arts has no real say in the proposals any more, only as a member of the Cabinet, and it is up to the whole-of-government approach, but, of course, chaired by the Office of Financial Management, who are determinedly pursuing economic efficiencies across the board, the arts community are also concerned and wonder what the agenda actually is.

We have heard the Treasurer proudly talking about accrual accounting. As an example of one of the benefits of accrual accounting she pointed out the relative cost of arts grants and sports grants. Obviously, arts grants cost more than sports grants. They are totally different areas. She was not really telling anybody anything that they did not already know. When they see these statements and then they see a new layer suddenly imposed on arts administration which is chaired by the Office of Financial Management, I think you can understand why there might be some concern because it is a general direction of this Government. That is fine. It is their political view. That is how they go for it - squeeze every lemon. Mr Humphries says, "Squeeze every lemon"; but when that question was asked at the meeting - "How much money is going to be saved here by this process?" - the answer was, "Well, probably not much".

The other question that was asked was, "What is the cost of this added layer of bureaucracy?". I am asking that, too. Do we have an actual cost-benefit analysis?

Mr Humphries: It is a saving, not a cost.

MS TUCKER: It is a saving of money. Okay; so how much money has been saved and where is it going to be saved? Those are other issues that were raised last night that you can also talk about to the arts community. You were asking what is wrong with it. You were saying to Mr Wood that you could not work out what the concerns were or why he was raising this matter of public importance. You also said - I think it was a bit disappointing - that it is really not important enough for a matter of public importance; it does not have that value. The arts community would be very disappointed to hear you say that, because they do have very extreme concerns about this process. Even if they are

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not warranted and you are able to reassure them that everything is fine, it is not good enough for an Arts Minister to say, "This is not a matter of public importance". If you had been at that meeting you would have known that the arts community is very concerned. Let us hope that those concerns can be addressed.

MR SPEAKER: The member's time has expired.

MS TUCKER: I seek a very short extension.

Mrs Carnell: You cannot have an extension on an MPI.

MR SPEAKER: I am sorry; there is no opportunity.

MS TUCKER: No, I cannot. Okay, I close on that note.

MR SPEAKER: The discussion is concluded.

Mr Wood: Frankly, there was an opportunity. The time has not expired.

MR SPEAKER: The discussion is concluded.

Ms Follett: I raise a point of clarification, Mr Speaker. Under what standing order is a member not able to seek an extension during an MPI debate?

MR SPEAKER: Because there are set times on an MPI.

Ms Follett: Mr Speaker, is a member not able to seek leave for an extension?

Mr Wood: There have been extensions on MPIs.

Mr Humphries: Very rarely. Traditionally, we have not given them during MPI debates.

Mr Wood: But today there is no next speaker, so the time is available.

Mr Humphries: No; we have Government business to do, so the time is not available.

Ms Follett: On the point of order, Mr Speaker: There being no other speakers, I, for one, am perfectly prepared to give the speaker leave for an extension, if she so wishes.

MS TUCKER: I have only about three minutes to finish.

Mr Humphries: Mr Speaker, on that point of order: Obviously, Ms Tucker is entitled to seek leave and she can do so. I would just remind her - she might not have been aware - that traditionally we have made a decision that we would not give extensions on matters of public importance.

Mr Wood: When there are people wanting to get in?

Mr Humphries: No. There is Government business on this program which has been waiting and which is fairly urgent. I would ask members to at least get on with that, rather than do other things.

MR SPEAKER: I am advised by the Clerk that it is the practice normally not to grant leave for an extension on matters of public importance. Nobody else rose to debate the matter. As you all know, we have only one hour, and if nobody rises before that hour is up the discussion is concluded.

Ms Follett: Mr Speaker, on the point of order: I do not like to labour the point and to incur your wrath once again, but I must again seek your guidance. Is there a standing order, or another rule of this chamber, not a practice, that would prevent a member from seeking leave for an extension to conclude her remarks?

