



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

24 September 1998

Thursday, 24 September 1998

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

DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 2) 1998

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.31): Mr Speaker, I present the Domestic Violence (Amendment) Bill (No. 2) 1998, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

This Bill fulfils the Government's commitment to provide 24-hour-a-day protection to victims of domestic violence by introducing a procedure to enable any person dealing with immediate threats of domestic violence to seek an interim protection order at any time. The police and the Domestic Violence Crisis Service have confirmed that most incidents of domestic violence occur outside normal court hours, when magistrates and registrars are not readily available to grant interim protection orders. The proposed procedure, detailed in this Bill, would enable interim protection applications to be made outside court hours - during the week outside working hours, on weekends or on public holidays. This will enable victims of domestic violence to seek an emergency protection order at times when it may be most needed.

Under the proposed scheme, an application for an emergency interim order may be made by telephone application to a judicial officer, being a magistrate, a registrar or an authorised deputy registrar. The capacity to seek an application in the ACT will be restricted to authorised police officers, such as patrol sergeants or a watch-house sergeant, at each police station. Police officers attending a scene will need to provide their patrol sergeant with the details relevant for obtaining a telephone emergency order. The restriction will serve to ensure that those who have the capacity to authorise an application for an order do so in a consistent and accountable manner.

An authorised police officer will be able to make an application, on behalf of a victim, where the court is not sitting and in circumstances where he or she is satisfied that an arrest is not practicable or there are no grounds to arrest an alleged offender. The police officer will need to be satisfied that the respondent has engaged in conduct which gives

reasonable grounds for believing that the respondent may, unless restrained by an emergency order, physically injure an aggrieved person. This requirement will ensure that an authorised police officer may only seek an emergency order in circumstances where a police officer can be satisfied that there is a real potential for personal injury.

A police officer attending an incident who considers that the circumstances exist to support the making of an application is required to inform an authorised police officer. In these circumstances, an authorised police officer may decline to apply for an emergency order. Where an authorised police officer declines to apply for an emergency protection order he or she will be required to make a written record of those reasons.

The new provisions will also allow police to remove a person to a police station and detain that person for up to four hours to allow an order to be obtained and served on the detained person. I repeat, Mr Speaker, that this is in a particular circumstance. This is where an application has been made by an authorised police officer, on behalf of a victim, where the court is not sitting and in circumstances where he or she is satisfied - that is, the police officer is satisfied - that an arrest is not practicable or there are no grounds to arrest an alleged offender. It is most important, Mr Speaker, that we bear those circumstances in mind.

This provision reflects the detention period prescribed under legislation in Tasmania, Queensland, New South Wales and the Northern Territory. It serves as a practical tool to enable police to effect service upon an alleged perpetrator in emergency circumstances. No offence will lie against a person for breach of an order where the order has not been served upon that person. Therefore, the detention power is a necessary provision to ensure an immediate form of protection for victims of violence in a family or home situation.

In consultations held with relevant government agencies on the proposed scheme, the view was strongly held that the ACT procedure should be restricted to providing protection in emergency circumstances only, where no arrest is made or likely to be made, and for a very limited period of time. I therefore propose that the out-of-hours emergency orders should continue to reflect the present balance between the criminal process - holding a person responsible for criminal behaviour - and the civil process; that is, enabling the making of protection orders, which of course aim to prevent further incidents of domestic violence.

Police, when attending a scene where domestic violence has occurred, will still need to give consideration to the appropriateness of a criminal response prior to considering a civil application. In circumstances where a criminal offence has occurred, the appropriate response is for the alleged offender to be arrested and charged.

Where an arrest occurs, the victim of the violence can rely on the Bail Act to prevent the release on police bail of a perpetrator who poses a risk. Section 8A of the Bail Act requires that a person arrested for a domestic violence offence should be given police bail only where police are satisfied that the offender does not pose a risk to the victim.

In effect, this ensures the protection of a victim until such time as the offender appears before the Magistrates Court applying for bail. The protection of the victim is then continued when court bail is granted by the use of bail conditions, including prohibitions on contact with the victim. The victim may also, when the court is sitting, make an application to obtain a protection order.

Emergency protection orders will be appropriate in only a relatively small number of circumstances. If the alleged offender has been arrested or arrest is likely, no application will be made. If the police are not satisfied that the victim of the alleged violence requires protection for his or her personal safety, an application will not be able to be made. So it is only when, notwithstanding that there is no arrest, the police nonetheless consider that the victim is at risk that an application will be able to be made. This could be where there is insufficient evidence on which to base an arrest and/or arrest is not possible because the whereabouts of an alleged offender are not known. If an order is obtained, it will be able to be served once the alleged offender is located.

Similarly, the proposed procedure for obtaining an emergency order will not remove the need for an alleged victim of domestic violence to subsequently seek the making of an interim protection order in person where the capacity exists to do so. Strong support has been expressed by the ACT magistracy, the Legal Aid Office, the Australian Federal Police and the Victims of Crime Coordinator for preserving the integrity of the dual - criminal-civil - system of protection afforded to victims of domestic violence in the Territory. Therefore, a critical feature of the proposed scheme is that it will only operate as a bridging mechanism providing immediate emergency protection until such time as a person with the capacity to make an application attends court to make an application.

Mr Speaker, the proposed ACT procedure will limit the opportunity for the civil response to be inappropriately used as an alternative to the criminal justice response. It will serve to improve the criminal justice response to victims of domestic violence in the Territory and also bring ACT legislation into line with that of other Australian jurisdictions. I commend this Bill to the Assembly.

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

STATUTE LAW REVISION (PENALTIES) BILL 1998

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.39): Mr Speaker, I present the Statute Law Revision (Penalties) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

This Bill completes a review of penalties which has been conducted in two stages. The review has applied uniform penalties review principles and a recommended scale of penalties for regulatory offences to penalties across a wide range of ACT legislation.

The outcome of the first stage of review was given effect to by the Statute Law Revision (Penalties) Act 1994 and the Regulations Revision (Penalties) Regulations of 1996. The first stage of the review covered the penalties identified by agencies as being of high social importance, or in respect of offences of frequent occurrence, or which had been the subject of criticism. Penalties in the Acts and regulations not covered in the first stage of the review have been reviewed in this, the second stage. Administrative penalties are not included in the review.

Penalties in the Crimes Act 1900, Crimes (Offences against the Government) Act 1989 and Drugs of Dependence Act 1989 have not been reviewed. A review of the penalties in these statutes would be appropriate once the Model Criminal Code exercise, which is being undertaken at the national level, is complete. That process is expected to conclude later this year.

As penalties in recently enacted legislation will have been set pursuant to the penalties review guidelines and policy, there is no need for them to be included in the review. Penalties which are included in Acts which are part of a uniform legislation scheme, some penalties which agencies were in the process of reviewing separately, and the penalties in ordinances applying in the ACT were not part of the review.

The review exercise has been undertaken to achieve, firstly, the conversion of all legislative pecuniary penalties, except administrative penalties - that is, on-the-spot fines - and penalties in some uniform legislation, into penalty units; and, secondly, internal consistency in the levels of penalties in ACT legislation proportionate to the respective severity of the offences. The review implemented a fine-imprisonment ratio of 50 penalty units for an imprisonment term of six months, where penalties included both a fine and a term of imprisonment. By completing the review process of updating the penalties, the Bill contributes to the effective and fair operation of the statutory regulatory regime of the Territory.

The second stage of the review is more complicated and difficult than the first stage and dealt with more than double the number of penalties included in the first stage.

Acts which have been enacted since the commencement of the penalties review exercise have usually included penalties set in accordance with the penalties review guidelines and policy.

However, until the enactment of the Interpretation (Amendment) (No. 2) Act 1994, the pecuniary amounts of those penalties were specified in dollar terms. The Bill amends such penalties so that they are specified in penalty units.

Outdated penalties in ACT statutes, such as the penalties in the Inebriates Act 1900, which are still expressed in terms of pounds sterling, have been replaced. Some penalties which are too low and some which are too high, relative to the severity of the offences, have been adjusted in accordance with the review principles and policy. Particularly high penalties for offences such as those in the Inquiries Act 1991, the Royal Commissions Act 1991 and the Judicial Commissions Act 1994 have been retained to ensure that the penalties reflect the seriousness of the offences concerned. The fine amounts have been converted to penalty units and the fine-imprisonment term ratio of the penalties has been adjusted pursuant to the penalties principles.

Issues such as which offences should attract corporate penalties and which should not have also been addressed in the Bill.

Mr Speaker, section 32 of the Interpretation Act 1967 provides for the maximum amount of a fine to apply to a body corporate where the body corporate is convicted of an offence for which the prescribed penalty is a term of imprisonment only. The Bill amends the penalty amounts consistent with the ratio of 50 penalty units to an imprisonment term of six months.

I am confident that, with this Bill, the legislative penalties regime of the Territory will be as up to date as possible, and any future adjustments to penalties to ensure their continued effectiveness will be a more straightforward and quicker exercise. I commend this Bill to the Assembly.

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

CONSUMER CREDIT (ADMINISTRATION) (AMENDMENT) BILL 1998

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (10.44): Mr Speaker, I present the Consumer Credit (Administration) (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR HUMPHRIES: I move:

That this Bill be agreed to in principle.

This Bill makes two amendments to the Consumer Credit (Administration) Act 1994. The Uniform Consumer Credit Code, which regulates the provision of all consumer credit throughout Australia, is regulated in the ACT through the Administration Act.

The more significant amendment relates to the removal of the reference to civil proceedings from subsection 121(5) of the Administration Act and is intended to overcome uncertainty as to the ability of the Director of Consumer Affairs to use information obtained under a notice to produce in disciplinary proceedings and to enable its use in other civil proceedings under the Fair Trading Act 1992.

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Currently, subsection 121(5) provides that information or documents obtained under a written notice to produce are not admissible as evidence in any civil or criminal proceedings, other than for offences with respect to obstructing an investigation or the falsity of information or documents provided. In contrast, the equivalent section in the New South Wales Consumer Credit Administration Act 1995 only restricts such information from being used in criminal proceedings.

To date, because of the uncertainty surrounding the operation of subsection 121(5), the Director of Consumer Affairs has not sought to rely in proceedings on information obtained by way of a section 121 notice. An amendment to the subsection is essential to overcome this problem and to ensure the maintenance of a viable, ongoing consumer credit compliance program.

The Bill also inserts two new provisions into the Administration Act similar to the civil penalty provision in section 22 of the New South Wales Act. As a result of the new provisions, during the term the registration of a credit provider or finance broker is suspended or cancelled by the Director of Consumer Affairs under Parts II or III of the Administration Act, a debtor will not be liable to pay any amount under the contract. The debtor will also be able to recover any amount paid to the credit provider or finance broker during the term of suspension or cancellation as a debt due and payable by that credit provider or finance broker. Presently, where a credit provider or finance broker who is disqualified from trading continues to operate in contravention of a decision by the director, the only resource is criminal prosecution.

The two new provisions will also bring the Administration Act into line with other legislation, such as the Commonwealth Corporations Law and the Trade Practices Act 1974, which allow for civil enforcement processes as an alternative to criminal prosecution. As the civil penalty provisions will be enforceable by the debtor, they will be consistent with the principle of self-enforcement which is encouraged by the Consumer Credit Code.

Mr Speaker, I commend the Consumer Credit (Administration) (Amendment) Bill 1998 to the Assembly.

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

CONSTRUCTION PRACTITIONERS REGISTRATION BILL 1998

MR SMYTH (Minister for Urban Services) (10.47): Mr Speaker, I present the Construction Practitioners Registration Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: I move:

That this Bill be agreed to in principle.

Mr Speaker, the Chief Minister announced in 1997 that the Government, if re-elected, would introduce legislation to provide for "industry certification"; that is, legislation to enable private certifiers to approve work performed by the ACT construction industry or to enable the person who carries out construction work to check it and "self-certify" it. Self-certification is followed by limited audit inspections.

The financial implications of the reforms resulted in a reduction in the funds allocated to the Urban Services Department in its budget for 1998-99, which was recently endorsed by the Assembly. It is therefore important that the Assembly now also supports the legislation to bring in these reforms.

Under the reforms proposed by this legislation, some government plan approval and inspections processes will give way to private certification and/or self-certification by industry practitioners. To protect the public, private certifiers will be required to be registered and will be subject to audit and possible disciplinary action.

Mr Speaker, the registration Bill deals with the registration of private certifiers. It provides a framework for registration; establishes qualification requirements, which are to include suitable amounts of professional indemnity insurance; provides for performance audits of private certifiers; and establishes a disciplinary procedure.

Another Bill in the same package, Mr Speaker - the Building (Amendment) Bill (No. 2) 1998 - provides for the application of private certification to building work, while the Electricity (Amendment) Bill 1998 will introduce the self-certification of electrical work.

If the reforms are agreed to, they will allow the Government to introduce regulations setting out the detailed requirements of what has to be certified and who has to certify it. Mr Speaker, plumbing work is entirely controlled through regulations, and reforms to plumbing work will be among the changes made in regulations. The Government intends, Mr Speaker, to table the proposed regulations as soon as possible after the legislation is passed so that the registration of private certifiers can begin before the end of November this year.

Mr Speaker, the reforms being proposed follow extensive consultation with the community and the construction industry. I would like to offer thanks here to Mr Hargreaves, Ms Tucker and Dave Rugendyke. With them and with groups like the MBA, the HIA, the plumbers and the electricians, we had a round table to bring people's concerns out into the open, and discussion followed which enabled this to go ahead. So I thank those members for their assistance.

Mr Speaker, in addition, the details to be included in the regulations will be decided in cooperation with the community and the construction industry. Accordingly, once the legislation is in place, I anticipate that industry certification will commence in the ACT on 4 January 1999. I commend the Bill to the Assembly.

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

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BUILDING (AMENDMENT) BILL (NO. 2) 1998

MR SMYTH (Minister for Urban Services) (10.51): Mr Speaker, I present the Building (Amendment) Bill (No. 2) 1998, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: I move:

That this Bill be agreed to in principle.

The Bill is closely related to the Construction Practitioners Registration Bill. Building work is controlled by checking that plans for work comply with standards and then inspecting the work in progress. The Bill will allow the Government to prescribe the use of private certifiers registered under the registration Bill in place of government inspectors to carry out these functions.

These changes to the Building Act follow the national trend. They enable the Government to follow the current practice in every part of Australia, except Western Australia, which is expected to introduce private certification in 1999. I commend the Bill to the Assembly.

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

ELECTRICITY (AMENDMENT) BILL 1998

MR SMYTH (Minister for Urban Services) (10.52): Mr Speaker, I present the Electricity (Amendment) Bill 1998, together with its explanatory memorandum.

Title read by Clerk.

MR SMYTH: I move:

That this Bill be agreed to in principle.

Electrical work is controlled by inspecting the completed work and comparing it with standards. The Bill formalises the self-certification and targeted inspection arrangements for electrical work introduced by ACTEW before its corporatisation. The arrangements are that some types of work by electricians are exempted from inspection, depending on the performance record of the individual electricians. This system includes a minimum rate of inspection for satisfactory performers.

Along with the Construction Practitioners Registration Bill and the Building (Amendment) Bill, it simplifies regulation of the construction industry. This simplification of electrical regulation follows moves of the same kind in all States and Territories. I commend the Bill to the Assembly.

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

FOOD (AMENDMENT) BILL (NO. 2) 1998

MR MOORE (Minister for Health and Community Care) (10.54): Mr Speaker, I present the Food (Amendment) Bill (No. 2) 1998, together with its explanatory memorandum.

Title read by Clerk.

MR MOORE: I move:

That this Bill be agreed to in principle.

Mr Speaker, in September 1997 this Assembly passed two Bills presented by Ms Horodny relating to the production and sale of eggs produced from hens in battery cage circumstances. The provisions relating to the production of eggs have yet to come into force, but the provision relating to the sale of eggs - section 24B - came into force on 20 September 1998, last Sunday.

However, in February this year the chair of the Australia New Zealand Food Authority, in correspondence with the Chief Minister, advised that the labelling requirement in the new section 24B would be in breach of the 1991 National Agreement on Uniform Food Standards. The Australia New Zealand Food Authority, ANZFA, advised that there were two options to resolve the breach: Either the Territory should repeal the provisions, or a new national standard should be introduced.

Mr Speaker, the Government has worked towards implementing the will of this Assembly by following the latter course. At a recent meeting of the Australia New Zealand Food Standards Council, which is the ministerial council with authority over national food standards, I tabled a proposal for the adoption of a national standard of egg packaging. This proposal was not agreed to by ANZFSC on the basis that, as it is not a public health issue or a consumer deception issue, it is not appropriate to regulate this matter in the Food Standards Code.

There is a further legal issue, in that the amendments may be in breach of the Territory's obligations under the Commonwealth Mutual Recognition Act. The Commonwealth Productivity Commission is currently undertaking a public benefit test on the 1997 amendment Act, and the report is expected to be finalised by the end of October 1998.

In any event, even if the provisions are to have effect, there will be a need for regulations to be made. The Government is currently preparing the labelling regulations in consultation with relevant stakeholders. The labelling expressions will be based on the ACT Code of Practice for the Welfare of Animals: Domestic Poultry.

While the regulations are being finalised and the national agreement issues are being worked through, the Government takes the view that the implementation of the new provision should be deferred. This Bill which I present today would have the effect of delaying the commencement of section 24B of the Food Act by up to a year, although I will, as Minister, be empowered to gazette an earlier commencement date if that becomes appropriate.

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Mr Speaker, for the interim, while the Assembly considers this Bill, the Government intends to act to forestall premature prosecutions under section 24B by issuing an appropriate directive to the Director of Public Prosecutions. I commend the Bill to the Assembly.

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

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Reference - Commercial Information - Draft Principles and Guidelines

MS CARNELL (Chief Minister and Treasurer) (10.57): Mr Speaker, I present the "Draft Principles and Guidelines for the Treatment of Commercial Information held by ACT Government Agencies". I move:

That the Standing Committee for the Chief Minister's Portfolio inquire into and report on by the last sitting day in 1998, the paper entitled *Draft Principles and Guidelines for the Treatment of Commercial Information held by ACT Government Agencies*.

Question resolved in the affirmative.

URBAN SERVICES - STANDING COMMITTEE
Reference - Taxi (Multicab) Plates

MR RUGENDYKE (10.58): Mr Speaker, I move:

That the Standing Committee on Urban Services inquire into and report by the last sitting day in 1998 on the need to increase the number of restricted taxi (multicab) plates.

Mr Speaker, I rise to provide the background to this motion, which exposes an unacceptable problem for the disabled community in the ACT. I was alerted to the problem by Mrs Annita Gordon, a resident of Ngunnawal. Incidentally, I welcome to the gallery here today Annita and some of her and our friends. Mrs Gordon's life has been turned upside down in the last year due to the effects of a stroke. In adjusting to life in a wheelchair, Mrs Gordon has endured immediate problems. Some of them were expected, some were unexpected. Perhaps the most unexpected has been her never-ending battle to catch a cab.

Now that Mrs Gordon is in a wheelchair, she relies on a cab to do the little things that many of us take for granted - the everyday chores, such as going to the shops; getting a haircut; or going to the doctor. Without her special transport requirements, Mrs Gordon does not go anywhere. She has no freedom whatsoever. When WIN TV put Annita's concerns to Canberra Cabs last week, management was arrogantly dismissive. It was a disappointing response, to say the least.

I decided to conduct my own investigations into the claims. I have to say, Mr Speaker, that I honestly cannot believe how bad this situation is. It is a sad state of affairs, and it has been going on for so long that sections of the disabled community have given up on Canberra Cabs. Their complaints about unreasonable delays in getting cabs have fallen on deaf ears for so long that they have given up. They have been prepared to cop it on the chin and accept that they are not to have access to a fair and equitable service.

Not surprisingly, many of these people were absolutely riled by the dismissive attitude of Canberra Cabs' management, as shown on the news broadcast. They know that there are only six multicabs designed for wheelchair access operating in the ACT. They know how often they have been inconvenienced or left stranded because these six cabs simply cannot meet the demand, Mr Speaker. They know that they are being denied the basic right of having access to transport. But they have given up on the service, and to me that is an embarrassment. When Mrs Gordon's concerns were dismissed by Canberra Cabs' management, I was swamped with evidence of the real story.

So what exactly have wheelchair passengers been copping on the chin? My office has explored the situation and has come up with more than 30 cases in the first two weeks of this month where passengers have been inconvenienced by Canberra Cabs. Who knows how many other cases there are or how many people avoid the inconvenience because they just do not bother to call anymore? How long are these people waiting? Take 7 September, for example. I have information that a passenger wanted a cab to go from Bruce to Lyneham. How long would you expect to wait in a location like Bruce for such a short journey to Lyneham? Ten minutes perhaps; maybe 20 or 30 if it was really busy. How about 100 minutes, Mr Speaker? I am not mistaken. It was 100 minutes, to get from Bruce to Lyneham. Once again, it is an embarrassment. That passenger ordered the cab for 2.50 pm. The passenger was later informed that the car would not be available and it had to be rebooked for 4.30 pm. So, 100 minutes later, the client got the cab.

That is where the problem lies, Mr Speaker. Canberra Cabs is saying that the clients are being picked up within times specified under licence accreditations. I have knowledge that the figures supplied to Urban Services are not the complete story. It is my understanding, Mr Speaker, that the times logged and passed on to the Minister are the rebooked times. So, in the case I have just mentioned, although the original pick-up time was 2.50 pm, because Canberra Cabs cancelled this time and made a rebooking, the recorded time went down as 4.30 pm. So the 100 minutes' delay was swept under the carpet and, for reporting purposes, the cab was on time.

There have been other examples of extreme waiting times in the last few weeks. One was 85 minutes - almost an hour-and-a-half - on 1 September, to go from Garran to Aranda, which I understand was a hospital appointment. I have another 19 examples of cabs arriving more than 30 minutes after the requested time. The wheelchair passengers understand that the multicabs are not going to be quite as quick as standard cabs, but to be subjected to delays of upwards of an hour is not fair and should not be tolerated.

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The ACT Disability, Aged and Carer Advocacy Service has an intimate knowledge of what is going on. The points it raised with me include the restriction of service during school transport periods. My information is that during these periods no fewer than five of the multicabs are locked into permanent jobs to get disabled schoolchildren to school. This leaves one multicab to service all of Canberra during these times. Adult wheelchair passengers simply have next to no chance to access a cab at this time.

Another concern is changing bookings at the last minute. Clients have to book cabs well in advance, but it is common for the pick-up time to be changed at the last minute due to the pressure on the service. One complaint I personally received was about a woman who had a medical appointment which finished at 2.30 pm. The cab was booked in advance, but she was later advised that she could not be picked up at 2.30 pm. The two choices left were 2.00 pm or 4.30 pm. She could not leave the appointment early, so she had to wait two hours.

Then there are the occupational health and safety standards issues arising from the fact that the drivers are under pressure to meet the demand. If these are the problems the 10,000 local people in wheelchairs endure, what happens when interstate visitors are in town? The Physical Disability Council held a workshop in Canberra early this year. The council made a group booking in advance, faxing details before arriving in Canberra for the conference. They received a call informing them that the booking was covered.

The following week, on the final day of the conference, they had expected their bookings to take place from 3.30 pm, as arranged, to get them to the airport for their flights home. That morning they were contacted by Canberra Cabs and told that the company could not cover their booking at the specified time. The taxis could come only at 2.00 pm instead. So they had to get out of the national meeting early. What sort of advertisement for Canberra is this? Once again, Mr Speaker, it is an embarrassing situation.

I would like to see the multicab situation referred to the Urban Services Committee for urgent consideration. I believe that the disabled community should have input to a process to get more multicabs on the road at the earliest opportunity. I know that there are internal issues for the cab drivers, such as the impact of putting more multicabs on the road. I am sure that the Urban Services Committee can work through these issues.

The complaints are not about the cab drivers. Mr Speaker, throughout my previous career I had a lot to do with cab drivers, I had a lot of respect for cab drivers and I did a lot of common work with cab drivers. The service provided by the drivers in trying circumstances is commendable. They are under pressure, and they do need more cabs. In Canberra the ratio of multicabs to people is one to about 50,000. In Adelaide it is one to about 13,000; in Sydney it is one to 16,000; in Darwin it is one to 11,000; in Brisbane it is one to 15,000; in Hobart it is one to 18,000; in Melbourne it is one to 30,000; and in Perth it is one to 32,000. So, Mr Speaker, one to 50,000 does seem ridiculous. Clearly, there is a far better service in other major centres.

