



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

13 February 1990

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**MR SPEAKER** (Mr Prowse) took the chair at 2.30 pm and read the prayer.

**DEPUTY CLERK OF THE ASSEMBLY**

**MR SPEAKER:** I wish to formally advise the Assembly that Mr Tom Duncan has now taken up his appointment as permanent Deputy Clerk of this Assembly. On behalf of all members, welcome.

**QUESTION TIME**  
**Statement by Speaker**

**MR SPEAKER:** Before I call on questions without notice, I wish to make short statement on the conduct of question time. I anticipate that members may intend putting questions to the Executive Deputies. The standing orders of the Assembly provide that questions may be put to Ministers, to the Speaker and to "other members". In each case the relevant standing order specifies what matters Ministers, the Speaker and members can be questioned on.

Standing order 116 provides:

Questions may be put to a member, not being a Minister, relating to any Bill, motion, or other public matter connected with the business of the Assembly, of which the member has charge.

The Chief Minister and three Ministers appointed by him are responsible and answerable to the Assembly for matters of executive administration. As the Chief Minister outlined to the Assembly on 14 December last:

... Ministers will be entirely responsible for all matters in their portfolio in accordance with the Self-Government Act ... Ministers will be responsible in the Assembly for all matters in respect of their portfolios ...

The practice in the House of Representatives, to which we are linked pursuant to standing order 275, has been to impose very strict limitations on questions directed to private members. The questions most often allowed have concerned private members' Bills listed as notices on the notice paper, and care is taken by the Chair to ensure that such a question would not require that member to anticipate debate on the Bill.

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Questions without notice of a strictly limited nature may also be addressed to the presiding member of a committee. Standing orders in the House of Representatives specifically exclude questions being put to assistant Ministers, and there is at least one precedent where a question directed to a parliamentary undersecretary was ruled out of order, even though it concerned a matter relating directly to his work.

I therefore propose, subject to any direction of the Assembly or any change to the structure of the Ministry, that questions directed to members, in their capacity as Executive Deputies, will be ruled out of order. I also propose to continue to call members to ask questions as they rise, but where possible to allocate the call to ensure equal participation between and across parties.

## **QUESTIONS WITHOUT NOTICE**

### **Executive Deputies**

**MS FOLLETT:** My question is addressed to Mr Kaine. Mr Kaine, given that you are required by section 41(1) of the ACT (Self-Government) Act 1988 to appoint three Ministers, and three only, are you able to explain under what legal authority you have appointed Executive Deputies?

**MR KAINE:** I think that the Leader of the Opposition is under some kind of misapprehension. I do not believe that I need any legal authority whatsoever to appoint a member of the Government to assist a Minister of the Government. The arrangements that have been set in place are quite clear and explicit. These people are appointed to assist the Minister; to advise him, where it is within their capacity to do so; to carry out certain functions delegated to them by the Minister. It is quite legal and legitimate, and we have had a legal opinion on this from within the Law Office of the ACT Government. There is no requirement for any legal or legislative backing for the appointment of these people.

### **Adult Video Industry**

**MR STEVENSON:** My question is to the Chief Minister. Did the Chief Minister acknowledge the will of the large gathering outside the Assembly to ban pornographic videos?

**MR KAINE:** Yes, I was well aware of the meeting that took place outside the Assembly today, and I noted with interest that there are so many people in this community who are concerned about the free availability of X- and R-rated video material in the ACT, and also the fact that it is freely available for distribution in other places in Australia where currently the distribution is illegal.

Without speaking for the Government on this matter - it is not a matter for government; it is a matter of conscience as to how one sees this question - I think that Mr Stevenson is well aware that in principle I and the other Liberal members of this Assembly support the banning of the distribution of this material. It has been in our policy since day one of this Government and during the election campaign that we fought a year ago. It is pleasing to see that there are people in the community who are prepared to come out publicly, state their opinion and make it known to members of this Assembly. I would presume that when the matter is subsequently debated in the House, pursuant to Mr Stevenson's Bill, their opinions will be taken into account.

**MR SPEAKER:** I call Mrs Nolan.

**Mr Whalan:** I raise a point of order, Mr Speaker. I refer you to standing orders 113, 114, 117 and 275. I also refer you to Australian Senate Practice which has some persuasive value in this chamber and House of Representatives Practice which has specific reference in this chamber. I refer you, first of all, to page 214 of the fifth edition of Australian Senate Practice, in which it says of question time:

... the most obvious manifestation of responsible Government ... is question time.

It specifies there that:

... Ministers are subjected to questions of private Senators ... with respect to the administration of their departments.

