



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

28 October 1998

Wednesday, 28 October 1998

Petition: Abortion legislation	2317
Paper	2318
Food (Amendment) Bill (No. 3) 1998.....	2318
Downer Preschool.....	2320
Pinochet regime - condemnation.....	2337
Questions without notice:	
ACTEW - sale	2344
Privatisation.....	2345
ACTEW - contracts.....	2346
Electricity supply - Victoria	2347
Suspension of standing and temporary orders	2350
Questions without notice:	
Electricity supply - Victoria	2353
Liquor licensing laws	2353
Superannuation liability.....	2354
Miles Franklin Primary School	2356
ACTEW - loss of customers	2356
Calvary Hospital	2357
Periodic Detention Centre.....	2358
ACTEW - contracts.....	2360
Visiting medical officers - cancellation of surgery.....	2360
Canberra Hospital - intensive care unit.....	2361
Calvary Hospital	2362
Assembly chamber - acoustics.....	2362
Personal explanation.....	2362
Mr Corbell (Motion of censure).....	2363
Papers	2396
Public Sector Management Act - executive contracts	
(Ministerial statement).....	2396
Building (Amendment) Bill 1998	2397
Adjournment:	
Arts funding.....	2401
Privatisation.....	2403
Downer Preschool	2404

Wednesday, 28 October 1998

The Assembly met at 10.30 am.

(Quorum formed)

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

PETITION

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

By **Mr Berry**, from 222 residents, requesting that the Assembly call on Mr Osborne to withdraw the Health Regulation (Abortions) Bill 1998 and, if the Bill is considered, to vote no and show respect for women's abilities to make informed decisions about reproductive health matters.

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

Abortion Legislation

The petition read as follows:

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

The following residents of the Australian Capital Territory draw to the attention of the Assembly: that the Osborne 'Health Regulations (Abortions) Bill 1998' if passed by the Assembly would effectively amount to a ban on abortions being performed in the ACT and would lead to the closure of the Reproductive Healthcare Services clinic. This would have the effect of drastically reducing the status of women in the ACT.

Your petitioners therefore request the Assembly to:

1. Call on Mr Osborne to withdraw the tabled Bill from the Assembly's consideration; and

28 October 1998

2. In the event of the Bill being put we urge members to 'Vote No!' to the Osborne Bill and show respect for women's abilities to make informed decisions about reproductive health matters.

Petition received.

PAPER

MR BERRY: Mr Speaker, I seek leave to present a petition which does not conform with standing orders.

Leave granted.

MR BERRY: Mr Speaker, I present an out-of-order petition from 70 residents concerning the suspension of the Downer Preschool.

FOOD (AMENDMENT) BILL (NO. 3) 1998

MS TUCKER (10.32): I present the Food (Amendment) Bill (No. 3) 1998, together with its explanatory memorandum.

Title read by Clerk.

MS TUCKER: I move:

That this Bill be agreed to in principle.

Mr Speaker, this Bill inserts a new division in the Food Act 1992 to require eating houses such as cafes and restaurants to reuse or recycle the packaging, plates, cups and cutlery they provide for food consumed within the eating house or in outside areas controlled by the eating house. This Bill is consistent with the Government's target of eliminating waste going to landfill by the year 2010. We believe that to achieve this target we need to steadily reduce the wasteful practices that abound across the ACT. The Greens think it essential that we lessen opportunities for businesses and individuals to just throw away their rubbish and not consider the costs of waste generation to the broader community.

This Bill makes the first inroad into regulating waste generation in the commercial sector, which is lagging behind the admirable recycling efforts of householders in the ACT. It complements the Greens' efforts to reduce construction waste through the Bill I tabled earlier this year, which will require waste management plans for demolition and building approvals. It will also complement another Bill I am planning to table soon to regulate the free provision by retailers of plastic shopping bags to shoppers.

While the amount of waste coming out of eating houses may not be a large proportion of the total waste going to landfill, it is a very visible form of waste to anyone who eats out at places like McDonald's or the food courts in the various malls around town. If people are prepared to reuse and recycle their waste at home, then we see no reason why they should not be prepared to do the same when they go out to eat.

Most people are perfectly happy to use washable plates and cutlery in the vast majority of cafes and restaurants. This Bill simply requires other eateries either to follow suit or to recycle whatever they do use. The eateries that will be most affected are those using environmentally unfriendly items like styrofoam cups or disposable plastic plates and cutlery. Fast food outlets like McDonald's which put packaging around their food rather than provide plates, et cetera, can still do this provided they ensure that this packaging is recycled if the food is eaten on the premises.

I believe that this Bill is a first in Australia. I understand, however, that in Germany a number of McDonald's restaurants have been compelled to introduce non-disposable utensils. The Newcastle City Council earlier this year attempted to impose a condition of consent on a development application for a McDonald's restaurant that the restaurant had to use reusable cutlery and crockery. This move was initiated by a Greens' councillor, but unfortunately the ALP members of the council backed down when McDonald's threatened to appeal to the New South Wales Land and Environment Court. I hope our ACT Labor members show more strength on this important issue. I should also note that the ACT has legislative power which the Newcastle City Council does not, so it would be harder for McDonald's to resist this move here.

Given that this Bill is groundbreaking and is likely to meet resistance from these fast food operations which at present do not take responsibility for all the rubbish they generate, we have attempted to make it as easy as we can for eateries to comply. We have certainly not gone as far as we could in imposing controls on the rubbish generated by eateries. For example, the Bill does not apply to takeaway food sold by eateries. Nor does it apply to prepackaged food items such as sugar packets and drink bottles or small items such as drinking straws. The Bill also gives businesses 12 months to phase in changes to their operations.

Most cafes and restaurants are already using washable crockery and cutlery, and it is about time that the rest made the change. This issue is not just about reducing waste but also about making sure that cafes and restaurants are competing on an even basis. An eatery that has gone to the trouble of buying crockery and cutlery and installing dishwashing equipment should not have its business undermined by eateries that use disposable packaging, plates, cups and cutlery and just throw the lot in the rubbish bin when a meal is finished.

I would prefer that eateries took the initiative themselves to reduce the amount of waste they produce, but unfortunately I think this legislation is required to pull into line those fast food operators who have so far resisted the community's desire to reduce the amount of rubbish generated by our society. It is very important that business and industry take a greater responsibility for minimising the environmental impact of their practices.

28 October 1998

The argument that it is unacceptable to do this because it will increase costs - that is, reduce profit for businesses - no longer holds much weight. The polluter-pays principle is well accepted. The ACT Government states in its own vision statement for no waste by 2010:

By 2010 it is envisaged that waste will have been eliminated by a community that:

has encouraged the producers of goods to take responsibility for the form in which their products are sold to ensure that waste is not generated with the initial production, during use or at the end of the product's life ...

I commend this Bill to the Assembly.

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

DOWNER PRESCHOOL

MR BERRY (10.39): I move:

That the Minister for Education reverse his decision to suspend Downer preschool next year and ensure that the preschool remains open.

This motion is significant when considered against the background of events which led to the closure of Downer Preschool. My motion requires the Minister for Education to reverse his decision to suspend Downer Preschool next year and ensure that the preschool remains open. If passed, this motion will require the Government to implement that decision.

Mr Speaker, you have to look at the history of preschool management over the past few months, over the period of office of this Government. Much of the debate about preschools in the ACT commenced with the release of an Auditor-General's report into the management of preschool education. This report raised issues about the utilisation rates and asset values of various preschools, among other matters. Significant amongst those other matters were the staff salary costs for each of the preschools which were being looked at by the Auditor-General.

The Government, in the first place, took great delight, it appeared, in seizing upon the Auditor-General's comments in respect of building utilisation rates, therefore drawing into question the future of a number of preschools. I will go through those preschools. They were listed in the following order in the report: Deakin, Causeway, Pearce, Lyons, Duffy, Weetangera, Flynn, Cook, Evatt, Miles Franklin, Hawker and Fraser. Nowhere in that list was Downer Preschool mentioned. Indeed, the Auditor-General raised no question about the future of Downer Preschool. So it is fair to say that whilst other preschool communities were concerned about the future of their preschools Downer could not have been if it had listened to the debate which surrounded this

Auditor-General's report, because nowhere in this report was Downer's future drawn into question. According to the table on page 67 of the report showing the salary expense per child, Downer does pretty well when compared to preschools with an annual salary expense of \$2,000 or greater. It strikes me that Downer Preschool community at no time could have considered that it was at risk.

In any event, debate ensued around this report, and the Government backed away quite a long way from its original apparent endorsement of the Auditor-General's questioning of the future of those preschools which I read out. The matter then became the subject of an inquiry by the Education Committee, which Ms Tucker chairs. That inquiry was a wide-ranging inquiry which looked at all of the issues in relation to preschools. Rather than go through the entire inquiry, one needs only to look at recommendation 1:

The committee recommends that, for 1999, the Department of Education and Community Services, in consultation with the community, apply its usual process of adjustment of the preschool system and that it does not introduce any major changes until a long-term plan has been developed.

It is pretty clear for the community of Downer that a major change has been taken and that there is no long-term plan which might mention Downer Preschool. Neither were they consulted. I think it is also fair to say that members who served on this committee have a right to believe that their committee is being treated with contempt, because this recommendation very clearly requires the Government to enter into a phase of consultation before taking any major decisions in respect of preschools. This Minister announced without notice that Downer Preschool was about to be suspended. Whatever you say about the language, if you say "suspended", in preschool circles that is truly the kiss of death. It means the end of the preschool. I do not know of any that have reopened after they have been suspended. I may be corrected on that, but I think the usual score is that parents find other places for their children to go in the period of suspension and, very rarely, if ever, is new life breathed back into the preschool.

The decision to close - let us be fair dinkum about the language around this issue - Downer Preschool was taken against a background of a suggested student enrolment of 14. If the Government had taken the time to talk with the parents association for Downer Preschool, they would have soon discovered that at that very moment it was 16 or 18. In any event I have a list in front of me now which shows that they have 22 enrolments, or will have 22 enrolments. It is very clear that the Downer Preschool could be viable on those numbers.

The Government, it is said, has used several excuses. They say that we have got a 2 December cut-off point. Does that mean, Minister, that you have such a closed mind that you will not move beyond that point ever? Not in respect of any preschool? Not for any member of the community? Not for any politician? For no-one? If that is the attitude that you have in respect of preschools, I have to say that it is a sign of arrogance and contempt for the sorts of consultation processes that you should be providing for the community. After all, we are talking about a community of parents who are concerned about the future of their children, a community of parents who, amongst other things,

28 October 1998

like to see the development of their children in a preschool environment flow over into the primary school environment where they will come across a few faces that they have been associated with in the past. That will make their entry into the school environment much more relaxed and help their education.

But no. The Minister decided to stand by his guns for a moment, then said, "Okay, I will reconsider the position". So for a fortnight the Minister went through the process of informing the community that he was taking it back to Cabinet and that there was some hope. The community rose to the occasion and I suspect many had some hope about the future of their preschool. They knew that their argument was a good one and they expected a positive result, but they never got it. The Minister, of course, blamed Cabinet for the decision but it was after all, one suspects, made on the recommendation of the Minister's department and was therefore the responsibility of the Minister.

Mr Speaker, at this point I think it is important to reflect again on the recommendation of the Education Committee. The theme is consultation. It would not have taken much for the Minister to have consulted with the community in respect of the future of their preschool, particularly in the knowledge that there had never been any threat to Downer Preschool whatsoever. But then what do we hear? We hear about instructions being issued preventing information about enrolling parents being given to the parents association so they could contact them. I hope the Minister can demonstrate that this did not occur, but that was the very strong message that I was receiving.

Other disturbing information has come to me over the course of time. For example, when I attended the Downer Preschool meeting a couple of evenings ago, some fairly disturbing things were said about contacts with the Minister's office. One of those was that if we let Downer get away with this, what are we going to do about the other 14 preschools that we have in mind? If that is what is planned behind the scenes, Minister, you should come out with it and be very straight with the community and consult with them about the future of the preschool system in the ACT.

We know that the economic rationalist approach which emerged in your first public announcements in relation to the Auditor-General's report is probably part of the hidden agenda, but at the end of the day you, as the Minister for Education, owe the community a proper explanation of why you have not consulted with them in relation to this matter, why it is that you would not accept that they had adequate numbers to make their preschool viable, why it is you had a closed mind on consultation in relation to the cut-off date, why it is you are so inflexible in relation to these matters, why it is that now that there are possibly 22 enrolments for next year you cannot guarantee the future of that preschool.

Minister, this motion is about this Assembly requiring you to guarantee the future of Downer Preschool and requiring you, if you like, to suspend the suspension - that is, withdraw the closure notice - and guarantee that the preschool will be open next year. At the same time you can read into this motion that this Assembly expects a better performance from you and the Government in the future. We expect you to be more consultative with the preschool community, who after all are concerned about the future of their children. We expect you to be more consultative with members of this Assembly.

We expect you to take note of Assembly committee recommendations. We expect you to consult with the Pre-School Association. Those important aspects of consultation are sadly missing from this whole episode.

Minister, this preschool is an important feature of the Downer social landscape. It is only a small building and there are only a few children there, but those children come from the community of Downer, and if you take away from Downer their preschool you take away an important part of their suburb.

MR SPEAKER: Order! The member's time has expired. Before I call on the Minister for Education I would like to acknowledge the presence in the gallery of students from Year 6 and Year 5 at Garran Primary School. Welcome to your Assembly.

MR STEFANIAK (Minister for Education) (10.54): Mr Speaker, I congratulate Garran Primary School, along with Red Hill Primary School, on winning their division of the primary school Tournament of the Minds. I do not know whether any of the students involved are present, but their performance was particularly impressive in an Australia-wide competition of 3,000 schools. Congratulations.

Mr Stanhope: Is there a preschool in Garran, Minister?

MR STEFANIAK: Shut up, please. I listened to Mr Berry in silence, Mr Stanhope. I would expect you to accord me the same courtesy. As I have mentioned to several Downer parents, should this motion be passed today, the Government will certainly ensure that Downer Preschool opens for 1999. I make that statement quite unequivocally. In late October certainty about next year is essential. Mr Berry, you can rest assured that if your motion is successful Downer will commence operations again in 1999.

Mr Berry talked about closure. The Government is absolutely definite that it is a suspension rather than a closure. The Government has looked very closely at the recommendations of the Education Committee, what should occur at Downer Preschool this year and the fairest thing to happen to that particular preschool, and decided on a suspension. I will indicate later what can happen as a result of that, but first I make the point that we do not regard it as a closure if your motion is unsuccessful. We regard it as a suspension.

Mr Berry mentioned the Auditor-General's report. We have made it quite clear that the criteria used to identify the 12 preschools mentioned by the Auditor-General were not the best criteria and that people should not take too much notice of them. I thought that was made quite clear over a number of months.

The Auditor-General does, however, speak of a number of other factors which the Education Committee looked at and which we have looked at. To completely disregard all of the Auditor's comments, especially his comments in relation to utilisation rates for facilities and staff, would be irresponsible. The Education Committee has looked at this matter. Mr Berry, I remind you of the brief debate and decisions on the last Thursday

28 October 1998

of the September sittings. I did not notice too much concern from you then. Indeed, I think the committee was probably pleasantly surprised at the decisions taken by the Government in relation to preschools. You might like to check *Hansard* on that, Mr Berry.

Mr Berry, you also mentioned that the Government has shown inflexibility. You indicated that there was a sham reconsideration. Mr Berry, I can assure you that that was not the case. The Government looked very closely at the points raised by the Downer Preschool committee, and at the end of the day it accepted the criteria that had been set in place in 1997, the criteria that your committee seems to want us to apply for the 1999 school year - that is, the usual process of adjustment of the preschool system. I am a pretty flexible person, probably considerably more flexible than you are, Mr Berry. The Government certainly did give very much reconsideration to this matter. I think it will be obvious at the end of the day why the Government has maintained its decision.

Mr Berry, you said that instructions were given to prevent parents from being given enrolment information. I am not quite sure what you were getting at. The department was doing its best to ensure that the needs of parents were taken into consideration until the time of this particular debate so that, whatever occurs here, matters can be set in train and parents can be advised of what will occur next year. If you are successful, it may be that some parents do not need to be advised. If you are not, the department has to take certain steps with all parents.

Mr Berry also mentioned another 14. You might have your figures wrong, Mr Berry. This decision was taken in the context of the whole of Canberra and making normal adjustments to the preschool system in accordance with the set of criteria set down after lengthy consultation with the preschool community in 1997. Last year there were a number of adjustments - 16 or 17 decreases and a few increases. This year you talk about another 14. I think you will find that there are probably another 22. Including Downer, there were 19 reductions. There were three adjustments upwards. That is in accordance with the criteria. If you try to read in any hidden things about further closures, you are way off beam, Mr Berry. I think the Government's response to at least recommendation 1 of the committee's report, as indicated a month ago, is quite clear about that. One closure, Stokes Street, whilst regrettable, was obvious and is even accepted by members opposite. Of course, Downer is a suspension.

Let us look at a few facts and let us look at some of the things that the Government has to consider. We have seen in recent years declining numbers of young children. ACT population forecasts project an annual decline of 1.5 per cent, or a total of 400 students, from 1999 to 2005. This year we have seen a further decline in the number of students enrolling across the preschool sector. I think there is wide recognition, Mr Speaker, that this means adjustments to the provision of preschools. I have indicated already what the Government has planned and announced for next year. Each year the department makes adjustments to staffing in preschools, as it does in schools. Those decisions are taken in accordance with the preschool enrolment policy which was developed in 1997 following very wide consultation with the preschool community.

That policy was developed because there were anomalies and problems with the previous system, problems such as a cut-off date in July for re-enrolments. It was done over a series of months. It was done to achieve a much fairer situation. It is something that impacts right across our system. I will come to the problems that will arise if Mr Berry's motion is accepted. It will flow on to the rest of the system. It also is a reason why the Government was very careful in its decisions for 1999, following those criteria right across the board. Although the viability guide for part-time preschools is 17, which is a 68 per cent utilisation for teachers, the ideal class size for preschools is 25.

The Government recognises that preschool education is important. The system has sufficient space and spare capacity to accommodate all four-year-olds, including any students who need to repeat and any students who might come into the system late. We have a 10 per cent excess capacity right across Canberra to take those students.

Mr Berry, I too have seen figures for enrolments since 2 September. If your motion is unsuccessful, there will be ample space in the three nearby preschools for not only any Downer students but any other students who may come into town or who have not been counted yet. After extensive consultation with the community, a cut-off date for registrations of early September was agreed. This year that is the 2 September census.

Preschool staffing decisions are based on the cluster of preschools in an area rather than on individual preschool units. I think it is important that I read out the factors endorsed in consultation with the community and table them. Members will find them in "The future provision of preschool education" report. Those factors are:

- . socioeconomic areas, where it is considered that if the preschool is not available, the families would not be able to transport the children to another suburb;
- . where a cluster of rental housing impacts on numbers during the year in cases when family relocations are made (eg Defence) after the annual survey is completed;
- . where an existing Early Intervention Unit is operating and concurrent groups are needed for integration;
- . minimum size to ensure a viable group to deliver a quality program;
- . location of the preschool in order to maintain support to staff and the community;
- . past enrolment patterns and configuration of preschools in close proximity ... ; and
- . viability number being a threshold of 17 registrations for a part-time preschool and 34 for a full-time preschool used only in conjunction with other factors.

All the decisions the Government has taken this year in relation to staffing of preschools and how many classes there would be at preschools were made as a result of those particular enrolment factors agreed to with the preschool community and stakeholders last year. Mr Speaker, I table those preschool enrolment factors.

Mr Berry might have mentioned repeats. I have spoken with a lady from Downer Preschool who has assured me that her child will be repeating. I accept that. There is one other child whose parents indicated that they wished their child to repeat. Repeats are decided at the end of third term, again on the 1997 consensus worked out with the community. They are then assessed. For obvious reasons, repeats are not taken into account when allocating staff. In any one year 100 students may be assessed as being able to repeat but the figures have shown over the years that only about one in six actually ultimately repeat. The reasons for that are obvious. Students assessed early as repeating students can show remarkable improvement in a very short space of time. I have a preschooler myself, and I have seen that with my little bloke. If a student shows improvement, say, in term 4, the parents may then decide there is no point in that child repeating. That is a significant factor. Quite obviously, prior to 1997 the cut-off date of July was far too early, because children still had six months to develop. For every 110 places the department offers to students annually, only about 100 will be taken. We are not exactly sure of the reasons for that. People might move out of an area; people might move into an area.

Those are very relevant factors in determining a cut-off date and determining the arrangements for preschools in the new year. To arbitrarily look at other factors after agreed cut-off dates, factors such as extra kids one month down the track, throws out a system which has been agreed to right across the sector. I suppose the question is: Where does it stop? Any of the 22 preschools could say, "We are not really happy with that. The situation has changed for us". Where do you have a cut-off date?

Some order in the system is absolutely essential. When the Government looked very closely at that, we got back to the fact that we had an agreed set of criteria and, might I say, a fair set of criteria. I think everyone who has been involved in the preschool sector for any period will appreciate that they are a lot fairer than in the past and much more responsive to the needs of parents and conducive to efficiency and good running of the sector.

This is not about whether children are being deprived of an education. The decision on Downer Preschool is a well-considered decision. It takes into account a range of factors agreed in an extensive consultation process. We all agree that preschool is a critical part of education. We all agree that every child is entitled to a quality preschool education, and that is something our excellent system in Canberra produces. This is not a debate about the quality of preschool education. It is not even about the quality of access to preschool education. It is really about whether we as a government can rely on agreed factors in exercising responsible management in providing quality preschool education with fair and equitable access across the preschool system.

Mr Speaker, as I indicated, in our system there are spaces at other preschools. I come now to the point of the suspension of Downer Preschool. The Government - and I make this quite plain - regards it as a suspension, not a closure. If Mr Berry's motion is defeated, the Government will do everything it reasonably can to assist the Downer Preschool community with steps to ensure that if the numbers are there for the following year that preschool will reopen. Mr Speaker, that is an unequivocal commitment. I have indicated that to the community. I have suggested certain ways in which that can occur.

Mr Berry rightly mentioned the Auditor-General's report. That report has engendered considerable debate in the preschool community. As a result of that, each preschool is probably well aware that this was perhaps a slightly different year. The matter was on the agenda and, if anything, that should have given a greater emphasis to enrolments. A number of advertisements were placed in newspapers encouraging people to enrol before 2 September. They appeared in the *Canberra Times* of Saturday, 15 August, and the *Chronicle* of 18 August. I table copies of those advertisements. An article by the education reporter for the *Canberra Times*, Emma Macdonald, on 13 August headed "Enrolment date nears for Canberra's pre-schoolers" stated quite clearly:

Enrolments for next year must be in by September 2.

There were a lot of indications to the community about the enrolment date. A large number of students, albeit fewer than last year, enrolled, which is what one would expect. I table those documents. I understand also that in the case of Downer, as with other preschools, there was a letterbox drop to encourage parents to enrol. That occurred as a result of the actions taken by that preschool community.

Mr Speaker, the Government is a government. Mr Berry talks about consultation. Quite clearly, this Government has consulted and has a history of consultation. That is probably why we were re-elected. Consulting is something we are keen to do.

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

MR KAINE (11.10): Mr Speaker, I support Mr Berry's motion. I do so because I believe it is a matter of fairness and equity to do so. In Downer we have a community that had no reason to assume that anything at all was going to happen to their preschool, and they discovered that by some arbitrary decision-making process their preschool would close.

The Minister makes a distinction between suspension and closure, but I think the people in Downer are well aware that there is not much difference in practice. The evidence would suggest that once such a school is suspended that is the death knell. The Minister might have all the good intentions in the world about resurrecting it next year or the year after if the numbers justify it, but there are few factors that militate against that.

28 October 1998

One, of course, is the fact that because the preschool is not there people will tend to take their children elsewhere, even if it is inconvenient. When the time comes to consider reopening, those children will have gone elsewhere and the demand will be even lower than it might have been this year. Suspension is tantamount to closure because it is self-fulfilling. Once the doors are closed, even if the committee has the energy and the will to remain in place and continue to lobby and agitate, I suspect that the school will close.