Disabled people deserve to be able to meet commitments and to live their lives like everyone else. It is about a basic individual right. Quite frankly, I am appalled that we are not providing that service for them at the moment. The returning of freedom to these people is long overdue.

Mr Speaker, I trust that my Assembly colleagues will recognise the urgency of this situation and that they will support the motion for holding an inquiry into this matter, which can make a difference to the disabled community in Canberra.

MR HARGREAVES (11.10): I move the following amendment to Mr Rugendyke's motion:

Add the following words:

“and the Committee, during its inquiry:

- (a) give specific consideration to and report on:
 - (i) the provision of transport services for students attending special schools, patients attending rehabilitation programs at the Canberra Hospital and older citizens attending day care programs at the Belconnen and Tuggeranong Health Centres;
 - (ii) the general operation of transport services for residents with disabilities; and
 - (iii) the Government's community service obligation in this area; and
- (b) review any cost comparison of the current provision of bus and taxi services in this area with that of the proposed changed service for rehabilitation patient transport.”.

I rise to support very strongly Mr Rugendyke's call for an investigation into what is a rather appalling service that we provide for our disabled people in the ACT. The reason why we have multicabs in this town is to try to address in some small way the social isolation that disabled people are often stuck with, Mr Speaker. What I seek to do with this amendment is to expand the inquiry by the Standing Committee on Urban Services, because there are a couple of areas, which are linked with the issues that Mr Rugendyke has raised, which were not considered by the committee in its recent inquiry into school bus services.

In my view, the obvious difficulty being experienced by the multicabs in having one for 50,000 people points to the flaw in the decision of the Canberra Hospital to substitute cabs for some of the rehabilitation buses providing services to disabled people attending rehabilitation programs. Clearly, there are not enough of them. I suspect that the end result of this will be that people will be denied access to rehabilitation programs because, plainly, the transport just will not be there to take them there. The people who travel on these services do not do so because they want to; they do so because they have to.

Mr Speaker, the amendment I have moved talks about having the committee look into the provision of transport, using the same buses for students attending special schools and for the rehabilitation program. I put that forward merely because I do not think that the review of the provision of school bus transport, recently undertaken by the Standing Committee on Urban Services, considered that issue. I wanted them to actually consider that issue, Mr Speaker, so as to provide a complete report to this Assembly on the provision of transport for kids - remembering, of course, that the disabled kids attending special schools, such as the Woden Special School, Cranleigh and Malkara, have every right to good-quality education and should not be barred from that because there is not enough transport to get them there and get them home.

I also want the committee to inquire into the provision of transport generally for patients attending rehabilitation programs within our Canberra Hospital rehabilitation service. Recently we heard that the bus service will be removed and that rehabilitation patients who are disabled can catch the public transport system or be provided with cabs for the purpose. In my view, Mr Speaker, this will merely exacerbate the situation that Mr Rugendyke mentioned this morning. It will make it almost impossible for people who are not attending rehabilitation programs to get about at specific times of the day. I think it is quite appropriate that the committee look into that as well as into the appropriateness of the transport.

One of the big concerns for me, if we put patients in cabs, is that there is no assistance for them within the cab other than from the driver. As Mr Rugendyke quite rightly pointed out, Mr Speaker, those people are not trained for it. On the buses that provide these services sit attendants who are trained for it and who usually have years of experience to cope with all sorts of emergencies which can occur within the vehicle.

I am also concerned, Mr Speaker, that these very same buses take elderly people around to attend day care programs within the Belconnen Health Centre and the Tuggeranong Health Centre, which I do know about. I am sure that there are other programs. These are the very same buses, and I am concerned that nobody has discussed their particular transport needs. These are the people who, it was identified a fair while ago, would vegetate in their own homes but for that day care program that we established. I pay tribute to the Minister for Health for setting the agenda. It actually does address these sorts of needs.

Of course, when we do address these sorts of things, often something falls between the cracks, something which is not big enough for us to remember or to know about. I have no criticism of the people in the bureaucracy who are assisting in this process. I merely point out that this may very well be one of those things that are dropping between the cracks, and we need to have it looked at. That is the reason for moving this amendment. I would like to underscore at this point of time that I have no criticism at all to make about the people involved in these processes. I merely point out to them that, from my own experience and from information given to me, we might be missing something that we ought to look at.

I think it is reasonable, therefore, that the committee looks at the general operation of transport services for residents with disabilities. This picks up the provision of specific bus services, previously provided by Totalcare and now by ACTION. It talks about taxi transport, and it enables us to canvass the community view on this. Often we try to make these decisions in isolation. Mr Speaker, all too often we make significant mistakes because we do not ask the right people the right question.

I think it is reasonable that the committee considers the Government's community service obligation in this area, because often these things are dollar driven. I know that the changes to the system for the rehabilitation patients do generate some savings, but I would just like somebody to consider whether the savings are going to jeopardise the satisfying of our community service obligation. I suspect, Mr Speaker, that they will not, and I would like someone to have a look at it. Therefore, I come to paragraph (b) of my amendment, which is that we review the cost comparison of the way we currently provide our services - the rehabilitation service, the service to the elderly and the service to the kids - and the proposed changed service, which means putting these people on general ACTION services, supplemented by taxis.

We all know that there are not enough taxis. I suspect that, if we did approve the issuing of another four or five plates, it would not be sufficient either and we might be coming back here in 12 months' time to do it again. So I suggest that perhaps the best thing we can do, rather than running headlong into issuing another couple of plates, is stop and have a look at it. We have a standing committee for the process. Let us invite community consultation on it and then make some valid decisions. I commend the amendment to the Assembly.

MR SMYTH (Minister for Urban Services) (11.18): Mr Speaker, I will speak to both Mr Rugendyke's motion and Mr Hargreaves's amendment. I am very pleased that Mr Rugendyke has raised this issue. It is a very important issue. He says that, if there are problems in the service that should be provided to the community and if they are not being solved, we should look at ways of fixing those problems. I thank Mr Rugendyke for having raised the matter with me and for now bringing it forward to the Assembly. Similarly, Mr Hargreaves says that we should look at all the services offered to those with a disability. I think it is a very wise thing to do. The Government looks forward to seeing the results of the committee's work. It will look at the all-up problem and may offer us solutions and a way forward, so that, if problems are identified, we do meet the needs of those with a disability who require special transportation services. The Government is fully supportive of both Mr Rugendyke's motion and the amendment to refer the matter to the Urban Services Committee.

Amendment agreed to.

Motion, as amended, agreed to.

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GAMBLING - SELECT COMMITTEE
Interim Report

Debate resumed from 23 June 1998, on motion by **Mr Kaine**:

That the report be noted.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 9 of 1997

MR QUINLAN (11.20): Mr Speaker, I present Public Accounts Committee Report No. 7 of the Standing Committee for the Chief Minister's Portfolio, entitled "Review of Auditor-General's Report No. 9, 1997 - Fleet Leasing Arrangements", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, first of all, let me advise the Assembly that Mr Trevor Kaine stood down from deliberation on this report because he had had some particular involvement, at least with fleet management, within the Government at the time.

The report has a fairly brief recommendation, but it is a recommendation that we would like the Government to act upon. I say that because somewhat earlier, a week or so ago, Mr Moore received, I think, three rather serious reports from the PAC, in relation to salaried specialists and nurses, and there were some public statements that committees were taking the advice of the Auditor-General literally and should be doing other things in terms of scrutiny of government.

In fact, we do take the Auditor-General's reviews and remarks seriously. I have to say that, in the particular cases, the resources he has allowed him to do a much more in-depth investigation than we would have been able to do. Very serious problems were recognised. The committee studied those particular reports quite assiduously. Let me tell you that I read them a couple of times to try to get my head around the whole process of salaried specialists, in particular, and the various levels of contracts. So please do not take the brevity of this particular recommendation as meaning that we do not need to react to it.

This particular exercise, I think, had a fair public airing when it was a contemporary issue. I have to make the following observations in relation to the fleet leasing exercise: First of all, it was not really an Urban Services exercise; it was more a Treasury and financing exercise. It appeared to me personally to have been a decision in search of a justification. The fleet was, effectively, sold for very little financial advantage, as the report notes. There was a considerable amount of debate in relation to how the thing should be accounted for - whether it was, in fact, borrowings or whether it was an operational lease. I think the Auditor-General prevailed. The Government has grudgingly accepted his recommendations in relation to how it should have been accounted for.

The Auditor-General, a year or so after the event, warned that the process undertaken had exposed the ACT to risk; that there are some financial risks; and that there were no guarantees that even the meagre positive result that was measured - something less than one per cent - would be realised if interest rates fell, because of the formula involved in the setting of leasing rates. In fact, interest rates did fall in that particular year. I think they have remained constant in the subsequent year.

So it is important that - not so much the recommendation that this report be recognised - the whole process that the Assembly and the Government went through be recognised for what it was and be noted so that we can be assured that it does not repeat itself. So, despite the brevity of the recommendation, I submit that it should be taken seriously.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 10 of 1997

MR QUINLAN (11.26): Mr Speaker, I present Public Accounts Committee Report No. 8 of the Standing Committee for the Chief Minister's Portfolio, entitled "Reviews of Auditor-General's Report No. 10, 1997 - Public Interest Disclosures - Lease Variation Charges, and Auditor-General's Report No. 2, 1998 - Lease Variation Charges - Follow-up Review", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

Mr Speaker, this particular exercise has a long history. It is a history that goes back a couple of governments. The committee, in reviewing the initial audit report on it, thought that it was serious enough to conduct a further review to ensure that some lessons had been learnt; that some note had been taken of what seemed to be a bit of a fast and loose culture that had existed with lease variations way back then; and that all reasonable efforts had been made to take remedial action and to recover funds that had been forgone in what turned out to be fairly lax interpretations of the prevailing lease change conditions and provisions, particularly in relation to betterment tax.

Again, Mr Speaker, I trust that the recommendations laid out in the report are taken seriously and that we do not regress to the situation that gave rise to this. We are reasonably assured that in these lease variations some action has been taken, but at other times in the course of this Assembly we have identified some further fast and loose decision-making and processing, and we certainly trust that we are seeing an end to that overall culture.

Question resolved in the affirmative.

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CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 12 of 1997

MR QUINLAN (11.28): Mr Speaker, I present Public Accounts Committee Report No. 9 of the Standing Committee for the Chief Minister's Portfolio, entitled "Review of Auditor-General's Report No. 12, 1997 - Financial audits with years ending to 30 June 1997", together with a copy of the extracts of the minutes of proceedings. I move:

That the report be noted.

In this case, the committee found in the Auditor-General's findings and recommendations no major problems to be addressed. Some remedial action is recommended by the Auditor-General. We commend them to the Assembly and we commend them for feedback to the Assembly.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 1 of 1997

Debate resumed from 24 June 1998, on motion by **Mr Quinlan**:

That the report be noted.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 10 of 1997

Debate resumed from 24 June 1998, on motion by **Mr Quinlan**:

That the report be noted.

Question resolved in the affirmative.

CHIEF MINISTER'S PORTFOLIO - STANDING COMMITTEE
Report on Review of Auditor-General's Report No. 5 of 1997

Debate resumed from 24 June 1998, on motion by **Mr Quinlan**:

That the report be noted.

Question resolved in the affirmative.

EXECUTIVE BUSINESS - PRECEDENCE

Motion (by Mr Humphries) agreed to:

That Executive business be called on.

ECOWISE SERVICES LTD - PROPOSED DISPOSAL

MS CARNELL (Chief Minister and Treasurer) (11.31): Mr Speaker, I move:

That this Assembly, pursuant to subsection 16(4) of the *Territory Owned Corporations Act 1990* and noting that the voting shareholders of ACTEW Corporation support the disposal, approves the disposal of the main undertakings of Ecowise Services Ltd, a wholly owned subsidiary of ACTEW Corporation Ltd, to Ecowise Services Australia Pty Ltd.

Mr Speaker, Ecowise Services is a subsidiary of ACTEW which provides a range of electro-technical services and employs 48 staff. Members of this house would be aware that a proposal has been put forward by ACTEW and by the staff of Ecowise for the staff to buy the company. Mr Speaker, I understand that most of the staff - in fact, all except two - form part of the buyout group. Some of them are in the Assembly today. Employees have signed a petition, which I think has gone to members of this Assembly, requesting that the sale be allowed to proceed. Yesterday in this house Mr Corbell was more than happy to respond to an anonymous letter. I hope he is as willing to respond to a letter signed by a large number of the employees of Ecowise.

Mr Speaker, I think that members would be aware, because I am very sure that members have been briefed on this, that the proposed sale price is \$1.5m. That is made up of \$1.4m in assets and about \$100,000 in goodwill. Mr Speaker, the proposed sale price has been independently assessed as a reasonable price. That independent assessment has, I think, been forwarded to Mr Corbell and he has a copy of it. I am more than willing to provide a copy to any other members who would like one. The advice shows that Ecowise's maintainable earnings for the past two years have been \$52,000 and \$815 respectively. Based on these maintainable earnings, the true value of the business is much less than the amount offered by the employee buyout group. In other words, Mr Speaker, this is a good deal for the Territory and for the staff. The employee buyout group have offered this price because they believe that they will be able to make a real go of this business. The staff believe that with the increased flexibility and, of course, the incentives of running their own business they really will be able to trade through what could be a difficult time for Ecowise over the next couple of years.

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Mr Speaker, I also made available to Mr Corbell a list of some of the contracts that will be coming up in the near future. For the interest of members, quite a large amount of Ecowise's business will be coming up for recontracting in the very near future. Of course, there are no absolute guarantees - in fact, no guarantees whatsoever - that Ecowise Services will be able to get or will get all of the contracts that will go out to tender. In fact, I think it is quite reasonable to believe, given the extra overheads that are imposed on Ecowise Services by the nature of their relationship with ACTEW and the ACT Government, that the pressure on them to get those contracts would be very real. In fact, if they were out there on their own, if they were out there owning their own company, it would reduce their overheads and make them significantly more competitive; and, therefore, able to pick up those contracts in, hopefully, a much more competitive way than they would in the current circumstances.

Mr Speaker, the main difficulty that the business will face, as I have said, is the potential loss of a number of large contracts. I am sure that nobody in this place wants to place the staff of Ecowise in a position where Ecowise could lose 40 per cent of its revenue. If that happened, that would produce quite significant losses in jobs and a reduction in the size of the business. By going down the path that the staff have suggested, those problems can be overcome. ACTEW will be paying out \$1.17m in redundancies because the staff of Ecowise are, technically, employees of ACTEW and, therefore, are entitled to standard payouts based upon the triple R award.

The sale to the staff is supported by the Government for a number of reasons. Mr Speaker, I think it is important to say that it is also supported, of course, by the ACTEW board. The buyout proposal was originated by the staff. Quite significant discussions have occurred over a number of months. As members would be aware, the vast majority of the staff are excited about it and are looking forward to going ahead with what will be, if this Assembly supports it, an exciting new era for Ecowise. ACTEW has reviewed the business and considers that it is non-core business. Mr Speaker, some people may argue with that, but Ecowise Services already competes in the private sector and really is a non-core business in the general provision of electricity and water services for the people of the ACT, which is ACTEW's core business.

Mr Speaker, the previous poor performance of the business suggests that there really may be some chances, as I have said before, of downsizing in the foreseeable future. This would require ACTEW to pay redundancies in excess of the amounts now due, as the staff would have accrued further entitlements, and the likelihood would be that the assets currently being sold at a fair value would be sold at a fire sale value. Mr Speaker, from our perspective as a government, the staff have put forward the proposal, the ACT taxpayer is getting a decent price for the business, and we can be much more confident that in the future the staff of Ecowise will be able to maintain the size of the business - hopefully, grow the business - and maintain their jobs, maintain ownership in the ACT, and make sure those jobs stay in the ACT. From the ACT Government's perspective, we will get fair value for the assets that are now to be bought by the staff of Ecowise and at some stage in the future we will not have to sell them off potentially at below value in a fire sale situation. Mr Speaker, the Government agrees with the assessment of staff that the business has a much greater chance of being viable without the additional overheads imposed by ACTEW.

Mr Speaker, why did we not put it out to tender if that was the case? Why did the Government not say, "Ecowise Services is not doing core business. There may be some problems with the way that the organisation operates in the future if some contracts are lost. Why not just put it out to the market"? The answer, quite simply, is that the staff of Ecowise Services have shown the initiative, have shown the guts, to come to the Government with a proposal that we believe will do two most important things - it will produce a good return for the ACT taxpayer and, most importantly, it will ensure that the ownership and the jobs stay in the ACT, something very important to this Government. Mr Speaker, I think we would also have to say that, in view of the small size of the business, the marginal returns generated in the past and the cost of going out to the marketplace, the cost of going to a tender process, the actual outcome could be the worst result of all. It could end up with significant costs and, potentially, the business being bought by somebody who is not ACT based.

Mr Speaker, comments have been made or questions have been asked about the Trade Practices Act and competition policy principle implications. Yesterday I answered a question on that from Mr Kaine. I reiterate, Mr Speaker, from a competition policy perspective the benefit of having Ecowise actually out in the private sector without any of the negatives and the positives of being under a government umbrella. In my view and, certainly, in the view of our legal advice, there are no competition policy implications. In fact, potentially it increases the level of competition in the marketplace and therefore, from a competition policy perspective, could be a positive.

Mr Speaker, there are no legal impediments to this proposal. It is a proposal from the staff. It does ensure that jobs stay in the ACT. It gives the business an opportunity to be owned by its staff and to grow on that basis - the potential to produce more jobs in the future - and the ACT taxpayers get a good return on their investment. Mr Speaker, how could anybody oppose that? It escapes me. This has got to be a good deal for everyone.

The only basis on which you could oppose it would be on some strange ideology that every government asset, each single thing that a government ever owned, has to be kept in government ownership even if it means potential job losses. Mr Speaker, we simply will not wear that. This is a proposal from the staff and from ACTEW to take a sensible approach and give the staff of Ecowise a real chance to maintain and grow their business. I urge every member of this Assembly to put ideology aside today - to put ideology right in the bin - and look at what is best for those staff of Ecowise, for the ACT taxpayer and for business in this city. Let us, for a change, make a decision that is not based upon ideology or politics. Let us look at the people involved and let us react to a letter to all of the members of this Assembly, signed by the majority of the members of Ecowise, asking this Assembly to make a sensible, sound decision, keeping the future of Ecowise clearly in mind, that is, to allow the staff of Ecowise to buy their company.

MR CORBELL (11.42): Mr Speaker, to begin with in this debate, I am grateful for the assistance that has been provided by officers of the Chief Minister's Department and employees of Ecowise Services itself, particularly the general manager, Mr John Wells. Mr Speaker, Labor wants to see Ecowise Services continue to grow. Labor wants to see Ecowise Services continue to employ Canberrans. Labor wants to see Ecowise Services continue to return to the Canberra community the investment which our community has made in it. For all of those reasons, Labor will not be supporting this motion today.

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Mr Speaker, the sale of Ecowise today has been justified by the Government in a range of ways. The Government has argued that the sale of Ecowise is being proposed on the grounds of the sale not impacting adversely on staff, of its not impacting on the interests of the ACTEW Corporation, of its not impacting on the interests of the community and of its not being part of ACTEW's core business. Mr Speaker, those are all grounds Labor will refute today.

We will refute them because the reality is that the Government wants to sell Ecowise for a quick buck. It is not interested in the long haul. It is not interested in building and maintaining the investment that the Canberra community has made in assets like Ecowise for decades. It is not interested in safeguarding the future interests of the Canberra community, who will need every possible revenue source to continue to provide the services, the schools, the roads and the hospitals that our community and our city need. It is interested only in the quick buck. The Government's attitude is: Damn the future; take the money and run. It is not an attitude which Labor is prepared to support, and nor should this Assembly.

In fact, Mr Speaker, it is only a result of the amendments to the Territory Owned Corporations Act which I proposed on behalf of the Labor Party in this place earlier this year and which the Assembly supported that has allowed us to make this decision here today. That is important, Mr Speaker, because this is an asset owned by all of us, and it should be the responsibility of those people elected by the people of Canberra to represent their views to make the decision on whether that asset remains in our hands.

Mr Speaker, only yesterday this Assembly was presented with the annual report of Ecowise Services. This report makes it clear that the prospects for Ecowise are bright in the areas where it competes. The general manager, Mr John Wells, indicates in his report that in the mechanical services division of Ecowise, which is mainly airconditioning, the growth in market share for Ecowise Services will go from one per cent to 10 per cent by the year 2000. The market share for Ecowise Services will grow in this important area. He goes on to say that, in the energy and communications division, Ecowise has already secured contracts with the Department of Defence for high-security communications links that will open the doors for future communications networking business. Indeed, Mr Speaker, Mr Wells says:

We have in-house capability that will guarantee Ecowise Services will be a significant player in this market within 18 months.

That sounds to me like a business that is ready to grow and ready to deliver on the investment Canberrans have made in it.

Mr Speaker, the report has some other interesting facts in it. Overall, Ecowise Services' revenues for the 1997-98 financial year have grown by 22 per cent, with cash flows positive for all of the year and cash at bank always somewhere between \$0.5m and \$1m. Mr Speaker, these are not my facts and these are not my figures; these are the Government's own figures. These are Ecowise's own figures from Ecowise's annual report, presented only yesterday. Mr Speaker, I ask this Assembly: Is this the sort of

government-owned organisation which should be sold? It makes money, has had growth in revenue of 22 per cent this year, and anticipates increases in key sectors of our local economy such as IT communications. It anticipates becoming a significant player in this sector. Again, Mr Speaker, not my words; the words of the general manager of Ecowise Services.

Mr Speaker, based on this most recent annual report, this business is going to grow. That means that the investment all Canberrans have made in it is going to grow and that means that the return it delivers to the ACT community is going to grow. It is another reason why this Assembly should support the long-term view, should take the big picture, and should not support a sale for a quick buck.

Mr Speaker, that brings me to the issue of what the ACT is actually going to get from this privatisation, if it goes ahead. The sale price, as we all know, is \$1.5m. This year Ecowise paid a dividend to the ACT through ACTEW Corporation of \$240,531. Again, this is in the annual report tabled only yesterday. Let me put a proposition to this Assembly, Mr Speaker. If Ecowise does not grow at all - does not grow at all but remains constant in its operations - in only six years' time the ACT will recoup the entire worth of the sale price proposed by the privatisation today. Let me make that clear: In six years, if Ecowise remains constant in its trading, this Territory will get the equivalent of the sale price which is proposed today. Not only that, Mr Speaker, but our community will also have an asset which returns revenue to the Territory into the future. But we can have that only if it is retained in the public's hands.

Mr Speaker, if the future is as bright as Mr Wells outlines in his annual report, which we have no reason to doubt, with potential for growth of up to 10 per cent in key areas such as IT communications, then our community's return will be better still. If the company is going to grow, which is what it says in its annual report, we are going to get a better return. In fact, the proposition the Government is putting to us today is actually a false economy. Mr Speaker, I ask the Assembly again: Does it make sense to sell for a quick buck if our community loses in the long term?

Comparing the long-term view and the short-term money grab produces an even more stark picture. The Chief Minister indicated today that the total amount of money being paid out for the redundancy of workers at Ecowise amounts to a total of \$1.17m. As we already know, the total sale price proposed by the Government is \$1.5m. This means that, at the bottom line, the ACT's net gain by selling Ecowise Services is \$400,000. That is the net gain. Take away the money to be paid out for redundancies and look at how much we will receive, and what is the net gain? It is \$400,000. This, Mr Speaker, from an organisation with assets of over \$2m. Any person on the street would say, on seeing this perspective, that selling an asset we all own for the equivalent of \$400,000 does not make any sense. But that is exactly what the Government wants us to believe; that is the proposition they are putting to us today.