I refer you to page 479 of the House of Representatives Practice, and I quote:

It is fundamental in the concept of responsible government that the Executive Government be accountable to the Parliament ... The accountability of the Government is demonstrated most clearly and publicly at Question Time.

And at page - - -

**MR SPEAKER:** Order, Mr Whalan. Could you please state your point of order?

**Mr Whalan:** I am about to state my point of order, Mr Speaker. Page 482 of House of Representatives Practice points out that:

Any private Member ... may ask a question without notice.

The point that I am referring to, Mr Speaker, is the word "private". In relation to Australian Senate Practice and House of

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Representatives Practice, the key is that private senators and private members may ask questions in question time. Question time is their period of access to government in an effort to make government accountable. I would argue that Mrs Nolan, as an Executive Deputy, is now a de facto member of the Executive Government, and is no longer a bona fide private member of this Assembly. As such, she is not entitled to the privileges of question time by way of asking questions of the Executive Government. You are asked to rule this way.

Similarly, Mr Speaker, I would ask you to rule, so that we can establish the precedent right from the start, that the other Executive Deputies in this chamber, because of the fact that they are de facto members of the Executive, are also disbarred from enjoying the benefits of questioning the Government at question time.

**MR SPEAKER:** Thank you for the observation, Mr Whalan. I will rule that I will take this question on notice and seek legal opinion on it. However, my position at the moment is that I will allow the Executive Deputies to ask questions until I gain that ruling. I call Mrs Nolan.

### **Tuggeranong Swimming Complex**

**MRS NOLAN:** Thank you, Mr Speaker. My question is, in fact, to the Deputy Chief Minister in his role as Minister for Sport and Recreation. I would like to ask Mr Collaery whether he is aware of claims - in fact, by Mr Whalan - that the Alliance Government does not support proposals for a swimming complex in the Tuggeranong Town Centre. In particular I refer to comments by Mr Whalan in the Valley View of 31 January 1990:

The Alliance Government is tight-lipped over reports that its cabinet has cut back plans for the Tuggeranong Town Centre pool from its capital works programme.

I would like to ask Mr Collaery whether that statement is correct. What, in fact, is the situation?

**MR COLLAERY:** I am pleased to answer this question. Thanks to events in this chamber, we have had access to Mr Whalan's documentation, and that really disproves the suggestion that was made in the Valley View, and presumably emanating from the member's office, that the matter has been taken out of this year's budget. The fact is that no provision was made in Labor's 1989-90 budget. There was a global provision for forward design costing and, of course, pursuant to that global provision the department responsible - the department that my colleague Mr Duby administers - has proceeded along the lines according to the timetable set prior to our accession to government with the pursuance of, firstly, the finalisation of negotiations

with a private contractor and, secondly, steps towards engaging a consultant to cost the components of the development and to determine a number of costing options that Mr Whalan himself alluded to in his dealings with the matter before the Alliance Government came to power.

Indeed, it was also said that the Alliance Government is not committed to a pool in Tuggeranong. There have been two widely circulated press statements, both by the Chief Minister and myself, saying that we are strongly committed to the development of an additional swimming complex in Tuggeranong.

Mr Speaker, I can now advise the house that a final decision will be made on this matter, pursuant to the finalisation of binding contractual arrangements we have inherited and, secondly, the normal forward design and the budget appropriation requirements that follow from that.

**Mr Whalan:** By way of an aside, Mr Speaker, if you get the Valley View tomorrow you will find out the truth about the matter.

### **Executive Deputies**

**MR WHALAN:** I ask a question of the Chief Minister and it is in relation to the establishment of positions of Executive Deputies. Is he concerned that the confusion between their executive and their back bench functions will give rise to the destruction of the Westminster system as the basis of governance in this chamber.

**MR KAINE:** No. The answer to that question is quite short - they have no executive role. We stated this on a number of occasions - they have no executive role. They have a task of assisting and advising the Minister to whom they are responsible, and their responsibilities go no further than that. Quite clearly, if they are not members of the Executive, then they are in no way impinging on the question of ministerial responsibility under the Westminster system.

**MR WHALAN:** I ask a supplementary question. Has Mr Kaine any personal commitment to the concept of separation of the Executive from the legislature?

**MR KAINE:** Yes.

### **Proposed Weapons Legislation**

**MR JENSEN:** Mr Speaker, my question is directed to the Attorney-General. I draw his attention to statements concerning the proposed weapons Bill attributed to the Leader of the Opposition, Rosemary Follett, in the Canberra Times of 31 January 1990 when she claimed:

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... she was miffed at what appeared to be an unscrupulous swiping of her proposed legislation detailed last September.