I know that the Minister is concerned about priorities and where the money is spent. I can understand his concern about that. The Government does not have an inexhaustible supply of money, but the fact is that decisions about priorities are being made by governments constantly. They are being made at the government level; they are being made at departmental level. They are made daily. It begins when a budget is put forward. The Government and the administration make decisions about their expenditure priorities and those decisions become a budget. But the budget is not a fixed, concrete thing. It is a dynamic thing that changes as the year goes by, because crises of one nature or another, large or small, occur unforeseen and money has to be found. Money is moved about within the budget to meet these new requirements. That means that something that the Government expected to spend money on when it put its budget forward cannot be done. As I said, that is done at all levels. The Government's decision-making processes are dynamic, and they have to be. That is nothing new.

We have seen governments conjure up money by changing their priorities all the time, for all kinds of things. One that readily springs to mind is the futsal slab down by the lake. That was not in the budget, but money was found nevertheless, virtually overnight. It is unreasonable for a government to say, "We do not have the money". The money can be found by the reallocation of priorities. We have many a demonstration of the fact that that is done constantly.

In this case - and this is why I support the motion - there appears to have been a quite arbitrary and inflexible approach to the decision-making. Although we are talking about human beings, and small ones at that, the Government seems to have demonstrated gross insensitivity. The whole matter has been reduced to a formula, to some magic number. I think the number is 16 or 17. The Minister refers to the criteria. We have reached the stage where, when we are talking about children's education, particularly at the crucial age of these preschool children, we work to a formula. They do not consider the children. There is a formula, and if you do not meet the formula you are outside of it.

We know that even though the formula is there, and the magic number is there, it is not always applied. We know that there are other preschools at this moment where the student body is below the magic number. So the Government does have a discretion, and it exercises it. Yet in this case there has been no sensitivity, no flexibility, no exercise of discretion, but an arbitrary decision saying, "You do not meet the numbers, so you close". I see nothing fair or equitable in that. I think that Mr Berry has demonstrated that the formula, the magic number, in this case is irrelevant anyway. Because we passed another magic point, 1 October or 30 September, the matter is no longer up for consideration.

I do not believe that an approach along those lines is fair or equitable when we know, as I have outlined, that government changes its priorities daily in the course of the year, and those changes very often involve very large sums of money. We are not just talking about the relatively small amount of money that is riding on whether this preschool stays open or closes. Decisions are made daily to reallocate and to reprioritise. Those decisions often involve very large sums of money.

I think this is a case where flexibility is called for and fairness is called for. I am not interested in all the rhetoric about what the Government might or might not have done, whether it consulted or whether it did not or what sort of a process it went through. The end product, to me, is unfair and inequitable, and it is within the power of the Government to change it. That is why I support Mr Berry's motion.

MR CORBELL (11.17): Mr Speaker, I rise today to support my colleague Mr Berry in this motion, as do all other Labor members in this place. I want to start by highlighting what I believe is a central issue in this debate, one which the Government, in all of its bureaucratise and all of its attempts at justification which we heard from the Minister, seems to have overlooked, and that is that Downer is a community. Downer is a very significant part of the community of the inner north. Like all suburbs, all communities in our city, it has a focus. It would be fair to say that one of its most important focuses is Downer Preschool. The Government, I believe, has overlooked this fact. The Government, I believe, has not understood that in closing Downer, which is what they are effectively doing by default, they are closing one of the centres for the focus of the community of people who live in Downer. That is the sort of approach which I thought we had got past when we were talking about the closure of schools or preschools, but we do not seem to have got past that point. That is very disappointing.

Mr Speaker, in the early days of self-government there was a very heated debate about the closures of primary schools and high schools in Canberra. It was a very politically sensitive debate. At the end of the day there was a consensus about how that issue should be handled. The consensus was that the community should be the ones who make the decision about whether or not a facility such as a primary school or indeed a high school should remain open, because they were the ones who most directly benefited from it and who took the greatest interest in it. That approach has been completely missing in the recent debate about preschools. That is a sad approach from this Government.

Why are preschools any different from primary schools in how we handle their closures or openings? Why is the involvement of parents and children in a preschool less significant than the involvement of parents and their children in a primary school? Why is that distinction drawn? I believe it is an unacceptable approach, Mr Speaker, and I hope that most members in this place believe so as well.

I attended the first rally which the parents of Downer Preschool conducted. That was about a month ago now. I was very impressed by the strength of commitment that the community clearly had to their preschool. They clearly wanted to see this important community facility remain open. I was surprised that the Government was prepared to make such an arbitrary, uncaring and irresponsible decision in relation to the provision of community facilities in Downer. As my colleague Mr Berry has highlighted, nowhere is Downer Preschool listed in the Auditor-General's report as a school which is operating

inefficiently according to the Auditor-General's criteria. We dispute some of the Auditor-General's criteria. Nevertheless, even in his report, there is no evidence that Downer Preschool was under threat. So, quite rightly, the residents of Downer and the parents of children at Downer Preschool felt that they were not facing a problem.

Out of the blue, the Government said, "We will suspend the operation of Downer". It is a cynical move by this Government. Everyone understands that suspension will ultimately result in closure. Parents need certainty for their children, and if there is doubt over whether or not Downer will remain open or will reopen in a year's time, they are not going to endeavour to enrol in Downer. They are going to enrol and maintain their enrolments in a preschool that they have the certainty of knowing is going to be there for more than a year. Parents do not like to upset the patterns of their children, particularly in their early years of schooling. That is an entirely legitimate and appropriate course of action to take. The Government knew that, and the Government still pursued this course of action which they knew would result ultimately in the closure of an important community facility.

Mr Speaker, one of the issues that concerned me about the Government's decision in relation to Downer was that it ignored completely the very first recommendation in the report of the Standing Committee on Education on preschools. It ignored the recommendation that no major changes should be introduced until a long-term plan had been developed for the management of preschools in the ACT. The closure of not just Downer but of Stokes Street is a fairly fundamental change to the provision of preschool education in Canberra. That recommendation was ignored.

I was amazed to hear the Minister stand up in this place and say that the Government is proud of its consultation record and that it is the reason they were re-elected. I can assure the Minister that if he had been running around during the election campaign saying, "We are going to close Downer Preschool", it might have been a pretty different result, certainly in Downer. Minister, if you want to continue to delude yourself as to the effectiveness of your consultation processes, go right ahead. I can assure you that on the ground in Downer and in other parts of the inner north and even the inner south of Canberra there is growing disquiet with your Government's attitudes in relation to the operation of preschools.

At last count, there were 21 enrolments for the Downer Preschool. I think that is right. My colleague Mr Berry nods in agreement. To me, that is not the sign of an institution struggling to survive, not the sign of an institution which does not have the support of its local community. As Mr Kaine said earlier in the debate, governments' priorities change every day. Governments are elected to respond to the demands of the community. Governments are elected to understand where there is a need in the community and to meet that need. Mr Stefaniak seeks to portray the Government as having no flexibility on this issue. Mr Kaine gave the lie to that. They can spend over \$100,000 opening a concrete slab that no-one uses, but they cannot keep a preschool open. Mr Kaine has highlighted that issue quite well.

When it comes down to it, the issue here is whether or not this Assembly should support a concern in the community that an important community facility should remain open - not remain open just because a few people want it but because there is a demonstrated need for it in the community that it serves. That is the decision that this Assembly needs to make today. I will be very disappointed if a majority of members in this place do not accept that the community's needs do deserve to be recognised and that Downer Preschool should remain open.

MS TUCKER (11.25): I will certainly be supporting this motion from Mr Berry. I am very concerned about the process as it has occurred. As members are well aware, the Education Committee looked at preschool services in the ACT, and we came out with a report which basically was well received by the community and, I thought, by the Government. Strong basic issues came out through that inquiry process. The ACT community does value its preschool service, acknowledges that it is of a high quality and acknowledges that it has a function broader than just an educative function. It is a very important facility for the community, for community development and for families.

In the Education Committee we said that we were unhappy with the way the decisions have to be made at the end of each year; that there was no long-term plan in place; that there are changing demographics in the ACT; and that decisions are going to have to be made in the long term. We asked in the first recommendation that there be a long-term plan for the provision of government-funded preschool education within the context of early childhood services by the year 2000 and said there must be no major changes until this has happened. We also stated that this work must be done in consultation with the community.

After the initial response from Mr Stefaniak, in which he said he was generally in support of the committee's report, we were a little bit disturbed when at one point he was thought to have said that closures may be part of normal annual adjustments. That was a surprise to us, a surprise to the preschool society and a surprise to the community, because it would have been regarded by those groups as a major change and not in the spirit of the recommendation of our committee at all.

Mr Stefaniak said that we only needed to check the record to see that everyone was pretty happy with the Government's response to the committee's report. As I have just explained, they were, but with a certain caution. That caution was: What is happening to Downer Preschool and why is that happening? I immediately asked why it was being suspended and asked for further figures and for elaboration and explanation of that fact. It is not correct to say that no-one was too worried about that. We were concerned straightaway.

We were also very unhappy with the way the Downer community were informed about this decision. It was incredibly rude, to put it mildly, to find out through the media that your local preschool was going to close. There are other very worrying issues about the closure. Mr Stefaniak points out that the Government are calling it a suspension only. However, as members have already articulated in this debate, there is grave concern that a suspension will not lead to anything other than a closure, because the community will not be aware of the status of that preschool. I think we are deluding ourselves if we think that because we here understand very clearly exactly what is going on in these processes

the broader community does. They do not. I agree with other members that it is highly likely that suspension will lead to the closure of Downer Preschool. I am hoping that it will not even be suspended. I am hoping we will get support here today for Mr Berry's motion.

Another really concerning thing is the use of numbers in the justification presented by government. Particularly concerning and offensive, I believe, was the fact that, because the processes within the department mean that you have a cut-off point for registrations that precedes the cut-off point for decisions around placing children who are repeating a year, those children repeating the year are not going to be taken into account. Those sorts of children, I would have thought, in educational terms, are normally given a priority, not used as a scapegoat to promote a political and economic agenda of government. That is what I find offensive. This Minister for Education claims to want to be reaching the highest standards of education in the ACT and always to take into account in decision-making the educational outcomes for children. We have heard him say that many times. Rather than the department or the Government using this inconsistency in determining the enrolments between repeating children and normal registrations as an excuse to justify their decision to suspend Downer, they should have been terribly quiet on it. It is because of poor management that this is happening. This should have been fixed up by the department long ago. Obviously, it is going to lead to confusion around numbers. There was a very generous allocation at North Ainslie. It looks as though it was done purposely to accommodate those children who may not be able to move from Downer into Watson or Hackett. It does start to look like a strategy worked out pretty well in advance.

I have been to a number of meetings and talked to the Downer community, parents and children. I would like the Minister to care for three children under the age of six or seven and walk with them from Downer to North Ainslie. I would like him to do that in all weather, not owning a car. I would like him to try to catch a bus with those children, especially when one is sick. I would like him to try to organise car pooling when you do not have a car yourself, or even if you do. The point is that it is a very difficult situation to have to deal with. The locality of the preschool is incredibly important for access. I have heard you say that yourself. Children will not have equal access. Downer children and families will be disadvantaged if they have to travel that far. There are major roads, and it is a big deal moving from Watson and Downer through to Ainslie.

Concerning for me, as I said, is the very poor consultation process that occurred with the Downer community. The Government needs to acknowledge that it has made a mistake. It may be forced to by this motion today. I am really disappointed, because I said when we tabled our report - and I did get what I thought was a good response from the Government - that here we had an opportunity to look at these issues together, that you were not being provocative and that it was not going to be politicised. This has happened many times, as we know. We have heard about Reid and Mr Moore's influence. We have had politicisation at these decisions. It is not good and it does not inspire confidence from the community in how decisions are made.

That is why I am particularly disappointed at this process. It has become very political. I hope that this motion will be successful, that Downer Preschool will stay open and that we can then move on with the recommendations of our report and work together to address the long-term issues around preschool education in the ACT.

MR RUGENDYKE (11.34): Mr Speaker, the words I offer this morning are for my colleague Mr Osborne as well. We both support the motion to return Downer Preschool to its community. My feeling is that Downer deserves a second chance to prove that it really is able to retain a preschool in its suburb. I concede that this preschool is a borderline case, but there are other preschools such as Deakin and Rivett which also stand as borderline cases, based on enrolment figures for 1999. They have been given the benefit of the doubt. I believe that Downer should also be given the benefit of the doubt.

As Mr Berry mentioned in moving this motion, the news of suspension came out of nowhere for the community of Downer. When the future of ACT preschools became topical after the release of the Auditor-General's report earlier this year, Downer was not identified as being under threat. The suburb of Downer has had setbacks before, such as the closure of its primary school, but in this case I would like to see the community given the chance to fight for the future of its preschool. In fact, I have seen many up-and-coming pre-preschool students in the Downer area, as evidenced by some of the youngsters in the gallery here today. Through this motion the Assembly can give the community a chance to take action and prove that it does have a long-term future for its preschoolers.

On the issue of preschools generally, I have said that if it is clear that there are not enough enrolments to be viable there is perhaps a case for closing them. Certainly no-one could justify the keeping of a preschool open for a handful of children. But in the case of Downer they have shown, through representations to my office and attendance at meetings, that they do have more enrolments than the 17 baseline. Mr Speaker, along with my colleague, I support continuation of the existence of Downer Preschool. We will both be supporting this motion.

MR SMYTH (Minister for Urban Services) (11.37): I want to start my speech on Mr Berry's motion by emphasising the Government's commitment to the importance of preschool. The ACT preschool system has an outstanding reputation, both for its quality and for its accessibility. The Government is committed to maintaining that quality and is also committed to maintaining equity of access to preschool education for every four-year-old in the ACT. But at the same time reality must be faced. I believe that the Canberra community realises that services must be provided in a way that reflects responsible use of resources. As well, the demographic make-up of the ACT must be looked at realistically in making decisions about providing services, including preschool education services, which are very important to the community and to the future of the ACT.

Mr Berry's call for a reversal of the suspension of Downer Preschool asks this Assembly to ignore the reality of changes to the needs for preschool education. The decision to suspend Downer Preschool's operations for 1999 was one of the many adjustments made to preschool operations for next year. Those adjustments were made after taking a long

thoughtful look at the needs of preschool services right across the ACT. Neither Downer Preschool nor any other was examined in isolation. Mr Kaine made the point that some preschools have smaller numbers than Downer has. He is correct. It is the all-up seven points in the criteria that will lead to a decision as how they are applied to individual preschools. The criteria take into account not just the numbers for what is considered viable, but past enrolment patterns and the configuration of other preschools in close proximity. They take into account socioeconomic factors and whether or not an early intervention unit is operating on the premises. The Government has looked at Downer Preschool in a considered manner. The Government has not looked at Downer in isolation. It is important that the Government has taken steps to ensure that every family will be individually assisted by the department to ensure that their children obtain a preschool place in a nearby preschool.

Some background information on changes to the demographics of the ACT is useful in placing this and other decisions on the provision of preschool education in context. The population of the ACT increased from 160,000 in 1972 to 309,000 in 1997, with an annual rate of increase of about 3.7 per cent. But the population forecasts for 1998 to 2013 predict a population growth rate of only 0.5 per cent, rising to one per cent in the year 2002.

This declining population growth is reflected in forecasts for preschool enrolments. There are declining numbers of young children, with the ACT population forecast projecting an annual decline of about 1.5 per cent, or a total of 400 students, for the period 1999 to 2005. In the year 2000, in North Canberra, the number of young children aged up to four years is predicted to remain the same as now. At the same time a decline of 50 children in that age group is predicted for Downer. Mr Speaker, I table a graph that shows the predicted preschool enrolments and projections for the period 1995 to 2005.

It flies in the face of any interpretation of responsible financial management to suggest that these sorts of changes should be ignored. Yet, when the Government decides to suspend one preschool, Mr Berry seeks to reverse that decision. If you are going to adopt a head-in-the-sand attitude to these decisions, it is not a responsible approach to managing the changing needs for delivering preschool education in the Territory. Either Mr Berry is intent on denying that changes are happening or he is suggesting that we should do nothing about them.

Mr Speaker, the Government stands by the integrity of the decision on Downer Preschool. It is a responsible decision, providing a realistic response to the current and future needs of preschool education in the ACT. While it is human nature to object to the criteria used in an assessment that has not gone your way, this set of criteria was a fair one. Further, it is a set of criteria that the rest of the preschool community has had applied to it and have accepted. Mr Speaker, there is no good reason to change the decision on Downer.

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.42): I want to make a very brief comment, Mr Speaker. I think Mr Smyth and Mr Stefaniak have already put the Government's position on this motion, and I do not want to add anything to that. I think it is worth recording for the sake of those who might be observing this debate but might not be aware of the antecedents of this debate that they should not think that the desire to reorganise preschools and in some cases even to suspend or close preschools is a desire which has lain on only one side of this chamber. Members should remember that in 1989, during the first year of self-government, the Labor Party developed a plan to close an extensive number of preschools in the ACT. It was only the failure of that government to survive beyond six months that prevented the details of that plan becoming available for the rest of the community to see.

Mr Berry: I would shut up if I were you, Mr Twenty-seven Schools.

MR HUMPHRIES: I never closed a single preschool during my period, and I had no intention of doing so. Mr Berry might like to brief us on which preschools were slated for closure during his Government's term of office. I could not help noticing the irony of Mr Berry standing outside the Downer Preschool and trumpeting his support for parents in trying to keep their preschool open. Where was Mr Berry almost exactly 10 years ago when the Downer Primary School was being closed by the Federal Labor Government? He certainly was not standing outside it expressing support for the parents and students there.

MR BERRY (11.44), in reply: For Mr Humphries' information, I was not in the Federal Labor Government almost exactly 10 years ago. If I had been a resident of Downer, I would have been standing out the front of the primary school protesting its closure, as I joined with those who protested the closure of Page Primary School. Mr Humphries has been a bit disingenuous here. He would have been further in front had he stayed out of the debate. This is the Minister who wanted to close 27 primary schools throughout the ACT and behaved in much the same way as Mr Stefaniak. It seems to me that this is a mind-set that this mob have. They sprung the closure of 27 primary schools on the community of the ACT but were eventually beaten into submission by a public uprising over the issue which in due course cost the Liberals government, for good reason. Mr Humphries might have been better had he stayed out of the debate. Similarly, Mr Smyth would have been better to have stayed out of the debate. I do not think his patronising remarks in relation to what the community should and should not accept were very helpful in the scheme of things.

The fact of the matter is that an arbitrary cut-off was set. Had the Downer Preschool parents association been consulted, the Government would have been able to make itself aware of the real situation and the stupidity of their decision. But once they had made the decision they would have lost far too much face to have reversed it, so it became crash or crash through. I hope they have crashed. It has been as a result of the quite professional and immediate response from the Downer Preschool parents association that this issue has been brought back into this place. Their reaction has been well targeted and well managed. They are to be congratulated for their contribution to the preservation of their preschool. It will be an important feature of the Downer landscape for the foreseeable future as a result of their action. It will also conveniently point out to the remainder

28 October 1998

of the Downer community and anybody else around the area who wants to use their preschool that this is a preschool the community is prepared to protect. I rather suspect the viability of Downer Preschool will not come into question in the foreseeable future. All of a sudden parents now know that they have a parents association that will look after the future of the preschool, and its viability, I suspect, will not be in question.

Minister, I wish you had mentioned in your response to my introduction of this motion how many preschools have come back from suspension. I rather think that there are not too many, or possibly none; otherwise, you would have tried to hang your hat on them. I do not know of any. I suspect that had you as Minister known of any that had come back from the dead you would have been quick to tell us.

This motion has earned the support of the majority of this Assembly because it is a just motion based on the desires of the community around an important feature of their social landscape. I trust that the Downer Preschool parents association, along with those who follow them, will continue to defend their preschool. I hope that this sends a message to the Government that if it wants to muck around with the preschool system or the education system it had better start talking with the community first. That has been the noticeable gap in the Government's behaviour in relation to this. Its arrogance after it made the decision was something that we have grown to expect. Whilst you protest all the time about how much consultation you are doing, it is never on the key issues that affect the community.

I will give a few examples of your arrogance when it comes to consultation. How many people did you consult on the insurance levy? How many people did you consult on the bus fare changes? The list goes on. How many people did you discuss the motor vehicle registration increase with? How many people did you consult on ACTEW? If you want to boast about consultation, you have to be able to boast about consultation on issues that are important to the community.

The Downer Preschool debacle will be a bit of a hallmark of your behaviour on consultation. It is a clear example of where you could have got yourself out of a lot of trouble if you had just gone along with the parents association or the Canberra preschool association and said, "These are the problems we are having with Downer Preschool from our perspective". They could have informed you, "You need worry no more, because we have the numbers". You could have then said, "Do not worry anymore. Your preschool will live on".

One other thing disturbed me about your speech, Minister. You said that the department were looking after the parents' interests. You were responding to my claim about keeping information from the parents association, who were organising a protest about the closure of their preschool. Minister, the department looking after the parents' interests by shepherding their children to other preschools is not quite the same as giving information to the parents association so that they can reclaim Downer Preschool. There is a distinct difference. By keeping information from the parents association at Downer Preschool about the possible enrolling parents, of course what you were trying to do was cramp their style in organising a protest against your actions. That is not the way to behave either. All that did was anger the parents.

Minister, I am glad that you have said to the Assembly that you will maintain Downer Preschool in accordance with this motion. I welcome your contribution to the Assembly debate in that respect. I hope that this gives the Government some guidance in the future as to how it should behave in respect of those extremely important parts of our education system which are filled by the preschool system. That is not to forget the primary school, high school and college systems. If this is the way you approach preschools, we have something to worry about in relation to the rest of the education system as well. I hope this serves as a lesson, Minister.

Question resolved in the affirmative.

PINOCHET REGIME - CONDEMNATION

MR BERRY (11.52): Mr Speaker, I move:

That this Assembly:

- (1) condemns the atrocities committed against the Chilean people by the Pinochet Regime;
- (2) recognises that many of the ACT Chilean community suffered under the Pinochet Regime and that their pain and suffering continues;
- (3) calls on all governments to actively pursue every legal opportunity to bring the perpetrators, including General Augusto Pinochet, to justice;
- (4) calls on the Chief Minister to write to the Prime Minister and the Minister for Foreign Affairs urging them to follow the same course as this Assembly.

Firstly, Mr Speaker, I would like to welcome members of the Chilean community, their supporters and those who have been active on this issue for many years. I will try to begin at the beginning. We will all recall the military coup in Chile in 1973 when Allende, the popularly elected president, was ousted by the Pinochet military regime. Pinochet, during the course of that coup, ordered Allende to leave the country. Allende, as the popularly elected president, refused to do so, as you would expect. The president's residence or the centre of government was then bombed by the air force and Allende was killed, and Pinochet came to power.

From that time forward, until 1989, we had a constant flood on the news, in the print media and in the electronic media, about the atrocities and the cruelty of the Pinochet regime. Naturally, the Chilean people who were committed to democracy rose in protest about the behaviour of the military regime, and the military, as they are prone to do, attacked them. It is said that something of the order of 30,000 people disappeared under the cruel Pinochet regime; 30,000 people died as a result of this cruel regime.

28 October 1998

I am told that one million people left the country for political reasons. About 30,000 Chileans are in this country. They are either refugees or people who came here for political reasons, or their families who joined them later. In their backgrounds there are the tragic circumstances of the military regime which continue to haunt them.

It was a relief, if you like, that in 1989 democracy returned to Chile, but it did not stop there. Then we saw the powermongers in Chile work to protect those who were involved in the cruel events of the years of the military regime. We saw Augusto Pinochet protected, and many of his cruel regime were protected by an amnesty. This, of course, enraged the democrats, those who wanted democracy in Chile, and rightly so, because the perpetrators of the cruel events of the military regime were then protected by this amnesty and many will never be brought to justice.

As an internationalist, I think it is important that justice is seen to be done in respect of people who have been at the helm of terrorist regimes. Pinochet would certainly be seen to be a person of that order. I recall that some years ago there were many advocates for democracy in Chile who visited this country and urged the Australian Government, various Australian governments, to make a contribution to the debate about democracy in Chile.