Let me underline this, Mr Speaker. This year Ecowise Services paid a dividend of \$240,000. Its own general manager in this year's annual report outlines prospects for growth of the company in some areas of up to 10 per cent; yet by paying \$1.17m for redundancies and receiving \$1.5m for the sale, we will get a net gain of \$400,000 - a net gain which will be matched by a stable return on dividends in less than two years.

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We will match that in less than two years if everything remains stable. Mr Speaker, that exposes what this sale is all about - a grab for a quick buck at the expense of the long term for the Territory and its assets. This Assembly should not support that, and Labor certainly will not.

Mr Speaker, the Government has justified the sale into private hands on the grounds that it is being bought by the employees of Ecowise. Labor has sympathy for their position. We recognise that there has been a great deal - - -

Ms Carnell: It does not look like it, Simon, I have to tell you.

Mr Moore: Why did you ask them what they would take?

MR SPEAKER: Order!

MR CORBELL: Mr Speaker, we heard the Chief Minister in silence, absolute silence, and we would expect the same from that side of the house.

MR SPEAKER: I appreciate that, Mr Corbell.

MR CORBELL: Mr Speaker, we recognise that there has been a great deal of insecurity within ACTEW and its subsidiary companies as a result of the Government's move to prepare the organisation for privatisation. We understand that there is a sense of insecurity which may have led many workers, quite reasonably, to accept the notion of a staff buyout. However, it must be remembered that the ACTEW board and the Government made a decision to sell Ecowise Services and that, if the employees would not buy it, it was going to be purchased by someone else. That is the reality, Mr Speaker. Either way, the decision was made to sell the asset owned by each and every one of us into private hands. As we have already made clear, what may be a good deal for the employees is not necessarily a good deal for the Territory, and those are the grounds on which we must make our decision today.

What is a good deal for the Territory? Mr Speaker, it is important to point out that there are no guarantees for the job security of employees under the proposed private structure, nor are there any guarantees that a sale will not result in the sale of Ecowise to another private company as soon as it leaves Territory hands. So, Mr Speaker, any confidence members may have in this place about jobs and job security through privatisation must be qualified and must be cautious.

Mr Speaker, the Government's other arguments that have been put forward in relation to privatisation and why they have justified it have been to do with the constraints of the corporate structure, the costs associated with Ecowise being part of ACTEW's corporate structure. We were grateful for the advice we received from the officials and employees of Ecowise at a briefing on Tuesday. They indicated to us at that briefing that most of these constraints were to do with the accountability and reporting mechanisms that Ecowise had through its parent body, ACTEW, to this Assembly. They indicated that

probably the main cost was about \$20,000 to \$30,000 a year for the reporting mechanisms - annual report and so forth - to this Assembly. We do not accept that that is a significant corporate restraint, Mr Speaker. In fact, that is a quite respectable and effective accountability mechanism which any corporation, public or private, should invest in to make sure that it is being governed appropriately.

Mr Speaker, the Government has also argued that Ecowise is not core business. As I indicated earlier, if it is not core business, it is making money for us. It is going to grow into the future. (*Extension of time granted*) It is going to make money in the future. According to its own annual report, it is going to grow; it is going to grow in important sectors like information technology, which the Government itself argues is going to be a key part of our economy. The one time, from the Government's point of view, that the Labor Party comes in here and defends a source of revenue, what do they want to do? They want to sell it. We are interested in revenue for the Territory, but we are interested in a long-term revenue stream, not just a short-term money grab for a quick buck. That is the difference between Labor and Liberal on this issue.

Mr Speaker, the final point the Government has made is that it will proceed with the sale because there is no impact on ACTEW and on the community. There may not be much of an impact on ACTEW; we accept that. But we do not accept that there will be no impact on the Canberra community. I get back to my first point, Mr Speaker: Why do we sell an asset which returns money, which is projected for growth according to its annual report, which is going to expand in key areas and which in less than six years at its current rates of dividend returned will repay the sale price proposed today?

Why do we throw that away so that we can get \$1.5m tomorrow? It is short-term thinking, Mr Speaker; it is short-term thinking of the worst order. Labor is interested in guaranteeing revenue to our Territory to provide money for services like roads, hospitals and schools well into the future. I ask the Assembly this question in closing, Mr Speaker: What happens when we have sold everything? What happens when there is nothing left to sell? How do we continue to provide the services then? If the Government's only strategy is to sell assets for revenue, it is a short-term strategy. It is one which the Labor Party will not accept and it is one which members of this Assembly should not accept, either.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (12.00): Mr Speaker, I congratulate Mr Corbell on that speech. I think it was a very good speech, a very carefully executed speech, a very brave speech.

Ms Tucker: Why do you have to be so sarcastic? Why can you not just speak, just put your points, Gary?

MR HUMPHRIES: I do not know what Ms Tucker had for breakfast this morning, Mr Speaker; but, whatever it was, I think I will avoid it in future. Mr Speaker, it was a very brave speech because I do not believe that Mr Corbell actually believed very much of what he told the Assembly today.

Mr Corbell: Nonsense, what nonsense!

MR HUMPHRIES: Mr Corbell, rather predictably, says, “Nonsense”. I want to refer members to an article which appeared in the *Canberra Times* on 28 June this year about the Labor Party conference in June. It was reported that there was, apparently, a very extensive and very acrimonious debate about privatisation. Mr Speaker, I want to quote a couple of paragraphs from the report. I gather that the journalist from the *Canberra Times*, Kirsten Lawson - - -

Mr Stanhope: I cannot remember your being there, Gary, but do not let the truth get in the way.

MR SPEAKER: Order, please! This debate, to date, has been conducted in relative silence from interjections; I would like it to continue in that way, please.

MR HUMPHRIES: Mr Speaker, the article in the *Canberra Times* reads:

Assembly Member Wayne Berry was alone among his parliamentary colleagues in opposing privatisation outright. His five Assembly colleagues, led by Treasury spokesman Ted Quinlan, supported the party’s policy platform, which leaves the door open to privatisation in certain circumstances.

Mr Quinlan said while he was opposed to the privatisation of public assets, particularly those that provided essential services -

note the words “essential services” -

the party had to take account of the “practicalities of the debate”.

He went on to outline why some parts of ACTEW ought to be considered differently from other parts of ACTEW. He is quoted here as saying:

If debate becomes all or nothing, we could end up with nothing.

The report goes on to point out that Mr Berry, however, triumphed in that particular contest and effectively amended or overruled part of the party platform to absolutely bar any kind of support for privatisation. Mr Speaker, the members of this place who sit opposite - the ones we can see here: Mr Stanhope, Mr Quinlan, Mr Hargreaves, Mr Corbell and Mr Wood - got up in their party conference in June and argued that some forms of privatisation were acceptable. What sort of privatisation do you think they were referring to? Privatisation, perhaps, where - I am quoting something here; I wonder what I am quoting from - “the entity does not perform a role central to the functions of government, where disadvantaged peoples would not be negatively affected by the privatisation, where there is a demonstrated public benefit in any such sale”?

Do the members of the Labor Party recognise these words? Does the Labor Party platform come to mind when you hear those words? Does the Labor Party platform come to mind? It also refers to a drain on the public purse from the point of view of either profitability or capital raising. Actually, Mr Speaker, I have just quoted the four grounds which are referred to in the Labor Party's policy platform as the grounds upon which one may privatise. They are the four grounds. Mr Speaker, if ever - - -

Mr Stanhope: Absolutely.

Mr Berry: They have not been met.

MR HUMPHRIES: Mr Speaker, the members opposite had a lot to say about being heard in silence. I would appreciate a bit of - - -

Mr Stanhope: When the debate is relevant, we will.

MR SPEAKER: Order! You will not, Mr Stanhope; you will listen in silence, please. Mr Humphries has the floor and I will protect you when your turn comes.

MR HUMPHRIES: Members of the Labor Party in that debate were referring to this very situation, the very situation which the Assembly is confronted with today, the sale of an entity like Ecowise which is not essential to the role or function of government, which is not going to threaten any important public benefit by its sale, which does not result in disadvantage to any key disadvantaged groups in the community and which, moreover - most importantly, perhaps - represents an important way of protecting the jobs of people who are employed by that service. That is also referred to in the Labor Party's own platform. That, Mr Speaker, more than anything else today, is what this motion is all about: The protection of employment, the protection of 50-odd people whose jobs and livelihoods may not survive if Ecowise does not radically restructure the way in which it performs its job at the moment. That is what this motion is all about.

Mr Speaker, Mr Corbell gave a very carefully couched and considered response, faithfully echoing the decision made, obviously against his will, in June of this year by the Labor Party conference. But the reality is that the essential tenet of his argument, which was that this is a profitable business, is a not entirely sound basis on which to base the argument put forward by Labor.

Mr Moore: That is the premise.

MR HUMPHRIES: That is the premise. The premise put by Labor is that this is a sound business, that it has got a bright future, that it is pretty well always going to be profitable: Why should we sell it? Mr Speaker, the answer lies in an examination, and only a cursory examination, of the immediate future of ACTEW's Ecowise Services. Mr Speaker, there are four important contracts which Ecowise currently secures, which are coming up for expiry and which are going back into the open market for contest in the immediate future. I think it is those four contracts more than anything else which give a clear illustration of the risk which is posed to Ecowise at the moment.

ACT Housing has a \$2m per annum contract with Ecowise due to expire in December of this year, just three months away. DUS Traffic has an \$800,000 contract due to expire in June of next year. The Yass Shire Council also has an \$80,000 contract due to expire in June of next year and Totalcare Industries has a \$50,000 contract due to expire in December of this year. A number of those contracts have, effectively, some options on them but are all due to go out to the marketplace at various stages from the beginning of next year. Mr Speaker, those contracts represent work for approximately 20 tradespeople and four administrative staff of Ecowise and they represent value in work of, as I have indicated, well over \$2m. In other words, those 24 jobs almost certainly would be lost if Ecowise were not able to secure the continuation of those contracts. They would certainly be under serious risk.

Mr Speaker, let us ask ourselves: How do we secure those jobs through those contracts? Do we do it by maintaining the present structures which tie Ecowise into a range of public sector conditions and overheads or do we free it to pursue a more commercial approach to the pursuit of those contracts and allow the initiative of the employees, who under this proposal would become the owners of Ecowise, to drive the fortunes and the futures of Ecowise? Mr Speaker, you only need to look at this matter for a very brief time to realise that it makes sense for Ecowise employees to be masters of their destiny and to be able to consider how they can best position Ecowise to successfully secure those contracts. They are the best people to do that - not managers of ACTEW with much larger portfolios to look after, with many other considerations at stake here, with dividends to government and all sorts of other concerns to be worried about. It is these people themselves, the workers in this enterprise, who are in the best position to be able to construct the future of Ecowise to be profitable, to remain profitable, to stave off the challenges to Ecowise's profitability in the future, and to secure the continuation of those jobs.

Mr Speaker, we would be mad to knock back the initiative shown by these workers, by these employees, and reject the request for them to purchase this enterprise today. The future of Ecowise is not assured under the current scenario. No scenario, of course, in the present climate makes any enterprise absolutely secure. (*Extension of time granted*) No action makes any enterprise in a market like the one facing Australia today entirely secure. But the capacity to respond to changes in the marketplace is essential to secure the future of a business, and that is what we are seeking to do today by putting this motion forward.

Let me correct a quite false statement put forward by Mr Corbell in his remarks. The Government has not initiated this sale. It was initiated by the workers of Ecowise.

Mr Quinlan: That would be right!

MR HUMPHRIES: Mr Quinlan doubts that statement. You can walk up to the people who are sitting in the gallery today and ask them what they think about the veracity of that statement. I would like you to do that, because those people have shown initiative in wanting to make sure that their jobs and their future are secure under these new arrangements and they deserve to be supported in that. We have been accused in this place time and again of being ideologues on the question of privatisation.

We are told that we are hell-bent on privatising everything in sight, notwithstanding the fact that in three years we have not done very much privatising - in fact, almost none at all. But - - -

Mr Stanhope: You keep losing the numbers.

MR HUMPHRIES: No, we have not even tried.

Mr Stanhope: You tried on ACTTAB, and Dave will not back you today, either.

MR HUMPHRIES: Mr Speaker, for the record on that interjection, everything we have sought to privatise we have successfully obtained the numbers for on the floor of this house. But, in fact, there have been very few in that category, Mr Speaker - very few indeed - because we have not pursued an agenda of privatisation. That is the reality.

Mr Stanhope: You lost the numbers on the TAB because Mr Moore would not go with you. It is on his list of 40.

MR SPEAKER: Order! We are discussing Ecowise, not the TAB.

MR HUMPHRIES: Mr Speaker, we have here a clear indication of who is being ideological in this chamber. It is not the Government, which has, in fact, barely taken steps towards privatisation in any field so far in its more than three years, almost four years, in office. It is not the Government. It is those people opposite who say, "We do not care what the circumstances are, we do not care how bleak or how uncertain the future of a particular enterprise might be, we do not care how many jobs are at risk, we do not care if the activity of the enterprise is not central, we do not care what public benefit might be demonstrated by a sale, we do not want privatisation in any form at any time, because that is what our party has told us to say".

Mr Speaker, I urge members particularly of the crossbench not to succumb to that kind of narrow-minded approach to these problems. This is not an abstract debate. It is not about a balance sheet somewhere in an annual report. It is about the livelihood of almost 50 people in this community. We do not have the right to put that at risk because of an ideological straightjacket which says, "We will not see privatisation under any circumstances". Mr Speaker, we are not in this for a quick buck. There is not much money in this sale from the Government's point of view. We are in it, however, to make sure the jobs are kept secure. We are in it to encourage initiative, to encourage enterprise. We are in it to make sure that Ecowise as a business is out there capable of growing.

Mr Speaker, in conclusion I would submit to the Assembly that if we are concerned about creating vital and effective businesses in this community, whether they be in the public sector or the private sector, then we want to support a strong involvement and role by employees in that process. It could be said that buyer buyout is the ultimate expression of industrial democracy. Mr Speaker, we support that in this context. We support giving people whose jobs are dependent on a particular enterprise's health the capacity to be able to play a key role in making sure that those businesses do well in the future.

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We have to concede that we cannot do that as effectively when other much larger constraints bear down on an enterprise. We can do it when the people who operate the business, who know what is good for the business, who know what is going to be necessary to seek future work for that business, are given the guiding hand in what that business does.

I urge members opposite not to let their ideological preoccupation opposing privatisation in all circumstances stop them from supporting this motion. This motion is important for the future of a number of people in this community and all of us, every one of us in this place, should support it for that reason.

MR QUINLAN (12.15): Mr Speaker, with your indulgence, I will go back in history a little. Before the corporatisation of ACTEW - way back in the days of the Electricity Authority and before we got to the modern game of playing industrial moguls and setting up ACTEW as a whole series of companies that would do credit to CRA - there was an area that had the humble title of the electrical services branch, or something in that order. There was a deliberate and rational method of ensuring that the organisation had immediate call at reasonable cost on the full spectrum of technical and professional skills it needed. Sometimes in the business that it was in it needed immediate call. Those skills were critical at times. They were part of the core business. They were part of essential services.

This branch provided services to other government agencies which also needed immediate service, such as the Department of Defence, Parliament House, hospitals, housing, whatever. That external work allowed that branch to be of a size and to have the spectrum of skills needed for the essential core work of ACTEW. The synergy between the external activities and the internal activities ensured overall efficiency and viability accruing to the core business. In latter years, I understand, it has been subjected to external competition within the business relationship with ACTEW and, equally, has been able to compete with the private sector - fairly well from time to time.

Over many years, 20 years or more, elements of the private sector have claimed unfairness, that they should be given the work without competition from a public enterprise. Let us say that the private sector would, quite sensibly, use any medium that they could to apply pressure to make sure that that work accrued to them. The thing is that this branch provided, within metering, a number of services that were essential to the operation of ACTEW. It was diversified so that it had a viability. It was still a core part of the business. I do not know exactly how the mindset within ACTEW is, but it was an important function before we saw the outward signs of more adoption of economic rationalism.

This particular branch also contributed to industry in the ACT. It provided apprenticeships every year and developed those apprenticeships. It provided for an exchange of trainees and apprentices so that they got the full spectrum of experience to qualify them. It provided tradespeople, to the benefit of industry and the benefit of the ACT, under the banner of a good corporate citizen. I do not know whether that role exists anymore, but it certainly looks like it may well be in danger if it exists at all now. I think it is an important role that it has carried out over many years, contributing to the ACT.

I have seen in my time some fairly poor financial cases put forward, but this one has to rate at the bottom of the scale. We have talked about whether this business is profitable. I have seen in the material that has come to me in the last couple of days - in briefings that we have had and in written material that we have got - profit figures ranging from \$815 to \$118,000, to \$288,000, to \$336,000, to \$400,000.

Ms Carnell: But you know how they all work because you are an accountant. Even I understand.

MR QUINLAN: You have not brought to this place a case that would then pass on to the people of Canberra so that they would know that you have been responsible in the disposal or otherwise of their assets.

Ms Carnell: You had the independent auditors before.

MR QUINLAN: I have seen from a briefing in March, through subsequent briefings, through a letter from Bruce Glanville, estimates of the work it does for ACTEW, core business, ranging from 8 to 15, to 25, to 27 per cent.

Ms Carnell: It depends on which bit you are talking about.

MR QUINLAN: It is either work for the ACTEW group or it is not. The word "ideological" has been used and has flowed from that side of the house, but you have not brought a case that you could actually take out onto London Circuit and say, "There you are, people of Canberra. We have done a reasonable deal for you". You have just said, "We ought to sell it". I do not think that is good enough. It is being quite arrogant, but not good enough. This exercise would, if it goes through, reduce the staff of ACTEW by something like 4 or 5 per cent.

We have heard from you that it will be more viable if it is unencumbered by corporate overheads of ACTEW as a whole. What that means in reverse, of course, is that we have reduced the size of ACTEW by that amount and we have encumbered the rest of ACTEW with that diseconomy of scale so that, in fact, if there is a benefit that accrues from this exercise to this function then there will be a disbenefit passed by diseconomy of scale through to the electricity, water and sewerage customers of ACTEW generally. Is that part of the case? Did you bring that case? No. I would expect now, as you know - - -

Ms Carnell: Because it is bullshit.

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

Ms Carnell: I withdraw.

MR CORBELL: I ask the Chief Minister to withdraw the term she just used.

Ms Carnell: I just did.

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MR SPEAKER: I did not hear it; but I am sure that, if it was unparliamentary, the Chief Minister will withdraw it.

Ms Carnell: It is definitely withdrawn.

MR SPEAKER: Please proceed, Mr Quinlan.

MR QUINLAN: As you are aware, Mr Speaker, the ALP is not interested in job losses of any kind; so we would not like to see the remaining structure of ACTEW cut by that 4 or 5 per cent, but I would like to hear of the senior executives volunteering for a 4 or 5 per cent cut in salary packages, given that they have less of a business to run. I understand that the packages are a whole lot better than they used to be when I worked there, unfortunately.

I have to say that part of the argument that has come forward - virtually the only argument that has come forward - from the Government is: What if it loses business? That, to me, is a resounding vote of no confidence in the board and management of ACTEW. If that is the major problem, if you do not believe that this corporatised entity can run a subsidiary business as effectively as the private sector, do something about the core problem. Do not throw it away. Address the real problem. That is the real problem and that is the only case you have put across this table.

I have immense sympathy for the staff involved. They are now working in an atmosphere of fear for their jobs. ACTEW, over the last couple of years, has been consistently and deliberately destabilised. This buyout is clutching at straws. If that atmosphere did not exist, you may have a different vote on the number of people that want to buy the place, to take the punt and go out on their own. But the alternative, it would appear to the casual observer, is to take it now or probably be redundant tomorrow anyway and on the street. I ask the members of the crossbench, particularly the absent members of the crossbench who, I hope, are watching this debate on closed circuit, to reject this proposal. If they will not, then they are not being responsible and are not exercising their responsibility to the community of Canberra, because we are talking about assets of the community of Canberra. (*Extension of time granted*) If they are not moved by ideology of one sort or another, they ought to reject this proposal on the basis that no case has been made.

I noticed earlier Mr Rugendyke reading Mr Glanville's letter of 29 July. If Mr Rugendyke can convince me at lunchtime that he understands the numbers on page 2 of that letter and can fully assimilate them, I will be very happy to see him vote according to his ideological bent. Otherwise, I believe that he and Mr Osborne and the other members of the crossbench are duty-bound to reject this proposal for no other reason than that there has been no case made for it.

MR SPEAKER: I understand that it is the wish of the Assembly to suspend for lunch. That being so, the resumption of the debate on this motion will be set down as an order of the day for a later hour this day.

Sitting suspended from 12.26 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Hospital Waiting Lists

MR STANHOPE: Mr Speaker, my question is to the Minister for Health and Community Care. The July patient activity data for Calvary and Canberra hospitals show that waiting lists continued to grow. According to the July data, the Canberra Hospital waiting list for gynaecology/obstetrics is at 521, compared with 387 at the same time last year. The Calvary figure is up by 95, from 123 to 218. Similarly, the Calvary figures for general surgery have increased by 168 and for ophthalmology from 36 to 94. Can the Minister advise the Assembly and the thousands of Canberrans waiting for surgery and other services what he is doing to address this crisis?

MR MOORE: The July waiting lists are indeed disappointing. They show an increase of 518 people from the previous month. Contributing factors were the reduced supply of VMOs during contract negotiations, which led to reduced elective theatre activity, and also the presentation of stockpiled requests for admissions as VMOs signed their contracts with the hospital. The August figures, which will be released soon, show an even worse picture, with a further increase in waiting lists. I do not have those figures at my fingertips but they are worse.

The question you asked, and I think the critical question, is: What are we doing about it? I have asked the department and the hospital to assist me in developing a strategy for dealing with it. Probably the most controversial part of that strategy will be publishing which doctor has what length of waiting list so that a GP who is referring will know what doctors are likely to take the longest. This is a concentration on waiting times rather than waiting lists. I have also requested that there be a review of the waiting lists, an audit of the waiting lists, to ensure that people on them are appropriately on them. I think the combination of those two factors will be significant.

I would remind you that the length of waiting lists is not a good indication of what the hospital is doing. The critical issue still is the waiting times. It is the waiting times that I want to put most effort into. If somebody has to wait for over 12 months for a circumcision or somebody has to wait for breast reduction surgery, that does not cause me a great deal of worry, unless there is a particular clinical reason for the surgery. If there is a clinical reason, of course that is a different story. If it is cosmetic surgery, then I do not worry about it.

Other strategies are the purchase of additional throughput in specialties within appropriate patient waiting time - we are focusing specifically on those - implementation of the theatre management system, increasing day surgeries, renovations of the day surgery centre to promote throughput and expansion of the pre-admission clinic.

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In addition, at my request, the chief executive officer of the Department of Health has written to the private hospitals in town and said that we are prepared to purchase services from the private hospitals if they will deal with pensioners - we have been quite specific about pensioners - on our waiting lists. If those private hospitals are prepared to provide hospital surgical services to those patients, we will purchase those services from them.

We have put into place a series of strategies that I hope will have a significant impact on waiting times as well as waiting lists. Finally, I remind you that it is good to draw a comparison between what the waiting lists are at the moment and what they were under the Labor Government.

MR STANHOPE: Mr Speaker, I ask a supplementary question. Can the Minister advise the Assembly what impact his failure to ensure that Canberra Hospital is adequately staffed has had on waiting lists?

MR MOORE: That is hypothetical, Mr Speaker.

MR SPEAKER: It asks for an expression of opinion too, Mr Moore.

MR MOORE: I have just indicated to Mr Stanhope the actions that we are taking to deal with these issues. The staffing issue is much more about managing the resources that we have and ensuring that we have the right people in the right places at the right time. It requires a more flexible way of doing things. The hospital management, as a compromise to nurses, offered to close 17 beds temporarily in the interests of a more efficient system. That may mean the consolidation of some wards in order to make sure that where nurses are working they can work in a more efficient manner.

Canberra Hospital - Intensive Care Unit

MR QUINLAN: Mr Speaker, my question is also to the Minister for Health and Community Care. I am mindful of his advice referred to this morning that we should scrutinise government. My question goes to the exchange of services between the Canberra Hospital and the National Capital Private Hospital. I refer to the recent part-privatisation of the intensive care unit of the Canberra Hospital through the arrangement he has negotiated for transfer of patients from the unit to the private hospital. Will the Minister advise the Assembly of the details of the costing arrangements for individual patients and the estimated annual cost of this particular arrangement to the community?