MR SPEAKER: No, there is not.

Ms Follett: Mr Speaker, I accept that the Government has a great deal of business to do; but, if the speaker has only a couple more minutes' worth of comments which she wishes to make, I think it would be only courteous to allow her to conclude her remarks.

Mr Humphries: She can ask to do so. It is just not what we have done before.

MR SPEAKER: You can seek leave, Ms Tucker. We are wasting more time in this argument than - - -

MS TUCKER: I seek leave to finish my speech. It is only one minute, probably 30 seconds.

Leave granted.

MS TUCKER: Thank you. I just wanted to give an overview of the concerns that came out of that meeting, for the Minister's benefit. I did have a briefing, Mr Humphries, so I have done some work on this. They are concerned about the extra layer of administration, the fear of political decisions through Cabinet, the fear of economic imperatives determining grants, the lack of real information about how the trial will be evaluated, the poor process in developing this proposal up to this date, and fear that the Cabinet will take even longer than the Minister has to be part of this process. There were other concerns, but that is an overview.

MR SPEAKER: Order! The discussion is concluded.

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MANUKA CAR PARK DEVELOPMENT
Ministerial Statement

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning): Mr Speaker, I seek leave to make a short statement about section 41 in Manuka.

Leave granted.

MR HUMPHRIES: I had discussions earlier today with Ms Horodny of the Greens about the processes to be used to resolve the present expressions of interest procedure with respect to section 41 in Manuka. I undertook that I would make a statement in the house to confirm to her and to others that, although the expressions of interest close next Wednesday, 27 November, it is the Government's intention that there be no decision resulting from that expressions of interest process before the following Wednesday, when the Assembly will debate private members business, when the matter that Ms Horodny has on the notice paper concerning section 41, presumably, can be dealt with. I undertook to confirm that that was the case and that there would be no pre-empting of that capacity by the Assembly to change course or take a different view on section 41 prior to Wednesday, 4 December, which is two weeks from today.

Mr Moore: Will you answer the letter from the committee by then as well, as to whether there is a variation of the Territory Plan?

MR HUMPHRIES: I am happy to do so by that time as well. But I want to assure members that nothing will happen in that time which would preclude the Assembly taking a particular course of action.

Mr Wood: This is the land you are selling at a discount price.

MR HUMPHRIES: No; it is not the land we are selling at a discount price.

MR SPEAKER: Order!

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

MS FOLLETT: Mr Speaker, I present Report No. 16 of 1996 of the Standing Committee on Scrutiny of Bills and Subordinate Legislation. I ask for leave to make a brief statement on the report.

Leave granted.

MS FOLLETT: Report No. 16 of 1996, which I have just presented, was circulated when the Assembly was not sitting, on 2 October 1996, pursuant to the resolution of appointment of 9 March 1995. I commend the report to the Assembly.

**SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION -
STANDING COMMITTEE
Position Paper on Scrutiny of National Schemes of Legislation**

MS FOLLETT: Mr Speaker, I ask for leave to present a position paper prepared by the Working Party of Representatives of Scrutiny of Legislation Committees throughout Australia. I also ask for leave to make a statement.

Leave granted.

MS FOLLETT: I present a position paper entitled "Scrutiny of National Schemes of Legislation" which was prepared by the Working Party of Representatives of Scrutiny of Legislation Committees throughout Australia. The position paper that I have just presented does represent, as many members will know, a number of years of work by successive scrutiny committee chairs and members. In this Assembly, that includes Mr Paul Osborne and Mrs Ellnor Grassby, as chairs; Mr Whitecross and Mr Humphries, as deputy chairs; and, of course, the current members of the Scrutiny of Bills Committee. A number of us have had a hand in this task. The paper that I have presented is being presented by my committee counterparts in all parliaments of Australia. It follows the presentation of a discussion paper to all Australian parliaments in August last year and the receipt of a number of submissions which commented on that discussion paper.