The most graphic illustration of the circumstances in Chile was brought home to me when a young woman visited this country on behalf of democracy in Chile. She and her male friend, who were young activists for democracy in Chile, were taken prisoner by the military or the police. They were doused in petrol and then abandoned in the countryside to die. They were found. The male friend died and the young woman went on to be an activist for democracy in Chile. She went to Canada, as I recall. When she came to this country she wore a body suit. I do not know whether you know what a body suit is. They are a device which is used to help heal serious burns. This was a full-length body suit which covered this young woman from top to toe. Well, I cannot forget that, and that is why I urge you to support this motion.

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (11.59): Mr Speaker, on behalf of the Government, I want to express support for this motion and commend its sentiments to the Assembly. The motion does raise serious issues for this community and our expectations of the actions of government to defend the rights of people to involve themselves in democratic processes and to address and to attack breaches of human rights, wherever they might occur.

Chile is on the other side of the Pacific from us. It is a nation which shares some features of development with Australia. It is a major nation in the Southern Hemisphere about which we should have some concern. For that reason we ought to be concerned about this motion and be prepared to indicate our support for the people in Chile who have experienced the features of dictatorship under General Pinochet's regime which Mr Berry has outlined in his remarks.

The Chilean community of the ACT numbers more than 700 people, and I gather that some of them are in the gallery today. They include some who migrated during the period of economic and political uncertainty in the past in Chile. Some migrated during the period of the Allende Government, and many others migrated after experiencing persecution and terror under the Pinochet regime. The trauma experienced by many members of our Chilean community has not diminished over time. I am aware that a dedicated ACT community organisation, the Latin American Refugee Association, is active in supporting and settling Chilean refugees and other refugees from Latin America. I have heard some of those people express deep feelings of injustice that their suffering continues while the perpetrators have not been brought to justice in Chile.

Sadly, this experience is not unique to Chilean migrants in Australia. Many migrants to Australia, and even to Canberra, from all over the world have suffered similar experiences of repressive behaviour, torture and other abuses of human rights. Among this number we could count recent migrants from areas which include parts of Asia, southern Europe, Africa and elsewhere.

The experience of all these people has one thing in common and that is that it ought to lead us, as citizens of a democracy, to consider the value of the democratic experience and our expectations of good government for ourselves and for others. We expect governments to respect human rights. We do not expect governments to persecute their citizens for any reason, and certainly not for difference of political belief. That is not a situation which we would accept in our own country, and nor is it one we should tolerate elsewhere.

There is a debate about the sovereignty of nations and the capacity of nations to determine for themselves what they will do for themselves, and that is an argument, I think, that carries some weight when democracies are dealing with other democracies. But, Mr Speaker, unquestionably, when nations operate on other systems which do not permit the free expression of popular will in the system of government, the obligation of other people and the right of other people to be concerned about and to be active about the internal affairs of those countries become a real issue. Members will know that the international community of nations has methods of dealing with wrongdoing by governments, especially when they involve human rights abuses. We have seen this expressed in diplomatic actions, economic sanctions, war crimes tribunals and a range of other responses.

The particular case of the recent arrest of General Pinochet by the British Government in London has been acknowledged internationally to involve some novel legal issues. I understand that these are matters at present before the British courts. Being a system of government which operates under the principle of the rule of law, I feel confident that the British courts are in a position to resolve the legal issues surrounding the arrest of General Pinochet and to resolve whether he can legitimately be extradited to Spain to face trial there or in other places. The Federal Government, I understand, has taken the view that the arrest of General Pinochet is a matter for the governments of the United Kingdom, Spain and Chile. I think we need at this stage to be aware that the decision is one, at least in part, for British courts, and, as I said, I am confident that those courts will be able to determine appropriately the legality of the steps being taken and then to act appropriately if it is possible to extradite General Pinochet to Spain.

Mr Speaker, as I said, we join with the Assembly in condemning the actions of the Pinochet regime, and in expressing sympathy for and solidarity with people who have suffered under that regime. The motion before the Assembly calls on the Chief Minister to write to the Prime Minister and the Minister for Foreign Affairs, urging them to follow the same course as this Assembly. I certainly believe that the Federal Parliament should be asked to condemn actions of the former Pinochet regime, to acknowledge the sufferings of Chilean Australians, including those living in Canberra, and to support other governments in bringing the perpetrators to justice by every legal means possible.

Mr Speaker, there are a variety of ways of bringing people to justice. In the past sometimes those actions have not been necessarily legal. I recall the kidnapping of some political figures in the past to bring them to other regimes for the purposes of trial. Much as I oppose the actions of people involved in those particular situations, those leaders or politicians, or members of the military or whoever might be involved in those breaches of human rights, I believe that we need to move through legal means to address those problems. Indeed, the world now has well-developed systems of international justice that provide the opportunity for people in those settings to be brought to trial, as we have seen in recent years by the trials of a number of people charged with human rights violations in the Balkans.

Mr Speaker, on behalf of the Government, I support the motion, and I hope that the measure we take today will lead to further international pressure, not only to bring to justice those who perpetrate actions of the kind perpetrated by the Pinochet regime but also to put international pressure on regimes currently in office around the world to desist from these tactics in suppressing democratic sentiments within their own nations.

MR CORBELL (12.07): Mr Speaker, it is entirely appropriate that the Assembly adopt this motion today. As a community, Canberra has a large number of people who have migrated from Chile or who have been forced to come to this country because of the Pinochet military regime. I understand that approximately 2,200 residents of the Territory are former citizens of Chile or are relatives of former citizens. I am married to a woman whose family came from Chile and who migrated to the country a couple of years after the coup took place. I am very conscious of the vibrancy of this community in the ACT and their very strong sense of injustice that General Augusto Pinochet still wandered a free man until this most recent course of action in London.

I believe it is important that Australia take a strong stand on this issue. Australia has strong historical links with Chile, including, most notably, the first Labor Prime Minister of Australia, who was born in Chilean waters. The fact that he was on a British ship meant that he did not have to undertake military training in Chile. Our countries do have strong links and it is appropriate that as a community, both locally and federally, we communicate our concern and our resolution that the vicious injustices imposed by the Pinochet military regime on the Chilean people are pursued.

When I speak to my relatives, my in-laws and their friends about Chile I get a very strong sense that you cannot begin to understand what it means to live under a military regime. We are very lucky in Australia never to have faced that. We are very lucky never to have experienced it. By that very fact I think we cannot even begin to understand what it

means to live in such a regime and what things that we take for granted simply are not there. The rights that we take for granted to express our views, to participate in public demonstrations, or even to hold a particular belief privately, are rights which people, I understand, in Chile did not have accorded to them.

Mr Speaker, the atrocities committed against the Chilean people by the Pinochet regime are ones that we should never forget because of the strong links between our two societies. It is important that we recognise that there are many in Canberra who have suffered under the Pinochet regime. As representatives of the Canberra community we should take every step to ensure that we recognise that suffering that continues, and the enormous dislocation that occurred, and call on our Federal Government to express in the strongest possible terms that the actions of the Pinochet regime must not go unrecognised and must be brought to justice. Every legal opportunity must be taken to bring vicious dictators like General Augusto Pinochet to justice.

MR OSBORNE (12.12): I cannot imagine being forced out of my country, Mr Speaker. I cannot imagine having members of my family taken, not seeing them again, not knowing what happened to them - husbands, wives, sons, daughters, friends. I agree with Mr Corbell that we are truly a very lucky country. I cannot for the life of me imagine what it must have been like to have lived in a country run by a ruthless dictator such as General Pinochet.

I, too, have had experiences with the South American community, Mr Speaker. For seven years in the middle 1980s I had a girlfriend who was South American. She was not from Chile but from Ecuador, a very close neighbour. Her father was a great friend of mine. He was a radio broadcaster on a Spanish radio station in Sydney. During the years that I was involved with this family I went to many gatherings and many parties put on by the South American community. I became friends with many people from Chile. I heard lots of stories about what it was like over there and I, too, saw the sadness in many eyes.

Mr Speaker, I will be supporting this motion. Pinochet has gone from that country but the many guilty parties have not been brought to justice. I encourage all countries to bring these people to justice to ease the pain of the many people who suffered under this terrible regime.

MR STANHOPE (Leader of the Opposition) (12.14): I wish to join the debate briefly simply to reinforce those members of the Assembly who have expressed support for this motion. My colleagues, Mr Berry and Mr Corbell, have outlined the situation very well in relation to the importance of motions such as this for members of this community from Chile, those who have personal knowledge and bear grief in their hearts. They bear the continuing sadness of the loss that they have suffered, and I acknowledge that. I acknowledge the speech of my colleague Mr Berry. He put that so well.

I agree with Mr Osborne that it is a fact of Australian life that we do not have the capacity to truly understand the extent of the terror, the extent of the pain and the extent of the dispossession of people who have lived in a nation ruled by a brutal and murderous regime. It is an experience which we in this country have avoided.

I just had an interesting discussion with Mr Berry. Perhaps it is almost unique in the world that we in Australia achieved democracy without a revolution of any sort. We acknowledge in relation to nations such as Chile that they achieved democracy and lost it and had to fight to regain it. It is still, to some extent, fragile. In some nations around the world people committed to democracy are still forced to fight continually for it, and still pay an enormous human price in seeking those things that we here in Australia take for granted.

So it is important that we in Australia recognise what those who came here as refugees or otherwise have suffered, and this motion achieves that aim. But it is much broader than that, I think, and it goes to the responsibilities that we have generally as a nation and as a community to ensure that the lingering wrong that is endured by all those who have suffered under such a cruel and despotic regime is to some extent assuaged or reduced by our commitment to pursue those who are guilty of crimes against human beings. They are crimes broadly against humanity. People such as Pinochet and other despots who continue to walk the world stage should know that the countries of the world will simply not continue to accept that behaviour.

It is unacceptable, just at a basic human level, that despots such as Pinochet should have such absolute arrogance and effrontery. Somebody responsible for up to 30,000 deaths had the confidence to travel to London for medical treatment. He has done it before. This is not his first trip. It is unacceptable that people such as Pinochet walk the world's stage, travel freely, and go to London for the best medical treatment available, and the world stands aside and allows it to happen. Motions such as this are extremely important in focusing on the need for the world to address this situation. I accept the need to ensure that we take steps to signal that that sort of acceptance of brutality is simply unacceptable throughout the world. We do need to ensure that we use those legal means available to us. It continues to concern me that our structures are so antiquated, so legalistic and perhaps so ineffectual that people such as Pinochet appear to walk the world free and without a care, until, in Pinochet's case, his arrest in London at the behest of the Spanish authorities. I applaud Mr Berry for bringing this motion forward. I understand that he wishes to speak again, so I will end my comments.

MS TUCKER (12.19): I also rise to support the intent of this motion. I think it is very important that we, as a local assembly, speak about these matters and send messages to our Federal Government regarding them because we do have a role, if we choose, to take on many international issues. Of course, our role is also important because we have some 2,000 Chilean people now residing here in Canberra and, as we have already heard, some members obviously have a deep understanding of the devastation that Pinochet caused. Fathers, brothers and husbands never came home and the first alert to families was reports on the radio of the death of loved ones.

As members have said, it is difficult for people like us to understand what that would be like. Perhaps some of our Aboriginal indigenous people will have some understanding as Australians of what it is like to live in a regime which has no respect for your life or your family's life. Most of us would not have any understanding of that, but we have

around our region similar stories. We have the repression and suffering of Indonesian and East Timorese, and the genocide of the Cambodians under Pol Pot. Australia has been a refuge to many an exile and those seeking a new life, and our responsibility in this Assembly is twofold.

We must show our support to local residents by condemning the Pinochet regime and supporting, through the Federal Government, his trial for genocide, and we must be diligent in future assessment of and protest against human rights abuses across the world. I understand that the Australian, Latin American and Spanish communities have banded together in Canberra in solidarity to bring Pinochet to justice. I also understand that they are meeting on Friday, 6 November at the Spanish Club at 7.00 pm. I urge members and the community to support the local Chilean community and give them, and many other Canberrans who have come from similar repressive regimes, hope that we are behind them.

MR RUGENDYKE (12.22): I also rise to support this very important motion. It is important to speak out against the dreadful atrocities of all dictatorships, and in this case particularly those of the Pinochet regime. I offer my condolences to the Chilean community, many of whom have very vivid family experiences of atrocities inflicted upon the Chilean people. It is important, Mr Speaker, that General Augusto Pinochet is brought to justice to take responsibility for the treatment dealt out by his regime.

My own contact with the Chilean community is very brief. It has been through families such as the Amstein family, following the serious assault on their son, Eddie, and through the tragic passing of Gonzalo Jofre at the age of 16 through cancer. It is important that we support this motion and let the Chilean community know that Australians, particularly we in Canberra, support them and send out the strongest message possible that atrocities dealt out by regimes such as the Pinochet regime are totally unacceptable.

MR BERRY (12.24), in reply: I rise briefly to close the debate. The first thing I should mention, Mr Speaker, is that tomorrow, at 12.30, there will be a deputation to the Chilean Embassy by the community in the ACT to draw their attention to the feelings of the ACT community. That delegation will then go to the Spanish Embassy to draw their attention to the matter as well. There has already been a delegation to the British High Commission, which I attended. I think it is of significance that the community here is prepared to press on with their demands in relation to the Pinochet regime.

I think it has been said, and I am probably repeating it, that we take human and political rights for granted in this country, Mr Speaker, but let us not forget that the diminution of human and political rights in other countries, if allowed to continue without protest, one day will impact on us. While we have many human and political rights, it is important that we exercise them in a way that will help other people on this planet. We are all troubled, I am sure, by the horrifying news we receive - again, this has been mentioned in the Assembly - about events in other places where despots, as they have been described, are at work against the interests of democracy. This present case is an example which has been brought to our attention because of General Augusto Pinochet's arrogance and his trip to the UK, and the moves by Spanish people in defence of their nationals who were killed in the course of the Pinochet regime.

28 October 1998

I want to thank all of those members who have supported this motion. It may not seem much in the scheme of things for a small parliament representing 300,000 or so residents to pass a motion like this on such an important national issue, but it is a representation on behalf of the Chilean community and their supporters as part of our constituency and our obligations to them. We are also obliged, as I said earlier, I think, as internationalists, in that sense to take decisions which would be seen to be expanding human and political rights in other countries. The Chilean people remain troubled by politics in their own country, and it is right and proper for those of us in other democracies to protest the need for the further expansion of democracies in other places.

Finally, Mr Speaker, I draw your attention to paragraph (3) of my motion in which we call on all governments to actively pursue every legal opportunity to bring the perpetrators, including General Augusto Pinochet, to justice. Given the behaviour of the Pinochet regime, many of us might be tempted to support means to bring this person to justice that might not be described as legal. Nevertheless, we are obliged to extend to Augusto Pinochet something that he never extended to his own people, and that is a proper rule of law and proper human and political rights. I thank members for their support for this motion.

Question resolved in the affirmative.

Sitting suspended from 12.28 to 2.30 pm

QUESTIONS WITHOUT NOTICE

ACTEW - Sale

MR STANHOPE: Mr Speaker, my question is to the Acting Chief Minister. Yesterday in answer to a question from Mr Wood about the caretaker period applying to ACTEW, the Acting Chief Minister told the Assembly the term meant that ACTEW should consult with the Government before making major decisions, not that it should stop competing for new business. Is the Acting Chief Minister aware that the Chief Minister told the Estimates Committee on 21 July that the Government's intention in imposing the caretaker period was that ACTEW should not enter into new investments or long-term contracts? How does the Acting Chief Minister reconcile the two definitions of "caretaker mode"?

MR HUMPHRIES: Mr Speaker, my understanding of what the Chief Minister asked ACTEW to do was to consult with the ACT Government before major decisions were made. Until I have seen what the Chief Minister actually said to the Estimates Committee, I will reserve any comment on what Mr Stanhope has purported that the Chief Minister said to the Estimates Committee. My understanding is based on my discussions generally about this matter within the ranks of the Government and I related that to the Assembly in my answer to the question yesterday. If Mr Stanhope says that the Chief Minister has given a different answer - - -

Mr Stanhope: That is what *Hansard* records, Minister.

MR HUMPHRIES: I have not seen the *Hansard*. I will be happy to study the *Hansard* and convey my understanding of what has taken place. Mr Speaker, my understanding was as I conveyed to the Assembly yesterday.

MR STANHOPE: Mr Speaker, I have a supplementary question. Given that the Chief Minister also told the Estimates Committee on 21 July that the Government's intention was that the caretaker period should apply while the scoping study was examining ACTEW, does the Acting Chief Minister still think, as he said yesterday, that the period should be maintained until the Assembly has made a decision on the Government's proposal to sell ACTEW?

MR HUMPHRIES: Mr Speaker, it is not up to me to change arrangements that have been entered into already with ACTEW. They were put in place by the Chief Minister prior to her departure. They were, as I understand it, discussed and agreed with ACTEW. I attended a meeting of the ACTEW board - I think their AGM - in the last six weeks or so. My understanding about that arrangement was clear to the - - -

Mr Stanhope: What is the actual arrangement, though? That is what we want to know.

MR HUMPHRIES: As I have indicated to you already, Mr Stanhope, in the Assembly, in my answer yesterday.

Mr Stanhope: But your indication is not the same as the Chief Minister's - - -

MR SPEAKER: Maybe not, but never mind. Mr Humphries is answering the question as he wishes.

MR HUMPHRIES: That is Mr Stanhope's assertion. I am not sure that is the case at this stage, but I intend, as I say, to check what the Chief Minister said to the Estimates Committee to see whether there is any difference in view. You will forgive me for being slightly sceptical about what is related to me by the Opposition rather than what I actually see by looking at the *Hansard* for myself.

Privatisation

MS TUCKER: My question is directed to the Acting Chief Minister, Mr Humphries, and relates to the Government's privatisation plans. The Government has already proposed the sale of ACTTAB and is currently attempting to sell ACTEW. Both of these organisations are Territory-owned corporations. Another Territory-owned corporation is Totalcare, which provides a range of services to the ACT Government, which some could argue could equally be supplied by the private sector. I also note that Totalcare has been trading profitably for a number of years now. Can you advise the Assembly whether the Government has any plans to privatise Totalcare?

28 October 1998

MR HUMPHRIES: Mr Speaker, the Government has no plans to privatise Totalcare. If Ms Tucker wants to go through a list and ask whether I will rule out any future different consideration for Totalcare, the answer is no, I will not, but I will give the same answer for virtually every activity in the ACT that the Government conducts. I have to say to you very clearly that if you want to build an argument that we are planning to privatise everything in the ACT, it is a fairly poor way to build a case, if that is so.

MS TUCKER: I ask a supplementary question. I assume that the Government is concerned about maintaining the competitiveness of Totalcare. So has the Government undertaken, or does it intend to undertake, any studies into its future?

MR HUMPHRIES: I am not aware, Mr Speaker, of any studies into Totalcare. I am not aware that we are planning to undertake any studies, apart from the usual reviews and assessments of its ongoing performance which are provided for in a number of devices which are already familiar to members of this place.

ACTEW - Contracts

MR QUINLAN: My question, Mr Speaker, is to the Acting Chief Minister. In July this year the chief executive of ACTEW advised staff that ACTEW was to receive a letter from the Chief Minister asking it to go into "caretaker mode" pending the outcome of the scoping study. That memo, in referring to the Chief Minister's letter, included the words "It will specifically ask that we do not enter any enterprise agreement that extends beyond the end of this financial year". Can the Acting Chief Minister confirm that it is the case that some or all of the senior executives of ACTEW have entered into five-year contracts commencing in July this year, some of which were signed subsequent to July this year? As a shareholder of ACTEW, does he concede that this is extremely inconsistent treatment of staff, particularly given that the senior executives have previously received payment levels which include compensation for the fact that they no longer have certainty of tenure or lifetime tenure in their jobs?

MR HUMPHRIES: Mr Speaker, my understanding of the arrangement with ACTEW, as I have already explained to the house, is with respect to matters which constitute major new contracts. My understanding is that such contracts will be discussed with the Government before they are entered into, rather than being totally precluded. Mr Quinlan suggests that there are what he would presumably class as major new contracts entered into with senior staff. I have no knowledge of those contracts. I look forward to finding out whether there have been any such contracts entered into. Again, you will forgive me if I do not assume that what you have told me is necessarily true but rather wait until there has been an opportunity for me to find out what the story is. I am advised that we are seeking an answer from ACTEW and we hope to have an answer for you by the end of question time.

MR QUINLAN: I have a supplementary question. While you are doing that, will you also seek an answer on the secondary question, which is: Will the same facility be afforded other valuable employees of ACTEW, that they also may receive five-year contracts to operate from this year, despite the fact that it is in caretaker mode?

MR HUMPHRIES: It is a hypothetical question, Mr Speaker. Obviously, we want to retain the value of ACTEW's assets, including the assets which are represented by its people. If we believe that it is appropriate to do that, I believe that will be the step taken by ACTEW and the Government working together. I might say, Mr Speaker, that the proposal the Government has put on the table with respect to ACTEW, of course, retains the conditions of all the employees of ACTEW. As they are transferred under this proposal to employment in a newly privatised ACTEW, their conditions of service will be retained and indeed their employment will be retained for a period of at least 12 months. That, I think, is a reasonable guarantee, more than most members of our community enjoy in whatever area of service they happen to work.

Electricity Supply - Victoria

MR HIRD: My question is to the Acting Chief Minister. Yesterday Mr Corbell quoted in this place and in a letter to the editor of the *Canberra Times* figures relating to the reliability of electricity supply in the State of Victoria. He claimed that the reliability of supply had deteriorated under privatisation. In the interests of an open and honest debate, which Mr Corbell has repeatedly called for, can the Acting Chief Minister please inform the parliament whether the information provided by Mr Corbell was correct? Did it provide an accurate representation of the facts?

Opposition Members: Ha, ha!

MR SPEAKER: Order!

MR HUMPHRIES: Mr Speaker, I am glad members opposite think this is amusing. It certainly has not been a matter for levity in the past when such misleading statements have been made. Mr Speaker, there are lies, damned lies and statistics and, I might add, Mr Corbell's statistics in this particular case. Yesterday in this Assembly Mr Corbell quoted from a letter to the editor of the *Canberra Times* containing figures from an unnamed source. Using these selective and deceptive figures, Mr Corbell tried to argue that the privatisation of the Victorian electricity industry had caused more power outages.

Mr Corbell: Is the office of the Regulator-General a deceptive source?

MR HUMPHRIES: He did not quote that in the letter or in his statements in the newspaper, Mr Corbell. He wrote, in this article to the *Canberra Times*:

... the average time off supply (power failures or outages) per customer in Victoria increased from 207 minutes in 1995 to 218 in 1996.

Mr Speaker, he repeated those comments yesterday on the floor of the Assembly. I have a draft *Hansard* in which he is quoted as saying:

28 October 1998

The Office of the Regulator-General, which is the regulatory body in Victoria, has outlined the fact that the average time off supply, that is power failures or outages, per customer, per year in Victoria has increased from 207 minutes in 1995 to 218 minutes.

He prefaced that by saying that Victoria has a privatised electricity retail and distribution and indeed generation network. He has linked that to the increases in outages and other so-called problems arising from privatisation in that State.

Mr Speaker, the figures as quoted by Mr Corbell create a highly distorted picture of the situation with power outages in Victoria - so distorted as to constitute a grave deception of the Assembly and the people of the ACT. Mr Speaker, I quote from a table - - -

Mr Berry: Mr Speaker, I rise on a point of order. I think "grave deception" would have the same connotation as "misleading of this Assembly" and it ought to be withdrawn.

MR SPEAKER: I am not sure just what the "grave deception" claimed by Mr Humphries is; he has not had a chance to put it.

Mr Corbell: He has made a substantive allegation, Mr Speaker.

MR HUMPHRIES: Mr Speaker, I would be happy to clarify my remarks, if that is of any help to the Assembly.

MR SPEAKER: Yes, certainly.