MR MOORE: Are you asking about the intensive care unit in particular?

Mr Quinlan: Yes, the overall costs of it.

MR MOORE: Thank you. As part of the agreement to lease, Health Care of Australia negotiated with the Canberra Hospital to provide a number of diagnostic and non-medical services. They include not only intensive care but also pathology, radiology, ultrasound, nuclear medicine, pharmacy and biomedical engineering, along with some non-medical

services such as food service, nutrition, waste removal, facilities management, supply, stores, inventory, fire and safety, and educational. I give that information as background. These service agreements are based on negotiated contracts. Contracts were negotiated mindful of the requirements of the Trade Practices Act and obligations under national competition policy. All services were negotiated on a commercial basis. The Canberra Hospital will not subsidise any services to the National Capital Private Hospital.

Health Care of Australia has approached the Canberra Hospital regarding other shared services, such as staffing of the cardiac surgery unit, management of the intensive care unit, and registrar cover for the ICU, as well as the coronary care unit and the cardio-thoracic unit. Discussions regarding these services are continuing, and we will be negotiating with a view to maintaining an excellent level of service to the public health system.

Discussions with staff specialists in the ICU and radiology regarding proposals for additional remuneration are continuing. A proposal received was for in the vicinity of an additional \$100,000 per staff specialist in the ICU. Canberra Hospital has responded, indicating that specific gain sharing is an option that could be considered, but after a period of time to evaluate the revenue received after costs have been recovered.

The staff specialists have indicated that services may be jeopardised if additional remuneration is not received. The Canberra Hospital has responded to a proposal from the staff specialists union, ASMOF, in regard to staff specialists accessing the private hospital during working hours. The Canberra Hospital response contains monitoring mechanisms that assist the Canberra Hospital. Of course, this is consistent with the report you have just brought down on salaried specialists in response to the Auditor-General's report.

The first priority of the government health services will be to maintain an excellent level of service to the public health system. However, I think the stimulus of private contracts will help to improve efficiency and effectiveness. Mr Quinlan, you were specific about a particular cost. If you have a supplementary question, you - - -

Mr Quinlan: You have answered the supplementary, Michael. Can you now answer the question?

MR MOORE: I will answer it if, as part of your supplementary question, you remind me what it was.

MR QUINLAN: Minister, you have pretty well covered the supplementary question I intended to ask. Will you table the specific costings of the arrangement made for transfers between Canberra Hospital and the National Capital Private Hospital for intensive care?

MR MOORE: Those negotiations are still under way. My understanding is that we do not have specific costings at this stage, because negotiations are under way, unless you are talking specifically about a temporary arrangement I announced - for when the intensive care unit is overloaded. I shall take the question on notice and come back to you on that.

Canberra Hospital - Psychiatric Unit

MR HARGREAVES: My question is to the Minister for Health and Community Care. Can the Minister say whether the Watson Hostel is to be used as an interim holding facility for acute psychiatric patients from the Canberra Hospital during refurbishment of that hospital's psychiatric unit?

MR MOORE: I have not made a decision on where we are going to have the interim holding facility while Canberra Hospital is being refurbished. The Watson Hostel is one possibility; Lower Jindalee is another possibility. The Watson Hostel is also possibly going to be used for a youth rehabilitation program. There is a series of possibilities. A decision has not yet been made. Watson Hostel is one of the possibilities.

Mental Health - Commonwealth Funding

MR WOOD: My question is to Mr Moore on a subject he knows quite well. The Minister will recall the apparent misplacement of targeted Commonwealth mental health funds which were directed to the purchase of a computer for departmental use. I do not think this was done in your time as Minister. You would certainly be aware from our round table in this building recently of the agitated response of some of those groups who believed they had missed out on some much needed projects. My interest is in the future. Following completion of the mental health strategy, will you outline the mechanisms you have put in place to ensure that a similar diversion of funds for a targeted area does not occur with the next round of Commonwealth mental health funding?

MR MOORE: I do not recall the particular situation that Mr Wood refers to, but under our purchaser-provider mechanism the Department of Health purchases quite specific services from Mental Health at the hospital as well as from a range of community providers. I think that arrangement will assist in foiling that sort of problem. Additionally, this Government has put some \$4m extra into capital works in mental health, along with the best part of \$1m in additional spending this year, \$750,000 a year specifically for a secure care facility, and is putting more money into mental health, by a long way, than any government has before, because we take it very seriously. It is an area where we are trying to deliver the best possible services we can, because there is a great need in the community that this caring Government has recognised.

MR WOOD: I ask a supplementary question, Mr Speaker. I think I should prod the Minister's memory. It was at the round table convened by the Assembly's Health and Community Care Committee in the committee room that concern was expressed that funds that could well have been used for a club, for example, had instead gone to a departmental computer. That is the issue. You will recall that the concern was that relevant people ought to be consulted in the distribution of those funds. That is the question. My supplementary question, or my original question again, is: Are mechanisms yet in place so that when funds are to be distributed the people at the other end are part of the decision-making process?

MR MOORE: Thank you, Mr Wood, for the supplementary question. I think we are getting much better. When we are doing our purchasing, we are being much more specific in our tenders about what it is that we want. The development of the purchaser-provider model is giving us the opportunity to do that. Under the second national mental health strategy another \$1m is available each year over five years of the agreement, although I think there is - - -

Mr Wood: They are the new funds I am talking about.

MR MOORE: Mr Wood, we are advertising very shortly for tenders worth some \$600,000 in specific areas. We are quite specific about what those tenders are for. I think the chances of that money being spent on computer services instead of being put into something like a - - -

Mr Wood: Mr Moore, it is about what the Government is going to do with those Commonwealth funds.

MR MOORE: I have just said to you, Mr Wood, that we are going out to tender very shortly with \$600,000 of those Commonwealth funds.

Mr Wood: What for?

MR SPEAKER: Order! I have been very patient. I think Mr Moore has answered the question.

Federal Taxation Proposals

MR HIRD: I thank the shadow Minister for drawing my attention to a press release issued by him. It was very interesting but it only gave his views. As usual, it is smoke and mirrors.

Mr Stanhope: Is this a question, Mr Speaker?

MR SPEAKER: Yes, could we have the question, please? It does have to be relevant.

MR HIRD: My question is to the Chief Minister and Treasurer.

Mr Berry: What a surprise.

MR HIRD: Listen, Mr Berry. I refer to a media release issued earlier this month by the Deputy Leader of the Opposition headed "Coalition is Worse for the Territory". The release claimed, among other things, that the ACT would be worse off under the Coalition's tax reform proposals than under the ALP's rather half-hearted attempt at tax reform. I suppose I could go into the 5 per cent jobs announced by Mr Beazley yesterday but - - -

Mr Berry: Please do.

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MR HIRD: We heard it from Keating. Now we hear it from Beazley.

MR SPEAKER: Order! Question, please.

MR HIRD: Can the Chief Minister advise the parliament whether Mr Quinlan's claims are correct and, just as important, whether he is any better with figures, the rubbery ones, than Mr Berry was?

MS CARNELL: Mr Speaker, I thank Mr Hird for the question. It really is hard to believe that Mr Quinlan could get it wrong quite as often as Mr Berry, but he seems to be managing it. Earlier this month we saw press release mark 1 from Mr Quinlan headed up, as Mr Hird said, "Coalition is Worse for the Territory", in which he stated that the figures were independently reviewed. He independently reviewed the impact of both the Coalition and the Labor Party tax packages. He did not say who the independent reviewer was, but it is not hard to see why when you look at how dodgy the figures are. I note that we now have a "Coalition is Worse for the Territory" mark 2 press release which is no better. It seems that the independent reviewer - - -

Opposition members interjected.

MR SPEAKER: Order! Mr Moore's answers were heard in silence by the Opposition. I ask that the same courtesy be extended to the Chief Minister.

MS CARNELL: Thank you very much, Mr Speaker. Let me get to the heart of Mr Quinlan's claims. In his release he stated:

Using the ACT Budget and OFM's most conservative assumptions we have found that the net effect of the Coalition's package is an additional \$57 million. This compares to \$108 million under the Labor Party's proposal.

Mr Speaker, I have lost count of the number of times I have had to give some accounting lessons to Mr Berry, but I think it is all a bit tragic that Mr Quinlan needs accounting lessons as well. If Mr Quinlan had contacted my office, we could have helped him through the figures, helped him to understand the situation and saved him from getting his figures so fundamentally wrong not once but twice. He was wrong, at least in the first go, to the tune of about \$115m. That is not a minor drop in the ocean. He was \$115m wrong in one press release.

There are so many fundamental errors in his calculation that it is hard to know where to start. The most obvious blunder was Mr Quinlan's estimates of the revenue that would be lost when a range of State-based taxes were abolished and replaced with a GST. I understand why those opposite do not want to listen, but this is pretty important to the ACT. Mr Quinlan took it upon himself to abolish two taxes that are not earmarked to go. He just decided to get rid of an extra two. He got rid of the stamp duty on residential conveyancing and the stamp duty on insurance.

MR SPEAKER: He got rid of the stamp duty on what?

MS CARNELL: He got rid of the stamp duty on residential conveyancing and the stamp duty on insurance. Both of those taxes are planned to stay under the Coalition tax package. That blows a \$50m hole in Mr Quinlan's calculations for starters, but there is more. Mr Quinlan took it upon himself to abolish five existing Commonwealth payments to the Territory - - -

Mr Corbell: Tell us about Tim Fischer.

Mr Humphries: I take a point of order, Mr Speaker. The Chief Minister is being continually met by a wall of conversation, comments and interjections from those opposite. I think the Assembly owes the Chief Minister the courtesy of hearing out what she has to say.

MR SPEAKER: I thank you for the comment, and I uphold the point of order.

MS CARNELL: Thank you very much, Mr Speaker. Maybe Mr Berry could sit down. Mr Quinlan took it upon himself - - -

Mr Berry: I am pretty relaxed here.

MR SPEAKER: Order, please! This childish behaviour will be dealt with very shortly by somebody being warned. The Chief Minister is answering a question from Mr Hird. Please continue, Chief Minister.

MS CARNELL: Thank you very much, Mr Speaker. Mr Quinlan took it upon himself to abolish five existing Commonwealth payments to the Territory that are not even mentioned in the Coalition's tax proposals. Not only did he abolish some taxes, but he took away some payments to the Territory as well.

Mr Corbell: Just like job cuts to the Public Service were not mentioned in the last proposals?

MR SPEAKER: I warn you, Mr Corbell.

MS CARNELL: Thank you, Mr Speaker. These include competition payments, transitional allowances and special payments recognising the ACT's status as the national capital. None of these are earmarked for abolition under the Coalition tax package, and they add up to more than \$71m. So we have a \$50m hole in Mr Quinlan's calculations because he has misunderstood the taxes that were going to be abolished, and a \$71m hole because he has misunderstood which grants are going to be replaced.

In other words, Mr Quinlan miscalculated the loss of ACT revenue by just a tick over \$120m, not an insignificant amount. To be fair to him, it is estimated that some of the ACT's gambling revenue will be collected via the GST rather than existing gambling taxes. That leaves Mr Quinlan about \$115m off the mark in one press release.

Where does that leave Mr Quinlan's analysis? Corrected for these blunders, Mr Quinlan's modelling concludes that the Coalition tax package would leave the ACT \$172m better off, three times the \$57m he claimed. His own modelling, when you fix up his basic blunders, shows that Mr Quinlan himself now accepts that the ACT would be \$172m better off than under the Labor Party package.

I think it is important to have a bit of a look at the \$108m net benefit under the Labor Party tax package that Mr Quinlan spoke about, because it is very rubbery. The problem with it is a complete lack of consistency, a disease Mr Quinlan seems to have caught from Mr Berry, who seems to have left at the moment, but I hope you have not got it to quite that extent, Mr Quinlan. Mr Quinlan used the most conservative estimate of the likely impact of the Coalition's tax package on Canberrans but the most optimistic for his own party's promised tax cuts. That is a basic sort of approach to bodgie accounting, something which I would have thought Mr Quinlan would not have done.

Modelling by OFM estimates that a more realistic figure for the impact of the ALP's proposed income tax changes is an increase of about \$48m in disposable income in Canberra, not \$98m, the figure Mr Quinlan put forward. That compares with over \$200m from the Coalition's income tax cuts - \$208m, to use Mr Quinlan's more recent figures, versus \$48m. That is a huge difference in the back pockets of Canberrans.

Mr Speaker, put simply, we have seen very little improvement in the quality of the financial and economic analysis since Mr Quinlan replaced Mr Berry on the frontbench. I would suggest to Mr Quinlan that what he might like to do from now on is ask for some explanations. It may help. We see the same disingenuous use of whatever figure looks the best today, the same inconsistency, the same willingness to ignore details and go straight to cheap political points. It interests me that Mr Quinlan appears to have put out a new press release with regard to these figures, after he obviously realised his first ones were wrong, but unfortunately the second ones are wrong as well. He still stuffed it up, so I suggest to Mr Quinlan that he may like to seek a briefing. In fact, I would be more than willing to personally run through it with him.

MR HIRD: I ask a supplementary question, Mr Speaker. On the issue of rubbery figures, is it fair to say that Mr Quinlan needs a new calculator, Chief Minister?

MS CARNELL: Mr Speaker, what is interesting is that Mr Quinlan felt a need to put out a second press release at all. I have seen it only in the last few minutes. The first one was fundamentally wrong, but unfortunately the second one is fundamentally wrong as well. It appears that Mr Quinlan is sticking with the \$108m figure for the benefit of the ALP's package, a figure that I have already shown was absolutely incorrect. It appears that Mr Quinlan still cannot read the tax package and work out what revenue is in and what grants to the ACT stay in. Unfortunately, Mr Speaker, mark 2 ain't much better than mark 1.

Primary Schools - Work for the Dole Scheme

MS TUCKER: My question is to Mr Stefaniak as Minister for Education. Mr Stefaniak, did you consult with the Primary Principals Association, the Education Union, the P&C Council or anyone at all before applying for funding to have work for the dole participants in our primary schools? If not, why not?

MR STEFANIAK: I thank the member for the question, Mr Speaker. It is an interesting one, because there seems to have been a bit of change of heart in one sector at least in relation to this in recent times.

Ms Tucker: My question was: Did you consult before applying?

MR STEFANIAK: The answer to that, Ms Tucker, is that groups were consulted. In fact, the department based its submission on the support it received from the Primary Principals Association executive back in May of this year, when officials gave a presentation on how participants would be involved in school communities. Nothing has changed since then, except perhaps something to do with the calling of a Federal election - I am not too sure. It seems that there has been a change of heart by that particular group. I had a discussion not long ago in relation to some of the problems the union saw, some of the potential problems they were a bit concerned about, and some other points.

I am interested in how this matter was raised only last week, when in fact a lot of work and consultation had occurred earlier. Indeed, some positions had been made known in about June, I understand, and then all of a sudden it seemed that the Primary Principals Association was not backing the scheme. I note that we have a Federal election in about a week-and-a-half's time. Perhaps that has something to do with it, although, Ms Tucker, I note from reading Kim Beazley's policies today on the front page of the *Canberra Times* that he also mentions now that the Labor Party would continue work for the dole programs.

MS TUCKER: The question has to be asked, but I will not ask it as a supplementary question, whether the first one was actually consultation or just a presentation. My supplementary question is that you have stated that you will not force any schools to participate, yet you have committed to providing a set number of places, 140 I believe, in your application. What will you do if you do not get enough schools who want to participate? Will you increase the training and support available to these young people and to the teachers and principals, who are at present very concerned about the current proposal?

Mr Moore: The question is hypothetical.

MR STEFANIAK: It certainly is hypothetical, but might I say that this proposal is not all that different from a number of schemes that have occurred in the past. You may not have seen it, Ms Tucker, but I note that on WIN on 18 September, under the headline "Parents and teachers are at odds over the future of the work for the dole in Canberra schools", the parent representative, Mr Trevor Cobbold, indicated:

We don't see that using work for the dole participants is any different from using volunteers in the school system.

Ms Tucker: My question was: Will you increase the training component and the support - - -

MR STEFANIAK: Ms Tucker, the proposal for the training of these work for the dole participants is, I think, for a week's training. The training component is very similar to the training we gave to the IT trainees and the sport and PE trainees. The question is hypothetical because we have a Federal election. I note with interest the Leader of the Opposition's comments in relation to this. He could well see that schemes like this might have bipartisan support, and we have a proposal in relation to this scheme, Ms Tucker. Training is an integral part of it. The training proposed is very similar to the training that was proposed for the IT trainees, who were most successful last year, along with the sport and PE trainees.

Visiting Medical Officers - Cancellation of Surgery

MR CORBELL: My question is to the Minister for Health and Community Care. Can the Minister explain how visiting medical officers are informed of periodic cancellations to their surgery timetables at public hospitals? How much notice do the hospitals have to give to avoid a payment obligation, whether the surgery was to be undertaken on either a fee-for-service or sessional basis?

MR MOORE: That is a very strange question. I do not expect to know, nor do I intend to know, the minutia of what happens in the hospital. I will say this, though: There are times when a VMO has very short notice that their elective surgery is going to be cancelled. They may have somebody prepped ready to go into an operation when an emergency occurs. A child may have been in a car accident. Priority would go to that child. Under those sorts of circumstances the situation is unavoidable. I think you would agree with that, Mr Corbell.

Over the last six or eight weeks there were occasions when the hospital was under great pressure. We are still trying to get as much elective surgery as possible through. I believe that the VMOs themselves and the people for whom they were providing the surgery, the patients - I should say it around the other way, because you asked about VMOs - were not informed as early as they could have been informed that it was unlikely that patients would be having surgery. I certainly asked the hospital to look at improving their systems to ensure that people knew as early as possible, and certainly knew if there was a risk that they would be bounced. Part of the pressure in the hospital was in the specific areas where we are seeking more nurses and more support, such as the intensive care unit, which was chock-a-block at the time.

MR CORBELL: I ask a supplementary question. Perhaps the Minister can explain to us how the hospital informs VMOs under their contractual notification period. I presume there is some sort of process there. If you cannot tell us now, perhaps you can take the question on notice. My supplementary question is: Can the Minister also say how much money was paid in the year ended 30 June for scheduled surgery that was subsequently cancelled? Again, if you cannot answer it now, I would be grateful if you could take it on notice.

MR MOORE: Mr Speaker, I will take both of those questions on notice.

Fire Services

MR OSBORNE: My question is to the Minister for emergency services, the Minister for Justice, Mr Humphries. Minister, during Estimates Committee hearings this year you gave a guarantee that the Emergency Services Bureau would not be subject to budget cuts, and it was pleasing to see their budget go up slightly. In the debate on the insurance levy legislation you stated that the levy was “to maintain and enhance the delivery of fire services to the community”. Today, Minister, I was shown a copy of a draft budget for the bureau which was prepared by Mike Castle. It was about three weeks old and showed an approximate \$500,000 cut to the fire services section of the bureau. Given that the \$10m levy was for the delivery of fire services, how is it that this cut is being considered?

MR HUMPHRIES: I thank Mr Osborne for the question. I answered a very similar question the other day from Mr Hargreaves. I repeat what I said to Mr Hargreaves. What you may see in bits of paper floating around suggesting cuts to the Emergency Services Bureau you have to take with a very large grain of salt.

Mr Berry: No, not to the bureau; to the fire services part of it.

MR HUMPHRIES: Even fire services. Mr Speaker, I can guarantee there would be no cut of \$500,000 to the fire services of the ACT or to the Emergency Services Bureau generally. But I will say this: We are in the midst of negotiations on an EBA with officers of the Emergency Services Bureau, and that certainly entails the possibility for staff to identify savings in certain areas, through productivity improvements, to pay for wage rises for staff. That kind of process is going on at the moment and may produce at the end of the day some reduction in outlays in a particular area to meet that particular goal. As to overall reductions in the budget of Emergency Services outside that process, I stand with what I said in the Estimates Committee, remarks to which Mr Osborne has already referred.

MR OSBORNE: Thank you for that guarantee, Minister. The question was specifically about the Fire Brigade. I take it that there will be no cuts. I thank you for that. I have a supplementary question. I have been informed that, according to the establishment figures, the fire service is currently 15 positions understaffed. Can you confirm whether this is the case? If so, are these positions funded in this year's emergency services budget?

MR HUMPHRIES: As I said the other day, in the middle of a campaign like this lots of misinformation gets thrown around. To be quite frank with you, I have the gravest doubts about whether any senior officer in the Emergency Services Bureau would run around producing figures showing a \$500,000 reduction in the fire service or any other part of my portfolio. I have to say to you that I would treat the authenticity of those figures with the very greatest of care. I would treat reports about so-called shortages of staff or positions not being filled with the same very great caution. I am not aware of any reduction of that kind, and I think we have to be very cautious before we make any assumptions based on the kind of information which does get pushed out in the interests of parties in these kinds of negotiations.

Belconnen Traffic Centre

MR RUGENDYKE: My question is to the Education Minister, Mr Stefaniak. It relates to the Belconnen traffic centre. I inspected the facility recently and the amenities were in appalling condition. The wires of traffic lights are exposed, the roof of the building leaks, tiles on the floor are lifting, the toilets are in poor condition and the general maintenance of the facility is shoddy. The facility is used primarily by children to learn road safety and traffic awareness and is used during school hours and will be used extensively during the upcoming school holidays. Minister, I would like to know how much has been spent on maintenance and upkeep of the traffic centre since your department took responsibility for the facility and how much has been allocated so far for maintenance in the future.

MR STEFANIAK: I thank the member for the question. We have a general maintenance budget, Mr Rugendyke. When work needs to be done, especially if there are safety concerns, arrangements are made to ensure that that does occur. We inherited the centre, I understand, on 4 July this year from another department. Maybe it is a bit of a shame that they perhaps did not give it to us in pristine condition. I was interested to see your piece in the *Belconnen Chronicle* in relation to the centre, certainly in relation to the wires. I understand there is a school holiday program. As a result of concerns that you raised, I understand that we are looking at ensuring that it is safe for the program. Now we have control of that particular facility, we will be looking to see what long-term maintenance needs to be done. Any safety issues will need to be taken care of as a matter of urgency, and longer-term maintenance will be done in the normal course of events.

Canberra Hospital - Nurses Dispute

MR BERRY: My question is to the Minister for Health and Community Care. It is an industrial relations question in relation to his portfolio of health. Will the Minister advise the Assembly how what really was a rather pompous publicly announced embargo on talking to the nurses union will contribute to the resolution of the nurses dispute? As I recall it, you said you would not talk to them.

MR MOORE: Mr Speaker, apparently Mr Berry has heard a rumour that I will not speak to the nurses.

Ms Carnell: It could have been an anonymous letter.

MR MOORE: It might have been an anonymous letter. It is the same level as the rumour he used in a question yesterday to vilify public servants, a standard process used by Mr Berry and one that I would hope that Mr Stanhope looks at very carefully and makes sure that Mr Berry does not continue with.

Mr Berry: That is not true, Michael.

Mr Smyth: He says it is not true, Mr Moore.

MR MOORE: He says it is not true. I have here in front of me today 16 examples of Mr Berry vilifying public servants in one way or another over the last short while. I am quite happy to show you those, Mr Stanhope, because it is just such an unacceptable and disgusting practice. Relying on rumour and hearsay is a pointless and awful way - - -

Mr Berry: Mr Speaker, did the Minister say he would not speak to the nurses or not? That is all I want to know.

MR MOORE: It is a pointless and disgusting way - - -

MR SPEAKER: I think Mr Moore is answering the question.

Mr Stanhope: I take a point of order, Mr Speaker. The Minister is in no way attempting to answer the question. He is simply spraying at Mr Berry over some perceived grievance that he has with him. This is some personal vendetta that the Minister insists on carrying out against Mr Berry. He is not even attempting to answer the question, Mr Speaker, and I ask you to call him to order.

MR SPEAKER: I am sure Mr Moore is coming to answer the question, but there is no point of order.