I ask the Attorney-General whether it is correct that this legislation was proposed and drafted by the Follett-Whalan Government.

**MR COLLAERY:** Of course it is not correct; it was extraordinary to read that in the Canberra Times. The fact is that this legislation had its genesis before one of the last Federal Labor administrations of this Territory. The final documentation shows that it was largely proposed and drafted long before self-government and it is a quite extraordinary event to hear the former Chief Minister use that kind of language to suggest ulterior and bad motives on the part of this Assembly, which is happy to bring forward legislation originally identified as priority legislation by the Follett Government.

### **Teaching Staff**

**MR MOORE:** My question is to Mr Humphries as Minister for Education. I refer him to the Pru Goward show on Friday, 9 February, at which time Dr Kinloch had ordered Dr Donovan from the studio - which, by the way, I think probably fits into an executive rather than advisory role - as the show was about to start. During that interview Dr Kinloch said, and I quote, "There are only 15 teachers short". He also gave a categorical assurance, and I quote again, "There will be no balloting". Pru Goward asked, "That is categoric?". He replied, "Categoric - it will stop". Have the 15 teachers been employed at what I estimate to be a cost of around \$450,000? Or how is the Minister going to support the decision of his Executive Deputy?

**MR HUMPHRIES:** I should make clear at the outset, Mr Speaker, that the interpretation that Mr Moore has put on the events of last week is not substantiated by the facts. The facts are that Dr Donovan was not ordered by Dr Kinloch not to appear on the program at the same time as he did.

**Mr Whalan:** He was threatened with the sack if he did not leave.

**MR SPEAKER:** Order, order!

**MR HUMPHRIES:** Dr Donovan complied with the request to leave, as was very proper of him. It would be inappropriate, of course, for a member of the schools service to appear on the same program as a member of the Assembly who was there for his part stating some aspect of Government policy. As Mr Kaine has indicated, it is certainly quite within the scope of the role of the Executive Deputy to talk about and discuss in a public fashion the policy of the Government.



Mr Speaker, it is not the case that anything said by Dr Kinloch amounted to an order. I have got the transcript in front of me here as to what Dr Kinloch said on that program that day. I have read it carefully and I do not believe anything in that transcript amounts to an order to any part of the Administration and certainly not to my department, and I believe that in all the circumstances any impression that any orders were being given is quite false. If the member is in any doubt at all, I make it quite clear at this stage that that is not the case and it will not be the case in the future.

**MR MOORE:** I ask a supplementary question, Mr Speaker. In fact, I would just like the Minister to answer the question. That was just background about the ordering of Dr Kinloch. The question was: Have the 15 teachers been employed at an estimated cost of \$450,000, or how are you going to support the decision of your Executive Deputy? Where is the money coming from and where are the teachers coming from?

**MR HUMPHRIES:** I make it clear once again to the member, there was no decision by the Executive Deputy in respect of those teachers at all. Any impression that you, Mr Moore, may have gained to that effect is quite false and I put to rest here and now the idea that that was a decision made by and on behalf of the Government. As far as the 15 teachers being employed is concerned, I make it quite clear that it was the decision of the previous Follett Labor Government that those teachers should not be employed at this time. That was based on a decision to change the date on which the requirements of secondary colleges were calculated from. The relevant date was to be the middle of the year, rather than the beginning of the year, meaning that some schools were staffed with a higher than anticipated requirement and were moved down towards the mean for the year. As far as the previous Government's decision on those 15 teachers is concerned, it has not been changed by this Government, as Mr Kaine has made clear on previous occasions. In the meantime, it is imperative for us to work within the framework of the existing Labor budget.

**Mr Moore:** I raise a point of order, Mr Speaker. I seek leave to incorporate in Hansard the document which indicates that the Minister is not dealing directly with things as they actually are. If there is any imputation on Mr Humphries, then I would happily withdraw such imputation. Since he is not supporting his Executive Deputy, I hope that he is prepared to chastise him.

Leave granted.

Document incorporated at appendix 1

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### **Executive Deputies**

**MR BERRY:** I direct my question to the Chief Minister. Mr Kaine, what is your Government's policy on the titles to be used by Executive Deputies. When does an Executive Deputy have the authority to present herself or himself as a Minister in the Government?

**MR SPEAKER:** I would like to draw your attention, Mr Berry, to the fact that you are asking a question on policy and the Chief Minister is not obliged to answer a matter of policy.