MR HUMPHRIES: I will clarify my remarks very clearly, Mr Speaker.

Mr Berry: No, I do not want you to clarify them. The imputation was clear, that Mr Corbell misled the Assembly, and the Minister should withdraw that. He knows the rules. If you want to move a motion about the matter, you move a motion.

MR HUMPHRIES: Mr Speaker, if that is the case - if members do not want me to outline my justification for this - that is fine.

MR SPEAKER: Order! The choice is that either Mr Humphries - - -

Mr Berry: Withdraws it or moves a motion.

MR SPEAKER: Or moves a motion.

MR HUMPHRIES: Mr Speaker, I am not going to withdraw. And that being the case, I seek leave - - -

Mr Berry: Mr Speaker, I ask you to order him to withdraw.

MR SPEAKER: Just a moment. The option is up to Mr Humphries. Mr Berry, you yourself have said that Mr Humphries either withdraws or moves a motion. Mr Humphries has indicated that he will not withdraw it, so he is about to move a motion, I presume. I do not know.

Mr Corbell: On the point of order, Mr Speaker: Standing orders dictate quite clearly that if there is a suggestion that a member has misled the house, it must be made by way of substantive motion, not in an answer to a question.

MR HUMPHRIES: I am happy to move a substantive motion, Mr Speaker.

Mr Corbell: There is no motion before the Assembly, and he has to withdraw that comment. He can only make that comment in a debate on the substantive motion.

MR SPEAKER: I ask Mr Humphries to withdraw the comment. It is now up to Mr Humphries.

MR HUMPHRIES: Mr Speaker, I intend to support the comment by seeking leave now to move a motion of censure against Mr Corbell. Mr Speaker, on the point of order - if I might address that issue before Mr Berry rises again - I am entitled to sustain the comment if I immediately move a motion to support it.

Mr Stanhope: No, you are not.

MR SPEAKER: Order!

MR HUMPHRIES: I am alleging that Mr Corbell has misled the Assembly, and I intend to support it by moving a motion to that effect. I am seeking leave now to move a motion of censure of Mr Corbell.

MR SPEAKER: Order! Just a moment. Mr Humphries, you are going to claim that Mr Corbell has misled the Assembly. You are now going to substantiate it by moving a motion; is that correct?

MR HUMPHRIES: Absolutely, Mr Speaker.

Mr Berry: He will not be getting leave until after question time. Mr Speaker, I ask you to order him to withdraw the comment. If he wants to move the censure motion after question time, we will see what the Assembly decides. The substantive issue here is that in the course of answering a question from one of his colleagues he made an allegation - not in terms of a substantive motion - an imputation that Mr Corbell had misled the Assembly. He should withdraw it. If he wants to proceed with this censure motion at some time later, the Assembly can then contemplate whether it wishes to proceed with it.

MR HUMPHRIES: Mr Speaker, on the point of order - - -

Mr Berry: Well, I think you have had enough goes.

MR SPEAKER: Order! I will make that decision.

28 October 1998

MR HUMPHRIES: Thank you for your ruling, Mr Berry! Mr Speaker, the position is quite clear. If I withdraw the allegation, I can move a motion of censure at the end of question time. That is my prerogative. If I do not wish to do so, however, I am entitled at this stage to move a motion of censure of Mr Corbell. Indeed there are precedents in this place for motions of that kind interrupting question time. There are several precedents and I think Mr Berry himself was responsible for some of those motions.

MR SPEAKER: I have taken advice from the Clerk. Mr Humphries, the advice is that because the allegation can be made only by way of a substantive motion, it requires, first of all, a withdrawal. But you could then seek leave of the Assembly to move a substantive motion.

MR HUMPHRIES: Mr Speaker, I withdraw the allegation.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (2.48): I now seek leave to move a motion of censure of Mr Corbell.

Leave not granted.

MR HUMPHRIES: Mr Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent - - -

Mr Berry: Do it after question time.

MR HUMPHRIES: No, I am entitled to sustain the allegation. I do not wish to put this off. I am entitled to do this and it has been done before.

Mr Berry: Move it and we will debate it. I cannot wait to talk about this.

MR SPEAKER: You will get your chance in a moment, Mr Berry - perhaps.

MR HUMPHRIES: Mr Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Humphries from moving a motion of censure against Mr Corbell.

Mr Speaker, I have very serious concerns about the credibility of what Mr Corbell told the Assembly yesterday. Can I put the allegation in the context of this debate, Mr Speaker? I think I can. It was clearly designed, I believe, to mislead the Assembly. The effect of it almost certainly was to mislead the Assembly. I believe the matter should be dealt with now. I have no intention of leaving the issue hanging. I believe it should be dealt with right now.

Mr Speaker, there are precedents for such motions coming on immediately and being dealt with in the course of question time. Mr Berry well knows that because he himself was one of the people that I believe has moved such motions in the past. There is a precedent for doing this. It is a serious matter. It touches on the question of the future debate about ACTEW and how truthfully it is conducted in this place and outside it. It is important that we be able to deal with these issues immediately. Mr Speaker, I press the case for this to be dealt with right now.

MR BERRY (2.50): The Opposition will be quite happy to proceed with a censure motion on this matter but we think it is most appropriate that members in this place have a chance to ask the questions that they are prepared to ask in question time. On occasions people have not been notified about censure motions, but I do not recall a censure motion interrupting question time. Perhaps I can be corrected on that, but I do not recall one interrupting question time. In any event, on the face of it, the censure motion is so weak that it ought not be allowed to interrupt question time. If you want to seek leave immediately at the conclusion of question time to deal with this, we will be quite happy to proceed.

MR KAINE (2.51): Mr Speaker, I do not support the motion to grant leave to the Minister to do this at this time. Question time is established each day for the purpose of holding Ministers accountable for their portfolios. This is a very nice ploy to avoid further questions. I am quite happy for the Minister to raise such a motion at the conclusion of question time, but I remind members that our standing orders require that question time is not completed until all non-Executive members of this place have asked a question. That is not the case at the moment. I think the Minister is asking a bit much to set aside question time so that he can deal with some petty matter which I think is quite irrelevant to the proceedings of the house.

MR MOORE (Minister for Health and Community Care) (2.52): In terms of the suspension of standing orders, this is not a petty matter. When a member has misled the Assembly, it has always been taken as an incredibly serious matter. The accusation is that a member has misled the Assembly. Question time, Mr Kaine, would not be put aside - interrupted yes, but not put aside. I do not see any reason why, following this motion, we do not come right back to question time and continue the questions, as Mr Kaine pointed out, until every member rising has asked their question. The suspension of standing orders, as Mr Humphries put it, is entirely appropriate. The precedent has been set. It has always been the case in this Assembly where there has been an accusation of such a serious nature that it has been debated immediately - that is to the best of my recollection - and I think that we ought to deal with this now. Personally, I would much prefer to see Mr Corbell stand up in this Assembly, having looked at the figures, and say, "I apologise". If he were prepared to do that, I certainly would accept that, as indeed has happened previously. Under such circumstances, once the motion is put - - -

Mr Berry: You could have moved this at 10.30 this morning. You just want to do it in question time.

MR MOORE: Mr Speaker, it seems to me that it is entirely appropriate and within the normal precedents of this Assembly that we deal with this matter now. Of course, this would not do away with question time. Questions would continue after the matter has been dealt with.

MR OSBORNE (2.54): Mr Speaker, I find it very hard to be involved in a censure motion given that I have not seen yesterday's *Hansard*. I believe people are chasing it. My understanding is that this censure motion relates to something Mr Corbell said yesterday. I think it would be very hard for us - - -

Mr Kaine: But you will take the Minister at his word, won't you?

MR OSBORNE: I would like to. It would be very hard for us on the crossbench to support a censure motion when we have not read what has been said. I believe the *Hansard* is being chased up. Given that we have not seen what was said, I think that we should get on with question time and address this later. I have not seen the *Hansard*, Mr Speaker. My understanding is that the allegations are about what was said yesterday, so perhaps we should get on with question time and deal with it very shortly.

MR STANHOPE (Leader of the Opposition) (2.55): This is an absolutely desperate stunt by a government that knows it has no credibility within the community in terms of its flawed proposal to sell ACTEW. It knows the people of Canberra do not want the sale of ACTEW. It is desperately seeking diversions. It is running a scare campaign associated with the superannuation liability, and it is now seeking to create whatever smoke and confusion it can around the issue through this sort of diversionary stunt. It is an appalling stunt by the Government and it has pulled it in the middle of question time. Mr Humphries could have moved this motion at 10.30 this morning had he thought it had any substance or merit. He hung around all day and waited for his standing Dorothy Dixier before moving it. It is an appalling stunt which brings enormous discredit on the Government and on Mr Moore.

MS TUCKER (2.56): I will speak briefly. I think it would be reasonable to finish question time. I understand the precedent that we do try to address these kinds of accusations as soon as possible. I have not seen *Hansard* either. This is not a petty matter, as members of the Government have said. I think it would be reasonable to wait until after question time. Hopefully we will have had a chance to look at *Hansard* by then, to consider the matter and to give it the weight that it deserves.

MR SMYTH (Minister for Urban Services) (2.57): Mr Humphries, in response to a question, was to make the point that he thought the Assembly had received information that was not perhaps as correct as it could have been. I heard Mr Humphries say that he was going to offer Mr Corbell the opportunity to either confirm or retract it, if he had only part of the information or had misunderstood the information. Mr Berry leapt to his feet and said, "You cannot say that; you must withdraw it or you must move the motion".

Mr Humphries sought to clarify what he was to say. He sought to offer the opportunity that there would be clarification. Mr Berry insisted that it could be done only by way of a motion. They challenged Mr Humphries to put the motion - to withdraw and put the motion. Mr Humphries put the motion and now you are saying that he cannot do it. You cannot have it both ways. I think Ms Tucker is right in saying that when an allegation is made and it is serious the matter should be dealt with immediately. I think that *House of Representatives Practice* will confirm that such matters should be dealt with. That is also the practice in the House of Representatives.

MR HARGREAVES (2.58): All too often this place is regarded as a mickey mouse parliament by people criticising it because it is not serious enough, partly because some of the questions in this place asked by the honourable members sitting up the back here are absolute rot, and people know it. I would like us to start treating question time a little more seriously. If people want to know what goes on in this town they can tune into question time and find out. This grandstanding in the middle of question time does little for its reputation. We ought to start thinking a little more seriously about it. It is going to take an extra half an hour. In conclusion, Mr Speaker, I wonder whether this is a ploy on the part of Mr Humphries because Mr Hird has not got his copy of the supplementary question yet.

Question resolved in the negative.

QUESTIONS WITHOUT NOTICE **Electricity Supply - Victoria**

MR HUMPHRIES: Mr Speaker, in the circumstances I have concluded my answer to that question.

Liquor Licensing Laws

MR OSBORNE: My question is directed to Mr Humphries. I have forewarned him of this question and I believe he has taken some action, but I will still ask it. Minister, I was informed this morning that the student bar located on the University of Canberra campus does not operate under ACT liquor licensing laws. Given that we now have control of the university, can you inform the Assembly what liquor law the bar is subject to and on what legal basis it is promoting a change to being open for 24-hour trading from tomorrow?

MR HUMPHRIES: I thank Mr Osborne for the advance notice of this question. Mr Speaker, I was rather disturbed to hear that the bar at the University of Canberra does intend to start trading on a 24-hour basis. Members will recall the fairly long and tortuous process whereby it was agreed that there should be a 5.00 am closing time for licensed establishments covered by the Liquor Act in the ACT. That regime applies, of course, across the Territory except, as I understand it, for some establishments which trade under Commonwealth law. I am not sure at this stage exactly what Commonwealth law or regulation governs them, but I understand it applies to establishments such as the bars at Parliament House and drinking places in military and defence force establishments.

Mr Speaker, it is of concern when the University of Canberra, which is now under the jurisdiction of the ACT, also escapes the operation of our Liquor Act, particularly when, according to the advertising, the university bar intends to begin trading on a 24-hour basis. That would be, I think, an extremely unfortunate development.

I have already written to Professor Don Aitkin, the vice-chancellor of the university, drawing this issue to his attention and asking him to prevent the university bar from adopting this trading policy. I have made it clear in the letter to him that it is the Government's policy that the university should be subject to the Liquor Act. The exemption in the Act is to be removed. The intention of the Government was to remove the exemption in legislation which will probably come to the Assembly early next year. If the university does press ahead with plans to trade on a 24-hour basis, I have indicated in this letter, and I indicate to the Assembly now, the Government will move swiftly to bring that exemption for the university to an end quickly. I am sure that the university would not wish that to happen and it would be better if the university operated fully and cooperatively under the terms of the Liquor Act even before it is, strictly speaking, required to do so.

Superannuation Liability

MR WOOD: My question is to the Acting Chief Minister. Minister, your Government claims to make an effort to bring fees and charges into line with those of other States and Territories. We have also seen the use of benchmarks developed for the funding of departments and so on. With this in mind, can you say, firstly, how does our superannuation liability compare with that of other States and Territories and, secondly, is it true that the ACT liability represents only 6.2 per cent of our State final demand, which is the third lowest proportion of all jurisdictions in the country?

MR HUMPHRIES: Mr Speaker, it is true that there is at present a lower level of liability on the part of the ACT for superannuation, which seems to be the assertion of the Labor Party, but to focus on that fact alone is a highly selective use of statistics, and it is entirely at odds with the reality that the superannuation problem faced by the ACT is extremely serious and growing larger. Mr Speaker, at the moment our level of liability is relatively manageable, but bear in mind it was only about nine years ago that the Territory had no liability. Its liability has accrued at a quite large rate in the intervening period. To be frank, successive governments have not made sufficient provision for that liability. Indeed, I understand that the largest provision made for superannuation since self-government was \$70m put aside by Mr Kaine when he was Chief Minister and Treasurer. The governments generally have not supplied sufficient funds for that purpose.

Mr Speaker, the issue is not the liability which has accrued so far; it is the liability which is emerging which is coming through to the ACT, and which is likely to be of enormous proportions in the future. As I said yesterday in this place, it will amount to \$2.9 billion over the next 40 years. There is no way you can dress up that figure, massage it,

streamline it or put a coloured background behind it to avoid the reality that that is a huge debt which we pass on to our children if we do not take action now. Mr Speaker, let us not focus on what the situation is right now but what the situation is going to be in the very near future, a situation we cannot afford to ignore.

MR WOOD: I have a supplementary question, Mr Speaker. Is the Minister trying to say that other States and Territories do not have a developing and growing problem? For his benefit, let me point out some comparisons. In the Northern Territory, the liability represents 6.1 per cent of State final demand compared with our 6.2 per cent. Queensland, of course, has the best rate. It ranges up to 13.7 per cent for Tasmania; 11 per cent for Western Australia; 13.6 per cent for Victoria; and down to 8.9 per cent - almost 9 per cent - for the Commonwealth. Are these not significant figures, acknowledging, Minister, that we do need to attend to the problem?

MR HUMPHRIES: Yes, they are significant figures, but they are not nearly as significant as the figures that are emerging, Mr Wood. You quote me what the projections are in each of those jurisdictions and you say we should address them. Might I ask you a question: How would you address them?

Mr Wood: Well, you are sacking public servants.

MR HUMPHRIES: Sorry, are you not the Minister in the Government in 1991 that put aside \$17m for redundancies from the Public Service? Is that a different Bill Wood? I repeat: There was \$17m for redundancies from the Public Service. Do not talk to us about reducing numbers in the Public Service.

Mr Hargreaves: There was a war on then.

MR HUMPHRIES: There was a war on, was there?

Mr Hargreaves: Yes, the First World War - that far ago. Let us go back to history.

MR HUMPHRIES: Right. Thank you for that stunning intervention, Mr Hargreaves. I think he has a few war wounds that he is walking around with - a bit of shell shock. Mr Speaker, the reality is that you can, if you like, go and tell people that our situation is not that serious because the rate stands at only 6.2 per cent at the present time. If you say that to people, you are grossly deceiving them because the reality of our situation is far more serious than that. It disturbs me greatly that members of the Labor Party in this place run around painting the picture that superannuation is not a particularly serious issue facing the Territory at this time. It is a massively serious issue and if it is - - -

Mr Corbell: Nonsense, we never said that at all. That is misrepresentation.

MR HUMPHRIES: If, as you now interject, you see it as a serious issue, I would invite you to start to show us how you are going to face up to it because I have not seen any evidence of that yet.

Miles Franklin Primary School

MR RUGENDYKE: My question is to Mr Stefaniak, the Education Minister. Minister, in the Assembly on Thursday, 3 September I raised a question about the lack of maintenance for the school oval at Miles Franklin Primary School in Evatt. In your reply you indicated that an announcement would be made on the issue within a few weeks. That was almost a couple of months ago. Bearing in mind that it is presently Physical Education Week in the ACT and that Miles Franklin is still without an oval, can you tell me when you will be making an announcement on the future of the primary school oval, and will that announcement reinstate the maintenance of the school oval?

MR STEFANIAK: Yes, it is Physical Education Week and quite a bit is happening this week. I commend Lake Ginninderra College - seeing that we are talking about schools in our electorate, Mr Rugendyke - for an excellent launch. In terms of an announcement in relation to that and several other matters, I would be hoping to make one in the next couple of days, Mr Rugendyke. I note the week. Certainly I had discussions yesterday with the department as to where it is at and I would hope to be in a position to make an announcement this week.

ACTEW - Loss of Customers

MR CORBELL: My question is to the Acting Chief Minister. In a media release issued by the Chief Minister dated 14 October relating to ACTEW and the apparent effect competition is having on its business, the Chief Minister stated that ACTEW had lost 175 major contracts and picked up only a measly nine to put on the other side of the ledger. My question to the Acting Chief Minister is: Using the same process that the Chief Minister has used to arrive at the figure of 175 - that is, not contracts but multiple sites under a single contract - what does this nine actually turn out to be?

MR HUMPHRIES: I answered part of this question yesterday when I said that it was 175 - - -

Mr Stanhope: The misleading bit?

MR SPEAKER: Order! A question answered cannot be answered again.

MR HUMPHRIES: Mr Speaker, I answered the question yesterday by saying that 175 sites had been lost to ACTEW as customers. I do not know what the nine sites that would be picked up by ACTEW are, or customers - whatever it might be. I will find out from my department or from the Chief Minister's Department and I will provide that answer to Mr Corbell later.

Mr Stanhope: Are you blushing, Mr Moore, or is that reflection off your vest?

MR CORBELL: I think the Acting Chief Minister is blushing too. On a supplementary, Mr Speaker: I thank the Acting Chief Minister for undertaking to find that information. I would be very grateful if he could confirm that, of the nine contracts signed, it was 60 sites, and that the Chief Minister has fiddled with the figures to justify her argument.

MR HUMPHRIES: Not in the Assembly, Mr Speaker, she has not.

Calvary Hospital

MR HARGREAVES: My question is addressed to the Minister for Health and Community Care. I had intended to ask a question on behalf of Mr Hird, as a supplementary. As he does not need one, I will ask this question of the Minister for Health and Community Care: Can the Minister confirm whether public beds have been closed at Calvary Hospital this year?

MR MOORE: I cannot confirm whether public beds have been closed at Calvary Hospital this year. In fact, one of the reasons I cannot confirm it is that I do not think it is of major import. The most important thing that we should look at in terms of Calvary Public Hospital is throughput and making sure - - -

Mr Berry: Not important? The most important things I would like you to look at, you mean?

MR MOORE: Mr Berry interjects. Of course, he would like to take us back to the way he managed the health system. I am not going to do it that way. I am going to ensure that I do it in what I think is the most effective possible way for the people of Canberra. The most critical issue with our public hospital is throughput. As you would be aware, Mr Hargreaves, through you, Mr Speaker, this year we have had quite a number of problems due to disputes with visiting medical officers at the Calvary Public Hospital, as well as the Canberra Hospital, and that has created problems. The Government is still very keen to ensure that we have appropriate throughput in our public hospitals and that our waiting times are reduced to the lowest number possible.

The issue of bed numbers themselves is really a management issue. Yes, it gives us a broad indicator, but at best it is a broad indicator of where things are. If we are to have the most effective hospitals, there will be times when it is appropriate to close down beds when we can increase throughput. One of the most efficient ways of doing that is to ensure that we reduce the amount of time that people stay in hospital. Certainly, comparing both our public hospitals with other hospitals in Australia, under normal benchmarking, people stay in our hospitals much longer.

Mr Speaker, the Calvary Hospital delivers a fantastic service for the people of Canberra, particularly the people of North Canberra, Belconnen and Gungahlin.

Mr Hargreaves: How do you know?

MR MOORE: How do I know? The reason I know is that I go out there and visit very regularly. In fact, the most recent time was at about 11 o'clock last Friday night and earlier that week. I talk to the hospital management at Calvary very regularly. The issue of bed numbers is not a critical issue; it is a management issue. The critical issue is whether we are delivering services effectively. Of course, it is a broad indicator - - -

Mr Berry: It is critical if you have not got any.

MR MOORE: Mr Berry's broad response is that it is critical if you have not got any. Yes, that is the case, Mr Berry. Most of us would accept that if you do not have any beds that would be a broad indicator of a not very good hospital. I would have thought that Mr Berry, having been a Minister for Health for quite some time, would understand that the issues are somewhat more complex than that.

MR HARGREAVES: Mr Speaker, I ask a supplementary question. In the interests of sharing around those broad indicators - contrary to the Minister, we are interested in knowing about these very broad indicators - can the Minister find out how many public beds have been closed at Calvary Hospital? Has the number of private beds in Calvary Hospital increased? If so, how many of them are there? I also ask whether that decrease in the number of public hospital beds and the increase in the private hospital beds match each other and, if so, why? Will he table that result?

MR MOORE: Certainly. Mr Speaker, I will be happy to take that on notice and table the result.

Periodic Detention Centre

MR BERRY: My question is to the Minister for Justice and Community Safety. Through you, Mr Speaker: Minister, the *Canberra Times* of 2 September reported that, when asked about suggestions of a conflict of interest among Corrective Services staff investigating allegations of misconduct at the Periodic Detention Centre, the Minister said that two officers had disqualified themselves from any part in the investigation. Can the Minister tell the Assembly whether investigations into the matter by the police and the Auditor-General have been completed and, if so, what those investigations determined?

MR HUMPHRIES: Mr Speaker, I can give the Assembly some information, and I thank Mr Berry for the question. At lunchtime today I received a report from the Federal Police on their investigation into allegations about improper conduct within the Periodic Detention Centre at Symonston and the allegations into claims by a former officer of ACT Corrective Services about matters concerning, or alleging, a criminal conspiracy to cover up the other allegations into certain matters at the PDC.

Mr Speaker, the allegations were investigated by the Federal Police. There are also allegations being investigated under the Public Interest Disclosure Act by the ACT Auditor-General, at my request. Those investigations, Mr Speaker, are not yet complete. I am awaiting advice on those. However, I can advise the Assembly in respect of advice from the Australian Federal Police that, to refresh the Assembly's memory, allegations were made by a former detainee that he was supplied with alcohol and favours in return for a loan, employment or other favours.

The AFP have advised that there is insufficient evidence to substantiate a criminal prosecution in relation to these allegations and that the investigation has been concluded. The investigation has identified some administrative and accountability shortfalls in the centre which will be communicated to the chief executive officer of my department by the Australian Federal Police in the near future for remedial action.

Mr Speaker, there were other allegations made by a former staff member of ACT Corrective Services about involvement of senior ACT Corrective Services officials and others in some criminal conspiracy to cover up these other matters. I should emphasise these allegations are also being examined by the Auditor-General, so a final answer is not available on all aspects of that but, as far as the police investigation is concerned, they have advised me in a verbal briefing and now in a written briefing that there was absolutely no evidence to support any criminal conspiracy whatsoever and they have dismissed all of these allegations.

I might also add that the officers investigating the matter were highly critical of the credibility of the person making the allegations and suggested that there was ample evidence not to conduct further investigations into those matters. I am seeking legal advice on whether the report itself, which I received from the AFP, can be released. There is an issue about that, but I am prepared to make it available on a private basis to members of the Opposition - Mr Berry or Mr Stanhope - until I have been able to clear whether the report as a whole can be tabled.