MR MOORE: Mr Speaker, perhaps Mr Berry has the story slightly twisted. He did say it was an industrial relations matter. What he might be referring to is that in the Industrial Relations Commission last night Commissioner Deegan required that all parties refrain from speaking to the media. I do not see how Mr Berry could twist that around the way he twists and turns. Mr Speaker, it is not about a personal issue between me and Mr Berry. It is about how Mr Berry attacks public servants.

Mr Berry: I take a point of order, Mr Speaker. I do not care about Mr Moore's ramblings about personal issues between me and him. All I want to know is whether he refused to speak to the nurses union in the course of the industrial dispute or whether he did not. Just yes or no will do.

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MR MOORE: I know Mr Berry likes yes or no answers. The point I am making is that when he asked about a public servant yesterday he was looking for a yes or no answer. He asked the question. I gave an absolute, direct, categorical answer to it - no - yet, thanks to his question, we still have the public servant named in the newspaper and the proposition that Mr Berry had put up was dealt with in the - - -

Mr Berry: You spoke to the newspaper, Michael.

Mr Hird: I raise a point of order, Mr Speaker. I draw your attention to standing order 61 and ask Mr Berry to observe the standing orders and to listen to the answer to the question that he asked the Minister.

MR MOORE: The reality is that Mr Berry does not mind whom he vilifies, whom he pillories. Whether it is somebody who can reasonably defend themselves or not, he has been using privilege in this house. I have in front of me 16 examples of Mr Berry doing so. I think they are all since 1997.

Mr Berry: No, you have not.

MR MOORE: In the last couple of years.

Mr Berry: No, you have not.

MR MOORE: Yes, I do.

Mr Berry: No, you do not.

MR MOORE: Yes, I do. Mr Berry says that I do not, so I will show Mr Stanhope the 16 examples of Mr Berry dealing with people. It seems to me, Mr Speaker, that when the nurses - - -

Mr Berry: Mr Speaker, the standing orders require that the Minister at least attempt to give an answer to the question.

MR SPEAKER: No, they do not actually.

Mr Berry: Okay. If he does not want to answer the question, he might as well say, "I cannot answer it. I do not remember". I remember it plainly when he said he would not talk to the nurses.

MR MOORE: Mr Speaker, I am very conscious - - -

MR SPEAKER: Order! It would assist enormously, Mr Berry, if you stopped provoking Mr Moore.

MR MOORE: Thank you for your protection, Mr Speaker.

MR SPEAKER: That is all right, Mr Moore. I wish to draw attention to the fact that if Mr Berry insists on interjecting, saying that Mr Moore does not have some list of people, he will only provoke Mr Moore to deny it. Mr Moore might like to wind up his answer.

MR MOORE: Mr Speaker, I am conscious of standing order 118(a).

Mr Stanhope: Mr Speaker, I raise a point of order on that direction you just gave. Really, Mr Speaker, if there is any provocation here I do not think you can overlook the provocation by Mr Moore of Mr Berry in the way in which he is answering this question. For you to single out the Labor Party and to leave Mr Moore's provocation unremarked upon is simply not even-handed, Mr Speaker.

MR SPEAKER: I am asking Mr Moore to wind up his answer, Mr Stanhope, because I think it has gone on long enough.

MR MOORE: Thank you, Mr Speaker. I am conscious of standing order 118(a), Mr Speaker, but I would like to draw your attention to a precedent. In the previous sitting week of this Assembly, Mr Berry was asked a question which he took more than 20 minutes to answer. The precedent is there. As I recall, Mr Berry said quite a range of things that were anything but relevant. The point I was making, Mr Speaker, is that it is fine for me to have a go at Mr Berry and Mr Berry to have a go at me. We have been doing that for donkey's years. I do not have a problem with that at all. What I do have a problem with is the way Mr Berry has made it his practice to vilify public servants. I have said to Mr Stanhope, "I will show you the names of the people. You ought to show some leadership and ensure that when questions are considered in Caucus Mr Berry's questions are not about public servants". Mr Speaker, only in the last couple of days I believe I - - -

Mr Berry: Did you consider sacking him or not?

MR MOORE: It seems to me - - -

Mr Berry: Did you talk to the Chief Minister about it?

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

MR SPEAKER: Sit down, Mr Hird. There is no point of order. Mr Moore is coming to the end of his answer.

MR MOORE: I am indeed coming to the end of it, Mr Speaker. Of course I am willing to speak to nurses. I make an effort to go to the hospital and talk to nurses on the ward so that I can understand what they are saying. Often I find about a third of them, depending on the ward, are very keen about the way the union is conducting its business. The other two-thirds I often find have a very different view. I am aware that a number of nurses have resigned or been considering their resignation from the Nursing Federation over the last little while. In spite of all that, and in spite of a significant number of misrepresentations, I am willing to speak to the Nursing Federation. I am always willing

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to speak to the Nursing Federation. I have told them that regularly. In fact, I sat down with Colleen Duff, the secretary of the Nursing Federation, with a group of people from ward 9A - I may be wrong but I am pretty sure it was ward 9A, the first ward where there was a walkout. I sat down with them and had a cup of hot chocolate - they had cups of tea. We discussed some of the issues that were of sufficient concern for those particular nurses to walk out of the hospital. Yes, I am happy to talk to the Nursing Federation at any time.

MR BERRY: I ask a supplementary question. How many meetings have you had with the Nursing Federation?

MR MOORE: As many as they have asked for, and more.

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

Mental Health - Commonwealth Funding

MR MOORE: Mr Speaker, I wish to add something to my answer to Mr Wood's question on mental health. He talked about \$1m for a computer system. In fact, the ACT received approximately \$160,000 from the Commonwealth out of the pile of \$1m nationally which was specifically for an interim solution for information collection problems. It was not part of the general direction of the national mental health strategy but was above the \$1m allocated to mental health.

Drugs - Juvenile Rehabilitation Centre

MR MOORE: Yesterday I indicated in answer to a question from Mr Stanhope about a residential facility for young people that I would table some papers. I have the correspondence here. I table it now.

Ainslie - Traffic

MR SMYTH: Mr Speaker, on 23 September Ms Tucker asked a question about the monitoring of traffic on roads in Ainslie and Dickson. I said that I would find out exactly when it is done. The traffic volumes and speed surveys have been undertaken in Ainslie on Chisholm, Cowper, Davenport, Foveaux, Hawdon and Quick streets and Officer Crescent, and in Dickson on Cowper and Doring streets and Phillip Avenue. Most of these surveys were carried out in 1997, in November. Normally, residential street surveys are carried out as part of our data collection program, which is repeated every three years. So the same sites will be surveyed again in the year 2000. However, that timing could change if decisions are made to change the current traffic arrangements.

Ms Tucker: Have you got the figures from three years ago for the same roads?

MR SMYTH: I have not. I will talk to you later.

Ms Tucker: Could I have them too?

MR SMYTH: I do not see why not.

PAPER

MR SPEAKER: I present, for the information of members, the 1997-98 annual report, together with the financial statements and the Auditor-General's report, for the ACT Legislative Assembly Secretariat.

AUDITOR-GENERAL - REPORT NO. 4 OF 1998 Annual Management Report

MR SPEAKER: I present, for the information of members, the Auditor-General's Report No. 4 of 1998, entitled "Annual Management Report for Year Ended 30 June 1998", together with the financial statements and an independent audit report, pursuant to the Auditor-General Act 1996.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.26): Mr Speaker, I ask for leave to move a motion authorising the publication of the Auditor-General's report.

Leave granted.

MR HUMPHRIES: I move:

That the Assembly authorises the publication of the Auditor-General's Report No. 4 of 1998.

Question resolved in the affirmative.

PAPERS

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): Mr Speaker, for the information of members, I present the Administration of Justice - Statistical Profile for April to June 1998.

Pursuant to section 14 of the Annual Reports (Government Agencies) Act 1995, I present the annual reports in accordance with the list circulated in my name. The 1997-98 report for Totalcare is not available for presentation today. It will be made available to members prior to the hearings of the Select Committee on Estimates 1998-99.

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The list read as follows:

Chief Executives, pursuant to section 7 -

Chief Minister's Department - Report (Volumes 1 and 2) and financial statements, including the Auditor-General's report for 1997-98, together with a report and financial statements, including the Auditor-General's report for the ACT Casino Surveillance Authority, together with financial statements and the Auditor-General's report, for 1997-98 for:

ACT Executive

Department of Business, Employment, Tourism, the Arts,
Regulatory Reform and Industrial Relations

Office of Asset Management

Central Financing Unit

Superannuation Provision Unit

and as annexes the 1997-98 reports for:

Commissioner for Public Administration

Registrar of Co-operative Societies

Bookmakers Licensing Committee

Department of Urban Services - Report (2 volumes and an addendum to volume 2) and financial statements, including the Auditor-General's report, for 1997-98, together with reports for:

ACT Planning Authority, pursuant to the Land (Planning and Environment) Act 1991

Animal Welfare Authority, pursuant to the Animal Welfare Act 1992

Architects Board of the Australian Capital Territory, pursuant to the Architects Act 1959

Conservator of Flora and Fauna, pursuant to the Nature Conservation Act 1980

Electrical Licensing Board of the Australian Capital Territory, pursuant to the ACT Electricity Act 1971

Essential Services Review Committee, pursuant to the Essential Services (Continuity of Supply) Act 1992

ACT Gas Authority, pursuant to the Gas Act 1992

ACT Heritage Council, pursuant to the Land (Planning and Environment) Act 1991

ACT Occupational Health and Safety Council, pursuant to the Occupational Health and Safety Act 1989

Plumbers, Drainers and Gasfitters Board of the Australian Capital Territory, pursuant to the Plumbers, Drainers and Gasfitters Board Act 1982

Pollution Control Authority, pursuant to the Environment Protection Act 1997

Registrar of Pesticides, pursuant to the Pesticides Act 1989

The Surveyors Board of the Australian Capital Territory, pursuant to the Surveyors Act 1967

The Trustees of the Canberra Public Cemeteries, including financial statements and the Auditor-General's report, pursuant to the Cemeteries Act 1933

and financial statements and Auditor-General's reports for:

Department of Urban Services

ACT Housing

ACTION

InTACT

ACT Forests

Interim Department of Heritage

Nominal Insurer of the ACT

ACT Workers' Compensation Supplementation Fund

ACT Department of Justice and Community Safety - Report (2 volumes) and financial statements, including the Auditor-General's report, for 1997-98, together with reports for:

Administrative Appeals Tribunal

Chief Coroner for the Australian Capital Territory

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Discrimination Tribunal
Guardianship and Management of Property Tribunal
Office of the Commissioner for Land and Planning
Law Reform Commission
Mental Health Tribunal
Parole Board
Tenancy Tribunal
Agents Board of the ACT

Department of Health and Community Care - Report and financial statements, including the Auditor-General's report, for 1997-98, together with reports for:

Chiropractors and Osteopaths Board
Dental Board
Dental Technicians and Dental Prosthetists Registration Committee
Medical Board
Nurses Board
Optometrists Board
Pharmacy Board
Physiotherapists Board
Podiatrists Board
Psychologists Board
ACT Radiation Council
Veterinary Surgeons Board
ACT Health and Community Ethics Committee
ACT Mental Health Services

Department of Education and Community Services - Report (2 volumes) and financial statements, including the Auditor-General's reports, for 1997-98 for:

Department of Education and Community Services
Department of Sport and Recreation

and annual reports for:

Board of Secondary Studies

ACT Vocational Education and Training Authority

Accreditation and Registration Council

Children's Services Council

Official Visitor's Report on Quamby Youth Detention Centre and
Marlow House

Public Authorities, pursuant to section 8 -

Canberra Tourism and Events Corporation - Report and financial
statements, including the Auditor-General's report, for 1997-98

CanDeliver Limited - Report and financial statements, including the
Auditor-General's report, for 1997-98

Australian International Hotel School - Report and financial statements,
including the Auditor-General's report, for 1997-98

Canberra Milk - Report and financial statements, including the
Auditor-General's report, for 1997-98, pursuant to subsection 59(1) of
the Financial Management Act 1996

Commissioner for the Environment - Report for 1997-98

ACT Electoral Commission - Report for 1997-98

ACT Ombudsman - Report for 1997-98, pursuant to section 21 of the
Ombudsman Act 1989

Office of the Community Advocate - Report for 1997-98

Human Rights Office - Report for 1997-98

Criminal Injuries Compensation Scheme - Report for 1997-98, pursuant
to the Criminal Injuries Compensation Act 1983

Director of Public Prosecutions - Report for 1997-98

Australian Federal Police - Report for 1997-98 on policing in the
Australian Capital Territory, including financial statements and the
report of the Australian National Audit Office

Community and Health Complaints Commissioner - Report for 1997-98, pursuant to section 77 of the Community and Health Services Complaints Act 1993

ACT Health and Community Care Service - Report for 1997-98 and financial statements, including the Auditor-General's reports for:

The ACT Health and Community Care Service

The Canberra Hospital

ACT Community Care

Healthpact - Report and financial statements, including the Auditor-General's report, for 1997-98.

COMMISSIONER FOR THE ENVIRONMENT
Report on Pest Control Investigation - Government Response

MR SMYTH (Minister for Urban Services) (3.27): Mr Speaker, for the information of members, I present the Government's response to the Commissioner for the Environment's report entitled "Investigation into the ACT Government's Use of Chemicals for Pest Control", which was presented to the Assembly on 25 June 1998. I move:

That the Assembly takes note of the paper.

Mr Speaker, I gave an undertaking on 25 June that I would respond to the commissioner's report. I would like to start by saying that the Government welcomes the commissioner's report and supports the general intent of the report, which seeks the best possible environmental and public health outcomes for the ACT in relation to the use of agricultural and veterinary chemicals for pest control purposes. The key elements of the Government's response are as follows:

With the commencement of the Environment Protection Act 1997 on 1 June 1998, the ACT now has a regulatory framework which ensures that the commercial use of agricultural and veterinary chemicals is in accordance with best practice environmental, public health and occupational health and safety standards.

Standard tender and contract specifications will be used by ACT government purchasers of pest control services to ensure that the regulatory framework is fully implemented in delivering pest control services to ACT government agencies.

There will be improved coordination between ACT government agencies on the management of pest control issues, through the establishment of the Agricultural and Veterinary Chemical Coordination Network, which will be chaired by Environment ACT and will include major ACT government stakeholder agencies.

The role of the Agricultural and Veterinary Chemical Coordination Network will include applying international and national best practice, set out in source documents such as the OECD's Pesticide Risk Reduction Strategy and the National Strategy for the Management of Agricultural and Veterinary Chemicals; the promotion of integrated pest management principles to ensure a holistic approach to pest management; and also the development of standard form contracts which, amongst other things, will require the use of those registered agricultural and veterinary chemicals for pest control activities that have been assessed as being both effective as pest control substances and of lowest practicable environmental and public health hazard.

A pamphlet will be made available to the ACT community detailing all contact points within ACT and Commonwealth governments where the already extensive range of environmental, public health and occupational health and safety information, on the use of agricultural and veterinary chemicals, can be provided.

Mr Speaker, overall, I believe that in its response to the commissioner's report the Government has taken a positive step in ensuring that the ACT community can feel confident that ACT government agencies are using pest control chemicals appropriately and in accordance with the highest standards of best practice. I ask that the motion be agreed to.

Question resolved in the affirmative.

SUBORDINATE LEGISLATION Papers

MR SMYTH (Minister for Urban Services): Mr Speaker, pursuant to section 6 of the Subordinate Laws Act 1989, I present Subordinate Laws Nos 214 and 215 of 1998, being determinations of criteria for direct grant of a lease for block 6, section 30, Braddon and block 5, section 30, Braddon respectively, made under subsection 161(5) of the Land Act 1991 and notified in *Gazette* No. S196, dated 21 September 1998.

HEALTH AND COMMUNITY CARE - STANDING COMMITTEE Report on Mental Health Strategic Plan 1998-2001 - Government Response and Ministerial Statement

MR MOORE (Minister for Health and Community Care) (3.31): Mr Speaker, I seek leave of the Assembly to make a ministerial statement, which is the Government's response to Report No. 1 of the Standing Committee on Health and Community Care on the Mental Health Strategic Plan 1998-2001, which was presented to the Assembly on 27 August 1998.

Leave granted.

MR MOORE: The Government welcomes the opportunity to respond to the report of the Standing Committee on Health and Community Care on the Whole of Territory Mental Health Strategic Plan 1998-2001. At my request, the standing committee was asked to examine the plan to ensure that it adequately reflected community views. I believe that it became clear to the committee very early that the plan did reflect community views. Indeed, the community was strongly of the view that the plan should be finalised and released as a final document.

The standing committee held a round table meeting on 14 August 1998 involving all of the major players, including Ms Kerrie Tucker, MLA. The Government commends the standing committee for its decision to hold the round table meeting. At that meeting it was agreed that a number of amendments needed to be made to the strategic plan to strengthen the references to consumer empowerment and to the development of partnerships with key sectors of the community. It was also agreed that the Department of Health and Community Care would consult with the Mental Health Council in relation to the identification of priority areas for the expenditure of new funds.

The revised strategic plan is a very thorough document which provides a framework for reform in the provision of mental health services. The standing committee has suggested that the plan is not a strategic plan. The committee formed this view because it argued that there needed to be a review of the existing services in order to determine service gaps prior to the development of the strategic plan. The Government does not agree with the committee's view. A strategic plan provides a vision of what a government wants to achieve in a particular area, how it will achieve it and when it will achieve it. The Whole of Territory Mental Health Strategic Plan fulfils all of these roles.

It should be noted that, in developing the strategic plan, the Department of Health and Community Care undertook a comprehensive literature review, focusing particularly on those reports which made recommendations regarding gaps in service in the ACT. The report of the inquiry by the Legislative Assembly's Standing Committee on Social Policy into the adequacy of mental health services in the ACT, which was chaired by Ms Tucker, was particularly important to the process. A number of recent reports, such as the report on the need for a secure care facility, have identified additional gaps. The identification of service delivery gaps is a process which is, and should continue to be, undertaken continuously by the ACT Government.

The department, together with stakeholders, will develop a set of performance indicators for the plan. These are expected to be ready by December 1998. The indicators will be used to assess the plan annually, followed by a review of the objectives, strategies and actions. At the end of the 2000-01 financial year, the plan will be formally evaluated.

The Government thanks all those who participated in the development of this plan for their time and effort. I am confident that the result is a plan which will help government, service providers, consumers, carers and the broader community to work toward the improvement of mental health and community care services in the ACT and to maximise community and individual health and emotional and social wellbeing.

I personally would like particularly to thank Mr Wood for his part in the process, for his willingness to consider the arguments I put in my discussion of these issues with him, and for suggesting the round table, which I thought was a very effective way of dealing with the issues. Mr Speaker, I table the statement. I move:

That the Assembly takes note of the paper.

MR WOOD (3.34): Mr Speaker, I will speak for a minute on this and then maybe we can dispense with it, unless my colleagues want to talk. We have all agreed that we want to get action on this and keep things moving. We adopted a process to do that. I want to say that we did not so much submit a report as respond to the Minister. The document does remain the Minister's document rather than any report of the committee.

As to a strategic plan, there have been long debates in this Assembly - under different headings, if you like - about what is and what is not a strategic plan. I well recall the time when Mr Moore told me that the Territory Plan was not a strategic plan. I guess, depending on what aspect you are looking at, the requirements for a strategic plan might vary. We did take a different point of view from Mr Moore in this case.

Mr Moore: And the reverse.

MR WOOD: Yes. The thing is that we do need to keep action going in the area of mental health, and I think we are taking steps to do that.

Question resolved in the affirmative.

AUSTRALIAN HEALTH CARE AGREEMENT - 1998-2003 Ministerial Statement

MR MOORE (Minister for Health and Community Care) (3.35): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the Australian health care agreement, 1998-2003.

Leave granted.

MR MOORE: The new Australian health care agreement between the Commonwealth and the ACT is a key component of financing and providing services in the public health care system. The final agreement which I signed on behalf of the Territory on 28 August 1998 covers the next five years, 1998-2003, and replaces the previous Medicare agreement. The agreement embodies a real increase in health funding to the ACT and a commitment to work cooperatively with the Commonwealth to meet key objectives in health care. As members will recall, the ACT agreed in principle on 15 January 1998 to a Commonwealth financial offer, subject to an agreed set of principles.

The Commonwealth's offer involved a real increase in health funding in 1998-99, relative to both the 1997-98 base and what it would be if existing arrangements were extended into 1998-99. That in-principle agreement gave the ACT access to the Commonwealth critical and urgent treatment funds - sometimes known as the "cut" funds - to be targeted at reducing waiting lists. The ACT has received \$16.5m as part of this scheme.

Since January, the ACT has collaborated with other States and Territories in an effort to draft an agreement which represented a broad overarching framework governing the provision of public hospital services to the Australian community and adhered to the jointly agreed principles. A final financial offer was made to States and Territories by the Prime Minister on 6 August 1998 which injected a further \$915m over five years into the States and Territories health systems. This included additional base funding of \$850m and a one-off \$65m for specific health priority projects.

In line with the agreement in January that the ACT would not be disadvantaged if a further offer was made by the Commonwealth, the ACT's share of the base funding increase is \$2.4m in 1998-99 and \$13.3m over the five years to 2002-03. The ACT's share of the one-off funds is \$1.5m which is to be made available for initiatives specific to the ACT in 1998-99. The new funding offer includes a general grant plus specific tied amounts for mental health, palliative care, quality and access, previous specific purpose payments now broadbanded into the agreement and health system restructuring - that is, the National Health Development Fund. The total health care grant for 1998-99 is expected to be \$72.4m.

The agreement also acknowledges the increasing costs on the States and Territories of the continuing decline in private health insurance coverage and includes a mechanism to increase funding for a decline beyond December 1998. Based on current estimates, a one per cent national uniform fall in private health insurance will provide \$82m in additional funding nationally. The Commonwealth has also conceded that it will not claw back funds if the level of private coverage increases, until the ACT's coverage rate increases to 36.6 per cent. Although figures are only collected annually, the ACT's coverage rate at June 1997 was estimated at 34.7 per cent.

While the new agreement is primarily political, as opposed to legal, it exists so that both parties can achieve one of the core principles of this system: Choice of free hospital care for all Australians. Through the agreement the Commonwealth Government now seeks to achieve a broader range of national policy objectives for the health care system. It is important to recognise the joint role the States and Commonwealth play in agreeing and setting health policy for the nation. The agreement is structured to allow the States and Territories to move beyond the traditional approach to providing and financing health services and look for ways to restructure the system in an effort to reduce perverse incentives for cost shiftings and improve patient access to services.

The Commonwealth and the ACT have agreed to ensure that the Australian health care system is a world-class system which is based on the following principles: Firstly, eligible persons must be given the choice to receive a public hospital service free of charge as public patients; secondly, access to public hospital services by public patients is to be on the basis of clinical need and within a clinically appropriate period; thirdly, eligible persons

should have equitable access to public hospital services, regardless of their geographical location. All Australian citizens are eligible people. The category excludes the majority of foreign nationals. I must say as an aside, Mr Speaker, that the people of Canberra should know it does not exclude the diplomatic corps, for example.

The Commonwealth, States and Territories share the responsibility for meeting the costs of Territory-funded health services, facilitating national health reform and the sharing of information to gain a better understanding of the changing dynamics of the Australian health system. They will work together, and with other States and Territories as appropriate, to achieve the following: Implement the second national mental health plan; implement an agreed national palliative care strategy; participate in a forum to advise on overall directions for the casemix program; and explore options in the reciprocal health care agreements. The Commonwealth and the Australian Capital Territory will also implement this agreement consistent with the principles outlined in the Aboriginal and Torres Strait Islander health framework agreement.

The Commonwealth and the State/Territories have recognised the need for service delivery reform. In the next five years a range of initiatives will be explored which test the boundaries of Commonwealth-State responsibilities for health care financing and management in order to seek change. So it is in this context that activity will occur which looks further than merely questioning who is responsible for services by seeking to challenge what is delivered and why, in order to achieve greater improvements where possible.

Some of the reform initiatives will be around testing the current boundaries of service provision through ongoing exploration of initiatives which will occur under a "measure and share" model. Several States/Territories will work with the Commonwealth in evaluating the outcomes from the coordinated care trials to provide information to guide future directions for the reform of health service delivery. It is intended that these reforms will lead to improved patient outcomes and/or more cost-effective care.