Mr Speaker, the position paper has been prepared to address the development of national schemes of legislation. As members will be well aware, ministerial councils often approve national schemes of legislation on a variety of topics; and, as a result of that approval, uniform national legislation is usually presented to each Australian parliament. Members will recall a variety of such uniform schemes - for example, the mutual recognition legislation, the competition policy, uniform credit laws and, of course, most recently the uniform gun control laws. I realise that the Standing Committee of Attorneys-General is also developing a uniform criminal code. We have seen a vast array of uniform legislation schemes presented to this chamber. Once such legislation is presented to each parliament, the members of that parliament have invariably been told that the legislation cannot be amended because it would put one jurisdiction out of kilter with the others.

Whilst the scrutiny committees have no problem in principle with the process of Ministers coming together to agree on a common legislative scheme that is for the good of Australia, the committees do have a problem with the process of enactment of the legislation and the lack of real opportunity for scrutiny of that type of legislation at critical stages in the course of its debate and passage through the parliaments. As is stated in the foreword to the position paper:

Effective parliamentary scrutiny has been threatened because of the rise of national schemes of legislation which emerge from such bodies as the Council of Australian Governments and various Ministerial Councils. Expressed at its simplest level, such councils agree to uniform legislation, usually in closed session, and then proceed through the participating Ministers to sponsor Bills through individual Parliaments, often with the message that the Bills cannot be amended for fear of destroying their uniform nature.

Mr Speaker, I would put it to the Assembly that this has led to the practice whereby ministerial councils, with little input from parliaments themselves, have effectively taken over the role of legislators. I am speaking from the point of view of somebody who has been in government and out of government and who has attended ministerial councils, COAGs and some of the bodies that come up with uniform legislation; and of course I am speaking as a member of this Assembly with a wish to uphold the highest ideals of scrutiny and of participation by the parliament in the process of legislating.

I believe that the position paper as it stands has a number of important points to make. It sets out two possible options to address this issue, although the committees, of course, are open to other options. The committee chairs have asked that the various ministerial councils examine the position paper and discuss it at the next available opportunity. In particular, the committee chairs are writing to both Chief Ministers, all Premiers and the Prime Minister, asking that the matter be discussed by the Council of Australian Governments. Both of those courses of action are now well in train.

As I said at the outset, at various times a number of members of this Assembly have had a hand in the process which has led to the production of this position paper. I would urge all members to look at it carefully. I would particularly urge Ministers and the Chief Minister to examine the position paper and to accept that it is a bipartisan document which has taken many years to prepare and which has some very important things to say. I commend that position paper to members. I seek leave to move a motion that the paper be noted.

Leave granted.

MS FOLLETT: I move:

That the Assembly takes note of the paper.

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

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 3 of 1996

MR WOOD (4.37): Mr Speaker, I present Report No. 21 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 3, 1996 - VMO Contracts". I move:

That the report be noted.

In a letter dated 14 June 1995 to all members of the Assembly, the Minister for Health and Community Care provided information about VMO contracts finalised in the ACT public hospital system and about agreed savings arising from the contracts. Those savings were given as \$2.67m a year. Following consideration of the new contracts, the committee sought comment from the Auditor-General on the contracts and on a cost model of aggregated VMO arrangements and the projected contract savings; hence the audit report which has now been reviewed by this committee.

The audit did not extend to an assessment of potential benefits generated from medical practice changes being developed at the Canberra Hospital as part of an integrated approach involving the new contracts. The audit noted that in the extended time of four years taken by the contract negotiations there had been changes in the individuals concerned as well as industrial action by VMOs which had seriously affected hospital services and generated intense community pressure for settlement of the dispute. These factors had a major influence on the content of the contracts.