**MR KAINE:** I did not even hear the first part of the question, but I am quite happy to answer the second part. Mr Speaker, there is no circumstance - no circumstance whatsoever - in which an Executive Deputy will present himself or herself as a Minister. They are not Ministers and they will under no circumstances represent themselves to be so.

**MR BERRY:** I ask a supplementary question. In that case, Mr Speaker, what action will the Chief Minister take over the breach of his directive by Mr Stefaniak in the foreword of the January 1990 edition of the Regional Racing Journal, which I have here, where he states:

It gives me great pleasure -

and you can tell by the great grin on his face in the accompanying photograph that it does give him a great pleasure -

as the Australian Capital Territory's Minister responsible for racing to preface this review of our magnificent Black Opal Race Meeting -

and it goes on with other matters. And as I said, Mr Stefaniak quite obviously thought he was a Minister there and he was obviously getting a great deal of pleasure from it. I seek to incorporate in Hansard the text of that foreword, Mr Speaker.

Leave granted.

Document incorporated at appendix 2

**MR KAINE:** I am quite happy for the former Minister to incorporate that document in Hansard. The fact is, Mr Speaker, that document, with that wording, was prepared by officers of the Department - - -

**Mr Whalan:** Hide behind the bureaucrats.

**MR KAINE:** Do you want to listen to the answer or do you not?

**Mr Whalan:** Hide behind the bureaucrats, come on. Make them the bunnies!

**Mrs Grassby:** Mr Stefaniak signed it.

**MR SPEAKER:** Order!

**MR KAINE:** The speech which was printed there was never made by Mr Stefaniak. To move much closer to the present day than that date, in a period of 24 hours within the last fortnight Mr Stefaniak was three times referred to in the media as the Minister for Sport. I have brought it to the attention of the media that that is incorrect and have asked them not to refer to Mr Stefaniak or any other Executive Deputy as a Minister. The fact that the media continue to do it is beyond the control of either myself or my Government and it is a misrepresentation of the facts.

**MR BERRY:** I raise a point of order, Mr Speaker. I would like to see if I can have the signature on this document verified, authenticated.

**MR SPEAKER:** That is not a point of order. You would have to seek leave of the Assembly for that.

**MR BERRY:** Well, I seek leave to ask Mr Stefaniak whether that is his signature or not.

Leave granted.

**Mr Stefaniak:** I am quite happy to make a personal explanation. I seek leave to do so, Mr Speaker.

**Ms Follett:** Not in question time.

### **Interstate Freight Bans**

**MR STEFANIAK:** Mr Speaker, my question is to the Minister for Urban Services, Mr DUBY. Minister, what is the Government doing about the impact of Transport Workers Union bans on freight transport interstate and in New South Wales.

**MR DUBY:** Mr Speaker, I am sure all members of this Assembly find it regrettable that a dispute which relates solely to New South Wales issues is having an adverse impact on the ACT and its citizens. As a matter of fact, the Alliance Government is closely monitoring the TWU bans and their impact on the ACT and is also involved in discussions with the New South Wales Government.

With regard to the effect of the bans on the ACT, it would appear that a preliminary assessment indicates that supplies of fuel and groceries are adequate and there are no immediate problems in these areas. In fact, we have supplies of fuel in particular to last a good many weeks.

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Also the bans do not affect the rolling into ACT of the fuel trains on the railway lines. However, the position with fruit and vegetables and meat is a trifle more serious and the supply situation could be verging on critical by the weekend.

However the Government will continue to monitor the situation in the ACT and will be liaising closely with the New South Wales Government and the TWU in efforts to resolve the dispute.

### **Executive Deputies**

**MR WOOD:** Mr Speaker, I direct a question to the Chief Minister, who has today indicated that there is perhaps some confusion about the role of Executive Deputies, as you said, Mr Speaker, in your newspaper column the other day. I refer to comments on radio by Dr Kinloch about balloting for places in courses in secondary colleges, but I have a different theme from that. My question concerns procedures and principles, because we all need to know whether Dr Kinloch was speaking for the Government or stating his personal opinion. Specifically, what guidelines have you established for Executive Deputies in their public announcements and other activities to ensure that there is no misunderstanding in the community about Government policy?

**MR KAINE:** Mr Speaker, I can recall that within a matter of days of taking government in December, so that there would be no question in people's minds about the roles and responsibilities of Executive Deputies, I tabled in this Assembly a set of instructions and some guidelines as to the things that Executive Deputies could do legitimately for their Ministers. I think they were quite explicit. I do not think there is any doubt in anybody's mind on this side of the house about their responsibilities and their roles and I do not believe that I need to make any further explanation beyond those documents that are on the public record.