The Commonwealth and States/Territories have agreed that there is a need for national commitment, in partnership with clinicians, to health care safety and quality improvement. There is recognition that there are some safety and quality issues which are best dealt with at a national level. In keeping with the need for reform, the Commonwealth and the States/Territories acknowledge that significant restructuring is necessary to improve the performance of the health system. Accordingly, the Commonwealth has established a National Health Development Fund to pursue projects and programs consistent with a strategic plan designed to improve patient outcomes in relation to such services; improve the efficiency and effectiveness, or reduce the demand for the delivery of public hospital services; and improve integration of care between the public hospital system and the broader health and community care services.

The agreement also foreshadows reform of pharmaceutical arrangements for patients on discharge and non-admitted patients. Further work needs to be undertaken before this occurs. The fundamental principles of the current interstate cross-border funding arrangements will be retained for the period covered by this agreement. This means that

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the ACT will raise charges against another State for persons who are normally resident in that State and are provided with treatment in the ACT. I commend the new health care agreement to this Assembly. I present the following paper:

Australian Health Care Agreement - 1998-2003 - Ministerial statement,
24 September 1998.

I move:

That the Assembly takes note of the paper.

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

**JOINT VENTURE AGREEMENT - COMMUNITY HEALTH
INFORMATION SYSTEM
Ministerial Statement**

MR MOORE (Minister for Health and Community Care) (3.44): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement on the joint venture agreement to design and build the community health information system.

Leave granted.

MR MOORE: Mr Speaker, in my short time as Minister for Health and Community Care, one of the most encouraging developments has been the move towards a community-based health system. It is the basis of my credo, "Setting the Agenda", and I am pleased to report that is gaining wide support within Canberra and the surrounding region. With this trend firmly in my mind, I want to commend to this Assembly the community care area of the health portfolio, and its involvement in an integrated community health information system.

Mr Speaker, in 1996 the ACT agreed to a partnership with the health departments of New South Wales, Queensland and South Australia to develop an integrated community health information system. The project plans to improve the management of public sector, community-based health services from both service delivery and policy-making perspectives. Mr Speaker, the expected benefits of the project include a reduction in proportion of clinicians' time spent on administrative tasks; a more effective transfer of clients from acute-care facilities to community-based care and better linkages with other elements of the health care system; an improved ability to identify clinical pathways; more effective benchmarking through the application of national standards; and better information to enable more efficient system management.

The original joint venture agreement between the community health information management enterprise partners provided the basis for the development of the functional specifications for the system. These are now complete. The new joint venture agreement will apply to the subsequent stages of the development. The new joint venture agreement, which has now been signed, deals with the next stages of development. These include stage 3, system build; stage 4, system rollout; stage 5, ongoing maintenance and support.

The ACT is an equal partner with the States in determining the functionality and design of the new system. I believe that this gives the Territory considerable leverage in its investment in this joint venture. Mr Speaker, I am pleased to formally endorse ACT Community Care participating in this new joint venture agreement. I present the following paper:

Joint Venture Agreement to design and build the community health information system - Ministerial statement, 24 September 1998.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

PRESCHOOL ADJUSTMENTS **Ministerial Statement**

MR STEFANIAK (Minister for Education): I seek leave to make a ministerial statement on preschool adjustments.

Leave granted.

MR STEFANIAK: Mr Speaker, ACT preschool registrations have dropped from a 1998 figure of 3,956 to a total of 3,609 for next year. That is a loss of 350 children, or the equivalent of seven full-time preschools. Naturally, this drop is across the board, so there is no question of the Government closing the equivalent of seven full-time preschools and redistributing the children. We do, however, have to reduce some schools, suspend one for 1999 and close just one.

Mr Speaker, Stokes Street was suspended this year after enrolments dropped considerably and they have not picked up for next year. In fact, they have reduced even further from the six registrations at this time last year and therefore the preschool has, unfortunately, to be closed. It is a great shame that this closure will happen in the preschool's fiftieth year but, unfortunately, the demographics of Canberra have changed in that time and we need to provide for current needs and plan for future ones. We have a similar situation next year with Downer Preschool which has registrations of just 14. Downer will, therefore, be suspended for 1999. Registrations for 2000 can still be taken for Downer Preschool and, if sufficient numbers are registered, the preschool will be staffed for that year. Responsible management, and using the publicly endorsed factors, would indicate that Downer should close for 1999 but, in consideration of the recommendations of the Standing Committee on Education, the Government will not close Downer Preschool.

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Preschool arrangements for next year have been made using a set of factors that were agreed following community consultation in 1997. This is also the usual process of adjustment recommended by the standing committee. Those factors recognise six issues that need to be taken into account: Socioeconomic areas; clusters of rental housing; location of existing early learning units; minimum size to ensure a viable group; viability numbers of 17 registrations for a part-time preschool and 34 for a full-time preschool; location of the preschool to maintain support to staff and the community.

For 1999 three preschools will increase by half a unit; 10 will be reduced by half a unit; three will be reduced by one unit; four single-unit preschools will become part time; and two preschools do not have viable registrations for 1999. It is important to note that three preschools whose registrations have actually dropped below 17 - Deakin, the Causeway and Rivett - will not close due to factors other than purely enrolment. A part-time unit will be added to Charnwood to deliver a language enrichment program for residents of that area. This is consistent with the Auditor-General's recommendation for the introduction of innovative programs and is also linked with the toying with their talking concept being promoted as a strong early childhood literacy strategy, similar to what is already occurring at the Narrabundah Preschool.

I am relieved finally to be able to announce decisions on preschool arrangements for 1999. It is obviously very important to let preschool parents and staff know exactly what those arrangements will be. Parents need to be able to make informed decisions about their children's preschool enrolment and staff, of course, need to know whether changes will take place in where they will be working next year.

I welcome the standing committee's call for a statement of purpose for providing early childhood services. Such a statement is completely in line with our strategy for early childhood services and it provides a chance, in further consultation with the community, to articulate a vision for early childhood services in the ACT. In connection with this, I will also be pleased to pick up on Ms Tucker's call for coordination of other early childhood services, such as day care centres with preschool services.

Mr Speaker, in summary, despite the fact that we have 350 fewer ACT registrations for next year, compared with the number in the system at present, only one preschool will close. This outcome has been achieved in accordance with the recommendation in the report of the Standing Committee on Education which called for the usual processes to be maintained for 1999 and no major changes for next year.

MS TUCKER, by leave: I appreciate the fact that the Government, or the Minister, has basically supported the thrust of the report on preschool services. Minister, I am obviously disappointed that you have chosen to suspend Downer Preschool which had only 14 enrolments. Further enrolments were not out of the question. There could have been more enrolments by next year which would have made that a viable unit. But that is the decision that you have taken. I have had an assurance from your officers, and from you as well, that you will work with the community affected to ensure that all those children will be able to access an alternative preschool. However, I would like it to be placed on the record that I am not quite sure why the decision was taken, particularly as it is September and we know very well that other enrolments could occur between now and February.

The other comment I would make, looking at the numbers, is that things are quite tight in Tuggeranong. I am a bit worried about that because there could, quite easily, be a number of preschools which people consider will be available but, in fact, they will not be because of the cut-off. There is flexibility of only two in one preschool, I notice, so only two more enrolments would be needed. That is in an area where numbers are increasing. This means the Government has been quite rigid in some of the numbering, although there is quite a lot of flexibility in other preschools. I acknowledge that the Government has actually been quite generous in some. I am interested to see that at Reid there is able to be a reduction this year for the first time. Maybe that is because the normal advocate for Reid is preoccupied with other issues at the moment.

The other important point to make is that the coming year presents an opportunity for government to work with the committee, the community, the Pre-School Society and all the other interested parties to develop a long-term plan which it has acknowledged is a necessity. Hopefully, what will come out of that planning process will be a system whereby we can determine earlier in the year what will be happening so that we do not have the stressful situation such as occurred today when, basically, teachers were given half an hour's notice of a change. There was probably a political element as well, because of the announcement and the response to the committee, but obviously it was very bad management in terms of the personnel involved.

I reject the assertion that has been made to the media that, because of the committee, there has been less time. The Government has only just received the figures, basically, and the announcement, I believe, could have been made last week. I understand you had the figures but, for political reasons, you did not do so. Be that as it may, what we hope we will be able to achieve next year is not having such a stressful situation but a situation where people have a sense of what is happening in advance. Certainly by the year 2000, we hope to have a plan in place so that we can understand how the Government responds to the changing demographics, where decisions will be based on the qualitative factors concerning access to preschools and the importance of that in providing a service.

I repeat that it came through to the committee quite clearly that the dollars spent in these early years will save us money later on. I think it was claimed that every dollar spent in the early years will save something like \$7.80 per child per year until a person is 27. Basically, the point was that money is well spent in these early years and that if we do not acknowledge that - we might think we are saving money right now by reducing preschool services - we will be paying for it later. I am looking forward to having an opportunity to see that discussed so that future decisions made by this Government will not just be based on short-term economics - not that the Government did that this year. I acknowledge that. It took into account the broader issues and the recommendations of the committee so that we can have that discussion.

MR STEFANIAK (Minister for Education), by leave: I note the comments Ms Tucker made, and certainly the Government looks forward to working with the community in the long term. The report and the study that the committee undertook into preschool education highlighted a number of factors, not least the demographic problems we face, the need for us to look at ways in which those factors can be addressed and the need for some long-term planning which obviously would be in everyone's interest.

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That being said, the fact is that this year, in conjunction with what was recommended by the committee, we applied the factors which the community endorsed in 1997. I think that was a broader range of factors and it was a better way of doing things on an annual basis than was the case before. One further point I would simply make in relation to some of Ms Tucker's earlier comments is that, as you can see from what we have proposed, for 1999 we have staffed our preschools throughout the ACT for over 4,000 places.

LEAVE OF ABSENCE TO MEMBER

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

That leave of absence from 21 October to 4 November 1998 (inclusive) be given to Ms Carnell (Chief Minister).

QUESTIONS WITHOUT NOTICE

Wine Industry

MR WOOD: Mr Speaker, will you allow me to prompt the Chief Minister's memory about a question and a supplementary question she took on notice on 25 August - that is, six sitting days ago - concerning the local wine industry. I guess it slipped through the system somewhere and I look forward to an early response.

MS CARNELL: I apologise to Mr Wood. I know I have the answer to that. I thought I had tabled it, Mr Wood. If I did not, I will.

Mr Wood: It slipped through my system, if that is the case.

MS CARNELL: I thought I had tabled it. If I have not, I will get you a copy.

ECOWISE SERVICES LTD - DISPOSAL

Debate resumed.

MR BERRY (3.58): I want to talk briefly about the origins of the decision to privatise Ecowise and other matters. In the course of the debate, somebody on the government benches said that they had not privatised anything.

Mr Humphries: No, I did not say that. I said, "Hardly anything".

MR BERRY: Hardly anything. It was not because of any absence of intent; that is clear. It was just that you could not get it through this place. In the course of debate, Mr Speaker, I noticed that much was said about how the decision to privatise was justified on the basis that it was being sold to the workers. The difficulty here is that the people who own it have not been involved in the consultation on the issue, that is, the people of the ACT. A very quick decision has been made in relation to this matter on the basis of - - -

Ms Carnell: That is us.

MR BERRY: Yes, Chief Minister. The Chief Minister says, "That is us"; that is, the Chief Minister as principal shareholder and one other Minister whose name escapes me at the moment. That does not give you the right to sell these sorts of assets at short notice, without consultation with the community. There has not been consultation with the community on this matter. You have to have some concern about the workers involved in Ecowise. If their job security had been guaranteed by the Government, I am sure that many of them would not have been so keen about the idea of purchasing it.

I have had a call in my office from a member of the family of somebody who was an employee of Ecowise, advocating the sale of it. Indeed, it troubled me a little because I was informed that this family was going into debt to buy whatever portion of the arrangement they could buy. It also troubled me today to listen to, I think, the Deputy Chief Minister talk about the possibility of Ecowise not being successful in picking up in the future contracts which it holds at the moment. I think he was saying that they will not be picking them up. That became clear to me. I am more than a little bit troubled about this whole arrangement. Yes, you have to take the employees into account and nobody wants to see jobs go, but it troubles me that there has been an effort to say to employees, "Look, if you want your job you are going to have to buy it, because if we do not privatise this organisation your job is going to go". That is not an appropriate course.

Let me refer now to one other thing. All of the shillyshallying about the rights and wrongs of privatising this enterprise have to be considered against the background of the Government's ideological position. The Government has a philosophy of privatising. Ecowise is about getting the foot in the door, and it has been dressed up accordingly. Let us not forget that in 1995, at the notorious love-in, the Government made a decision to privatise all GBEs, abolish the Milk Authority and sell off the cemeteries. They have not made the effort to sell off the cemeteries yet because Trevor Kaine was in a position as Minister to make sure that it could not happen. This Government is about privatising all the GBEs and this is a foot-in-the-door approach to that.

Regrettably, the employees have been caught in a pincer movement in relation to the matter because they want to preserve job opportunities. We know that job security is the big issue out there in the community. I will bet that there would not be so many workers keen to buy a slab of Ecowise if their job security were guaranteed well into the future and they were not worried about it. What troubles me is that all of them will invest their redundancies in the purchase of a job, that is, purchase a part of the action in Ecowise.

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I understand that the Osborne group and Mr Moore are committed to this decision and will support it.

Mr Rugendyke: How do you know that?

MR BERRY: Prove me wrong. I am happy for you to jump up and prove me wrong.

Mr Rugendyke: Tell me why I should.

MR BERRY: I dare you to prove me wrong. But they, too, ought to have taken into account the need to consult adequately with the real owners of this public enterprise. The real owners are not the Chief Minister and the Deputy Chief Minister. The real owners are the community, and they have not had much to say about this matter. They have not had much involvement in the process. I think that is a shame, because I think there still needs to be a lot of work done on making out a case which would convince the real owners of this enterprise that it should be sold to anybody.

This is about the Government getting the foot in the door on privatisation; there is no question about that. It has consistently said since 1995 that it has an aim of privatisation. We saw in the last few weeks consistent efforts bob up from time to time.

Mr Smyth: What else have you privatised, Kate?

MR BERRY: Mr Smyth interjects, "What have we privatised?", or something to that effect. We hear that he is calling for expressions of interest in privatising the bus service. So, do not give me the nonsense that that is not your intention and that this is not putting the foot in the door. The real problem that the Government opposite has is that it has not adequately consulted with the real owners of this body - the people of the ACT. It has been very quiet on consultation in relation to that matter. If the crossbenchers support this move today, they too will have supported a short-circuited consultation process to suit the philosophical aims and objectives of this Liberal Government, which has in its sights the privatisation of all GBEs. Let us not forget that. This is not just about Ecowise.

MS TUCKER (4.05): Earlier in the debate Mr Humphries put the criteria that he thought Labor had listed in their conference as necessary to take into consideration on questions of privatisation. I did not catch all of them, but I did notice that he said community benefit, disadvantaged groups and jobs. I think that all of those issues are of concern in this debate. Unlike Mr Humphries, I have heard Labor address those issues in this debate.

Mr Speaker, those of us who are wanting to see ACTEW grow, not diminish, and who are concerned that this Government just want to prove their economic skills and financial responsibility by selling off community-owned assets are naturally suspicious when we see parts of ACTEW being sold. An argument that has been put today is the merits of employee-owned businesses. The Greens are supportive of that in most circumstances.

My reading of industrial democracy certainly supports having this kind of structure in private enterprise. It does work really well. It is a way of involving all employees in not only the benefits but also the responsibilities of the business. It is very good for morale and it is very good generally for the business's productivity, according to the reading that I have done. I certainly do not have any objection to that model. In fact, it is one that I would like to see used a lot more in private enterprise.

Another issue that is used in argument here is the local ownership of business, which the Greens also support. However, this is not just about local jobs and employee ownership of businesses; this is about part of a public utility being sold. Those arguments, while strong in their own way, are very complicated in this context. It is interesting, though, how the arguments are used by the Government when it suits them, particularly the local jobs aspect, coming from a government which has continually supported an economic approach based on the Holy Grail of competition and the assumption that value for dollar or consumer benefit through lower prices is the most important factor in deciding who should be providing goods and services.

Whilst we have seen from this Government some attempts to protect local business, such as in IT outsourcing, generally the philosophy is exactly the same as the Federal Liberal Government's philosophy, which is about competition, and we know very well that the big players benefit there. There is not a level playing field and we will see local jobs continually getting lost whilst we have Liberal governments in power. It is also interesting that yesterday Ms Carnell said that there would be problems for competition if government owned this business. This came as quite a surprise to those of us who have listened to the Liberal Government for the last three or so years support competition policy requirements to ensure that all government businesses operate in an environment of competitive neutrality, so that there would not be problems with competition principles.

Ms Carnell was answering a question from Mr Kaine in which she pointed out that some business members of the community felt that, in fact, this employee buyout was very inappropriate because it did not allow the rest of the community to have equal opportunity to bid for this business. Ms Carnell did address that to some extent here, but I do not think she did so satisfactorily. I found it interesting, in fact, that she said that the Government had set a price that it thought was fair and it did not need to go out to tender and then said, "In fact, it is a better price than we would get if it went out to tender". That makes me wonder how great the employees who are buying out the business are feeling right now and whether they have been ripped off, because it would have been cheaper if it had been put out to tender. It is an interesting argument indeed.

I do not necessarily support that argument from the business community, but it is interesting that it has come up in relation to this buyout. It does, of course, highlight once again the inconsistency of this Government's approach. It also adds to the concern about what is the real agenda of this Government in this move. Is it just about selling off whatever it can? Whilst there are good arguments for having employee-controlled businesses, there is no guarantee that this situation will remain. There is no guarantee that, once purchased, the company will not be sold again. The only thing we really have a guarantee on is that, if this section of ACTEW is sold, we have lost it. We definitely have a guarantee of that.

an energy service. We believe that it could compete right round Australia, that it could have customers coming from right round Australia because ACTEW employs best practice as an energy service, that ACTEW would save everyone money because it employs best practice in energy management”.

Sure, Ecowise it is just one small section of ACTEW, but it is another section that brings in income. That is what I find so disturbing about this sale and why I am not prepared to support it. I do not support the sale of public assets, unless a very strong argument is presented to show that there will not be any bad impacts of the sale on the community, that there will not be an impact on jobs and that there will not be an impact long term on the sustainability, including environmental sustainability, of our region. None of those things has been put persuasively today. (*Extension of time granted*) None of those things has been argued convincingly today. Labor has raised issues about jobs, community benefit and disadvantaged people. Disadvantaged people will be the ones who ultimately will suffer when you have a profit-motivated private sector running ACTEW, and Ecowise is part of ACTEW. I am sorry; you cannot separate that. We want to build up ACTEW. We do not want to cut it back. We want to see ACTEW getting in with guts, as Ms Carnell puts it, and looking at how we can grow in the deregulated environment. We need to be prepared to develop a strategy to ensure its success by being prepared to go beyond core business and finding different directions for ACTEW. I am sorry to say that, despite the rather theatrical presentation from the Government, the heartfelt presentations from the Government about ideology, I am not persuaded that this proposal is based on much more than that. I believe that it is not going to be in the long-term interest of the community.

Mr Humphries accused us - it would include me, obviously, because I am supporting the position of Labor - of not caring about 50 jobs. I care about 50 jobs; I care about all the jobs in ACTEW. I care about the broader Canberra community and I care about the long-term sustainability of this city.

MR RUGENDYKE (4.17): I think that what we have here is a unique situation. When I first heard about the proposed buyout of Ecowise by its employees, I thought I should ring around some contacts in the industry and people that might have an idea of the pros and cons of this sort of venture without getting into the political philosophies of it all. Of course, the major concerns are jobs, viability and all the other things that go with maintaining a business and making sure a business functions as it should. I have done my best to see that this proposal, if it is to go ahead, will benefit the people involved, that it will benefit the community and that it will be a good thing.

When I put the concerns that I had to various people, those concerns were allayed. In fact, what we have here, Mr Speaker, is a terrific opportunity for those people in the gallery here to be in control of their own destinies, to take on something that, obviously, they are passionate about, keen to do. I wish them luck, Mr Speaker, if this proposal goes ahead. I see that an independent valuation of the market value of Ecowise was done. It seems that that is the price that will be paid. That was one of the concerns that I had. Overall, Mr Speaker, I congratulate these blokes for their initiative in bringing this proposal to the Government and wish them luck in their venture and in their future and for the future of their families.

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MR KAINE (4.20): I begin by saying that I support this proposal. There are many points of view. The Labor Party has very strongly put one which, to some degree, is quite persuasive. I do not know, frankly, that the Government has really solved their case. In fact, Mr Humphries put me off more than anything. He very nearly talked me out of supporting this proposal. My support for it is pretty straightforward. You can argue the toss about whether Ecowise is a viable operation and whether in future it will maintain the contracts that it has or get new ones. Mr Humphries seemed to think it was going to go out of business tomorrow, particularly if it stayed in public hands. I cannot see the basis of that argument, because there are obviously a lot of employees who do not believe that that is the case. They would not be putting their money into it if they thought that that would be the case. I do not accept that, either. So, it is not a question of whether Ecowise, in itself, is a viable business operation.

There is a broader debate, that is, the future of ACTEW, of which Ecowise is a subsidiary. There is no question, in my view, that in the longer term ACTEW will be sold. In the new world order of competition in the generation, transmission and sale, wholesale and retail, of electrical energy in particular, I think that ACTEW is vulnerable. The question is: If ACTEW goes, if it is sold, what then happens to a subsidiary like Ecowise that is not core business, because the purchaser may not be interested in maintaining that business?

We have a group of employees who are prepared to put their money on the line. They believe that they are employed by a viable business entity and they are prepared to become owners of that entity and put not only their energy, their skills and their professionalism, but also their money and perhaps other assets into it. Somebody said that some families had gone into debt. That is a business risk that people are entitled to take. I am sure that they would not take it if they did not think that there was going to be a reasonable return on that investment. Some representatives of the employees came to see me some time ago. I indicated that I would support them, and I still do. I think that it is an enterprise that can be kept afloat. My view is that in the short term the jobs, whether it remains in private hands or public hands, would be guaranteed anyway, but you cannot guarantee the longer term in today's world. So, I support them.

As I said, some of the argument, particularly from the Deputy Chief Minister, left me quite cold - first of all, that almost assertion that it was not a viable business enterprise and that it would simply disappear and the people would become redundant if they attempted to continue to make the business run as a public enterprise. I do not buy that, because it would put a big question mark over the future viability of it anyway. I was singularly unimpressed by the assertion that the Government has not attempted to privatise or has not privatised anything. There is no question that almost every enterprise that the Government owns is under threat from sale.

We have the example of the Minister for Urban Services, who only recently went to public tender, without public consultation, to privatise the activities of ACTION. If there had not been a violent reaction from this place, I guarantee that before Christmas there would have been a private company running the buses. That is not going to happen, I would submit, although the Minister still seems to think that it is, because this place, by and large, will not see it happen. We have seen the Milk Authority under threat.

Talking about public benefit, the Milk Authority has done an enormous amount for this Territory over decades; yet this Government places no value at all on the Milk Authority. It virtually has deliberately set about to undermine it. When the real threat came on the scene, the Government did nothing and would happily have seen the Milk Authority go out of existence.

ACTTAB would have been sold by now if this place and others had not made it quite clear that that was not acceptable. It was on the skids. The "For sale" sign was up. That has not happened because there are people in this city who have enough sense to look at the long-term implications of those things. We have already flogged off our motor vehicle fleet. We privatised it a long time ago. We have flogged off half the buildings we owned. There is not much left. In fact, about the only thing left that has not been really threatened is Totalcare. I know some people would like to see it sold off, too, but it is the only government-owned business enterprise that has not had some threat put about it in terms of sale. So, when the Deputy Chief Minister gets up and says that the Government has not sold anything, has not privatised anything, he does not convince me. Much of his argument was as tenuous and as unconvincing as that.