The committee's report discusses the audit findings, together with comments on the audit obtained from the Minister, and in some detail. The overall conclusion reached by the audit was that the VMO contracts would not lead to the forecast savings of \$2.67m, at least in the short term. The audit expressed considerable doubt as to the overall validity of the cost model used by Health and queried the relevance of dated activity data used to estimate savings. The committee noted the Minister's advice that the cost model would not be used to predict savings in any future negotiations on VMO contracts. The committee also noted the Minister's comment that careful management of contract arrangements would be the key to achieving improvements in productivity; but the committee is sceptical that this will, of itself, produce the forecast savings. Arising from this review, the committee's principal concern is that there be clear and identifiable costs associated with VMO contractual arrangements and that estimates of future cost savings be realistic and based upon hard data and an appropriate cost model.

The committee concluded that the estimated costs and projected savings from the VMO contracts were not based upon viable cost models and that the Assembly is entitled to expect that these issues are fully tested before being presented as achievable. The committee considers that, while there may be scope for achievable savings from the new contracts, it is not possible at this stage to quantify those savings, and any savings are unlikely to be measurable before the contracts are reviewed in June 1998, when possible savings will be calculated over the three-year life of the contracts. I commend the report to the Assembly.

Question resolved in the affirmative.

PUBLIC ACCOUNTS - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 7 of 1996

MR WOOD (4.41): Mr Speaker, I present Report No. 22 of the Standing Committee on Public Accounts entitled "Review of Auditor-General's Report No. 7, 1996 - Annual Management Report for the Year ended 30 June". I move:

That the report be noted.

The resolution of appointment of the Public Accounts Committee requires that it examine all reports of the Auditor-General which have been laid before the Assembly. The report in question was presented on 25 September 1996. The former Audit Act required that the Auditor-General provide a general report on efficiency audits conducted each year. There have been 14 of those and all have been reported back to this Assembly, save two. One relates to court fines, and that is still being acted upon; the other relates to sheep dips, which has been referred to the Planning and Environment Committee.

This is the last Audit Office management report under the Audit Act 1989. From 1 July 1996 the office has operated principally under the Auditor-General Act 1996. This Act establishes the independence of the office in several important areas. These include that the Public Accounts Committee have a role in the appointment of the Auditor-General; that the committee may have access to special reports containing sensitive information which is omitted from general audit reports; and that the committee advise the Treasurer of the appropriation for the Auditor-General and provide the Treasurer with a draft budget for that office. These are matters which will draw the committee much closer to the operations of the Auditor-General. I commend the report to the Assembly.

Question resolved in the affirmative.

EXECUTIVE BUSINESS - PRECEDENCE

MR HUMPHRIES (Attorney-General): Mr Speaker, pursuant to temporary order 77(d), I move:

That Executive business be called on.

Question resolved in the affirmative.

**LAND (PLANNING AND ENVIRONMENT)
(AMENDMENT) BILL (NO. 2) 1996**

Debate resumed from 19 November 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MS McRAE (4.43): Mr Speaker, the Opposition will be supporting this Bill. It is a process of adjustment to close a loophole. It relates to a section of the Act that will be further reviewed under the Land (Planning and Environment) (Amendment) Bill (No. 4) and so be able to be further scrutinised in a very short time. I think it is a loophole that needs to be closed, and this proposed legislative change will ensure that.

MR HUMPHRIES (Attorney-General and Minister for the Environment, Land and Planning) (4.43), in reply: Mr Speaker, I thank the Opposition for their support. I understand Mr Moore also supports the legislation. He was saying so to me before. I hope that dealing with this anomaly will result in our maximising the appropriate returns to government.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

PUBLIC TRUSTEE (AMENDMENT) BILL 1996

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

That this Bill be agreed to in principle.

MS FOLLETT (4.44): Mr Speaker, the Opposition will be supporting this amendment Bill brought forward by Mr Humphries. The Public Trustee performs very important functions in our community, and often it is the Office of the Public Trustee which looks after the affairs of people who do not have a great deal of access to, say, private solicitors or trustee companies and so on. The Office of the Public Trustee is one which must operate with the maximum amount of community confidence. Some extremely sensitive matters are dealt with. The Public Trustee performs tasks such as preparing wills, acting as executor of estates and acting as a trustee of moneys which are awarded by the courts to people who are still minors or to people who have a disability. Clearly, it is an office requiring the highest degree of probity and community confidence.