**MR WOOD:** I ask a supplementary question. What delegations have been made to Executive Deputies?

**MR KAINE:** Mr Speaker, I can only speak for myself. It is a matter for each individual Minister as to what - if anything - he delegates to his Executive Deputies in the legal sense of making delegations. It is my understanding that no such delegations have yet been made. Certainly, there has been none in my portfolio area.

### Very Fast Train Project

**DR KINLOCH:** My question is directed to the Chief Minister in his role as Minister for Industry and Development. We now have the XPT, the VFT and, as a delightful letter in the Canberra Times today puts it, the FOT, the fairly ordinary train. It is said that the VFT will cost the ACT Government \$30m. Is that correct?

**MR KAINE:** Well, Mr Speaker, I cannot speak - or I could, but I do not intend to - about the XPT and the FOT because they fall into the portfolio responsibility of my colleague, Mr DUBY, but I am interested in speaking on the very fast train. I must say that, given the in-principle support that the previous Government gave to this project, I was quite astonished at the comments that have been made by certain members of the now Opposition in respect of the report which they themselves commissioned and which is now being tabled, and from which I quoted certain figures quite recently.

Assuming that the VFT does take the coastal route, the one which would run down through Jerrabomberra, the report does, in fact, talk about the possibility that there could fall to the ACT - not to the ACT Government, to the ACT - a cost of the order of \$35m. If it were to take the Gungahlin route, that cost could conceivably go as high as \$50m.

If the Leader of the Opposition, for example, had bothered to read the report, which is on the record and which she could have read, she would have found how those costs, or those possible costs are calculated and she would have seen that at this stage they are very tentative. At this stage, there is the question of the consortium which has to do with who pays costs at some time further downstream, and it has adopted the principle of the latecomer pays - an expression used for the VFT project. The cost of some of the things that may have to be provided across, under or around the permanent way may have to be picked up by members of the consortium - the VFT project itself - if they are the latecomers and if we put facilities in there before they come along the way.

So there is a very real question about the ultimate actual costs and, of course, as yet there has been absolutely no negotiation whatsoever about where those costs will ultimately fall. For example, the VFT railroad station, which, I suspect, is most likely to be somewhere out near the airport, will be built by the VFT consortium, which will put the VFT track through. But if we want access to the station, presumably we will have to arrange for that access to be made available. That means access roads and it may even include some parking. That kind of infrastructure will have to be provided, but it is by no means determined that even those costs will be borne by the ACT Government.

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It is an attribution of costs as between the VFT consortium on the one hand and the States and Territories on the other. Where those costs will ultimately fall will depend on how much they are, to what they are attributed and what negotiations can be undertaken to shift the burden from the Government to the private sector; from the private sector back on to the consortium; perhaps even some of it on to the Commonwealth Government. So at this stage - - -

**Ms Follett:** Funding priorities, that is what you said.

**MR KAINE:** For a Leader of the Opposition, who endorsed this project in principle towards the end of last year, to come out now and talk it down as though even an investment of \$30m is somehow reprehensible in anticipation of a \$1 billion return, leaves me absolutely speechless.

### **Executive Deputies**

**MRS GRASSBY:** Would the Chief Minister advise the Assembly of the cost of moving the Executive Deputies from the Assembly precinct to the executive section of the fifth floor of this building?

**MR KAINE:** No, I cannot because there has been, as yet, no such move. Arrangements are in hand to move the members of the Government to the fifth floor so that we can do our business better. There has been a tentative floor plan drawn up which I have endorsed.

**Mr Wood:** Public servants shifted out.

**MR KAINE:** That is right. The members of the ACT Administration have moved off the floor. And, interestingly enough, that has to do with the principle that the Opposition seems to be pressing so hard now, but which it did not recognise while it was in government - that is the separation of Executive, the judiciary and the legislature. The previous Government had no difficulty whatever in having its senior public servants on the floor with it. We happen to believe that to have the senior public servants at arm's length from the political government is a good thing and we believe that it is in the best interests of good government that those moves are being made. We are moving public servants off the fifth floor and we are moving executive deputies and their staffs onto the fifth floor. The costs will be minimal and when I know what those costs are, I undertake to inform you.

**MRS GRASSBY:** I ask a supplementary question. Can the Chief Minister tell us where the money for this move is coming from and what programs will be cut to pay for these costs?