MR BERRY: I have a supplementary question. Will the Minister confirm in this place that officers identified as having a possible conflict of interest in the issue did not take part in any of the investigations?

MR HUMPHRIES: The matters which I advised the Assembly of before in terms of the involvement of those officers concerned, as far as I am aware, have not changed since I gave that original advice. I have not checked that, but my advice to this place was that - - -

Mr Berry: Did you check it? Check it.

MR HUMPHRIES: I will check it, Mr Berry, but my advice was that they were not involved. I have no reason to believe that they would subsequently become involved after I told the house that they would not be. I might just sound a note of warning. If members of the Opposition are relying on a source, which is the same source as they identified in this report, I would suggest they should heed what it was that the police said about that particular source. They should be aware of the highly critical nature of the police's view of that particular source, if it is indeed the same source.

28 October 1998

I should clarify that the written brief I have received deals only with the allegations about the detainee and what occurred with respect to the supposed supply of alcohol and so on in relation to that incident, or incidents, at the PDC. It does not deal with the allegations in respect of the matters raised by the other person I referred to.

Mr Speaker, I request that any further questions be placed on the notice paper.

Mr Stanhope: I have a question for the Speaker. I would like some guidance on how to ask a question of the Speaker.

Mr Humphries: Question time is over, I am afraid.

Mr Stanhope: I will seek leave.

MR SPEAKER: You can do that.

ACTEW - Contracts

MR HUMPHRIES: Mr Speaker, I advise the Assembly that today I said I would try to get ACTEW to supply further information about SES contracts. I am advised that the information is not yet available, but I will attempt to obtain that information later today.

Visiting Medical Officers - Cancellation of Surgery

MR MOORE: Mr Speaker, on 24 September I had a question from Mr Corbell and another question from Mr Quinlan which I took on notice. I have provided the answer to both members in writing. The first one, from Mr Corbell, asked: How does the hospital inform VMOs of cancellation of surgery? How much notice of cancellation needs to be given to avoid payment? How much was paid up to 30 June for scheduled cancelled surgery?

My answer is as follows: The Canberra Hospital always contacts the individual VMOs directly to inform them if their list is cancelled for any reason. The most common single cause for a cancelled theatre list is the non-availability of an ICU bed. Thus, most cancellations occur within 24 hours of the scheduled list. In the contracts prior to 31 May 1998, the Canberra Hospital had to give more than 28 days' notice of cancellation in order to avoid payment. In the current contracts the Canberra Hospital is required to give 14 days' notice in order to avoid payment due to cancellation. Once again the most common cause of cancellation currently is the non-availability of an ICU bed.

However, in the current contract the VMOs are required to book their elective patients into the intensive care unit one week in advance in order to assist with planning for their patients' admission. Until 30 June 1998 the VMOs were paid \$13,792.75 in cancellation fees, of which \$12,798.50 was due to non-availability of intensive care unit beds.

Canberra Hospital - Intensive Care Unit

MR MOORE: On the same day Mr Quinlan asked, with regard to the exchange of services between the National Capital Private Hospital and the Canberra Hospital, in particular intensive care: Will the Minister advise the costing for each patient transferred and the estimated annual cost to the community? Will the Minister table the costings for the arrangements made for transfers between the Canberra Hospital and the National Capital Private Hospital for intensive care?

Mr Speaker, the arrangement between the National Capital Private Hospital and the Canberra Hospital is a temporary arrangement, until we have completed the review of intensive care. The intensive care unit is the only area where there is an agreement covering the transfer of inpatients from the Canberra Hospital to the National Capital Private Hospital. The fixed cost of an intensive care unit patient treated at the National Capital Private Hospital is based on \$1,850 a day for a category A patient, that is, a patient who requires nursing care on a one-to-one basis; and \$1,350 a day for a category B patient, that is, a patient who requires nursing care on a one-to-two or one-to-three basis - plus pharmacy, physiotherapy and other charges.

The costings for three patients admitted to the National Capital Private Hospital on 9 September, 12 September and 4 October were \$3,700, \$1,861.80, and \$1,999.50 respectively. It is not possible to estimate the annual cost of transfers to the National Capital Private Hospital intensive care unit in advance. Mr Speaker, when I asked last week there had been no further transfers since that time. That is part of the difficulty of trying to make an annual estimate, and the fact that this is a temporary arrangement.

The arrangement with the National Capital Private Hospital is temporary, pending an external review of the Canberra Hospital critical care beds, incorporating the intensive care unit, which is expected to be completed by December 1998 and which will advise on the number, distribution and location of critical care beds for the Canberra Hospital and the surrounding region. The arrangement is targeted to minimise cancellation of surgery, especially for category 1 patients and when additional ICU staff resources are not accessible by the hospital. Approximately 50 per cent of patients in ICU are from New South Wales and, therefore, will attract revenue from cross-border arrangements between the ACT and New South Wales.

Calvary Hospital

MR MOORE: Mr Speaker, I would also add something to a question Mr Hargreaves asked at question time. My advice - when my staff member contacted Mr Paul Dyer at the Calvary Hospital - is that since Christmas there have not been any changes of the sort that he was talking about. However, I have asked for further information and to verify that in writing in case there was some misunderstanding in the communication. Can I just say to members that if they have a detailed question - I may well have had that one in my folder - and give 10 or 15 minutes' notice before asking it in the Assembly, I would often be able to give them the details.

MR SPEAKER: Thank you, Mr Moore. I would like to endorse your remark. It is impossible to answer a detailed question without notice. You may, of course, be prepared to take it on notice. That is perfectly in order. I am just reminding members.

Assembly Chamber - Acoustics

MR SPEAKER: Mr Stanhope, I recognise you. You do not need leave to ask me a question.

MR STANHOPE: Thank you very much. Mr Speaker, this may be a personal physical failing of mine, but on lots of occasions within the chamber here I do struggle to hear the crossbench. As we all know, the crossbench members tend to make a far more valuable contribution to debate in this place than perhaps the other side does, and I am sorry that at times I cannot hear them. I have raised this before. I do not know whether this is a personal failing of mine, Mr Speaker, or whether there is a deficiency in the acoustics or the microphones in this area, but I ask you, having regard to your responsibility for the Assembly, whether there has been a detailed investigation of the acoustics in the chamber, whether perhaps further investigation is warranted, or whether there is something we can do. I often struggle to hear members of the crossbench.

MR SPEAKER: Mr Stanhope, I cannot really answer your question. I cannot hear them either. Therefore, I will be very happy to have the matter investigated and see whether we can do something about it. Seriously, I have noticed that there has been a bit of a problem at this end of the chamber, and we would hate to miss their contributions.

PERSONAL EXPLANATION

MR WOOD: Mr Speaker, I claim to have been misrepresented. In question time I interjected on Mr Humphries about the Government sacking public servants. He responded by saying that in 1991, or whatever year, \$17m was provided for redundancies. Indeed, there were redundancies for teachers who wanted early retirement, and each teacher who retired was replaced by another teacher, albeit at a lower level of salary. So there was no loss of teachers and there were no sackings.

MR CORBELL
Motion of Censure

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (3.31): Mr Speaker, I seek leave to move a motion of censure.

Leave granted.

MR HUMPHRIES: I thank members. Mr Speaker, I have circulated the motion in the chamber. I move:

That this Assembly censures Mr Corbell for comments made during the Matter of Public Importance debate on 27 October 1998 which misled members of the Assembly about figures associated with power outage in Victoria, as a result of privatisation.

Mr Speaker, first of all, I apologise to members of the Assembly for them not having *Hansard* available. The *Hansard* came to my office during lunchtime and I had assumed that it was available to all members, but apparently that is not the case. I hope that they now have it. I have copies of the relevant page of *Hansard*, which is page 77, here for members to look at. I might distribute them in case members have not got their copy of *Hansard* yet. I am not sure whether it is available as yet.

MR SPEAKER: Inquiries have revealed that *Hansard* was distributed to all members at 1.30 pm.

MR HUMPHRIES: I see. Thank you, Mr Speaker. Members, I hope, have now had a chance to have a look at the *Hansard*, which presumably they have. Mr Speaker, this place has witnessed a large number of censure motions in recent days. I have asserted many times in this place that the use of a censure motion should be reserved for only the most serious occasions. We should use it sparingly to preserve its value. Today is one such occasion and I ask members to take seriously the matter which I put before them.

Mr Speaker, this place has moved on several occasions in recent months to censure a member because he or she has misled the chamber and because the use of words was not sufficiently precise to convey the correct meaning to the Assembly. It has also been alleged on those occasions that the Assembly has been misled by words.

Mr Berry: Blocks and leases.

MR HUMPHRIES: That is a good illustration, Mr Speaker - the confusion between blocks and leases. The fact is that the Assembly has taken a high standard in these matters. It has put a high bar and has accepted anything below that bar as being a matter worthy of censure. Members in this place, and in this Government, in fact, faced censure in the last few months, even when - - -

28 October 1998

Mr Wood: Always political, Gary. Why don't you acknowledge it? It is always political, and who has the numbers? It is as simple as that.

MR SPEAKER: Order, please! This is a serious motion.

Mr Wood: No, he is not making it serious.

MR SPEAKER: Mr Wood, if you do not believe it is serious, I suggest that you leave.

MR HUMPHRIES: Mr Speaker, it is a serious matter and in the past at least three Ministers in this Government have been in the position of apologising to the chamber for their failure to properly inform the Assembly because they had, on their own admission, misled the Assembly. Mr Speaker, I argue today that Mr Corbell has quite egregiously misled the Assembly and if he will not withdraw and apologise for his comments he should be censured for that.

So that members do not have to rely on information which might not be at their fingertips, I want to circulate some information to members of this place concerning the matter about which I am now speaking. I will table that information and I ask that it be circulated in the chamber.

Mr Speaker, yesterday Mr Corbell, in the matter of public importance, made a number of points about privatisation. In particular, he quoted the example of other jurisdictions concerning privatisation and said:

Let us look at what privatisation has meant in other jurisdictions and I will cite two clear examples. The first, Mr Speaker, is in relation to Victoria.

I am reading from pages 76 and 77 of *Hansard*. He then went on to talk about, supposedly, the experience in Victoria as a result of privatisation. I am reading from the top of page 77. He said:

The Office of the Regulator-General, which is the regulatory body in Victoria, has outlined the fact that the average time off supply, that is power failures or outages, per customer, per year in Victoria has increased from 207 minutes in 1995 to 218 minutes.

Mr Speaker, the facts as outlined by Mr Corbell in that one sentence are perfectly true. I take no issue at all with the facts as outlined in that one sentence.

Mr Smyth: Except it was 203.

Mr Moore: He said it was 203, not 207.

MR HUMPHRIES: Not necessarily. No, that is not necessarily the case. There are different sets of figures and I will come back to that. I do not wish to quibble in this place with the figures put on the table by Mr Corbell in that respect, but the impression he created by citing those figures, highly selectively, from the Regulator-General's report grossly misleads this Assembly. That information is available in the handout which is now being distributed in this place.

Mr Speaker, first of all, I ask members to turn to the second page of this three-page handout. The second page shows a comparison between outages - that is, power losses - to people in Victoria during the six years preceding the beginning of privatisation and in the four years afterwards. Members will see very clearly from those figures that there was a marked reduction in every year in which privatisation was in train or in effect in Victoria over every other year when there was no privatisation in Victoria. For each year that Victorian power experienced some measure of privatisation, the level of outages was reduced, and, in consequence, you could say that the quality of service available to the people of Victoria was improved.

Mr Corbell cited figures yesterday in respect of 1996 and 1997 for outages which he purported to show was the experience of privatisation in other jurisdictions and by the use of those figures created the impression that outages increased in Victoria as a result of privatisation. Mr Speaker, the figures there are slightly different from the figures Mr Corbell quoted yesterday. Why, you ask, are the figures different? Well, first of all, the figures here are from the Electricity Supply Association of Australia. Secondly, the figures cited by Mr Corbell yesterday are probably figures from the same source but they are figures in respect of the calendar year whereas these figures, as you can see from the table, are figures in respect of the financial year ended 30 June. That, I think, accounts for the difference in the figures.

It has been suggested to me that the ESAA is not a reliable source of information, but I do not know whether that is the case or not. I am happy to rely on Mr Corbell's source for those figures and I will come back to those in a moment. This table shows a very clear comparison between the situation in Victoria prior to privatisation and the result afterwards. In every single year the level of outage is well below any given year in the preceding six years when the Government owned and operated power supplies in Victoria. In fact, it averages at about half the level of outage during the preceding six years. I put it to the Assembly that it is grossly misleading to cite a figure for just one or two years without looking at that larger picture of what happened over those eight to 10 years. It is grossly misleading, Mr Speaker.

Mr Corbell cited, as I said, the figures from the Regulator-General and he looked in particular at that slight rise between 1996 and 1997. As he said yesterday to the Assembly, there was a rise from 207 to 218 minutes, a rise of 11 minutes in Victoria on average, in the 1996 year over the 1995 year. I would ask members to look at the third page of this handout where they can see from a report of the Regulator-General - I am not sure that it is the most recent report, but it is one in the last couple of years - that paragraph 3.1.4 explains the reason for that slight increase in 1996. Mr Corbell said he was sourcing his comments from the Regulator-General's report, and here is what the Regulator-General said about those figures in 1996:

The 1996 figure is five per cent higher than the 1995 result due to storm activity in September 1996, as discussed below.

28 October 1998

Mr Speaker, if you were citing an authoritative source in this place for the proposition that privatisation had caused a supposedly huge or large or significant increase of 11 minutes in outages in Victoria, would you not think you would go back to that same report and see whether it explains what the reason for that particular increase might have been? If Mr Corbell had done so he would see that the increase was due to an entirely natural and explainable reason, not to privatisation but to storm activity in Victoria in September 1996. Do not take my word for it. Rely on the same source that Mr Corbell relies upon, the Regulator-General of Victoria.

This shows very clearly that we have seen the highly selective use of figures to produce a point, a point which was made not only in this place yesterday but also in a letter to the editor of the *Canberra Times*, which I think was published on Monday or Tuesday of this week, criticising somebody else and quoting again these spurious figures, 207 minutes in 1995 and 218 minutes in 1996. Mr Speaker, the reality is that any fair manipulation of the figures to look at the period before and after privatisation shows one thing absolutely clearly, and that is that privatisation has not meant an increase in outages in Victoria. Quite the contrary. In fact, you can see a reduction in the figures before and after privatisation and it is reasonable to assume that at least some of that reduction was due to privatisation.

Mr Speaker, I ask you now to turn to the first of these three pages - I hope Ms Tucker is listening still even though she is out of the chamber - which I think is the most telling of these arguments. The table on page 1 also comes from the report of the Office of the Regulator-General and is dated July 1998. Members will see the figures which presumably Mr Corbell quoted from. In 1995 outages were 207 minutes on average per customer and in 1996 they were 218 minutes per customer. Mr Speaker, the third column is a column which Mr Corbell did not quote. It shows the outages for 1997, the most recent calendar year, and that figure is 199 minutes - the lowest level of outage in Victoria ever under privatisation. How do you go talking to the people of this Territory and members of this place, telling them that privatisation has been a disaster in Victoria from the point of view of outages, and not mention to them that the most recent figures for the most recent calendar year show the lowest ever level of outages in Victoria?

Mr Corbell only quoted the first two columns. We have to ask ourselves why. Are we expected to believe that Mr Corbell, when he put these figures to the readers of the *Canberra Times* and to the members of this Assembly, was relying on a report of the Regulator-General which is something like 15 or 16 months old? That he sat down to compile his letter and his comments to the Assembly without checking what would obviously be a more recent report, the July 1998 report? Mr Speaker, I do not think so. I think Mr Corbell quite deliberately chose not to quote the figures for 1997 because he knew it would be a disaster for his own case. He also, of course, chose not to cite any figures before 1995 because they would also be a disaster for his own case.

Mr Speaker, what we have here is a clear, selective use of figures to distort the impression in the Assembly. Mr Corbell may have other evidence in other debates about how privatisation has caused terrible things to happen in other places and he is entitled to put those other arguments in other debates. The question is whether he has

accurately portrayed the situation to the Assembly and, incidentally, to the members of the community through the pages of the *Canberra Times* with the quotation of figures in this way. Mr Speaker, I would argue that he has not.

It is a grossly misleading statement to suggest that there has been an increase in outages under privatisation in Victoria. No fair reading of those figures, either from the Regulator-General or from the Electricity Supply Association, or from any other source that I am aware of, can support that statement. (*Extension of time granted*) I thank members, Mr Speaker. I will be quite brief. No reading of those figures in any way supports the claims made by Mr Corbell in the Assembly yesterday. It is simply unfair and untrue to state that about this particular debate.

I and Mr Smyth, and Ms Carnell, have come into this place on several occasions in the last few months and retracted and apologised when we have used words in an unarguably loose way, such as when we used the word “blocks” when we should have used the word “leases” or vice versa.

Mr Stanhope: You will choke.

Mr Berry: You grow grass on blocks and you sign leases. There is a difference.

MR SPEAKER: Order, please!

MR HUMPHRIES: It is funny how we have this brave face, Mr Speaker, when it comes to a censure motion of members opposite, but it is all very grave and very serious and we have long faces and very serious sententious words to the chamber about how we must not mislead. Even withdrawing and apologising is not an acceptable remedy to this terribly outrageous misleading, Mr Speaker. We did the right thing by this chamber. We came to the high standards it set and we apologised for what we had to say. What has been said here is grossly and utterly misleading. It was cited in a way which had the effect of grossly misleading. I find it hard to imagine that a man as intelligent as Mr Corbell would have failed to notice what was in that third column when he made his statements to the Assembly yesterday.

Mr Speaker, it was a misleading of the Assembly. Mr Corbell should rise, correct the record, and apologise for what he said.

Mr Moore: And we would back off.

MR HUMPHRIES: If he did so, Mr Speaker, we would withdraw this motion that instant. Mr Speaker, I think it is incumbent on members of this place to enforce the standard which they have applied already very rigorously against the Government. I want to address quickly the suggestion that there is a different test between the Government and the Opposition, or the Government and other members of this place.

28 October 1998

Mr Stanhope: No, there is not.

MR HUMPHRIES: I am glad Mr Stanhope interjected to say that. I agree; there should not be a different test. If something is censurable in the mouth of the Minister, it should also be censurable in the mouth of any other member of this place. I certainly argue that when it is grossly selective and intended to produce a particular impression, then that is a case also for censure by this place. Mr Speaker, I ask members to treat this seriously and to censure Mr Corbell if he does not withdraw and apologise.

MR SPEAKER: Mr Humphries, would you mind tabling a copy of this document, please?

MR HUMPHRIES: Yes, Mr Speaker. I table the document I have just referred to.

MR SPEAKER: Thank you. Members, my previous advice about the *Hansard* being available at 1.30 pm was not correct. I have now been advised that, whilst they were available at 1.30, they were not distributed until about 2.40 pm. I apologise for misleading the house.

MR CORBELL (3.50): No, we will not be censuring you, Mr Speaker. The debate today in many ways is a very silly one. I want to start off by focusing on some comments that Mr Humphries made earlier today in a media statement which he released. Interestingly, the media statement he released this morning did not focus on any of the arguments that he has put to the Assembly this afternoon. He said this morning that I have quoted figures based on misinformation and mistakes, and that even when I quote them selectively I have got them wrong. He goes on to say that I should not have quoted the figure of 207 minutes in 1995 because he believed it was 203 minutes. He, himself - - -

Mr Humphries: Mr Speaker, I rise to take a point of order. I have made it clear that I have accepted Mr Corbell's figures and I have not repeated the assertions.

MR CORBELL: Mr Speaker, there is no point of order. Mr Humphries is debating the issue.

MR SPEAKER: Order! Just a moment. I want to hear Mr Humphries, please.

MR CORBELL: He is debating the issue. He gets a right of reply.

Mr Humphries: Mr Speaker, I am raising a matter of relevance. Mr Corbell is choosing to debate the press release I put out this morning, not the comments I have made in the Assembly this afternoon.

Mr Berry: I take a point of order, Mr Speaker, if I may. Mr Corbell is entitled to use whatever defence he wishes to a serious censure motion which has been put by the Minister. The Minister should be man enough to cop it. At the end of the day he will have a chance to respond, as is his entitlement. These cheap points of order are a misuse of the standing orders.

MR SPEAKER: Mr Humphries will certainly have the opportunity to respond. However, I would remind you, Mr Corbell, that, whilst Mr Berry is correct in how you wish to defend yourself, I leave that to your good judgment.

MR CORBELL: Thank you for upholding my point of order, Mr Speaker. Mr Humphries suggested that I had misquoted a figure and that figure was 207 minutes. He said it should be 203 minutes. That is what Mr Humphries says in his media statement.

Mr Humphries: But not in the Assembly.

MR CORBELL: Mr Speaker, if the Government will allow me to continue in the debate, I will outline how this is relevant to the motion before the Assembly. This shows two things, Mr Speaker. First of all, Mr Humphries had not looked at the Office of the Regulator-General's annual report. If he had he would know that his assertion was wrong. Indeed, he came and spoke to me earlier today. I told him it was wrong, but he still continued to make statements about this out in the media as late as lunchtime today. Mr Speaker, the figures that Mr Humphries has tabled here from the Office of the Regulator-General clearly demonstrate that he himself was wrong. It was not 203 minutes as he asserts in his media release of this morning; it was 207 customer minutes of supply in 1995. Wrong, Gary; wrong. The comments I made yesterday were absolutely correct, absolutely accurate. Mr Speaker, the comments I made yesterday indicated that the Office of the Regulator-General has outlined that the average time off supply, power failures, or outages per customer per year has increased from 207 minutes in 1995 to 218 minutes. Those figures are correct. Those figures are accurate.

Mr Humphries is basing this entire censure motion on what he thinks happened in my office when I put that letter together and when I prepared my statements for the Assembly yesterday. But he does not know. If he did know he would not have moved this censure motion. In no way did I deliberately mislead this Assembly yesterday. In no way did I do so. But that is the assertion that Mr Humphries is making.

For the record, I relied on a document called "The Victorian Electricity Industry: The Social Costs of Privatisation". It is a background paper prepared by Mr Peter Loney, MLA, the shadow Minister for Energy and Resources in Victoria, and it is dated August 1997. The document, on page 10, has a chapter called "Quality of Supply", and I relied on the following comment:

In any event, between 1995 and 1996, under private ownership, average time off supply actually increased from 207 minutes to 218 minutes per year (Office of the Regulator-General, Electricity Performance Report, June 1997).

That, Mr Speaker, is what I relied on. I had checked that that figure was correct and it is. I did not mislead this house. It is an absurd suggestion to say that I did. Mr Speaker, if that is the sort of pathetic attempt that this Government is going to try to throw across this place - - -

28 October 1998

Mr Humphries: Mr Speaker, I take a point of order. Will Mr Corbell table the document he has quoted from?

MR CORBELL: It is a very lengthy document, but I am happy to make a copy of the relevant page available and table that if that would satisfy the Government's concern.

Mr Humphries: Sorry, no. Sorry, Mr Speaker, there is a provision for the tabling of the whole document.

MR CORBELL: Well, yes, I am happy to table it.

MR SPEAKER: Thank you. Mr Corbell is happy to table it. There should be no further argument.

MR CORBELL: I am very happy to table the document. The point I am making, Mr Speaker, is that I relied on information which I believed to be accurate and reliable.

Mr Berry: Are you finished with the document or do you want it back?

MR CORBELL: I am finished with the document.

MR SPEAKER: Mr Corbell would be the best judge of that.

MR CORBELL: I relied on a document which was accurate and reliable. I checked the figures in the document to make sure they were accurate and reliable. The figures I quoted in this place were accurate, not just according to that document but according to the advice of the Office of the Regulator-General.

Mr Kaine: Even according to the one Mr Humphries tabled.

MR CORBELL: That is quite right, Mr Kaine - even according to the advice that has been tabled by the person who is trying to censure me. Quite true. If, Mr Speaker, I had been quoting from this document, if I had been quoting and relying on information in the document Mr Humphries has tabled, then he would be quite right to move his censure motion. But I did not. I did not.