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It appears to me, as best I can judge, that the amendments which Mr Humphries has put forward, in fact, increase the responsiveness and accountability of the Office of the Public Trustee. The Bill proposes, basically, four amendments to the Public Trustee Act. As best I can judge, they are all related to technical issues like the charging of management fees, the handling of interest that is earned and the payment of profits to clients of the Public Trustee. From my reading of the Bill as put forward by Mr Humphries, I understand that the amendments are all aimed at making the Public Trustee's handling of money fairer for the clients of that office. I understand further that at least some of these amendments were recommended by the Auditor-General. In view of the quest for fairness and the recommendations of the Auditor-General, I believe that the Opposition's support for the amendment Bill is warranted and, as I say, we will be providing that support.

MR HUMPHRIES (Attorney-General) (4.47), in reply: I thank the Opposition for their support for this Bill. The amendments are fairly technical but relate to the sorts of things that various people who have fulfilled the role of Public Trustee over a period of time have identified as bugbears in the system that limit the effectiveness of the office. I think it is timely for the Assembly to clear those away and allow the office to operate as efficiently as it can, in the interests of servicing the community that depends on this service.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

CREMATION (AMENDMENT) BILL 1996

Debate resumed from 26 September 1996, on motion by **Mr De Domenico**:

That this Bill be agreed to in principle.

MR WHITECROSS (Leader of the Opposition) (4.48): Mr Speaker, the Cremation (Amendment) Bill is a very short Bill. It allows for the reinstalling of the right of the Government to appoint a non-government medical practitioner to be a medical referee for the purposes of the Act. I do not know whether this is a burning issue, but we are certainly happy to - - -

Mr De Domenico: No; it is a dying issue.

MR WHITECROSS: Mr De Domenico did indicate he was not going to die in a ditch over it. We are happy to support it.

MR DE DOMENICO (Minister for Urban Services) (4.49), in reply: Mr Speaker, I thank the Opposition for its support. I think we should get on with the other items of business.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

WITNESS PROTECTION BILL 1996

Debate resumed from 26 September 1996, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MS FOLLETT (4.50): Mr Speaker, again the Opposition will be supporting this Bill put forward by the Attorney-General. To very briefly outline our reasons for supporting the Bill: I believe it is essential that witnesses are not able to be threatened or intimidated or caused harm in the course of criminal investigations and the bringing of criminals to justice. Unfortunately, that kind of threat, that kind of causing of harm, has been known to occur, and I think it is very important that we take steps to protect witnesses who may be subject to that kind of treatment. As I understand it, the Bill will actually formalise the ACT's participation in the national witness protection program which operates under the Commonwealth's Witness Protection Act 1994. It is a formalisation of an arrangement that may have existed to date.

There are a couple of aspects of this Bill that I was particularly anxious to look at. The first aspect, and it is a very current issue, was the powers of the ACT Chief Police Officer to determine whether or not a person will be included in the witness protection program. I think it is very important that we maintain in our community the control of that kind of determination. It is also important for our Chief Police Officer to be able to determine the level at which such protections and assistance are provided, so that we do have a degree of ACT involvement and ACT decision-making even though this is, essentially, a Commonwealth scheme. The legislation that Mr Humphries has brought forward also makes provision for the ACT's Registrar-General to take appropriate action in relation to birth certificates, marriage certificates and so on, to ensure that the witness protection scheme is able to operate effectively, without the witness being able to be traced through those kinds of formal documents. These two aspects of the Bill particularly commend themselves to me: There is the required level of local involvement, local authority, in this Bill; there is also the required level of protection of documents, locally produced legal documents, that you would expect to see.