**MR KAINE:** No programs will be cut, Mr Speaker. We are still working within the budget put in place by the present

Opposition. That budget remains in balance, although there are a lot of people feeling the pinch from it. It remains in balance and will stay in balance by the good management of the present Government. It would have been way out of balance by now, had the previous Government stayed in office. We can see the evidence for this. We can see the evidence of the problem that Dr Kinloch had to address on radio the other morning. We see the evidence of it in the TAFE students who cannot be admitted because of the budget put in place by the previous Government. We see the evidence of it, in Marymead where houses have been closed down because, by decision of the former Government, the children who should be housed there are being housed in other places under different programs. That is what management of the budget meant to the former Government, but its budget remains in balance. We are seeing the consequences of it. That budget will stay in balance and I can assure members that no program will be cut to make these minor changes in the accommodation of the members of this Assembly.

### **ACT for Birth Seminar**

**MS FOLLETT:** I direct my question to Mr Kaine in his capacity as Minister responsible for the status of women. Mr Kaine, will Ms Maher be participating in the forthcoming ACT for Birth seminar on birthing centres, because of her responsibilities as Executive Deputy to the Chief Minister on the status of women?

**MR KAINE:** Put simply, Mr Speaker, yes.

**MS FOLLETT:** I ask a supplementary question, Mr Speaker. I believe that the Liberal Party, the Residents Rally and, indeed, the No Self Government Party do not actually have a policy on a birthing centre and, in fact, may well oppose the concept of a birthing centre in the ACT. So I would ask the Chief Minister where will Ms Maher be looking for policy guidance to assist her participation in that seminar?

**MR KAINE:** First of all, the Leader of the Opposition makes some assumptions about what we have policies on and what we do not. Our policies are being published progressively.

**Ms Follett:** You have not got it yet, is that right?

**MR KAINE:** I would like to see a lot of your policies. You were in Government for seven months and had no policies on a lot of issues. I notice that you issued a statement the other day listing your spokespeople. You consider the environment so important that you do not even have a spokesperson on it. So do not talk to me about what you consider to be omissions from my Government's policies. Both I and my executive deputy will be fully briefed on the issues. We will approach this issue on a fully informed

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basis and we will make the right decision. It will probably be a better decision than you would have made, despite all your talk.

### **Child Care Centre, Parliamentary Triangle**

**MS MAHER:** My question is addressed to the Minister for Housing and Community Services. Mr Collaery, I refer to a press release of 11 February 1990 by Mr Berry claiming that the Alliance Government will block the establishment of a child care centre within the Parliamentary Triangle, in an attempt to cover up mismanagement of the budget. Is it true that the Alliance Government is blocking the establishment of a child care centre, and that it is proposing to transfer the funds for other use?

**MR COLLAERY:** Mr Speaker, I am pleased to answer this question and to give further notice that every time we see total furrphies foisted on the media, a dorothy dixer will be asked in the chamber taking up question time so that we can correct those furrphies. Have Opposition members got that right? They will get a dorothy dixer every time they mislead the media with this type of nonsense. Firstly, I have said on numerous occasions publicly that this Alliance Government fully supports the system of child care centres in the ACT - unlike the Opposition. Where were Opposition members last Saturday at the opening of the new Civic child care centre. Where were they?

**Mrs Grassby:** At the rubbish tip!

**Mr Whalan:** Protecting the citizens of Canberra from you rapacious moneygrabbers.

**MR SPEAKER:** Order!

**MR COLLAERY:** Returning to the real issues and not those that distract the Opposition, I stress that we in this Government recognise the urgent need for the establishment of a long-day day care centre in the area of the Parliamentary Triangle. The National Trust has expressed concerns and we are familiar with those concerns. As a Government, we do not wish to enter questions of polity between the Federal Government in its triangle and a body as august as the National Trust. There has been community disquiet about the site. Together with Ms Maher, last week I met the group which is pressing for the construction of the site and it has been made clear to those people that when site identification is resolved, the money is in the budget. There has been no attempt to move that money allocated by the former Government. It will be left there until a site is identified. The child care group has selected a second option site; I am not at liberty to indicate that because that may alter its tactical bargaining on the issue. But I can assure members that Ms Maher attended the recent public meeting, and has kept



closely in touch with those people. Mr Berry's press release of 11 February 1990 used up good media space.

### **PERSONAL EXPLANATIONS**

**MS FOLLETT:** Mr Speaker, I wish to make a personal explanation.

**MR SPEAKER:** Do you claim to have been misrepresented?

**MS FOLLETT:** I claim to have been misrepresented. Mr Speaker, during question time the Chief Minister quite wrongly stated that responsibility for the environment had not been allocated to any of the Labor members of this Assembly. I seek leave to incorporate in Hansard the document which shows the allocation of portfolio responsibility within the Labor Party and amongst our members. Quite clearly it shows that I myself have responsibility for environment.