Mr Humphries: It is the impression you have created.

MR CORBELL: If we are talking about impressions created, Mr Humphries, perhaps we can go back to blocks and leases. Perhaps we can go back to major contracts and sites. Let us think about where the bar has been put in this place. Let us think about whether the bar has been lowered. Mr Humphries and the Government have stood up in this place and said, "The bar is very high on censure motions", and deliberately so. They tell us this in very onerous tones. They tell us this is a very serious and credible matter. Well, Mr Humphries, you are not putting the bar up here. You are putting it down here. You are putting it down so that we can just step over the top of it. That way you can censure just about anyone for anything. On your own criteria, Mr Humphries, you are lowering the bar on which censure motions can take place. It is a completely absurd proposition.

Let us have a look, Mr Speaker, at some of the other things in testing the credibility of the Government on this issue. We had the Chief Minister make some comments two weeks ago in which she said that competition had done a terrible thing to ACTEW. It had made it lose 175 major customers. You do not like it do you, Gary? You do not like it when we stand up in this place and highlight the fact that your Government has deliberately misled people in the community.

Mr Humphries: I take a point of order. Mr Speaker, I am quite happy to have a debate about other issues that might be misleading or an abuse of members worthy of censure, or whatever Mr Corbell wants to do, but this debate is about his comments. To cite illustrations where other members have, in his view, misled the Assembly is not relevant to that.

MR CORBELL: It is nonsense. Mr Humphries has already raised this point of order and you have indicated that we can use whatever arguments we believe in defence of this censure motion.

MR SPEAKER: No, it has to be relevant.

MR CORBELL: Absolutely relevant, Mr Speaker.

MR SPEAKER: No, just a moment. It is not yet relevant. I am aware that there is an amendment being put forward which can be addressed once the amendment is moved. But, until that time, it is not relevant.

Mr Kaine: Mr Speaker, speaking to Mr Humphries' point of order, what he just said was incorrect. He said that this was about what Mr Corbell said. The document that he presented had nothing to do with what Mr Corbell said, so, by his own act, he has broadened the debate.

MR SPEAKER: But he does not broaden it to the extent of comments made by the Chief Minister on another matter. Mr Corbell, please be guided. I uphold the point of order.

MR CORBELL: I thank Mr Kaine for his comment because he is absolutely right. If we accept that I did what the Government suggests I did, then of course the censure motion is credible, but the reality is that I did not do what the Government said I did. In fact, I did not do what Mr Humphries suggests that I did. If 175 major customers is not relevant when we are talking about figures and debates about privatisation in this place, then perhaps, Mr Speaker, you should reflect on your ruling that Harcourt Hill was relevant in relation to the Kinlyside censure motion which occurred a couple of weeks ago. Mr Speaker, you need to be consistent in your rulings. Nevertheless, the reality is that the figures we put forward in the debate yesterday were accurate. They were quoted accurately. They relied on credible sources of information, information that we have made openly available in this place and which I have just tabled.

28 October 1998

Mr Speaker, the Government, I am sure, would like to be in my office when I prepare speeches on privatisation. The Government, I am sure, would like to see what sources I rely on when I talk in debates on privatisation, but they are not in my office to see what I prepare. They are not in my office to see what evidence I collect. Only if you accept Mr Humphries' proposition of what happened in my office when I prepared my arguments on privatisation can you accept that this censure motion has any strength to it whatsoever. The fact is that you cannot rely on that because they were not there. I have presented the information that I relied on.

Mr Humphries: The issue is the effect your words created, Simon, not your source.

MR CORBELL: Mr Speaker, if we are talking about perception, we are putting the bar right down near the rubbish bin. We are not putting the bar up at that very high level at which the Government has put it before when attempts have been made in this place to censure them. It is interesting that the same standard does not apply when they attempt to censure someone on this side of the house.

MR SPEAKER: Is leave granted for Mr Corbell to table that paper?

Leave granted

MR MOORE (Minister for Health and Community Care) (4.03): In the debate yesterday Mr Corbell said:

It was a staged process. Mr Speaker, in Victoria the rate of blackouts, power outages and power failures has increased under private ownership. The Office of the Regulator-General, which is the regulatory body in Victoria, has outlined the fact that the average time off supply ...

And so on. Mr Corbell did not refer to his source from which he drew that information from the Regulator-General - that is, the member from Victoria whose name slips my mind. I thought it started with an M. I presume the member was from Victoria. It seems to me, Mr Speaker, that the argument that Mr Corbell is now putting is the argument that some of us will be tempted to use sometimes - that it was not what I prepared; it was what somebody in my office prepared and, therefore, I am innocent.

It seems to me, Mr Speaker, that what happened here is that an impression was created, deliberately created, that the privatisation in Victoria has meant that there has been a significant increase in outages. Mr Corbell, by drawing our attention to the material that he used, certainly has indicated that the matter - I think Mr Humphries would agree - is not as serious as if he had worked from the other document, but this does illustrate very clearly the sort of problem we have when somebody comes into the Assembly with inadequate sources, a member from Victoria, and provides that kind of information. It is important - - -

Mr Hargreaves: It is the Regulator-General.

MR MOORE: If it is the Regulator-General, Mr Hargreaves, then, clearly, Mr Corbell has misled this Assembly. Mr Corbell is saying it was not the Regulator-General he was quoting; it was actually a member from Victoria that he was quoting. He just said it was the Regulator-General because there was this double source. The source he was quoting is the member in Victoria, Peter Loney. In fact he was the one who had selectively drawn his information. Quite clearly, when you double-check with the Regulator-General, he had very selectively drawn the facts.

When you look at the information there and you plot it on a graph, it is quite clear, particularly if you go back over the previous nine or 10 years. You can see that there has been a significant improvement in outages. What Mr Corbell was trying to do was to convince this Assembly that just the opposite was the case, and he used the one hiccup in the system to create that impression. It seems to me that we have a serious situation in this Assembly, as we always have, where members, in getting very enthusiastic about a particular issue, from this side or that side - - -

Mr Corbell: Please, do not be patronising.

MR MOORE: Mr Corbell, you say, "Do not be patronising". Mr Corbell, you have a degree. When you prepare a matter you know very well that selective quoting is the fastest way to wind up with a very poor piece of work. Indeed, the least of this would be a poor piece of work. The reality is that you used this as a method to try to persuade this Assembly, all members of this Assembly, that we should be taking a certain approach to ACTEW because of such bad results. The reality is exactly the opposite in relation to what you are quoting. Mr Humphries said to you, Mr Corbell, that all you have to do is say, "I am sorry for the extent to which I have misled the Assembly", and the matter is finished.

Mr Corbell: I did not mislead.

MR MOORE: It is as simple as that. It is no good to say now that you did not mislead the Assembly because you indicate here that it was the Office of the Regulator-General where you got your information. Now you are saying to us, "No, it is not. Actually, I got it from a secondary source that was referring to the Office of the Regulator-General". You know quite well what the situation is. This morning, as I understand it, Mr Humphries went to you and said to you, "This is the problem we have. Why do you not do something about it?". You could easily have stood up in this chamber and said, "Okay, I realise. I have gone back to the Regulator-General, looked at the figures and - - -

Mr Corbell: Mr Humphries came to me with that. He did not come to me with this other one. He came to me with that, Michael, and you should know that. These figures are not consistent with the figures from the Regulator-General. You are wrong.

MR SPEAKER: Mr Corbell, you have spoken already.

MR MOORE: The opportunity was given. A second opportunity was given in answer to a question. Mr Humphries, still believing that you had given this Assembly an entirely incorrect impression, wanted to ensure that the Assembly members understood that in Victoria, in the particular area you were talking about, with customer minutes off supply, there had been a significant improvement under a privatised system, not the opposite as you had talked about. He attempted to correct that in answer to a question by Mr Hird. But no, that was not good enough. Mr Berry, in particular, had to pull him up and say, "No, no, no, this is an entirely inappropriate way", in spite of the fact that Mr Humphries had gone and talked to Mr Corbell about this issue and given the opportunity to correct the record. All Mr Corbell had to do was correct the record, nothing else. All he had to do was say, "I am sorry about the fact that I have created a different impression". But oh, no, we will not have that. By correcting the record it would be quite clear that there had been a significant improvement in the issue that we are talking about, customer minutes off supply in the Victorian electricity system since privatisation. It is a factor to be considered in this debate, just one factor.

Unless we start making sure that we get things on the record that are correct, the debate is going to be impossible. We really have to ensure that all members provide information that is accurate and not misleading. We all know that there is a big difference between the spin we put on things when we try to put the best possible light on the information we have as opposed to clearly misleading the Assembly. Mr Speaker, I would still like to see Mr Corbell stand up and say to us, "I created an impression that I ought not to, and perhaps it was to do with my interpretation of Mr Loney's report, but it is quite clear now what the facts are and the matter is finished". It is as simple as that.

MR STANHOPE (Leader of the Opposition) (4.13): I am intrigued by this new approach of Mr Moore to censure motions. I regret that Mr Moore did not participate in the censure motion on Hall/Kinlyside. We might have had the value of his wisdom about the fact that in 25 separate questions and through an MPI we had the Chief Minister and the Deputy Chief Minister consistently misleading this house. Mr Moore did not even see fit to participate in the debate and suggest that maybe that matter could have been adjusted by a simple apology from the Deputy Chief Minister. I am absolutely staggered at your double standard on these issues, Mr Moore. The fact that you can stand up and speak for this censure in light of your attitude, particularly to that censure, is truly staggering to me, Mr Moore.

I think we need to look at the genesis for this motion. This motion did not arise out of anything that Mr Corbell said or did not say yesterday. This motion arose out of the *Canberra Times* on Saturday when the *Canberra Times* said:

Chief Minister Kate Carnell has unearthed a comatose monster and for two weeks now she's been doing her best to jolt it to life and scare the wits out of an unsuspecting public.

The monster - largely unseen till the sale of Actew landed on the agenda - is the territory's massive superannuation liability.

... ..

Carnell has been pumping out this kind of rhetoric in the past two weeks as she builds the sense of urgency she needs to push a sale of the \$1 billion Actew Corporation through the Assembly by Christmas.

And in the process, she has been a little loose with her figures. Most glaringly, the claim that Actew has lost 175 local businesses to interstate competitors since the electricity market was opened to competition.

Carnell compared that loss with Actew having picked up just nine new interstate customers.

The *Canberra Times* goes on:

But the two figures are not comparable. Her list of 175 “businesses” counts many of them multiple times - it is, in fact, a list of 175 sites. And the number of sites Actew has picked up interstate is not nine -

as claimed by Carnell -

but 60 or so.

The *Canberra Times* goes on:

But it wasn't a one-off. The following day she compared the amount of business Actew had lost and gained in percentage terms, saying while Actew had so far lost 17.3 per cent of its contestable electricity business, it had picked up about 3 per cent of new business interstate.

But again, she's not comparing like with like. The 3 per cent is a proportion of total energy sold. The comparable figure for the amount that Actew has lost is 7 per cent, not 17.3. That's a loss of 4 per cent.

Carnell's rhetoric has been a little loose in other ways.

It goes on and on. That is the genesis for this censure motion today. The *Canberra Times* is reporting openly and quite vigorously, and very bluntly, that Mrs Carnell has been completely loose in the way that she has dealt with this issue.

MR SPEAKER: Mr Stanhope, I hope that you will relate this very shortly to the motion Mr Humphries has before us. No amendments have been moved as yet. I regret that but - - -

MR STANHOPE: Okay. I take your point, Mr Speaker, and thank you for that. But I think it is very important that we understand why the Government has moved this motion today. On the face of it, if one takes account of the arguments that have been used by the Acting Chief Minister and Mr Moore, there is absolutely no basis for bringing this motion forward today. It is completely spurious. It is a sham. It is pathetic.

28 October 1998

It is a joke that the Government should move this motion today. Mr Humphries actually tabled a document which substantiates the very figures that Mr Corbell used in his release. I think it is quite intriguing that, in a censure motion challenging that Mr Corbell misled, the Acting Chief Minister tables a document that substantiates the very figures, the very numbers, that he used. It is bizarre. We are going through some charade here. It is all about the article in Saturday's paper and the fact that Mrs Carnell has been sprung. In the words of the *Canberra Times*, Mrs Carnell has been loose with her rhetoric.

Mr Humphries: Mr Speaker, I have listened for some while to Mr Stanhope's comments but they do not relate in any way to the motion before this Assembly. If there has been, in his view, some other misrepresentation by Mrs Carnell, he should move a separate motion about that and we will have a debate about that. This is about Mr Corbell's comments.

MR SPEAKER: I have said this before. I am aware that there are amendments that are being proposed which relate to other things, but at the moment they are not on the table. I must remind members that they only have Mr Humphries' censure motion under debate at the moment. I would ask members to be relevant to that.

MR STANHOPE: Yes, thank you, Mr Speaker. I was reading directly from the *Canberra Times*. I was making the point when Mr Humphries interrupted that it was actually quite kind of him, but nevertheless quite bizarre, that he should table a document which substantiates the very point that Mr Corbell has been making - that he did not mislead in any way.

The challenge that Mr Humphries is throwing down here is not so much that Mr Corbell misled. He is challenging the fact that he did not know what was in Mr Corbell's mind at the time that he made his statement. Mr Corbell made a statement based on a document that he was entitled to have regard to. He quoted it precisely and exactly. It transpires that the numbers that were used were correct and the source that was quoted was the correct source. They are the facts.

What is this mysterious basis for this censure motion? It is not based on any desire for the truth because the truth is quite plain. The truth is as put by Mr Corbell. So we look for the other reasons why the Government has felt the need to move this motion. The reason the Government felt the need to put this motion is that it is desperate to cover up the fact that it has made absolutely no credible claims for the sale of ACTEW. It is losing the public debate. It has lost the public debate absolutely. It continues to lose it and it will continue to lose it. The people of Canberra do not want ACTEW sold. The Government knows that the people of Canberra do not want ACTEW sold and is desperately looking for some way to create a smokescreen, a diversion. It is seeking to create some noise and smoke. It is beating up an absolutely outrageous scare campaign on the superannuation liability and is moving outrageous censure motions against the Labor Party simply for participating in the debate. That is what this motion is all about. It has nothing to do with any desire to suggest that Mr Corbell in any way misled.

I come back to the lecture from Mr Moore about what censure motions are all about; the lecture to us about misleading to the extent that we want so long as at the end of the day we jump up and apologise, and then all will be forgiven. That is an absolutely ridiculous and outrageous suggestion. Mr Moore sat there and listened to the Chief Minister and the Deputy Chief Minister answer 25 questions on Hall/Kinlyside, all of which were false, and not once felt the need to stand up in the censure debate.

Mr Moore: Will you apologise to me if you are wrong about that?

MR STANHOPE: What, that you stood up in the censure debate? Certainly not.

Mr Moore: You will not apologise.

Mr Smyth: You will not apologise if you are wrong?

Mr Moore: If you are wrong. Okay. Well, you are wrong.

Mr Humphries: Mr Speaker, you ruled earlier today that we could not allege misleading the Assembly unless we put a substantive motion. There was no motion about the 25 questions. Twenty-five questions answered by the Chief Minister were not inaccurate. There were probably a couple of answers that were inaccurate and we apologised for them and withdrew any misleading allegations.

MR STANHOPE: I withdraw any suggestion that - - -

MR SPEAKER: Thank you, Mr Stanhope.

MR STANHOPE: I think I can conclude my contribution on that basis. This motion is absolutely absurd. It is absurd that the Government should seek to censure Mr Corbell when, on the very figures in the document tabled by Mr Humphries, it is obvious that the figures that Mr Corbell used are correct. Mr Corbell used the numbers. There are other numbers he could have used. He could have referred to the fact that the number of planned outage interruptions did increase by 9 per cent. There are other figures in the document tabled by Mr Humphries that he could have used. The number of planned interruptions increased by a couple of thousand, it seems. There are things like that. There are other figures he could have used, but the figures he used were correct figures, and the Government substantiates that in the document. But the Government needs to own up. Why has it moved this motion? It moved this motion for a whole range of other reasons completely unconnected with what Mr Corbell said.

MR MOORE (Minister for Health and Community Care): Mr Speaker, I think it is important for me to draw attention to the fact that I have been misrepresented in this debate. Mr Stanhope repeatedly indicated - - -

Mr Berry: I raise a point of order, Mr Speaker. Is it usual for you to allow standing order 46 - - -

MR SPEAKER: Just a moment, please. I am looking at standing order 46.

28 October 1998

MR MOORE: It is a matter of fact, Mr Speaker.

Mr Berry: Well, it is a matter of fact that you have had your chance to debate it. You will get your chance, if you were misrepresented, after the debate is over. You know the rules.

MR MOORE: I am not debating the issue. I am debating the matter of fact that has been misrepresented, and that is a perfectly normal thing to do within standing orders.

Mr Berry: After the debate is over.

MR SPEAKER: It is a question of whether it is standing order 47 or 46.

MR MOORE: Either one, Mr Speaker. I would be happy to use either one. I will explain what it is and perhaps you can draw your conclusion from that. Mr Stanhope, in his speech, referred to the Kinlyside matter on a number of occasions. As part of his personal attack on me he said that at no stage had I spoken on that. Mr Stanhope stood to close that debate and said:

I will close the debate, Mr Speaker. Contrary to what the Chief Minister and the Deputy Chief Minister and others have said, and contrary to what Mr Moore has found it convenient to think ...

I was the speaker who preceded Mr Stanhope not six minutes earlier. I interjected and I said - - -

Mr Stanhope: That had slipped my mind and I withdraw the suggestion. I apologise to Mr Moore for suggesting that he had not contributed to that debate. I had forgotten. It must have had such an impact on me. I completely forgot that you had made any contribution. I do remember your vote, however, Mr Moore, and I remain stunned by it.

MR SPEAKER: Thank you, Mr Stanhope.

Mr Moore: Thanks, Mr Stanhope. You have to tighten up.

Mr Stanhope: Do not tell me what to do, Mr Moore.

MR SPEAKER: Order! It is hardly surprising that members cannot hear the crossbenches when they are too busy shouting at each other across the chamber.

MR KAINE (4.25): Mr Speaker, to summarise my perception of this debate, I repeat a little ditty often used by the US army chemical corps: "When in trouble or in doubt, run in circles, scream and shout, and make smoke". That is my perception of this debate. The Government is in trouble and it is making smoke. I do not think there is much else to be said about this debate. It has been a waste of time. The Government has not substantiated its position in putting forward this motion and I am just wondering why we are wasting more time by continuing the debate. Make smoke.

MR QUINLAN (4.26): I shall be very brief, Mr Speaker. Much has been said and I can only be repetitive. I do not want to indulge in the debate other than to say that, in looking at the *Hansard* for yesterday, I can see that Mr Corbell's complete statement included references to further figures which clearly demonstrate that at least two of the suppliers in Melbourne have come nowhere near the standard achieved by the SECV in terms of customer minutes off supply and, further, that the figures immediately below those used by Mr Humphries in his table, the customer interruption frequency, show a steady increase since 1995 from 3.4 to 3.7, to 4.2. I do believe that members should be looking at this question of what Mr Corbell said completely, not just selectively, because that paragraph split in the *Hansard* was purely an arbitrary insertion, I guess, by *Hansard* staff and the numbers used overall quite clearly support Mr Corbell's original contention. Therefore, the censure motion, I think, is poorly based.

MR SMYTH (Minister for Urban Services) (4.28): Mr Quinlan is absolutely correct. The debate should be taken in the complete circumstance. The fiction that Mr Corbell seeks to create is that essential services are "a service which the private sector has demonstrated it is unable to provide". He says that in the *Canberra Times*. He goes on to say in the *Hansard* that it has increased under private ownership. If we want to look at this in the complete, Mr Speaker, one must look at the complete timeframe. One must go from 1994 to 1998. Across that timeframe, using two different sets of figures, Mr Corbell is wrong. Mr Corbell is wrong because in 1993 the average minutes without supply per customer was 315. Under private enterprise, that dropped to 252 minutes, 255 minutes, and 203 minutes. It went up slightly to 218 and then it dropped again to 199 minutes, Mr Speaker. It is quite clear that, over the four years, the service level was better and that the interruption decreased. Mr Corbell seeks to take a fact from one year, across one year, and say, "Because I have a fact, therefore, it is so". He says:

Far from being outdated, Labor's position on public ownership of Actew supports the reliable supply of essential services as a public service, a service which the private sector has demonstrated it is unable to provide.

Based on the use of one fact - a comparison between two years - he seeks to say that over a four-year period the private sector has been unable to provide this service. He is wrong. He went on, after having that letter published in the *Canberra Times*, to say it again in this place. He said:

It was privatised by the Kennett government in around 1994/95. It was a staged process. Mr Speaker, in Victoria the rate of blackouts, power outages and power failures has increased under private ownership.

That is not correct. That is quite clear if you look at either the set of figures provided by the Regulator-General or the set of figures that Mr Humphries offered to Mr Corbell to show that he was wrong and to show that, in comparison, the performance of private enterprise in this regard has been much better; but Mr Corbell seeks to ignore that. I am not sure if he did - Mr Corbell can correct me if I misheard him - but I thought I heard him say that he had checked these figures with the Regulator-General.

Mr Corbell: No, I did not say that I checked them with the Regulator-General.

MR SMYTH: Okay; I will leave that. It is misleading, however, to have an ill-informed argument misquoting a fact and making an assertion that the private sector has demonstrated that it is unable to provide. This is clearly untrue when you look at the whole picture. Not only do we go out with a letter to the *Canberra Times* to make this case; we then repeat that case in here. What happened earlier this day when Mr Humphries, it would appear, was going to give Mr Corbell the opportunity to withdraw or qualify his facts was that we had Mr Berry jumping to other conclusions and attempting to get Mr Humphries to withdraw, which Mr Humphries did, which leads us to this censure motion. What Mr Corbell has attempted to do is create a fact. He has attempted to create something that is not true. The period from 1994 to 1998 is the period which Mr Corbell refers to. He acknowledges that privatisation started in 1994. He selects one comparison - between 1995 and 1996 - without looking at the whole picture. He does not go back to the period of public ownership. According to the figures that Mr Humphries has supplied, in 1990 the average minutes without supply per customer was as high as 510. We have 470 minutes in 1988; 470 in 1989; 510 in 1990; 490 in 1991; 438 in 1992; and 315, which is the best that the SECV could do, in 1993. When it moved to private ownership, Mr Speaker, it immediately dropped to 252 minutes. It went to 255 minutes, 203 minutes and 218 minutes.

Mr Speaker, if you are going to make an assertion, if you are going to attempt to create the fact that private enterprise has not delivered and base your case on it, then you should reasonably get the facts straight. To take a single fact out of context and turn it into this myth that the private sector has demonstrated that it is unable to provide is not right. Mr Corbell knew that this was a four-year process. Mr Humphries offered him a broader picture. Mr Corbell had the opportunity to say, "According to Mr Loney, we have got this case" - perhaps Mr Loney should have looked further - "that the Labor Party is trying to create". The fact is now exposed for the sham that it is.

I think Mr Quinlan was correct when he stood up and said that we must look at this in the complete, Mr Speaker. If you look at it over the four years, Mr Corbell is wrong. He attempted to create the fact that the private sector is unable to provide. That is not true. He states again in this place that there has been an increase under private ownership. That is untrue. He should withdraw these comments and he should apologise for misleading the house.

MR BERRY (4.34): What an exercise in pomposity we have had with the patronising remarks that we have just received from Mr Smyth and Mr Moore and the web of deception that has been woven by Mr Humphries, as is his custom! Mr Corbell made it clear that he was referring to a document which was produced by Peter Loney, MLA, in Victoria. The facts that were presented in this house were exactly as represented in the Loney report. There is no distorting that. They are exactly the facts that were presented in this house. Mr Corbell has never sought to hide the fact that he was referring to 1995 and 1996.

Mr Humphries, thank you for providing a copy of Mr Corbell's letter to the *Canberra Times*, because his letter confirms that. You damn your own argument, Mr Humphries. What a joke you are to come in here and suggest that Mr Corbell has used a set of figures in a devious way when you supply the advice and the confirmation that, in fact, the figures to which Mr Corbell was referring were for the years 1995 and 1996. The figures are spot on.