I think it is important that, once we are a part of this formal scheme, we do monitor its operation in the Territory. I trust that there will be some monitoring of the witness protection scheme undertaken, because I think the threat of reprisals, the threat of harm to yourself or your family, is the greatest of all possible disincentives for a witness in a serious criminal matter. As crimes get more and more sophisticated, it is essential that witnesses are able to come forward and give evidence which may resolve serious criminal matters and give that evidence in the confidence that they will not themselves have to pay a lifelong penalty for having done so. We will be supporting the legislation.

MR HUMPHRIES (Attorney-General) (4.53), in reply: Mr Speaker, this Bill, on the face of it, is a fairly strange piece of legislation that allows the falsification of documentation and allows for information to be kept from people; it allows for false passports, false identities, to be issued by government.

Mr Berry: It sounds like a preselection ballot.

MR HUMPHRIES: It does a bit, does it not? All of us honest politicians in this house who have had this secret yearning to be involved in a cover-up of some kind can now vote for this legislation and satisfy their yearning without the slightest degree of guilt. This is extraordinary legislation; but it is necessary, for the reasons Ms Follett has indicated. There are, fortunately, very rare cases of people who need this level of protection. I have no hesitation in feeling able to facilitate that protection, and I hope the rest of us feel similarly and support this legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Illegal Parking

MS FOLLETT (4.54): I want to raise very briefly in this adjournment debate an issue that was referred to in question time, and that is the matter of parking and control of parking. Ms Horodny asked the appropriate Minister an extremely thoughtful and careful question in relation to parking and got the usual non-answer from that Minister. In the course of that answer I recollected that I had also raised with the Minister for Urban Services another matter about parking and that I was very concerned over the answer that he gave me.

Mr Speaker, the issue that I particularly want to raise now relates to the control of parking on weekends. The Minister and I had a bit of a side debate in question time about whether or not there was parking control on the weekends. I believe that parking control is totally inadequate on weekends. I want to read from a letter from the Minister for Urban Services, Mr Tony De Domenico, addressed to me and dated 30 September 1996. This was in relation to a constituent inquiry about parking that I had raised. Mr De Domenico said in that letter:

Resources are not available for patrols on Saturday afternoons and Sundays.

That refers to parking patrols, and that is the quote from the Minister. He went on:

However, the Australian Federal Police are also able to issue infringement notices, and can be contacted for assistance on telephone 256 7777 if illegal parking becomes a danger or a serious inconvenience.

As my constituent found when she contacted the police, they are, of course, not able to give a high priority to an illegally parked vehicle on the weekend when they are very strapped for staff. In fact, my constituent wrote back to Mr De Domenico and said:

I ... have noted your advice about contacting the Australian Federal Police Traffic Branch. I have contacted the police in the past and have been told they have not the manpower to attend to parking infringements. I spoke to the police recently and they advised the situation has not changed.

What we have from the Minister's letter to me and from my constituent's letter is a quite serious situation in which, as I understand the Minister's letter, parking officers do not patrol on Saturday afternoons or Sundays because they do not have the resources to do so. The police, of course, must prioritise their work and cannot possibly give the appropriate priority or staffing resources to parking offences that they would to far more serious issues. I think Mr De Domenico, who was fairly dismissive of Ms Horodny's question, ought to have a very close look at exactly what happens on the weekend in relation to illegal parking and perhaps take rather more seriously the issues which both my constituent and Ms Horodny have raised on that matter.

School-Based Management

MS McRAE (4.59): Mr Speaker, I rise in the adjournment debate to read out a letter that not only I but quite a few other members in this place received. Ironically, it was received just after we had completed the debate on school-based management. I think it is important that I read it into the record just to reiterate the sorts of issues that we debated this morning. It reads:

Dear Ms McRae

The Arawang Primary School Parents and Citizens Association Incorporated (Arawang P&C) have a number of concerns relating to the implementation of School Based Management in 1997.