Leave granted.

Document incorporated at appendix 3

**MR JENSEN:** Mr Speaker, I seek leave to make a statement in relation to the statement just made by the former Chief Minister.

Leave not granted.

**MR STEFANIAK:** I seek leave to make a personal statement, Mr Speaker.

**MR SPEAKER:** Do you claim to have been misrepresented, Mr Stefaniak?

**MR STEFANIAK:** No, I do not claim to have been misrepresented. It is just a personal statement that I was going to make earlier.

**MR SPEAKER:** Well, in that case, leave is not granted.

**MR STEFANIAK:** I wish to make a personal explanation.

**MR SPEAKER:** Do you claim to have been misrepresented, Mr Stefaniak?

**MR STEFANIAK:** Yes.

**Mr Whalan:** You have changed your mind; it is not your signature?

**MR STEFANIAK:** It is definitely my signature.

**Mr Whalan:** It is definitely your signature? Good, that is in Hansard.

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**MR STEFANIAK:** Mr Speaker, I believe I can recall signing a document. I do not know whether it had anything on it at all. I recall signing a document, about three quarters of the way down the page. I believe a signature was required for a message in a racing journal. I recall at some later stage, and then again prior to 14 December, discussing a message with the general manager of the Office of Sport and Recreation. On 14 December, which I believe was a Thursday and the last sitting day, the Chief Minister gave a detailed explanation of the role of the Executive Deputies and tabled the document in the house. On Friday, 15 December, pursuant to that, I had a conversation again with the general manager of the Office of Sport and Recreation and directed him to ensure that the message did not refer to me as the Minister. He undertook to do so. At some later stage I had a further conversation with him to see if that had been done. He informed me that he believed it had been done and the message that had gone off had in fact been changed. Apparently that was not the case. I understand this journal comes out every three months and this is the January to March edition. I assure the house that I clearly gave those instructions after the Chief Minister's expose of what Executive Deputies were, and I recall to the best of my knowledge that that was done on Friday, 15 December.

**MR BERRY:** I claim to have been misrepresented, Mr Speaker.

**MR SPEAKER:** Do you wish to make a statement, Mr Berry?

**MR BERRY:** I do, sir. Mr Collaery in a quite expansive way accused me of some sort of mischief about the issue of the Parliamentary Triangle child care facility. The press release that I issued drew attention to the fact that no announcement had been made by the Minister and I am very pleased that the release has now drawn the Minister out into the open. He has been flushed out into the open and has announced a commitment to support a child care centre in that area. What will be interesting is whether the Liberals and the Democrats in the Senate support - - -

**MR SPEAKER:** Order, Mr Berry! Is this a personal explanation in which you claim to have been misrepresented?

**MR BERRY:** Mr Speaker, I am trying to make clear that there was no mischievous intent. It was an issue of some concern to the public and particularly Canberrans who have to travel in from the far-flung suburbs to work in the Parliamentary Triangle and who need child care. I think it needs to be clearly understood that what was intended was to flush the Government out on the issue. It has been flushed out and what the Liberal faction of that Government needs to do now is get some commitment from their Federal colleagues to a Parliamentary Triangle child care centre, even if it happens to be in the rose garden. I would like to see Mr Collaery give some commitment to the rose garden, if it is recommended.

**PRIVILEGE**  
**Statement by Speaker**

**MR SPEAKER:** I wish to make a statement on a matter of privilege. On 25 January the presiding member of the Standing Committee on Conservation, Heritage and Environment, Dr Kinloch, gave written notice of a possible breach of privilege concerning the premature and unauthorised release of information in articles and an editorial published in the Canberra Times on 20, 21 and 25 January respectively. The articles and editorial referred to the recommendations of that committee's draft report on commercial and domestic waste management.

Under the provisions of standing order 71, I must determine whether or not the matter merits precedence over other business. If, in my opinion, the matter does merit precedence, I must inform the Assembly of the decision and the member who raised the matter may move a motion without notice forthwith to refer the matter to the Standing Committee on Administration and Procedures. The Assembly standing order 241 provides:

The evidence taken by any committee and documents presented to and proceedings and reports of the committee shall be strictly confidential and shall not be published or divulged by any member of the committee or by any other person, until the report of the committee has been presented to the Assembly: Provided always that the publication or divulging of any evidence, documents, proceedings or report confidentially to any person or persons by the committee or by any member of the committee for the execution of any clerical work or printing, or to the Speaker, a Member or, if it be necessary, in the course of their duties, to the Clerk or other officers of the Assembly, shall not be deemed to be in breach of this standing order.