Mr Smyth attempts to divert us from the job here by talking about how we have to keep things in context. Isn't it funny, Mr Speaker? Neither Mr Humphries nor Mr Moore or Mr Smyth referred to the two paragraphs which followed the figures about which they are complaining on page 77 of the uncorrected proof *Hansard*. It goes on to say - - -

Mr Humphries: Because they are not relevant to this debate, that is why.

MR BERRY: They are not relevant to this debate! They are relevant only if you think you can shoot a hole in them. Of course, they were also referring to Mr Loney's report, and Mr Corbell adequately quoted them. He said:

They each share a third of the city of Melbourne.

He talked about the supplies, saying:

Of supply averages, that is the number of power failures, blackouts and times when customers were off supply, has increased, and it has increased, Mr Speaker, to a rate of 112.5 and 170.2 minutes per customer, per year on average in Melbourne. That is of two of the three companies that supply power in the privatised market in Melbourne. What is even more illuminating, Mr Speaker, if you will excuse the pun, is that in the last year of public ownership the State Electricity Commission of Victoria in 1993, which was the last year of public ownership, achieved an off supply average of 70 minutes per customer, per year.

That puts it in context, I think. What we are demonstrating here is that the outages have grown under private ownership. It is in context. Everything is in context here, Mr Speaker. Let us compare some other figures.

Mr Humphries: Mr Speaker, I take a point of order. It is a perfectly reasonable point of order. If Mr Berry is saying that Mr Corbell quoted other figures accurately on that day to somehow deny the assertion that he quoted these figures inaccurately - - -

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

Mr Humphries: I have not finished my point of order, Mr Speaker.

28 October 1998

Mr Corbell: He is debating the issue. Mr Humphries is continually standing up in this place and debating the issue through points of order. That is quite out of order.

MR SPEAKER: I am waiting to hear Mr Humphries' point of order. You will have your chance after that, if you wish.

Mr Moore: Nobody does it like Mr Berry. You will notice that Mr Berry is not sitting down.

Mr Humphries: No, he is not. Mr Speaker, I am sure that it would be very tempting for members opposite to get into a big debate about privatisation. We could all engage in that exercise. But that is not what this issue is about. It is about the selective use of figures in respect of this matter. If we have a debate about privatisation, it will be an endless debate, a very wide-ranging debate, and it will not focus on the issue that we have raised in this motion. I have not drafted this motion in terms of censuring Mr Corbell for misleading the Assembly, full stop. I have specifically quoted the references to power outage in Victoria as a result of privatisation.

MR SPEAKER: That is correct.

MR BERRY: No, Mr Speaker, that is not correct. Bear with me.

MR SPEAKER: Order!

MR BERRY: Let me speak to the point of order, Mr Speaker. You allowed Mr Smyth to talk about this issue by saying, "We have to keep this in context". To keep it in context, Mr Speaker, you have to refer to everything said that was relevant to the matter. It would be cheating to allow Mr Humphries to select just a few words from the *Hansard* and not the remainder of the words which refer to the same matter, that is, the growth of power outages in Melbourne. That is keeping it in context. Mr Speaker, it is also relevant to what Mr Moore said in relation to the matter. It is about creating the impression. This is about completing the debate on the issue in context to make sure that the impression is correct. Mr Humphries wants to avoid examining the issues which are, in fact, applicable to the creation of a proper impression.

MR SPEAKER: Order! I refer all members to the motion moved by Mr Humphries. That is the matter under debate at the moment. We are not debating anything else.

MR BERRY: Thank you, Mr Speaker.

MR SPEAKER: And I would remind you of it, Mr Berry.

MR BERRY: Mr Speaker, I thank you for referring me to Mr Humphries' motion. Therefore, reflecting on Mr Humphries' motion, I accept that I can only refer to Mr Corbell's comments - all of them. It does not restrict me from speaking about some of Mr Corbell's comments; it allows me to talk about all of them, I submit. Mr Corbell went on to say:

Compare those figures, Mr Speaker. Under public ownership, the average amount of time that any customer in Melbourne was off supply was 70 minutes per year. Under private ownership, the average time a customer was off supply was 112.5, and 170.2 minutes per customer, per year. For a third of the city of Melbourne the rate of power blackouts was double, in fact it was over double, it was about 1½ times the rate provided by publicly owned State Electricity Commission of Victoria. Those are the facts, Mr Speaker.

They are indeed the facts which Mr Corbell put on the record in the debate. If those opposite want to say that it is about the impression created, the impression that was created by this is that for the years 1995 and 1996, as mentioned in Mr Corbell's letter to the *Canberra Times*, kindly supplied by Mr Humphries today, power outages were up. That is the impression and there is no denying it, Mr Speaker.

The figures that Mr Corbell quoted from the Loney document are spot on, because they are exactly what was in the Loney document. You say, Mr Humphries, that we are attempting to censure Mr Corbell for comments made during debate on the matter of public importance yesterday. No, not just the ones you want to pick out - all of them. He has not misled this place. If it comes to an impression, he has created the correct impression, because he has put figures in there that you have not been game to challenge. In fact, those figures confirm his argument that things were worse in the period he was referring to, and you cannot defeat that argument. Mr Speaker, I foreshadow an amendment - - -

Mr Moore: Compared to what? Compared to what?

MR BERRY: I know how you think, Mr Moore. I do not have to be told. It is pretty obvious; it is written all over your forehead. Mr Speaker, I foreshadow an amendment to the motion. If members of the Government want to go down this path and make a goose of themselves, good on them. They have not made out a case against Mr Corbell. Therefore, I foreshadow a proposal to amend the Government's motion so as to censure the Government for its repeated attempts to mislead the ACT community with the misuse of figures in respect of businesses that ACTEW has won and lost and in respect of the contestable business ACTEW has won and lost.

Mr Speaker, these matters were referred to by my colleague and leader, Mr Stanhope, when he drew attention to the fact that the Government has been twisting the message to the community. Mr Corbell has not been twisting the message to the community. He has been telling them, according to the figures that he was quoting in here, that things are worse as a result of privatisation. He has produced a complete set of figures, with everything in context, straight from the report that he was referring to.

MR SPEAKER: Are you formally moving your amendment, Mr Berry?

MR BERRY: I can move it.

MR SPEAKER: Members, that would be a sensible idea, I suggest, and then we can open up the debate and not have to be cramping people all the time.

MR BERRY: Okay. I move:

Omit all words after “Assembly”, substitute “censures the Government for its repeated attempts to mislead the ACT community with the misuse of figures in respect of businesses that ACTEW has won and lost and in respect of the contestable business ACTEW had and lost.”.

(Extension of time granted)

Mr Speaker, now we get to really misleading statements, where things are not quoted in context and apples are compared with pears. That has been the crime, if you like, that the Government has been badly caught out on. I refer to its claim about 175 businesses. Of course, the Chief Minister counted them a number of times. This is the one where a business was supposed to be the caretaker's cottage at the AIS, the signboard at the AIS, and the scoreboard at the AIS. They were among the 175 businesses. That is misleading stuff and that was deliberately designed to mislead. Again, on the contestable electricity business, the Government said that ACTEW had lost 17.3 per cent and picked up only 3 per cent of new business; but you were not comparing like with like, were you? The 3 per cent is a proportion of total energy sold. The comparable figure would have been 7 per cent, not 17.3 per cent. Talk about distortions, Mr Speaker; but the difference here is that that was a deliberate distortion of the figures to mislead the community. You have been caught out badly on it. I note Mr Kaine's comments about creating smoke. That is what this is about.

You have damaged your own case because you say that this Assembly should censure Mr Corbell for comments made during the matter of public importance debate on 27 October, but you carefully and selectively picked out two figures and did not talk about the rest. I do not mind if you talk about all of Mr Corbell's comments in the context of your motion, because, if you do and if you put everything in context, it is very clear that Mr Corbell had not set out to mislead anybody. What he was doing was quoting from a document, and quoting accurately from the document. If you choose to feel peeved because you have had some bad publicity in recent weeks, do not take it out on us. Go inside a dark room somewhere and do a bit of circle dancing and humming and sort it out amongst yourselves, but do not take it out on us. It is not our fault if you have botched it up. The fact of the matter is that Mr Corbell used figures, in good faith, from a document which you now have and which is the property of this Assembly and, when you examine the document, you will know and understand that he was presenting information from that document in good faith. I say again that the confirmation that Mr Corbell was acting in good faith is provided in evidence that you supplied to us - the letter that Mr Corbell sent to the *Canberra Times*, where he said he was referring to figures in 1995 and 1996. Taken in context with all of the words in his speech, it is very clear that Mr Corbell has been consistent all the way along. Not once has he deviated from his source. You have supplied evidence which damns your own case by quoting a letter that he sent to the *Canberra Times* which confirms his position.

This motion of yours is a waste of time but, as you have moved it, the real misleading occurs where you have attempted to mislead the ACT community with your Government's distortion of the figures insofar as ACTEW is concerned. If you want to set the standard at the level that you have decided upon, I reckon it is fair enough for this amendment of mine to survive and the Government ought to be censured for the particular position that it has adopted. Mr Corbell's position has been open, honest and to the point. It has been about a document which you now have in front of you. His comments were direct quotes. All of his comments have to be taken in context, as Mr Smyth said. The impression that he created has to be considered against the background of all of his comments. The impression that he created was about outages in Victoria and it was a correct one.

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer) (4.50): I want to make a couple of comments about the amendment. First of all, I want to sound a note of extreme caution, not so much about the effect of censuring the Government. We have been censured a great many times in the last few years and one more censure would not make much difference, but I want to make a couple of comments of caution to the Assembly. The amendment proposes that the Government should be censured for misleading the ACT community with the misuse of figures in respect of businesses that ACTEW has won. It should be borne in mind that the comments made by Mrs Carnell that Mr Corbell and others have made great issue about were comments made in the media by way of press release, not in this chamber.

I will comment in a moment on the substance of what was said by the Chief Minister in that press release. I have already indicated what I think about that and I will come back to that in a moment. But, before I do that, please consider this: If we start to move censure motions based on what is said outside the chamber as well as what is said inside the chamber, we have broken through into a new area which is not foreshadowed by the Westminster tradition and which has not previously been part of the work of this house. We have not previously censured people for comments that they have made outside this chamber. If we break through that barrier, that is fine; but we will be having much more material for censure motions than we have ever had in the past and they will be - - -

Mr Corbell: Kate Carnell would have to sack her media adviser if we started doing that.

MR HUMPHRIES: Mr Temporary Deputy Speaker, I have had a constant barrage of comments.

MR TEMPORARY DEPUTY SPEAKER (Mr Hird): Order! It is out of order for anyone to interject. I remind members of standing orders.

MR HUMPHRIES: Mr Temporary Deputy Speaker, that is a new area of activity. If members want to do that, that is fine; but we will be occupied by censure motions much more often in the future if we allow a very high standard that applies to parliaments and what is said to parliaments by its members to apply now to what members say in press releases, speeches, letters and comments made outside the parliament. That is a very big step to take. I warn members about the size of that step and the implications of that step.

The second point about this amendment is this: Mrs Carnell made comments in her press release which I have indicated very clearly to this Assembly were wrong. Mrs Carnell referred to businesses. She was in error in doing so. She should have referred to sites. We have had the tradition in this place, I thought, of accepting that, if a member retracts an inaccurate statement, they should not then be censured for it. I did not make the statement; so, I cannot withdraw it. I suppose I am, as Acting Chief Minister, withdrawing the statement made by Mrs Carnell that there were 175 businesses. There were not. There were only 175 sites, and there was more than one site in some cases to a business. I have corrected the record here very clearly on that. If we are going to face censure after correcting the record, again we have created a new standard, a very silly new standard, in this debate. I know that it is late. It is nearly 5 o'clock and we have been half the day on this, but it is not sensible in the desire to get this off the program to make new standards which are quite silly and which we do not want to live with in the future.

Can I re-emphasise the basis of this motion? Mr Corbell has repeated in this place several times that he quoted accurately from a report from Mr Loney. I concede that fully. The facts as quoted are, in themselves, accurate. But the impression of the facts quoted in the way that they have been quoted is highly misleading. They were quoted by Mr Corbell to create the impression that under privatisation there had been a decline in the quality of service in Victoria when, in fact, precisely the opposite is true.

Let us assume for a minute that Mr Loney was being accurately quoted by Mr Corbell in that particular instance. Are we saying that a member does not mislead the Assembly if they accurately quote their source document, even if the source document itself might be misleading or wrong? Mr Temporary Deputy Speaker, when the Chief Minister and I earlier this year confused the words "leases" and "blocks", we did so because we were reading from a departmental document prepared for us. That did not excuse us, however, because we still misled the Assembly in doing so, and we came back to correct the record. The fact that we had quoted someone else and it turned out to be inaccurate was no excuse for us; nor, I submit, should the fact that Mr Corbell's quotation was an accurate quotation of the very words used in another piece of paper excuse Mr Corbell from creating an accurate impression of the truth in this matter.

The reality is that Mr Corbell was trying to create the impression, by quoting these figures, that there had been a decline in the quality of the power supply in Victoria. That was not true. In fact, the opposite was true; there was an improvement in the quality of power. That was the impression created by those words. Those words, in themselves, were accurate; but they were highly misleading in the way in which they were quoted. We cannot separate words from their context. We have not in the past. That is why we should support this motion.

MR CORBELL (4.56): Mr Temporary Deputy Speaker, let us get very clear what we are talking about here. The Government has admitted and conceded that the figures I have quoted are accurate. The Government has admitted that I quoted from the source accurately. Let us make that very clear in our minds. There was no misleading,

the source was quoted accurately and the figures were accurate. The only people who have got their figures inaccurate have been members of the Government in the figures that they have circulated from the Electricity Supply Association of Australia, which are inconsistent with the figures of the Office of the Regulator-General.

Mr Smyth, in the debate earlier, stood up and continued to quote the figures from the ESAA, even though Mr Humphries had stood up and said that those figures were not the same as the Regulator-General's figures. Obviously, Mr Smyth, you were not listening to the Acting Chief Minister. They are not figures in any way relevant to this debate and there is certainly no reason why Mr Smyth should be quoting from them.

Let us look very clearly at what I said in this debate. I said in this debate that the rate of blackouts, power outages and power failures has increased under private ownership. I quoted from some legitimate figures to justify that. I did not quote from the document that Mr Humphries is suggesting I quoted from. If I had quoted from that document, he would be justified in moving this censure, but I did not quote from that document. Indeed, I have tabled openly and fully the document that I did quote from. Let us go on and see what else I said in the debate so that we can get the full context of what I was saying about power outages, blackouts and power failures. Not only did I quote accurately and completely from the document that I have tabled in this place for all to see, but also I went on to highlight other instances of failures in terms of power outages, power failures and blackouts. These figures also are not disputed. In Melbourne the average of blackouts or power failures - - -

Mr Moore: It is the same source. Why would you believe those figures?

MR TEMPORARY DEPUTY SPEAKER: Order! The Minister will come to order. Mr Corbell has the call.

MR CORBELL: The rate of power failures in Melbourne increased for two of the three power suppliers. The rate is higher - - -

Mr Moore: Are you sure about that?

Mr Humphries: Is this Peter Loney again?

Mr Hargreaves: I take a point of order. Mr Temporary Deputy Speaker, the two members opposite continually interject and make it particularly difficult for those people on whom the vote is going to count to make up their mind on whether the people across the chamber are talking a whole stack of rubbish or whether this side is doing so. I would urge you to use your authority and the booming voice for which you are well renowned to keep these monkeys quiet.

MR TEMPORARY DEPUTY SPEAKER: There is no point of order.

Debate interrupted.

ADJOURNMENT

MR TEMPORARY DEPUTY 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.

MR CORBELL
Motion of Censure

Debate resumed.

MR CORBELL: Let us look at Melbourne, which is what I went on to say further on in the debate, in the same context. The rate of outages was 112.5 minutes and 170.2 minutes.

Mr Humphries: Mr Temporary Deputy Speaker, I have to rise to order.

MR CORBELL: You do not like it, do you, Gary?

Mr Humphries: No, I do not like it, Mr Temporary Deputy Speaker, and I have to come back and say - - -

MR TEMPORARY DEPUTY SPEAKER: Is it a point of order?

Mr Humphries: Yes, it is a point of order. Mr Corbell cannot justify quoting figures out of context in his speech yesterday by quoting other figures which may be in context. That does not support his contention. The issue, again, is either what the Opposition has said about those figures on outages in Victoria or, according to this amendment, what we have said about businesses that ACTEW has won and lost. Those things are relevant to this debate; other things are not.

MR TEMPORARY DEPUTY SPEAKER: Mr Corbell, direct your remarks to the question before the house.

MR CORBELL: There is clearly no point of order because, quite sensibly, this Assembly should view my comments in the context in which they were made, and that is what I am arguing here this afternoon. If we were listening from the Government's perspective, we have to accept that that is the way that they hear things; but that is not necessarily the way that other members of this place hear things, and they need to hear the total context of what I said. That is why I am using these figures and I am entitled to argue my comments in the context in which they were made, and that is what I am doing.

MR TEMPORARY DEPUTY SPEAKER: Make your comments relevant to the matter before the house, Mr Corbell.

MR CORBELL: I am, Mr Temporary Deputy Speaker. It is on the matter of whether I misled this Assembly - - -

MR TEMPORARY DEPUTY SPEAKER: The matter before the house is the Berry amendment, and that is where you should address your remarks.

MR CORBELL: Absolutely, the amendment and the substantive motion, Mr Temporary Deputy Speaker. The minutes lost due to power outages and failure in Melbourne was 112.5 and - - -

MR TEMPORARY DEPUTY SPEAKER: Order, Mr Corbell!

Mr Humphries: Mr Corbell continues to defy your ruling. You have said that only these - - -

MR TEMPORARY DEPUTY SPEAKER: My ruling, Mr Corbell, is that the matter before the house is the Berry amendment. Address your remarks to the amendment, Mr Corbell.

MR CORBELL: I seek your guidance on whether I can also speak to the substantive motion.

MR TEMPORARY DEPUTY SPEAKER: A member who has already spoken to the original question prior to the moving of an amendment may speak to the question on the amendment, I have been advised, according to *House of Representatives Practice*, Third Edition. So, speak to the amendment.

MR CORBELL: Thank you, Mr Temporary Deputy Speaker; I will do that. I thank you for your guidance on that. Let us have a look at Mr Berry's point about the 175 major customers already lost. That was a comment made by the Chief Minister. The Chief Minister has been running about this town attempting to justify the fact that ACTEW should be sold because ACTEW has lost 175 major customers. She said this not once, not twice, but over the period of a fortnight. She released information which the chief executive of ACTEW said should not be released because it was commercial-in-confidence. But she released it, and when she did release it she quoted it incorrectly. She quoted it incorrectly. That is not something that was done by me in the matter of the substantive censure. I quoted my figures correctly and accurately. The Chief Minister could not even do that.

Let us look at exactly what she said. She said that 175 major customers had been lost. Who were these 175 major customers? They included the manager's flat at the AIS and they included the scoreboard at Bruce Stadium. How can this Government expect to have any credibility on this issue, any credibility at all, when they claim that the manager's flat at the Australian Institute of Sport is a major contract lost by ACTEW?

28 October 1998

What an absolutely absurd proposition for this Government to make! If that is the best that they can come up with in their attempt to justify the sale of ACTEW, they are really scraping the bottom of the barrel. Compare the way those figures were used with the way I presented the figures in the *Hansard* that is available to members now, where in Melbourne there was a rate of power off supply of 112.5 and 170.2 minutes.

MR TEMPORARY DEPUTY SPEAKER: Order!

MR CORBELL: Compare that, Mr Temporary Deputy Speaker. I know the Government does not like those figures, but I am using a point of comparison.

MR TEMPORARY DEPUTY SPEAKER: You have already spoken to the motion.

MR CORBELL: If you will not allow me to use a point of comparison, Mr Temporary Deputy Speaker, you are not allowing me to make the points that need to be made.

MR TEMPORARY DEPUTY SPEAKER: You are out of order, Mr Corbell. Address your remarks to the matter before the house, that is, the Berry amendment.

MR CORBELL: Mr Temporary Deputy Speaker, I am comparing the activities of the Government, which is the matter of the amendment, with the behaviour of the Labor Party and the way we have presented information. That is an entirely legitimate argument to make.

Let us move on to the figures that the Government has been using to justify the claim that the value of ACTEW will decline by \$500m if it is not sold. The Chief Minister has continually argued that the ACT will lose \$500m if ACTEW is not sold. But what are these figures based on? If you read the ABN AMRO report, they are based on another study. They are based on the UMS benchmarking study. (*Extension of time granted*) The UMS benchmarking study was sought by a very reputable organisation, the Australia Institute. It is a respected academic institution whose reports are academically refereed so that it can test whether this claim in the ABN AMRO report is correct. What did the Government say? "We are not going to release that information. You have to believe us". This Government goes around talking about selectively quoting information by this side of the house, but one of the main planks of their argument - that if ACTEW is not sold we will lose \$500m - is justified by a report which is not being made public. That is the sort of standard that this Government is setting in this place. That is the sort of attitude that they are adopting to the people of Canberra and to this place. That is an unacceptable approach. They deserve to be censured for that approach. Compare that, again, with the approach taken by the Labor Party, which is to accurately and honestly quote figures available and the sources from which they come. That is the approach taken by this side of the house. Compare that with the secretive and deliberately misleading approach taken by those opposite.

MR QUINLAN (5.08): Personally, I accept the warning offered by Mr Humphries that censures for misleading outside this place may be dangerous ground. I am fairly inexperienced in this process but I do accept that warning. However, in my limited time here I never expected that we would have a censure motion on such a trivial matter.

The claim made by the Chief Minister in her list, in my limited close observation, is consistent with the practice of the Chief Minister. We know she gets excited about things and we know that there is pressure in the ACTEW privatisation debate, but that does not excuse the level of this particular error.

There were 175 sites. The major point is that the error was made twice in the press release. Both times the so-called error favoured the point that the Chief Minister was trying to make. We had sites called customers when we were losing them, and we had sites called customers when we were gaining them. That is a curious and difficult coincidence to accept, but I do accept that it is serious stuff when we have censure motions based on happenings outside this place. I also think that there is a grave danger in censure motions based on how somebody interpreted figures when the figures themselves have not been challenged. If we devolve or degenerate to that stage, it would probably be as dangerous as the very real danger that the Attorney-General has pointed out.

MS TUCKER (5.10): I will be speaking to the motion. Having listened to the argument this afternoon, I do not want to spend a lot of time on it, to be honest. I wish it were not taking so much time, so that we could get on with the real business of the day. I notice that the motion from Mr Humphries does not use the words “recklessly misled” or “deliberately misled”. The figures presented were not complete. Mr Corbell has acknowledged that he used those figures to support his arguments. We have heard from the Labor Party that the Government has misled and has misrepresented issues around ACTEW. I agree that that has been the case.

I take Mr Humphries’ point that it would be a precedent to censure people for things that they say in the community, although I must say that it is pretty outrageous that it happens in the community and that it should be okay if it happens there and less okay if it happens in the Assembly. We would all hope that such a spin was not put on figures as often as is the case. This is a very good supporting argument this afternoon for the proposal I will put tomorrow for a select committee. We need to have a less political forum in which to look at these issues and to look at these figures.

MR TEMPORARY DEPUTY SPEAKER: Order! The member should not foreshadow something that is coming before the house.

MS TUCKER: Fine. As I read what Mr Corbell said yesterday, he did preface a fairly long statement with an assertion that under private ownership there were increased blackouts, power outages and power failures in Victoria. He went on to support that statement with a number of arguments, including what happened in Melbourne and including what happened in other regions. Mr Humphries has picked up that the figures were not complete. I have heard Mr Corbell acknowledge that they were not complete, but I agree with Mr Corbell that the speech needs to be seen in its whole context. He argued that these difficulties have increased under private ownership.