We invite you to attend our meeting to be held on Wednesday 11 December 1996 at 8.30 pm at the school.

These issues include:

- . legal liability of board members
- . evaluation - process; how often; and by whom
- . additional administrative workload for the principal and teaching staff
- . School Resource Agreement
- . equity between schools
- . reliance of community involvement
- . need for triennial funding for budgeting/planning
- . using one year's data (95/96) to determine some funding allocations for 1997
- . consequences of good/bad financial management
- . funding of professional development
- . additional administrative staff/training
- . definition of excess space
- . CAMMS - procedures in drawing up priorities, specific contracts.

They have invited me, along with quite a range of other people, to their meeting on 11 December. As usual, I will be writing to the Minister, seeking his advice on the issues that they raise, so that when I attend the meeting I am well informed. But it seemed to me to be a great pity that this morning my reasonable plea was not heeded and that on the very day we have the debate these letters are there in our in-trays. This underlies the great level of concern that there is about these initiatives and, therefore, the amount of work that does have to be done by the Department of Education and the Minister. I sincerely hope that the Minister has read this letter; that he will have the reference ready for me when I ask him for the information; and that he well and truly has answers to all these questions, in light of this debate today. Otherwise, at least one school community which has invited quite a few others will be gravely disappointed.

Disability Services - Private Sector Staff

MRS CARNELL (Chief Minister and Minister for Health and Community Care) (5.00): Mr Speaker, I rise to speak on an issue of very great importance. In fact, it is of particularly great importance to one small business in the ACT. Yesterday in the house, Ms Tucker used the name of a small business agency - and I am sure everyone would agree that that is not terribly fair - without giving that agency an opportunity to respond. She went on at length suggesting that this agency provided untrained staff to Disability Services; that they used staff that were just out of school and people without drivers licences; and that some members of staff had refused to use the agency because they were so dissatisfied. There is a litany of comments about a small business in this town, run by two very enterprising Canberra nurses. It goes on at length, but to quote it back into *Hansard* now would just reiterate the comments that were made.

Mr Speaker, I have here a letter from Michelle's Home Care and Nursing Agency which attaches letters from Mirinjani Nursing Home and Lower Jindalee and from some staff members who work for Michelle's. It also runs through Michelle's training program. Remember Ms Tucker yesterday suggested that they did not have any training programs. This letter runs through at length the quite impressive training program that Michelle's puts people through before sending them out to Disability Services. It also goes through the agency's code of ethics and their conduct, right through to the sort of information that they give their staff when their staff come on board, shall we say.

Mr Speaker, this business was set up in 1994 by, as I said, two very enterprising Canberra women. It is a business that has grown quite significantly. As you can see from this letter, it has been used by a large number of nursing homes, by private individuals and, obviously, by Disability Services - a very good mixture of both government and public sector organisations, all of which, obviously, would use them again. They would not be growing if they were not doing a very good job. I table that, for the interest of members.

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I believe very strongly that to use the Assembly to actually name a small business in that way is simply not an acceptable approach, Mr Speaker. I believe strongly that we should avoid doing those sorts of things whenever possible. I would like to say that at least on this side of the house we do not believe that it is all right. I am very surprised that those on the other side of the house believe that somehow it is all right. They obviously believe that it is all right. They obviously believe, for whatever reason, that it is all right to name businesses in this place. Those on this side of the house do not believe that is an appropriate approach, unless of course there is good evidence that there is some wrongdoing.

Mr Speaker, this is a serious issue. This small business was defamed in this place yesterday. I am sure that those who read this - and I realise my time is almost up - would know that we want to create jobs in this city. Here we have a small business in this city that is growing quickly, creating jobs, and at the same time is subject to these sorts of inappropriate and incorrect statements. It is a pity that, obviously, Mr Berry does not believe small business is important.

Question resolved in the affirmative.

Assembly adjourned at 5.06 pm