To come back to the point, I indicated to representatives of the employees of Ecowise some time ago that I would support them in their bid to purchase the business that they work for. I asked the Chief Minister about it yesterday, because it had been put to me recently that there might be problems in terms of national competition policy. The Chief Minister assures me that that is not the case. I accept her assurance on that point. There are also indications that we should have gone to public tender. The basis for that is that we might have got more for it had we done so. The Chief Minister assures us that an evaluation has been done and the amount of money that is being paid for this business is a reasonable amount under the circumstances. Again, I accept the Chief Minister's assurance on that matter. So, if it is public interest we are talking about, if you talk about public interest in terms of revenue to the public purse, if you talk about it in terms of continuing employment, if you talk about it in terms of a business operation that can in the future continue to make contributions through the taxation that it will pay and in other ways in which it will contribute to the wellbeing of this society, I think the proposal, on balance, is a good one, and I support it.

MR OSBORNE (4.27): I suppose my view on this issue is academic, because it appears that the Government does have the numbers, but I, too, will be supporting the Government on it. I just want to make a few brief points on the reasons why. I agree with Mr Rugendyke that this is a unique situation. I would probably use the word "strange". I do not recall any time in the 3½ or four years that I have been here that I have actually seen members of a union in the chamber supporting the Government on something. It is certainly very interesting to experience it. I do not recall any time when members of a union have supported privatisation of a government asset. So, it certainly has been a real eye-opener.

I, like Mr Kaine, do not really buy the Government's arguments on this issue. What I think happened here is that the workers were left with no alternative. I would suggest that, if they had not taken this option, there would have been real problems with them keeping their jobs. I think that they would have been pushed sideways.

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We all know that there are voluntary redundancies, but different government departments can make life miserable for you if they want to get rid of you. I think that the workers had no choice other than to accept that, but I congratulate them for having the courage to invest their own money and be prepared to have a go.

There is no doubt that the electricity environment is a changing one. With the national grid and with competition coming into the ACT, ACTEW is facing threats on different fronts. As I said, there is no doubt that things will change over the next 12 months. This is, I think, a good way for the workers to secure their future. They are prepared to invest their money in buying the business and I am not going to stand in their way. As I said, this is a unique situation. It is the first time that I can recall it happening. I have to say that I, like Mr Kaine, was approached by representatives of the workers who wanted to buy Ecowise, and it has only been in the last 48 hours that I have been approached by some union people who are opposed to it. The only correspondence and the only telephone calls that I received in relation to Ecowise were to the effect that the workers were very keen for the sale to go through because they were going to invest some money in their future.

Mr Corbell: That is not true.

MR OSBORNE: It is true.

Mr Corbell: It is not the union's problem if your office is closed half the time.

MR OSBORNE: I am sorry?

Mr Corbell: It is not the union's problem if you were not in your office half the time when they came to see you.

MR OSBORNE: I am not in my office half the time? What does that mean, you goose? I had a meeting yesterday with Mr Neville Betts, a member of the union. I had a meeting today with another representative. They acknowledge that they had not approached me. So, the comment from what's-his-name over there really does not carry any weight, Mr Temporary Deputy Speaker. As I said, we have been approached only this week by people opposed to it. No-one from the Labor Party has approached any of my staff or me about it. This is a unique situation. The workers want to buy it and I am prepared to back them on having a go in this enterprise. I will be supporting the Government, as it appears the majority of members will be.

MR HARGREAVES (4.32): Mr Temporary Deputy Speaker, it saddens me to have to take part in this debate. It is an awful precedent that we are embracing here. The position that these people have been put in is a dreadful one. It escapes me why they should have been put in this position at all. We have a small business arm of ACTEW, if you like, which is functioning quite nicely, thank you very much. It has the impetus, it has the talent and it has the professionalism within its ranks to be a viable business. That is proven in abundance by their preparedness as a group to launch out on their own.

For the life of me, I just cannot understand why they need to be put in this position at all. I have heard the arguments that have been put here today and I, like Mr Kaine and others here, remain unconvinced about it. I am grateful for the correspondence that I have had through the email system and other means from many people who work within the group. I am grateful to the unions for seeing me about it some weeks ago, which enabled me to have a think about it. I must say that I toyed with the idea of saying, "If they want it and they started it, who am I to stand in their way?". But I do not believe that that is the case. I do not believe that the impetus for the move stemmed from these guys. I believe that the concept, the germ of the idea, was put to them by management, who said, "If you want to help us out a bit here, if you want to look after your future and things like that, then this is a good way to go". I must say that, in terms of whether you go by the noose or by the guillotine, it certainly is a good way to go. When the government of the day does not want a particular activity it is usually the case that it just cans it and that is the end of it, you are out on the street. If you have to take this sort of rather draconian measure, this is a good way of giving people an opportunity to have another life after that. But I keep coming back to the point: Why on earth are we doing it? It is not broke; so, why on earth do we need to fix it? Why have the Government themselves and the ACTEW management not had faith in these guys and said, "Let us make it work better. You can do it."? It is pretty obvious to me that they can. We talk about them having control of their own destinies. I am sorry about that piece of rhetoric; it does not wash with me, I am afraid. You have control of your own fate when you are put out there, but you do not have control of your destiny. The destiny that you have is created by the environment into which you are being thrust.

Mr Rugendyke: You are a pessimist. Have faith in them.

MR HARGREAVES: I am afraid that I have to say that. If that is the way it comes across, then I make no apology for it, Mr Temporary Deputy Speaker. I believe that the environment out there for small business is not a good one, and I sheet that responsibility home to the bunch of conservatives who are currently running the town.

There is a two-way responsibility here for these people who want to take on their own business. Let me underscore this by saying that at the end of the day when the numbers have dropped and that is achieved, I sincerely wish them all the very best and hope that they actually make it and set some bars on the high jump for people in this part of the industry. I sincerely wish them all the very best. I am sure that my colleagues will support me in saying that, if there is anything our party can do to assist them in that process, we will be only too pleased to help them. That is an offer of assistance which I hope that they will accept with the good faith in which it is offered.

One of the things that we forget about when we start chipping away at instrumentalities such as ACTEW and ACTTAB - we can take it in one hit, like the attempt on ACTTAB; we can take it in big bits, like the contracting out of the management of ACTION; or we can take it in small chunks, which is what we are talking about here, and this is having a nibbling-away effect on the whole of ACTEW - is that what happens with a lot of these instrumentalities is that they actually make a quid. They do not make megabucks; let us be quite fair about that. They do not make huge money; but they make more than their own salaries, they make more than their own operating costs and they contribute a small

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amount to the main bucket of money out of which we pay for our community service obligations. The bucket of money the Government has available to it satisfies a lot of the needs of our community. It is those little contributions that make the bucket big enough to do it. Let us make no mistake: If we sell off this instrumentality, Ecowise, the small amount of profit that it is actually returning at the moment on a recurrent basis will not be available to us for something else.

Ms Carnell: The sum of \$815.

MR HARGREAVES: I hear the Chief Minister mumbling in her beard that there is \$15 worth of profit. That is 15 bucks that is missing.

Ms Carnell: I said \$815.

MR HARGREAVES: I do beg your pardon. It was \$815. I stand corrected.

Mr Corbell: That is after the quarter of a million they paid to the Government.

MR HARGREAVES: That is right. I do stand corrected. Mr Corbell, I thank you very much for that. I heard Mr Osborne and Mr Kaine say that they were not swayed by the arguments of the Government on this issue. Indeed, I support that position because I was not swayed by them, either. I understand their sympathy with these people wanting to have their own business, saying, "I am facing the axe anyway, because the bottom line is that if we do not buy it, in a couple of months' time the axe will come down and we will be gone". That is the agenda. These people are facing the agenda that everybody else just reads about in the paper. They can see the writing on the wall and they know that this is their best way out. Do they want to be hung or do they want the guillotine? They are going with the guillotine.

Mr Rugendyke: Come on, be optimistic!

MR HARGREAVES: I am being optimistic about it. If you want to be really optimistic about it, how about getting this Government to express their faith in these people? These people have delivered a professional service, and what the Government is saying to them is: "We do not want you". You do not sell something that is going to make a profit. They are saying, "We do not want you". What we are saying is that we do want them. We want them to remain part of our electricity infrastructure system. We want them to stay and we want them to be given the wherewithal to get on with it.

This is not the first time I have heard this sort of stuff - "Let us flick them". We talked about it with CityScape. The CityScape people reckoned that they could make a go of it, but the Government would not let them. What happened is that 19 jobs went - "Goodnight, Dick, you are gone". I believe that we should recognise the professionalism of these folk and give them the encouragement and the impetus to get on with it and do a good job. If they can make it in private enterprise, why can they not make it within this system? The only answer I can come up with is that this Government will not let them.

MS CARNELL (Chief Minister and Treasurer) (4.40), in reply: Mr Temporary Deputy Speaker, I will try to be brief, but a few of the points raised in the debate need to be sorted out for the record. This morning Mr Corbell stated that, assuming that the business continued as it had been going to date and profits of \$240,000 per annum, I think he said, were maintained, the sale price would be realised in six years and the difference of \$400,000 between the sale price and employee entitlements would be achieved in less than two years. I think they were the comments that Mr Corbell made. If it were the case, we would not be debating this issue today - I think everyone would realise that - because, quite seriously, the sale under the current terms would not stack up.

The facts simply do not support Mr Corbell's assertion. The independent expert advice which Mr Corbell, the Labor Party and others were able to see and have copies of shows that very clearly. The factual material provided for Mr Corbell and the others shows that, I think, \$285,495 that was part of the profit approach this year was attributed to abnormal items. I think it was a past bill for ACT public housing. That is something that Mr Corbell knew when he started to mess around with the figures. He also knew that expert advice showed that the actual maintainable earnings achieved last year was \$815. Using Mr Corbell's approach, I could prove that at that rate it would take 1,800 years, I think, to realise the same nominal amount as the sale price. Obviously, that is patently ridiculous.

I think that the bottom line here for everyone to realise is that it was the Ecowise employees who came to the Government and who have come to members of the Assembly - - -

Mr Hargreaves: Come on, drop the facade. It is not true and you know it.

MS CARNELL: It is true, Mr Temporary Deputy Speaker. I think it is exciting that Ecowise employees are interested in owning their own company. I would just like to quote one employee, Tony Fitzgerald, who said on Prime TV the other night:

It's the best opportunity I think all of these people here are ever going to have in their lives to buy in and own their own business.

I have to say as a small business owner that I think it is pretty exciting to own your own business. I have always found it really exciting, and it has been something that has been very good to me. Private sector growth to the end of the March quarter this year was higher in the ACT than in any other State in Australia. That is a pretty impressive exercise. It does show that private sector growth is happening in the ACT. I am sure that Ecowise will be very much a part of that in the future.

Mr Quinlan made a number of comments - I notice he is back - with regard to Ecowise. I think Mr Quinlan should have checked what Ecowise actually does now. It is not doing the same as it was when you were in ACTEW, Mr Quinlan. What does Ecowise do? Ecowise employees are not linesmen; they are electricians. They do things like install meters and fix electrical appliances. What they do not do is touch the electricity network. That is not their job. Yet this morning you were trying to indicate that that was the case. Also, Mr Quinlan was making comments about scale economies.

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Mr Quinlan: The rotten case you made, yes.

MS CARNELL: Mr Speaker, I really was quite quiet, despite all the provocation, when others were speaking.

MR SPEAKER: You were indeed, Chief Minister, and I ask that interjections cease.

MS CARNELL: Mr Speaker, scale economies come from businesses doing more of the same thing, as I assume most people in this house would know. Ecowise is non-core business to ACTEW; no-one has argued with that. The majority of its activities are with organisations other than ACTEW. So, scale economies simply do not come from the number of employees employed in this group of companies, Mr Speaker. They are getting the majority of their work from outside ACTEW already. There are simply no apparent economies which - - -

Mr Quinlan: They do their own payroll, do they? Rubbish!

MS CARNELL: It is actually a true statement. There are simply no economies which would warrant the retention of Ecowise at this stage.

Mr Quinlan: More accounting lessons, is it?

MS CARNELL: I could give you more accounting lessons, Mr Quinlan, but we are talking about something more important now.

Mr Speaker, the disposal of Ecowise will actually allow ACTEW, potentially, to improve its own economies. It is a non-core business. It will go and manage itself. The staff will own it. It will, I believe, go from strength to strength. Possibly, it gives ACTEW a capacity to concentrate more on its core business as well. Mr Speaker, that is a good outcome for business generally and something that the ACTEW board was very positive about. In other words, Mr Speaker, the businesses of both ACTEW and Ecowise are, potentially, better off if the sale proceeds, because both can get on with what they are best at.

Many people have spoken about community benefits, public interest and so on. As I said this morning, the basis of this proposal, which came from the staff and which the Government is putting forward to this Assembly on their behalf, is to maintain jobs, ensure that the business stays here in the ACT, make sure that public assets, that is, assets owned by the community here in Canberra are properly used - in other words, that we do get their value back to the ACT community, and we can do that, Mr Speaker, with employee ownership, with a new SME here in the ACT. I think that is pretty exciting.

I come back to the bottom line here. If the value of the company is maintained and we do get the value that the company is worth, which the independent entity has told us, and we do maintain jobs, I think this will be pretty exciting. I would like to use this opportunity to wish everybody in Ecowise well for the future. It would appear that the vote will be positive here. I congratulate the owners of Canberra's newest small business.

Question put:

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

The Assembly voted -

AYES, 9

NOES, 6

Ms Carnell
Mr Cornwell
Mr Humphries
Mr Kaine
Mr Moore
Mr Osborne
Mr Rugendyke
Mr Smyth
Mr Stefaniak

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Quinlan
Ms Tucker
Mr Wood

Question so resolved in the affirmative.

STANDING ORDERS 77 AND 78 Amendments

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.51): Mr Speaker, I move:

That:

- (1) standing order 77 be amended for the remainder of this Assembly by:
 - (a) omitting “and Assembly business” (first occurring), substituting “, Assembly business and Executive Members’ business”;
 - (b) inserting after paragraph (b) the following new paragraph:

“(ba) On sitting Thursdays, Executive Members’ business shall, at the discretion of the Manager of Government Business, have precedence of Executive business in the ordinary routine of business on the conclusion of Assembly business.”;

- (c) adding the following new paragraph:

For the purposes of this standing order and standing order 78, Executive Members' business is business which has been introduced by an Executive Member and has been so determined by the Manager of Government Business;

- (2) standing order 78 be amended for the remainder of this Assembly by inserting after "Executive", "and Executive Members".

Mr Speaker, this motion is very simple. It deals with the question of how a member of the Government might be able to introduce a Bill or move other business before the Assembly which is not strictly speaking government business. I appreciate that this is a concept which may appear a little strange to some members, but I think it is worth explaining.

Members of the Government obviously agree to abide by government decisions, but there are some issues that individual members of the Government may wish to take up which may not necessarily reflect the view of the whole of the Government. Mr Moore, as an independent member of the Government, has already introduced at least one piece of legislation which is not a government Bill. It is Mr Moore's private members Bill and he will need to attract support from members of the Assembly if it is to pass. His task is to attract support not only from other members of the Assembly but the Liberal members of the Government as well. This is a device to allow a member of the Government to act as a private member in order to be able to introduce business into the house for the consideration of the house, and to have matters debated.

Members of the Opposition and the crossbenches, I understand, express some concern about members of the Government using private members business for that purpose, and I accept their concern. As a result, I suggest in this motion that we introduce the notion of Executive members business whereby a member of the Government is able to introduce a motion or a Bill at a time which is neither government business, because it really is not government business, nor private members business, because it is not that either, apparently, in the view of members.

Mr Speaker, the proposal is clearly set out in the proposed amendments to the standing orders. It is a compromise which reflects the need to treat this kind of business differently from other business already available under a particular heading in our standing orders.

MR KAINÉ (4.54): Mr Speaker, I oppose this motion that the Manager of Government Business is putting forward.

Mr Moore: Oh, Trevor.

MR KAINE: My reasons, I think, are pretty simple and Mr Moore might be prepared to listen to them. My first argument against this proposal is that already one-third of the time of this house is taken up in private members business. One sitting day out of every three is devoted to private members business. In my view that is an adequate allocation of time to deal with matters of private business. I do not see the need to extend it further by providing additional time on Thursdays for this purpose.

My other argument, and I will keep it short, is that if an Executive member wishes to step aside from their executive role and put private members business before this place they can do it the same as everybody else does. They can submit it as a matter of private business. It will be considered by the Administration and Procedure Committee as to when and how it is fitted into the program on Wednesdays, and it will take its turn in a reasonable and fair way.

What the Government is proposing is that the four members of the Executive have special consideration for their private business, because there is only one person who is going to determine it and that is the Manager of Government Business. That gives them far greater precedence in terms of time to present private member business than any other member of this place has. The rest of us all have to take our turn and take our time and argue the merits of our private members business in the forum of the Administration and Procedure Committee in order to get a priority for it. I do not see the need to give an Executive member that precedence, and nor do I see the need to give someone extra time over and above the one day of a sitting week that private members business is already devoted to. I think the proposal is unreasonable. There is a procedure already whereby an Executive member can move or seek to move private members business if he or she so chooses. I do not agree with the proposal.

MR WOOD (4.57): Mr Speaker, the Opposition supports this motion, though with no great enthusiasm, I might say, and we take a different view from that expressed by Mr Kaine. If private members business is going to be done by a Minister, we argued before that it should be done in government business time, so we will support it. We believe that Mr Moore has enough problems in the health system and that he should focus pretty much on those and leave, I think, pretty inconsequential matters like this, such as whether someone can put a bit of paper under a windscreen wiper, in abeyance. He should concentrate on the very important issues he has in his portfolio.

MR MOORE (Minister for Health and Community Care) (4.58): Mr Speaker, I would like to respond to a couple of things that Mr Kaine said. Mr Kaine, in fact I shared your opinion on this, and members of the Labor Party, in particular, indicated to me that they disagreed with you, as Mr Wood has now. But, in discussion with members of the secretariat, a very valid point was raised for me and that is that when Executive members are able to do their business in private members time, although that may be a useful device now, one could see it being used in a majority government as a way of undermining private members business. I think, in all the things that we do, we must take care to protect the nature of democracy. If we do not have enough time we should consider whether we are sitting enough days. That is always an option for us if we find that we are sitting until late at night or early in the morning, as has been the case on occasions. If it happens on other than the odd occasion we ought to say to ourselves, "Perhaps we do not have enough sitting days to do the business of the house that we have before us".

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In response to Mr Wood, yes, I will concentrate on my portfolio and make sure that I deal with health; but if I decide to use an extra 10 hours a week - I have not put that much time into it - on top of the hours that I already spend, then I think that is my prerogative. If I believe that that will assist the community in its broad health aspects, then that is what I will proceed to do. I am sure that will not surprise you.

MR CORBELL (4.59): I am pleased to see from the Government's proposition that they will now not be eating into the time of private members business for Bills proposed by a member of the Executive if not approved by the Cabinet. This is a pleasing change of heart. Initially Mr Moore was quite insistent that his business as a private member effectively, even though he is a member of the Executive and a member of this Liberal Government - - -

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

STANDING ORDERS 77 AND 78 Amendments

Debate resumed.

MR CORBELL: Even though Mr Moore was quite insistent at that stage, I am pleased to see he has had that change of heart. The Labor Party's view has always been that if Mr Moore wants to pursue his business in his coalition arrangement with Mrs Carnell's Government he should do so in Executive business time. That is the arrangement that the Government and Mr Moore are now proposing. It is a proposition we are willing to accept because we believe that is an appropriate distinction between the activities of non-Executive members and Executive members in this place. It is pleasing to see it.

I can only reiterate the comments made by my colleague Mr Wood in that we hope that Mr Moore will not become so driven by his agenda as an Executive member you have when you are not having an Executive member, or perhaps a private member you have when you are not having a private member, that his portfolio responsibilities will suffer. We will test that in the Assembly over the next period of time of this Assembly and we will see how these new arrangements work.

MR BERRY (5.02): I have a few words to say in relation to this. It seems to me that Mr Moore has said, "My sandpit is not big enough and I want it bigger, and I want more toys to play with", and the Government has acceded to these demands. The problem I have with it is that it strikes me that Mr Moore has more than enough to occupy himself in the health portfolio. If you look at all of the situations that have developed in recent times, there would be more than enough to occupy him. On the other hand, if the Government is saying, "No, we have some flexibility; he can do other things", then maybe we did not need to create the office of Health Minister. Perhaps somebody else could have done it.

Let me put this to you. Say that people are on a waiting list for a particular matter which Mr Moore dismissed during question time, a circumcision. Circumcisions can be very serious for some people at some times.

Mr Moore: I did not dismiss that. I said if there was a clinical need - - -

MR BERRY: I thought you were fairly dismissive of it.

Mr Moore: I said if there was a clinical need, of course they will be taken care of.

MR BERRY: You were fairly dismissive of that, and you were fairly dismissive of breast reductions, as I recall. These things can be very serious for some people. Take, for example, someone with an aortic aneurism who misses out on an operation and goes home. I am sure they would be very happy, Mr Moore, having missed out on their operation, that when they went outside to get in their car there was no litter under their windscreen wiper. I am sure they would be really impressed. I am sure they would be really impressed that you were able to muck around with these sorts of things. On the other side of the thing, somebody who had been waiting for an operation for - - -

MR SPEAKER: Mr Berry, I would remind you that we are discussing an amendment to standing orders. We are not discussing other matters.

MR BERRY: Indeed, but it is to enable Mr Moore to broaden his sandpit a bit and deal with issues such as the Director of Public Prosecutions (Amendment) Bill. I am sure that somebody who is waiting for an operation would not accept the excuse that Mr Moore is too busy to deal with it today; he is dealing with an amendment to some legislation which - - -

MR SPEAKER: I do not see Mr Moore's name mentioned in the motion. I do see an amendment to standing orders. I would ask you to address it.

MR BERRY: I am, Mr Speaker, and it is so that Mr Moore can deal with legislation which is already tabled here, such as the Director of Public Prosecutions (Amendment) Bill and the Litter (Amendment) Bill which are before this chamber. I merely make the point that Mr Moore must not have much to do if he has to have his sandpit extended to be able to deal with this sort of legislation, or if nobody else in the Government with the portfolio responsibilities for these pieces of legislation can be convinced that they are necessary.

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Mr Speaker, this is about continuing the charade of independence that Mr Moore likes to promote. There is absolutely no doubt about Mr Moore's position in relation to the Government. He is part of the Government and part of the Executive. He is right in the middle of them. Where you sit is where you stand. There can be no doubt about this. This is one of the most curious arrangements that I have seen emerge from a government or a parliament since I have been thinking about politics, and that is a very long time.

Another issue did cross my mind. I wondered what the Administration and Procedure Committee might do in relation to this if they were to look at it. I am not minded to refer it to that committee because its members probably have better things to worry about, but it is a most curious arrangement. It is a decision for the Government and it is one that they are entitled to make. If they want Mr Moore or any other of their members to take up their Executive time, well, they are perfectly entitled to do it.

What I worry about is the amount of time which is being put into the responsibilities which have been assigned for individual Ministers in this case. For example, I would hate to see Mr Smyth mucking around with something in Health when there is so much of a crisis developing in the bus system. Similarly, I would hate to see one of the other Ministers - one imagines that they are very busy at their jobs - tinkering with the work in another area which might distract a member of the Executive from providing services to the community. Mr Speaker, I just hope that the Government makes sure that Rome is not burning when people are fiddling with this new area of opportunity for them.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.08), in reply: In closing this debate there is one thing I think we need to make clear about this which members might not have picked up. If you read the motion, it is to create a concept of Executive members business. It is not to create Michael Moore's business; it is Executive members business.

Mr Berry: I know what it is.

MR HUMPHRIES: Well, you talked about Michael Moore throughout your speech.

Mr Berry: No, I talked about other members too.

MR HUMPHRIES: You talked about Michael Moore exclusively. Other members of the Executive can use this prerogative. Indeed, Mr Speaker, other members of the Executive have, in the past, introduced, as it were, private members business. The good example of that was Ms Carnell's surrogacy legislation last year, I think, which was not a government Bill but a private Bill brought up by Ms Carnell.