I hear the other side ask why we should believe any of the further arguments that Mr Corbell presents. I am not in a position to judge that, so I will give Mr Corbell the benefit of the doubt that the other figures he presented to support his statement were correct. If that is not the case, we will no doubt hear about that later.

There was clearly no intention to mislead. There was clearly no deliberate intention or reckless intention. I share Mr Humphries' concerns that we need to take these issues seriously. Censure is a serious matter. Mr Berry's amendment suggests that we censure the Liberal Party, and I believe Mr Osborne is going to suggest we censure everyone. I just want to withdraw from this whole idea, because I think it is getting ridiculous. It is not good for the credibility of the Assembly. For that reason, I will not be supporting either the motion or the motion as amended.

MR HARGREAVES (5.14): A couple of things concern me. It seems to be much ado about nothing on both counts, quite frankly. It concerns me that censure motions of this type devalue and discredit the process. We have other processes within the Assembly's procedures to deal with things we slightly disagree with or where there are interpretative problems. We have dorothea dixers available to do that sort of stuff. We can also put forward motions. We do not have to go down the track of putting forward censure motions.

What we are talking about here is censuring Mr Corbell because one or two members in this chamber have interpreted some factual information differently from the way Mr Corbell did when he presented it. I do not think that is a good enough reason to bring on a censure motion. For the sake of clarification, the matter can be handled in any number of ways. Moving a censure motion such as this one not only discredits and devalues the parliamentary system; it also devalues and discredits the mover of the motion. I express my disappointment in the motion. What we see here is a hypocritical stand on the use of censure motions.

In listening to the debate, I do not understand one point. The Acting Chief Minister said that Mr Corbell, in giving us a set of figures and painting a certain picture, had said, "Things are going to be bad or have come to be bad under privatisation". Mr Corbell gave some numbers to support that assertion. They were from the Office of the Regulator-General for 1995, 1996 and 1997.

Mr Humphries said that Mr Corbell is a naughty boy for painting a nasty picture about privatisation, but on the figures Mr Humphries provided us, the figures supplied by the Electricity Supply Association for the same years, in fact the situation is worse than that portrayed by Mr Corbell. In 1995 the figure, according to the Regulator-General, was 207. The figure put out by Mr Humphries from the ESAA is 255, considerably worse. In 1996 the figures were 218 and 203.

Mr Humphries is doing exactly what he is accusing Mr Corbell of doing, which is selectively using figures. Yet he has the temerity to bring a censure motion against Mr Corbell. There is no way in the world we can support that. I find it somewhat amusing that Mr Humphries wants to censure Mr Corbell for painting a rosier picture than he would have painted himself had he had access to the ESAA figures before he opened his mouth and promptly put a size nine in it. I find that absolutely amazing.

We ought to think long and hard about how we interpret information when it is put forward. We cannot constantly penalise and bring heavy charges in this chamber against people because God has not blessed us with the wit to understand the information given to us. We do not have the right to bring such charges against a person if we have not rung that person up and said, "What do you mean? Can you justify those figures?". The telephone system in this building is quite a good one. So too is the carpet. You do not use up a lot of shoe leather wandering around to someone's office and asking them about something. The Chief Minister talks about non-adversarial government in this town. Yet what do we see? We see a hat dropped onto the floor and bang - censure motion. I deplore that. I would urge all of the players in this chamber to think long and hard about the severity of all this sort of thing and the materiality of this particular issue. Just forget it.

MR OSBORNE (5.19): I move the following amendment to Mr Berry's amendment:

Omit all words after "Government", substitute "and Opposition for their repeated attempts to mislead the ACT community regarding the sale of ACTEW."

Two things disappoint me about today. Perhaps there were some grounds for Mr Corbell to clarify or at least acknowledge that there was more to what he said in the Assembly yesterday. I think he will concede that. But I have to say as well that I think that the Government could have handled it a little bit differently and addressed it this morning when they learnt about it. I have been quite interested. As you know, I have been on holidays. Since the ACTEW report was tabled, I have been quite intrigued with some of the things that have been said in regard to it. I think that it has been beaten up by both sides. ACTEW is certainly the most important and biggest issue that I have faced in my time here in the Assembly.

In regard to censure motions, we as an Assembly set the bar at a certain height with the censure motion that we had a while ago. I must admit, though, that the two government members did apologise for their misleading. I do not think that Mr Corbell intentionally misled. I think there was more to the information, but I will take his word for it that he did not have it. I am not going to question that.

By moving this amendment, I want to send a very clear message to both the Labor Party and the Liberal-Moore coalition that I would hope that in the next few months the debate on ACTEW becomes a sensible one. I look forward to hearing some sensible arguments from both sides. I have to say that we do not have much to go on. Whether ACTEW is to be sold or not is really up to the crossbenchers. I know that Mr Rugendyke, Mr Kaine and I are looking for something that we can hang our hat on one way or the other. We have not had that from either side yet. By moving my amendment to Mr Berry's amendment, we are sending a very clear message to both sides. I think that this has been an unfortunate debate.

28 October 1998

Mr Berry: You cannot do a thing without us, Ossie.

MR TEMPORARY DEPUTY SPEAKER: Order, Mr Berry! Your leader earlier today said that speakers from the end of the chamber were inaudible. If your interjections continue, Mr Berry, the appropriate action will be taken.

MR OSBORNE: Thank you, Mr Temporary Deputy Speaker. You look very good in that chair. We are sending a very clear message from the crossbench that we want information that is reliable. We do not want a succession of grandiose statements from either side. This is a very important issue for the people of Canberra, and we would appreciate both major parties taking a deep breath and coming up with something that is helpful to us so that we can make an informed decision. We are sending a very clear message to the Labor Party and the coalition that we on the crossbench expect more.

MR RUGENDYKE (5.24): The two censure motions previously discussed in the term of this Assembly have ranged from spurious to serious. I must make a judgment on the quality of this particular censure motion in the light of the seriousness of those previous ones. Having heard Mr Humphries' answer to a question without notice today regarding the fudging of figures, it seems that the benchmark that this Government sets and uses to justify fiddling with the figures is whether or not the fiddling occurs in the Assembly chamber or outside the chamber. Therefore, I must also take that notion into account when deciding the validity of this censure motion.

I did hear the speech given by Mr Corbell, and I must say that it is wise to take with a grain of salt statistics quoted during emotive speeches, knowing that statistics can be interpreted in any way the speaker wishes. Having been apprised of the complete picture given by the statistics, it is apparent that the selective use of statistics on this occasion has at least confused the issue and has perhaps given members in this chamber a false impression of the intent of the statistics. I call on Mr Corbell to recognise that perhaps there has been a misleading on his part and to have the courage to apologise. Stand up and apologise now to this Assembly before a division is called and the vote is taken.

MR STANHOPE (Leader of the Opposition) (5.26): I wish to make one very brief comment on Mr Osborne's amendment and his speech just now. He mentioned the importance of the debate. I think we all recognise that the sale of ACTEW is a very important issue. I acknowledge that Mr Osborne has just indicated that it is an extremely important debate and he awaits with interest a continuation of the debate and the continuing participation of the Labor Party and the coalition in that debate. Mr Osborne also acknowledged the significant role which the crossbench will play in the final decision. Of course, we all recognise that, and I think the people of Canberra recognise that.

I understand that Mr Osborne has been on leave, but I think the people of Canberra are not only interested in the perspectives that the Labor Party and the coalition bring to this debate but also are waiting anxiously for a contribution from all members of the crossbench to the debate. I respond to Mr Osborne by saying that I think the people of Canberra are looking to you, Mr Osborne, and to Mr Rugendyke to participate actively in this debate, and they would be very interested in your perspectives on this very important issue. I accept the things you have said, Mr Osborne, but I think that is a reasonable response to your comments.

MR BERRY (5.27): In response to what Mr Rugendyke said, I want to reiterate something that was said earlier. He said that he felt that things can be taken with a grain of salt and that he had listened to the debate. I trust that he has read the information that Mr Humphries put before the house, including the letter from the *Canberra Times* which specifically sets out the 1995 and 1996 figures to which Mr Corbell was referring. Mr Corbell has made that very clear to this Assembly. Mr Humphries has helped him along the way. I am not sure that he meant to, but he has helped him along the way. Mr Humphries damned his own case and indeed undermined totally his own case for a censure motion, because the letter in the *Canberra Times* very clearly establishes from the word go where Mr Corbell was coming from. The Government's censure motion should not survive.

Mr Speaker, I too am a little concerned about the lack of input so far from crossbenchers in relation to ACTEW. I would like to hear more from them. Whilst they revel in having the balance of power, they also have to understand that they can do nothing without the Labor Party. They amount to nothing without the Labor Party, the Opposition, in this place. We want to make a contribution to the debate on ACTEW. I just want to echo the comments of my leader that we would like everybody else to make a contribution to the debate and express their views so that we can fully debate all opinions in relation to the issue. I think it would be quite unfair for those on the crossbenches to sit and listen to what everybody else has said before they make a decision. Offer us the challenge of assessing your views as well.

Question put:

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

The Assembly voted -

AYES, 3

Mr Kaine
Mr Osborne
Mr Rugendyke

NOES, 12

Mr Berry
Mr Corbell
Mr Cornwell
Mr Hargreaves
Mr Hird
Mr Humphries
Mr Moore
Mr Quinlan
Mr Smyth
Mr Stanhope
Mr Stefaniak
Ms Tucker

Question so resolved in the negative.

Amendment (**Mr Berry's**) negatived.

28 October 1998

Question put:

That the motion (**Mr Humphries'**) be agreed to.

The Assembly voted -

AYES, 6

Mr Cornwell
Mr Hird
Mr Humphries
Mr Moore
Mr Smyth
Mr Stefaniak

NOES, 9

Mr Berry
Mr Corbell
Mr Hargreaves
Mr Kaine
Mr Osborne
Mr Quinlan
Mr Rugendyke
Mr Stanhope
Ms Tucker

Question so resolved in the negative.

PAPERS

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): For the information of members, I present the following papers:

Territory Owned Corporations Act, pursuant to subsection 19(3) -
CanDeliver Ltd - Statement of Corporate Intent for the period July
1998 to June 1999.

Annual Reports (Government Agencies) Act, pursuant to section 14 -
Totalcare Industries Ltd - Report and financial statements, including the
Auditor-General's report for 1997-98, dated 23 September 1998.

PUBLIC SECTOR MANAGEMENT ACT - EXECUTIVE CONTRACTS Papers and Ministerial Statement

MR HUMPHRIES (Acting Chief Minister, Attorney-General, Minister for Justice and Community Safety and Minister Assisting the Treasurer): For the information of members, I present copies of contracts made pursuant to sections 31A and 79 of the Public Sector Management Act 1994 with Lincoln Hawkins (fixed-term contract), Colin Adrian (fixed-term contract) and Peter Burnett (fixed-term contract). I ask for leave to make a statement in relation to the contracts.

Leave granted.

MR HUMPHRIES: These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. You will recall that the Chief Minister tabled contracts and variations on 23 September 1998. Today I have presented three fixed-term contracts. The contracts relate to the executive director, Planning and Land Management; executive director, Environment Protection; and director, Environment Protection - all with the Department of Urban Services. Finally, I would like to alert members to the issue of privacy of personal information that may be contained in the contracts. I ask members to deal sensitively with the information and respect the privacy of individual executives.

BUILDING (AMENDMENT) BILL 1998

Debate resumed from 27 May 1998, on motion by **Ms Tucker:**

That this Bill be agreed to in principle.

MR SMYTH (Minister for Urban Services) (5.37): Mr Speaker, the Government supports Ms Tucker's Bill. We believe that it is a good move forward in helping the building industry as well as protecting the environment. We have some amendments that Ms Tucker has agreed to.

MS TUCKER (5.37), in reply: That was short and sweet. I understand that the Labor Party is also supporting this Bill, even though no-one from that party has spoken and said so. We look forward to their support. This Bill is a sensible Bill and obviously will bring benefits not only to the environment but also to the building industry and hopefully to employment in the ACT. Getting waste management plans in place is important to assist in reaching the no waste by 2010 target. We still have 60,000 tonnes to be recycled if we are to achieve no waste by 2010 in this area of activity.

This legislation will have flowthrough effects in the building and waste management industries. There are opportunities for new industries to be established. Government should play a role in the establishment and support of such industries. Also, it can play a part in educating and encouraging the community to use recycled products. It is good to see growing interest and support from the building industry for recycling waste. As members are aware, the MBA has produced a comprehensive report on the issue but government, as I said, must also play a proactive role in ensuring the success of this legislative requirement through measures such as purchasing policies to encourage environmentally sustainable business practices.

We still have a long way to go in the ACT. The MBA report recommended that all government or government-sponsored construction tenders for the purchase of material be required to maximise the use of recycled materials. This is a good suggestion, and I hope government works for the industry to ensure that the ACT achieves best practice in this area.

28 October 1998

For the record, I am happy with the amendments that have been foreshadowed by the Government. In fact, I believe they will improve our Bill in some respects, so I am happy to support them.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR SMYTH (Minister for Urban Services) (5.40): Mr Speaker, I seek leave to move 10 amendments together.

Leave granted.

MR SMYTH: I move:

Page 1, line 12, clause 4, paragraph (a), omit all words after “materials”, substitute the following:

“ ‘generated;

(i) by the alteration of a building other than a Class 1, Class 2 or Class 10a building; or

(ii) by the demolition of any building;’; and”.

Page 2, line 2, clause 4, paragraph (b), proposed new definition of “dwelling”, omit the definition, substitute the following definition:

“ ‘dwelling’ means a Class 1 or Class 2 building;”.

Page 2, line 6, clause 4, paragraph (b), proposed new definition of “waste management plan”, after “demolition” (first occurring), insert “or alteration”.

Page 2, line 8, clause 4, paragraph (b), proposed new definition of “waste management plan”, omit “demolition”.

Page 2, line 10, clause 4, paragraph (b), proposed new definition of “waste management plan”, omit “by the demolition”.

Page 2, line 18, clause 5, proposed new paragraph 32(1)(ca), after “building” (second occurring), insert “or the alteration of a building other than a Class 1, Class 2 or Class 10a building”.

Page 2, line 26, clause 6, paragraph (c), proposed new subparagraph 33(1)(a)(iii), after “plan”, insert “(if required)”.

Page 2, line 30, clause 6, paragraph (d), proposed new paragraph 33(1A)(a), omit the paragraph, substitute the following paragraph:

“(a) where;

(i) a facility exists in the Territory; or

(ii) the Minister has, by instrument, specified a facility outside the Territory as being suitable:

for the recycling of materials of the kind described in the plan; the plan stipulates that the materials will be disposed of, where practicable, at such a facility; and”.

Page 3, line 13, clause 7, paragraph (d), proposed new paragraph 34(2)(c), after “plan”, insert “(if required)”.

Page 3, line 21, clause 8, omit “definition of ‘dwelling’ ”, substitute “definitions of ‘dwelling’, ‘flat’, ‘house’ and ‘mezzanine’ ”.

I present a supplementary explanatory memorandum to the Bill. The Government, as part of its approach to maximise the recovery of building waste, is in the process of developing a waste management plan for inclusion in its guide “Development Control Code for Best Practice Waste Management in the ACT”. The aim of the guide is to improve the waste management practices of local business and industry. The waste management plan will require building and development applications to identify the range of demolition and construction material to be recycled or reused on site and elsewhere.

Ms Tucker’s proposed amendment to the Building Act 1972 supports this work. However, Mr Speaker, the Government proposes to take Ms Tucker’s amendment to the Act a step further. Currently the Bill deals only with waste generated by building work associated with demolition. The Government’s amendments will also apply the requirements of the Bill to waste generated from the alteration of buildings other than those that are private class 1, 2 or 10a, which are private residences, garages or sheds. The partial demolition of dwellings, sheds and private garages will not require a waste management plan to be submitted.

28 October 1998

However, the Government's amendments in regard to alterations will require a waste management plan for the refurbishment of commercial buildings. This is a common activity within the building industry that usually generates large amounts of waste material. Thus a person who intends to carry out building work will be required to submit a waste management plan with the application for approval if the building work involves the demolition or alteration of a building other than those exceptions that I have already mentioned.

The Building Controller, in consultation with ACT Waste, will assess the adequacy of waste management plans. Should the Building Controller assess a waste management plan for demolition or alteration of a building as inadequate, the application for the building work will not be approved. If the work does not follow the waste management plan after approval, the builder is liable to the powers of direction and penalties that apply to other failures to carry out the building plans as approved.

Mr Speaker, the wording of the Bill implies that waste material must be disposed of at an ACT recycling facility. The Government is concerned that this requirement may place extra burdens or costs on some builders. In such circumstances it may be more cost effective or convenient for a proponent to use facilities outside of the ACT. This would depend on the location of the site and the type of material to be recycled. I propose that the Bill be amended to allow waste material to be recycled at any appropriate facility outside of the Territory that is prescribed by instrument. I also propose minor corrections to the definitions of "building work", "waste management" and "dwelling" currently contained in the Act. The amendments are required to update the definitions and to clarify their application.

The building and construction industry has been consulted in relation to the Bill and the Government's proposed amendments. Representatives of the Housing Industry Association and the Master Builders Association have given their support to the amendments, Ms Tucker's Bill and the Government's approach to waste minimisation. Of course, the Government will continue to consult with these groups on the implementation of their waste management plans.

MR HARGREAVES (5.44): The Labor Party wishes to congratulate Ms Tucker on bringing this Bill forward and the Government on having the wisdom to pick it up and put forward relevant and appropriate amendments to it. We will be supporting the Bill and the amendments. It is an environmentally responsible Bill. Now, with those amendments, it is also a tidy one, so there is no waste here. We live in a society where more people are learning to recycle. We would like people to recycle as habit, as a normal part of life. I think it is a very practical and sensible Bill, one that everyone is going to benefit from. We urge the Assembly to pass the Bill.

Amendments agreed to.

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

Bill, as amended, agreed to.

ADJOURNMENT

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

That the Assembly do now adjourn.

Arts Funding

MR WOOD (5.45): Mr Speaker, in a day that has focused on the accuracy of members' statements, let me add to the accuracy of the records here. In the last week of sitting there appeared to be a mini-campaign by the Government to see who was more helpful to the arts, the Government or the Opposition. I want to put something on record here. I think it is best if in the first instance I give a summation of a speech I made in 1994, when I was Minister, about the disbursement of the casino funds. I said:

Recently, I announced the provision of \$7m for the ACT Cultural and Heritage Centre to be built in North Building in Civic.

There was a later dispute about that. I said:

This centre is another direct benefit of the casino premium and will provide the Territory with a further opportunity to project its own unique identity. The other significant development in Civic is the Playhouse redevelopment. An amount of \$2.3m was allocated in the 1994-95 capital works budget to supplement the allocation of \$5m from the casino premium.

Further, I said:

... I announced the allocation of a further \$2.75m of the \$19m casino premium for regional cultural facilities. The allocation includes \$1.75m for a Tuggeranong Community Arts Centre; \$0.5m for ... the auditorium at the Canberra Institute of Technology ... for contemporary music performers; and \$0.5m for ... Hawker College Theatre ...

Mr Humphries, at the last sitting, cast some aspersions on our intentions about the casino premium. I want to put the facts on the record. I will quote his words and the Chief Minister's words to do so and also to point out the generous and unusual opportunity afforded me to speak at the opening of the Museum and Gallery. I think that in itself says enough. On 21 May the Chief Minister said:

Perhaps our commitment -

to the arts, that is -

28 October 1998

was best demonstrated by our determination to ensure that moneys flowing from the casino premium were actually spent on facilities more than five years after they were first allocated.

Mr Humphries, when he was Minister in September 1995, speaking about the casino premium, said:

Money provided for that centre from the casino premium remains available to meet that need when it is required.

I think his aspersions in the last week's sittings were quite unfounded. In that same week, as part of this campaign, it seems, Mrs Carnell quoted some figures claiming that the Liberal Government spent much more on the arts than we did. I want to question those figures. She used figures from the Australian Bureau of Statistics for cultural funding per head of population. The figures are right. In 1994-95 funding was \$85 a head, in 1995-96 it was \$86 a head and in 1996-97 - as a demonstration, she says, of their commitment - it shot to \$103 a head. What she did say in a media release, but glossed over in her speech, was that the last figure included capital funding. It included the capital works going on across the way here.

Mr Quinlan: Not a misuse of statistics and figures?

MR WOOD: I am not about to propose a censure motion, Mr Quinlan. I point out that the 1996-97 figure incorporated capital expenditure for various works that were going on, and other works too, I expect, but certainly not with money from the casino premium. I expect that in a couple of years the figure will drop back to about the \$85 mark. The Chief Minister's statement actually points out that capital expenditure is included. To press home the point - not too accurately, I think - she said, "There is also capital expenditure". She wants to add that money in twice.

Mr Quinlan: But it did not happen here.

MR WOOD: It did not happen here. I heard that remarkable admission today, Mr Quinlan. In the interest of the accuracy of records, I want to say what happened. I do not want to engage in tit for tat, or the sort of argument that says, "I did", "You did". Over the years we have generally all supported the arts to the extent they have been supported. In fact, the achievement of Mrs Carnell, apart from cutting funds to the Institute of the Arts at the ANU, was to reduce the extra \$3m - I concede that - that Mr Humphries had won in the previous Government. I sometimes think those figures were a bit fudged and there were capital works in there that may not have been applied properly. Mrs Carnell, as arts Minister, has reduced that amount. The new Government did not carry on that slightly higher level of expenditure. That is the achievement Mrs Carnell should be talking about.

Privatisation

MR CORBELL (5.50): Mr Speaker, in the adjournment debate tonight I thought it would be useful to reflect on some of the comments today, indeed over the past few weeks, in relation to privatisation. I want to focus particularly on an assertion by the Government in the media that the private sector is effectively more willing and better able than the public sector to manage risk, to compete and to provide services efficiently. That is basically the key part of their argument. I thought it would be useful, in the short time we have in the adjournment debate tonight, to quote from some interesting sources which members might like to reflect on when they are considering the ACTEW debate further. The first is from Mr Clive Hamilton, who is the director of the Australia Institute. In a document this year he wrote:

The evidence internationally and for Australia on the efficiency gains from privatisation has been reviewed by, among others, the Industries Assistance Commission in an appendix to its inquiry into government charges. The evidence indicates that in industries where there is a natural monopoly - notably in the generation and distribution of electricity and in water supply - public ownership performs better than private ownership.

Dr Hamilton also said:

Much has been made of the efficiency improvements brought about by the privatisation of electricity generation and distribution in Victoria. But the game was given away at a conference on privatisation of the Hydroelectricity Corporation in Tasmania in November 1996. The Managing Director of Eastern Energy, Mr Stephen Blanch, said that when the new owners took over they discovered that "all of the hard work had been done". In preparation for sale the State Electricity Commission had rationalised the operation, retrenching a large proportion of the staff, proving that the required changes could be achieved under public ownership.

I think that is an interesting comment, Mr Speaker. Rather than go into a lengthy debate about privatisation now, I simply put those statements on the record.

The final quote is the most revealing one. It demonstrates that it is not the model of ownership that is important; it is how it is managed. The quote is not from what you may see as a left-of-centre think tank or indeed an affiliate of the Labor Party but from the Industry Commission, which is renowned for its relatively conservative approach to a whole range of economic issues. The quote from the Industry Commission is this:

A key factor determining the efficiency of an enterprise is how it is managed - not whether it is publicly or privately owned.

28 October 1998

Downer Preschool

MR STEFANIAK (Minister for Education) (5.53): Like Mr Wood, I normally do not take a lot of little nitpicking points, but whilst we are on the question of accuracy I note that today Mr Berry put out a press release in relation to the Downer Preschool in which he says in the third last paragraph:

Another concern arises from the fact that the figures relating to enrolments for next year which have been quoted by the Education Minister are wrong.

Mr Speaker, I would just like to say that they certainly are not wrong. I have consistently indicated how many students were enrolled at Downer Preschool as at 2 September. Figures have been quoted in relation to what has occurred subsequently. We are really comparing apples and oranges. I think Mr Berry's statement is the thing that is wrong. I would just like to correct that.

Question resolved in the affirmative.

Assembly adjourned at 5.54 pm