I know it is very hard for some of you who are subject to this very strict, straightjacketed party control of what you do to understand this, but we believe that people do not always believe everything that the party tells them and that they have the capacity to take different views on some issues. Mr Speaker, for my part I am quite willing on occasions

to bring legislation forward which is not government business but represents my particular beliefs or views. If I do I do not think it is going to indicate that the Government is collapsing because I have a particular issue which I want to pursue which is not the view of the rest of the Government. I know it is hard to understand for some people who cannot get their minds around this concept, but it is actually very simple.

Mr Speaker, turning to Mr Kaine's comments, I simply say I largely agree with him. I think he is right. I think it is not particularly appropriate to do this in Executive members business. I think it is better to do it in private members business. What members have done by forcing us to do it this way is create much more time for people like Mr Moore to be able to pursue their agenda. Now, instead of having to compete with other members during private members business, and it is fairly stiff competition too, I might say, he now has Thursdays more or less free, subject to government business, to pursue those sorts of items. That is fine, Mr Speaker. I have no objection to that. Mr Moore gets a clean slate. It suits me. I will probably want to use that at some stage as well. That suits me as well, Mr Speaker. I think it is a somewhat silly situation, but, if members want to do it that way, that suits me right down to the ground.

Question resolved in the affirmative.

BOARD OF SENIOR SECONDARY STUDIES (AMENDMENT) BILL 1998

Debate resumed from 21 May 1998, on motion by **Mr Stefaniak**:

That this Bill be agreed to in principle.

Mr Berry: My understanding from the Minister was that we were not going to get to this today.

Mr Humphries: Sorry, no. I did not say that. We said we were going to do government business this afternoon.

Ms Carnell: Are you guys going to support it or not?

Mr Berry: No. I have some questions that I raised with the Minister.

Ms Carnell: Okay.

Mr Humphries: That is not what we have agreed to do. We were doing the Bill this afternoon.

Mr Berry: Well, can I adjourn it to a later hour and see what the Minister wants to do? There is other legislation here that we can deal with.

Mr Humphries: Okay. That is fine.

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

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TRANS-TASMAN MUTUAL RECOGNITION (AMENDMENT) BILL 1998

Debate resumed from 28 May 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

MR QUINLAN (5.12): Mr Speaker, the object of the principal Act is to enable uniform legislation in Australia and New Zealand on standards for the sale of goods and the regulation of occupations, consistent with the protection of public health and safety and the environment. It is part of uniform legislation to give effect to the Trans-Tasman Mutual Recognition Agreement. The Commonwealth Bill to implement the arrangements was passed in December 1997 after the passage of the ACT Act. This Bill is required to pick up minor amendments that were made when the Commonwealth Act was passed, and we agree with it. We have no objection.

MS CARNELL (Chief Minister and Treasurer) (5.12), in reply: I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

BIRTHS (EQUALITY OF STATUS) (AMENDMENT) BILL 1998

Debate resumed from 25 June 1998, on motion by **Mr Humphries**:

That this Bill be agreed to in principle.

MR QUINLAN (5.13): Again, Mr Speaker, this Bill is part of uniform Australia-wide arrangements to establish parentage presumptions for any child. Most of the uniform legislation is already contained in the 1998 Act and this Bill completes the process. We have no objection to it and we will agree to it.

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.13), in reply: I thank the Opposition for its support for the legislation, Mr Speaker.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**ADMINISTRATION (INTERSTATE AGREEMENTS)
(AMENDMENT) BILL 1998**

Debate resumed from 27 August 1998, on motion by **Ms Carnell**:

That this Bill be agreed to in principle.

MR QUINLAN (5.14): Mr Speaker, this Bill is designed to strengthen technical aspects of the principal legislation and to bind the Executive to obligations under the Act, but does not seek to alter the purpose of the Act. It is housekeeping. It is supported by this side of the house. I might say that we do not believe that this Bill and the previous two items of legislation should rate a tick on the Michael Moore “I presented more legislation than you” scorecard.

MR MOORE (Minister for Health and Community Care) (5.14): No, Mr Speaker, this is not my piece of legislation. It is the Chief Minister’s piece of legislation. However, I must say that I am fiercely proud that the Administration (Interstate Agreements) Act was my piece of legislation. It is part of the process that I believe in, whether I am sitting on the crossbenches or whether I am sitting in this seat in the middle of the Government, and that is to ensure that the Government remains accountable to the Assembly. I think that is fundamental.

I am very pleased that these amendments and the foreshadowed amendments of the Chief Minister which are to be circulated improve the legislation. They are in the same vein as the Director of Public Prosecutions (Amendment) Bill that Mr Berry referred to before. It is about making sure that when the Government does something the Assembly is aware of it and the Assembly has the opportunity to review those things. It is a very important part, as far as I am concerned, of the work I started some years ago of ensuring that the Government, whatever government, remains accountable to the Assembly. I think we have to keep in mind that it is not just a case of whether this - - -

Mr Quinlan: I take a point of order, Mr Speaker. Is this relevant to the Bill at hand?

MR MOORE: It is relevant because that is exactly what the Administration (Interstate Agreements) Act is about. This amendment Bill is cleaning up. It is about ensuring that the Government can be held accountable by the Assembly. It is about ensuring that the Assembly understands what sorts of agreements Ministers are likely to make that may well be binding on them or may lead to legislation that comes before the Assembly. That is what it is about. I drew the comparison between this Bill and the amendment to the Director of Public Prosecutions Act. I could give other examples, but, in the interest of time and efficiency, Mr Speaker, I simply say I support these amendments.

MS CARNELL (Chief Minister and Treasurer) (5.16), in reply: Mr Speaker, I thank members for their support. I will bring on the amendments in a minute.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MS CARNELL (Chief Minister and Treasurer) (5.17): Mr Speaker, I ask for leave to move the six amendments circulated in my name together and to present the supplementary memorandum.

Leave granted.

MS CARNELL: I move:

Page 3, line 18, clause 9, proposed paragraph 7(3)(a), omit “or”, substitute “and”.

Page 3, line 19, clause 9, proposed paragraph 7(3)(b), omit “if no committee has been so nominated -”.

Page 3, line 21, clause 9, after proposed new subsection (3), insert the following subsection:

“(3A) If a standing committee of the Legislative Assembly has been nominated under paragraph 3(a) in relation to a negotiation or proposed negotiation, it is sufficient compliance with paragraph (3)(b) in relation to that negotiation or proposed negotiation if the Minister consults with the Standing Committee on Justice and Community Safety when it is performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee in so far as its terms of reference in that capacity are relevant.”.

Page 3, line 23, clause 9, proposed subsection 7(4), omit “the relevant”, substitute “a relevant”.

Page 3, line 30, clause 10, paragraph (b), omit “and”.

Page 3, line 30, clause 10, after paragraph (b), insert the following paragraph:

“(ba) by omitting from paragraph (1)(a) ‘the’ and substituting ‘a’; and”.

Mr Speaker, these amendments do not impact on the policy which underlies the Bill in any way. The Standing Committee on Justice and Community Safety has examined the Bill and has provided its comments. It stated that the Bill should be amended to allow the committee to consider interstate agreements in the exercise of its scrutiny of Bills function. While I would expect that the committee would not have a large role to play

under the legislation to implement interstate agreements, the Government is happy to agree to this approach. The amendments I have circulated implement that suggestion. I think everyone will see that these amendments are pretty straightforward. I did circulate them to members out of session.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Tourism

MS CARNELL (Chief Minister and Treasurer) (5.19): Mr Speaker, I want to take this opportunity to say a few words about tourism and, in particular, some of the work that is being done by the Canberra Tourism and Events Corporation. We all know that our tourism industry has been doing it pretty tough lately, not just here but right around Australia, as the effects of the Asian financial crisis begin to be felt. It is one of the reasons why this Government decided to invest an extra \$6m in tourism marketing and events promotion over the next three years.

I thought it was timely to single out one of the initiatives that are being run by the Canberra Tourism and Events Corporation known as the visiting journalists program. The VJP, as it is known, is a cooperative promotional venture with our tourism industry and aims to maximise the amount of media coverage that the Canberra region gets. Journalists are invited to come and see for themselves what a great place this is to live in and what we have to offer both domestic and international visitors.

Recently I received, as did all members, copies of the print publicity that was generated by the program in just the last two months alone. I will not go into great detail as I know that all members have copies, but it is worth pointing out some of the publications that articles about Canberra have appeared in. On the local front, in July and August there were articles in the *Sun-Herald*, the *Age*, the *Brisbane Courier-Mail*, the *Adelaide Advertiser* and the *West Australian*, and pieces in magazines such as *Owners Own* and *Travel Vacation*. Two other publications carried features on Canberra which were aimed at the Japanese visitor market, that is *JP Australia* and *World Walker* magazine.

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I think it is worth pointing out that the value of this kind of publicity runs into tens of thousands of dollars and exposes the Australian capital region to a huge audience and potential tourism market. I am sure all members, with perhaps the exception of Mr Berry as usual, would join with me in congratulating CTEC on this and other initiatives in which they have been involved in promoting the tourist product. They really do a great job, Mr Speaker. Their enthusiasm is very real, even when they have been under real pressure such as in recent days. They do come in for a lot of flak, Mr Speaker, from some people in this building, so I felt it was important today to highlight some of the really good work that they have done.

Mr Speaker, I would like also to add the work that CTEC have put into the promotion of Floriade this year, again under an enormous amount of pressure from some members in this place. I think everyone who goes down to Floriade would be able to see that they have done an absolutely stunning job, as has Totalcare in the landscape area, in putting together probably one of the best Floriades that we have seen for a long time. I think members would have read some comments in the *Canberra Times* of recent days from some real experts in the gardening area, suggesting that it was one of the best Floriades that we have seen for a while. They believe that it was definitely worth the money. It has been great to see so many people coming out of Floriade saying that they thought that it was money very well spent. Again, Mr Speaker, I would like to thank CTEC for their huge commitment in that area, and of course in the area of the visiting journalists program as well.

Lord Howard Florey

MR MOORE (Minister for Health and Community Care) (5.23): Mr Speaker, I want to recognise today a very special event in the history of Australia. One hundred years ago Howard Florey was born on this day. Recently I named a building, which is soon to be the home of the Health Protection Service of the Department of Health and Community Care, as Howard Florey Centenary House. It is a section of what was formerly the Holder High School.

Howard Florey was one of the greatest Australians. I mean just that, Mr Speaker. He was one of the greatest Australians. How many in our history could claim to have been the leader in work which effectively saved millions and millions of lives? Florey was the Australian who led the team which developed the therapeutic value for penicillin after others before him had refined it to a usable state. Late in the Second World War penicillin was made available to Allied troops in the field, and it was little short of miraculous. No doubt there are Australians we all know who fought in that war and who owe their lives to the great man.

This day is his centenary. Florey was born in Adelaide on 24 September 1898. He was a toddler, of course, when the next century rolled around. He was to go on to other great things too, Mr Speaker, well beyond the penicillin era. Florey was a central figure in the establishment of the Australian National University, and, in particular, the John Curtin School of Medical Research. He was elected President of the Royal Society in Britain, the first Australian to take that position. In 1944 he was knighted, and a year later he received the Nobel prize for his penicillin work. He was indeed a great man.

Mr Speaker, the other day when I walked into the building which was named Howard Florey Centenary House, a thought struck me: As the old Holder High School, there were many Canberra kids through those corridors, some of whom may have already begun following in Florey's footsteps, researching the world of medicine. With the Health Protection Service going into Howard Florey Centenary House, it seems to me that more of that work will continue. I doubt, Mr Speaker, if we could have found a better name, a more appropriate name, for a particular building.

Mr Speaker, I think all members should recognise the great work of Howard Florey. This is an opportunity for us to recognise that Australians can be tall poppies. There are tall poppies in our society, some of them young, some of them getting on, who need encouragement and support. In the spirit of the achievements of Howard Florey, we should encourage them. He was a great man. I think we should all honour the work of Howard Florey.

Tourism

MR BERRY (5.25): Mr Speaker, I would like to say a few things about the comments that Ms Carnell made in relation to tourism. The visiting journalists program is an important part of the landscape when it comes to tourism promotion. It is one that various tourism authorities in Australia and around the world embark upon to encourage wider reporting of the various benefits of individual tourist attractions.

Canberra, of course, has its share of critics when it comes to journalists because some constantly draw attention to Canberra as the centre of all political decisions. In many respects only the political decisions which impact adversely on the community are reported with the sort of enthusiasm that should be used in reporting the good things about the ACT and its pluses. Notwithstanding that, this is the political centre of Australia and that will always be the case, so I do not think we should get too precious about mention of Canberra in the political context. In fact, we ought to take advantage of it wherever we can.

The visiting journalists program is something which the community might find curious. Fair people might expect that Canberra's virtues will be picked up by journalists everywhere and reported widely. But it has become something of a competition around the world for various tourism authorities to attract respected and widely reported journalists to their city and to spend a lot of time and some money on showing them the various highlights of one's tourism points of interest.

I welcome CTEC's venture into the visiting journalists program and I trust that it brings better things in terms of tourism to the ACT, but they will have a hurdle to get over in the first place. They are going to have to get over the negative effects on the rest of Australia of that silly Feel the Power campaign with that silly, second-hand slogan. Regrettably, that was a government decision, and the Government deserves to be criticised. Mrs Carnell hinted that I might be concerned about the visiting journalists program. Well, I wish she had asked me first before she said that I would be critical of it, but that would be too much to expect.

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So as far as Floriade and CTEC are concerned, Floriade runs the risk of significant damage as a result of the Government's refusal to accept two recommendations that the Floriade fee be dropped for this time around. It would have been sensible to move in that direction. In any event, Mr Speaker, notwithstanding the silly decisions in relation to the Floriade fee, I have urged all Canberrans to get behind it. We are stuck with it. Floriade is far too important now for us to abandon it, and Labor is right behind it. We have always respected Floriade's contribution to the ACT and the effort of everybody that has gone towards putting on the Floriade festival. The problem we have to face, of course, is this silly fee and the way that it was dumped on the ACT.

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

Debate interrupted.

Mr Humphries: I require that the adjournment debate be extended by 10 minutes.

MR SPEAKER: I will adjourn the debate at 5.40 pm. That comes under standing order 34. It is only in terms of your being able to respond, Minister.

Mr Moore: I think Mr Corbell wants to say something.

MR SPEAKER: The debate may be extended to allow the Minister to respond to any matters, but other members cannot speak after 5.30 pm.

Fire Services : Casino Premium : Rescue Helicopter Service

MR HUMPHRIES (Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (5.31), in reply: Mr Speaker, there are a couple of things I want to put on the record. I was asked a question today about Fire Brigade staffing levels and I have received some advice which I will relay to the Assembly. The current establishment for the ACT Fire Brigade is 297, comprising both front-line operational firefighters and staff occupying support and administrative functions. The brigade is operating currently at an actual staffing level of 285. There is a shortfall of 12 firefighters. That is caused by natural attrition since the last recruiting process. The Fire Brigade is maintaining full operational efficiency with the current staffing level and there is absolutely no reduction in the service to the community. The roster pattern allows for staff on rostered days off to cover the vacancies on overtime. It is therefore fairly clear that there is not a requirement to bring the brigade up to the full 297 positions. Nonetheless, recruitment processes have been begun under this Government and we will continue to make sure that young recruits are brought into the Fire Brigade over time.

Mr Berry: Will you stick to your \$500,000 promise?

MR HUMPHRIES: And women, if it is possible to recruit them as well, Mr Speaker.

The second matter is a matter that was raised a couple of days ago by Mr Berry concerning the casino premium. Mr Berry told the house that the Labor Government previously had put aside \$19m of the casino premium for the building of cultural assets in the ACT. I wanted to check that. I have gone back and checked the records very carefully. Mr Berry used the words "put aside". Precision of language has been a very important part of the way in which we have moved censure motions and so on in this place, Mr Speaker, so I think it is worth putting on the record that \$19m was not put aside. Indeed, no money was put aside from the casino premium. The casino revenue went straight into Consolidated Revenue and - - -

Mr Berry: Yes, and it was held there.

MR HUMPHRIES: No, it was not; it was spent. Mr Speaker, the records will show that the truth of the matter is that the money was spent. It was not preserved; it was not conserved. Interest on the money was not put to one side. Mr Berry knows full well that, when we came to office and had to meet the bulk of the cost of the projects which were identified in the report of the original committee, we had no money put aside for that purpose. Not one cent, Mr Speaker, was put aside.

Mr Berry: Who made the decision to put the casino premium into the arts facilities? Labor. Labor made the decision.

MR HUMPHRIES: Mr Speaker, could I have some capacity to address - - -

MR SPEAKER: Order! Just be quiet, Mr Berry.

Mr Berry: I might check the record. I might have a chance to move another one.

MR SPEAKER: You do that, and do it quietly.

MR HUMPHRIES: Mr Berry, who has been so quick to move censure motions in this place against people who have misled the Assembly, ought to bear in mind that that kind of inaccuracy is the sort of thing that we would have been facing a censure motion for had we made those statements.

Mr Speaker, the third matter I want to mention is the new rescue helicopter service which is to begin in just a few days' time. On 28 September, next week, the ACT will formally launch that service, and on 1 October, next Thursday, the service will be fully operational and will provide emergency rescue and medical evacuation for approximately 750,000 people living in the ACT and the surrounding region.

This is the last opportunity before that day to make some comments on that. I think it is worth while recording formally in *Hansard* the great appreciation that I have for the very considerable help from a number of dedicated people for the creation of this service. This will be a vitally important service. It is, quite literally, vital. It will save the lives of a number of people in the coming months and years and I am very pleased that it has been provided, notwithstanding some considerable struggle to get to this point.

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The Emergency Services Bureau, in particular Mr Castle, Mr Paulsen and other officers within the bureau, have been extremely hardworking in their pursuit of this goal, as have a number of people outside the bureau. Ms Judith Ellem, in particular, was tireless in pursuit of this goal through a number of meetings and community fundraising activities throughout the Canberra region. There were others as well, including members of my own staff, particularly Mr Forshaw. Those people dedicated themselves to this vision. I am very grateful for their efforts in that respect. I am very sure that when the service operates from next Thursday it will provide a very high quality of service to the people of this region.

Question resolved in the affirmative.

Assembly adjourned at 5.37 pm until Tuesday, 27 October 1998, at 10.30 am

ANSWERS TO QUESTIONS

ACT LEGISLATIVE ASSEMBLY

QUESTION ON NOTICE NO 37

Department of Urban Services - Logo

Ms Tucker asked the Minister for Urban Services - in relation to the new logo adopted by the Department of Urban Services in July 1998

- (1) Which organisation or individual undertook the design work for the new logo
- (2) What was the cost of the design work
- (3) What will be the cost of implementing the new logo in terms of new stationary, signage etc.
- (4) What is the justification for adopting this logo, given that the new design 'is simply a mark to represent the Urban Services', 'does not depict any particular aspect of the Department's services' and 'is not designed to replace existing business logos' (Urban update No. 5 August 1998).

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

- (1) Quantum Ideas Bureau
- (2) \$3807.50
- (3) The basis for the incorporation of the new logo on signage, stationery, publications and other materials will be as existing stocks of these are exhausted.
- (4) The old logo was created during the 1991/92 financial year when the department's activities had comprised public transport, public works and services and municipal services. It depicted roads and a large building. The old logo no longer accurately represents Urban Services' many functions, which now include the environment, housing and planning.

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MINISTER FOR HEALTH AND COMMUNITY CARE

LEGISLATIVE ASSEMBLY QUESTION

Question No. 38

Accommodation for Sufferers of Alzheimer's Disease

Ms Tucker - asked the Minister for Health and Community Care upon notice on 14 August 1998

Does the ACT have enough accommodation to house members of the community suffering from the severe later stages of Alzhiemers disease (eg those who are suffering severe behavioural problems, and wandering) who require nursing home care?

Mr Moore - the answer to the Member's question is:

Residential accommodation for older people, including older people with dementia, is a Commonwealth Government responsibility.

There is more residential accommodation in the ACT than that normally allocated under national planning guidelines, to take into account both the ACT's regional role and that parents of some people working in the ACT come to the ACT for care and accommodation.

While most nursing homes and aged persons' hostels provide for people with dementia, Ebrai Lodge is a dementia-specific facility.

The ACT Government also provides for respite care in people's homes and funds Burrangiri, a crisis respite care centre, which includes respite for people with dementia. This centre will be subject to review (to be completed end October 1998) to ensure that it can continue to provide safe support and care for people with dementia.

The Department of Health and Community Care is currently developing a strategic plan for health services for older people. In recognition of the shared role it has invited participation from the Commonwealth Department of Health and Family Services to ensure the development of complementary services.

MINISTER FOR JUSTICE AND COMMUNITY SAFETY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 39

Tobacco - Sale to Minors

MR STANHOPE: Asked the Minister for Justice and Community Safety -

In relation to the Tobacco Act 1986 and sale of tobacco to minors -

- (1) In respect of (a) section 4 (sale of tobacco to a minor) and (b) section 5 (purchase of tobacco by a minor); how many prosecutions have been commenced in - (i) 1995, (ii) 1996, (iii) 1997 and (iv) 1998.
- (2) How many convictions have resulted from these prosecutions.

MR HUMPHRIES: The answers to Mr Stanhope's questions are as follows -

- (1) (a) 1995: Nil plus five cautions issued by police.
1996: Seven plus two cautions issued by police.
1997: Two.
1998: Nil.
- (b) 1995: One plus a caution issued by police.
1996: Nil plus 13 cautions issued by police.
1997: Nil plus a caution issued by police.
1998: Nil.
- (2) Eight.

MINISTER FOR JUSTICE AND COMMUNITY SAFETY

LEGISLATIVE ASSEMBLY QUESTION

QUESTION NO. 45

Burnie Court Residents Group

MR WOOD: Asked the Minister for Justice and Community Safety:

In relation to the Burnie Court Residents Group -

- (1) What are the dates of the meetings held in the last 12 months.
- (2) Where were the meetings held.
- (3) How many attended and what government agencies were represented.
- (4) How many of those attending were residents of Burnie Court.
- (5) What have been the main topics at meetings over the last 12 months.
- (6) What recommendations/actions have resulted from these meetings.
- (7) When is the next scheduled meeting.
- (8) How are residents advised of meetings.
- (9) How are decisions made at meetings implemented and/or advised to residents.

MR HUMPHRIES: The answer to Mr Wood's question is as follows:

I am advised that the Burnie Court Residents Group is independent and that it is not administered, overseen or directed by any Government agency. I understand membership is open to residents of Burnie Court. A committee of residents, which is elected by residents, administers the Group, organises the meetings and sets the agendas. Government agencies do not have voting rights on issues before the committee.

Consequently, neither I, nor any other Minister, would seek to answer questions relating to the Group's administration on behalf of the Burnie Court Resident's Group.

My department has been working with residents and other agencies on crime prevention and safety problems at Burnie Court, and in that context an officer of my department attends the meetings of the Residents Group. My response to Mr Wood's question reflects my department's experience of the Resident's Group, but if Mr Wood is seeking to address specific concerns relating to the running of the Residents Group itself then questions should be addressed directly to the committee of the Burnie Court Resident's Group.

- (1) Meetings are held at 10.30 am on the first Wednesday of each month.
- (2) The meetings are held in the community room at Burnie Court.
- (3) Attendance varies but usually around 20 persons are present. It is the understanding of my department that the Burnie Court Residents Group offers a standing open invitation to all relevant government and non-government agencies to

attend the meetings. Other than my own department I understand other government agencies attending include ACT Housing, the Australian Federal Police and the ACT Department of Health and Community Care. A range of community agencies also attend.

(4) I am advised that the number of Burnie Court residents in attendance is usually equal to or exceeds government and community agency personnel.

(5) Topics raised include personal housing and tenancy issues, internal and external maintenance of units, safety, and nuisance problems experienced between neighbours.

(6) It is my department's experience that the meetings act more as a forum for raising concerns and are not necessarily structured for decision making by those present at that time. My department pursues community crime prevention and safety objectives by working through other processes, including working with on-site community workers, who in turn work with residents, including the residents on the committee of the Residents Group.

(7) Meetings are held at 10.30 am on the first Wednesday of each month.

(8) My department understands that residents are alerted to meetings by posters put up in stairwell entrances in each block of units.

(9) The question relating to the dissemination to other residents of information about the outcomes of meetings would best be put to the committee itself.