Under section 24 of the Australian Capital Territory (Self-Government) Act the Assembly and its members and committees have the same powers, including privileges and immunities, as those for the time being held by the House of Representatives and its members and committees.

The publication of draft reports of committees before their presentation to the House of Representatives has been pursued as a matter of contempt. As Speaker, I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly, I can only judge whether this matter merits precedence. Having considered the newspaper articles and Dr Kinloch's complaint, I am prepared to allow precedence to a motion to refer the matter to the Standing Committee on Administration and Procedures.

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**DR KINLOCH:** Mr Speaker, I have consulted with my colleagues on the Standing Committee on Conservation, Heritage and Environment and in view of our considered opinions, I do not propose to move a motion on this matter. I do however seek the leave of the Assembly to make a short statement on the issue.

Leave granted.

**DR KINLOCH:** Firstly, I wish to express our very great appreciation of the careful and meticulous work of the secretary of the committee, who has been most helpful and thoughtful in this matter, both to the previous committee in 1989 and the committee in 1990. At all times she has been professional in her duties.

On the matter I raised, Mr Speaker, I think that due to an insufficient understanding, there may have been an unintended leakage of some aspects of a committee document by someone not directly connected with the committee. While some concern may have been raised, I do not think major damage was done or that the committee's performance was unduly affected. Could I refer the Assembly to House of Representatives Practice, Second Edition 1989, at page 615, where it is stated:

Committees have chosen, from time to time, to take no action on press articles partially disclosing the contents of their reports or commenting on committee deliberations during the drafting of reports. It has been thought counter-productive to give further publicity and credence to such articles.

I therefore do not propose to move a referral motion, but I will be writing to you, Mr Speaker, as Chairman of the Administration and Procedures Committee, asking the committee to review our procedures in this area and asking you to advise all members and their staff of the very great need for complete confidentiality of all unpublished committee documents.

**PAROLE BOARD OF THE ACT  
ACT ELECTRICITY AND WATER AUTHORITY  
INTERIM TERRITORY PLANNING AUTHORITY  
Annual Reports**

**MR COLLAERY** (Deputy Chief Minister): Mr Speaker, pursuant to section 27A(2) of the Parole Act 1976, I table the 1988-89 Annual Report of the Parole Board of the ACT. Further, pursuant to section 79A(1) of the Electricity and Water Act 1988, I table the 1988-89 Annual Report of the ACT Electricity and Water Authority. And further, pursuant to section 17(2) of the Interim Territory Planning Act 1988, I table the Report of the Operations of the Interim Territory Planning Authority for the period 31 January 1989 to 30 June 1989.

**PRIORITIES REVIEW BOARD**  
**Ministerial Statement**

**MR KAINE** (Chief Minister), by leave: Mr Speaker, I would like today to inform members of the Government's decision to establish a Priorities Review board. It is a fact that is well known to everybody that Commonwealth funding for the ACT has been guaranteed in real terms only for the first two years of the life of self-government - that is, for the period 1989-90 and 1990-91. In June 1991 the Commonwealth ceases its guarantee of funding and for practical purposes we should not assume that any further financial assistance from the Commonwealth will be forthcoming.

Senator Walsh, the Commonwealth Minister for Finance, stated on 14 December 1989 that it was the belief of the Department of Finance that the level of overfunding had reached about \$100m. He was referring to a figure of \$100m a year. In plain terms for the ACT this means that we have a gap of \$100m a year in our funding that has to be eliminated by June 1991, less than a year and a half away.

Determination of a more precise position will depend on the outcome of the current budgetary process within the ACT Administration leading up to next year's budget and of ongoing discussions with the Commonwealth in connection with outstanding financial matters.

It is quite clear that major strategies for dealing with the problem need to be developed now as a matter of urgency. It is for this reason that the Government has established this board. We will be given independent and professional advice on developing our short, medium and long-term financial strategies for the Territory.

The board is an independent committee set up to review the activities of the ACT public sector and it will be reporting to me by 30 June of this year. The committee will be chaired by Mr Bob White, who was, amongst other things, the chief executive of Westpac for 10 years and has had a strong and ongoing interest in the management of large organisations. The experience and expertise that he brings to this review will be invaluable.

The other members of the board are Ms Di Yerbury, who is Vice-Chancellor of Macquarie University and Professor of Management; Rear Admiral Ian Crawford, who has recently retired from the Royal Australian Navy after a distinguished career mainly in logistics and supply; Mr George Snow, a prominent local businessman and chairman of the Canberra Association of Regional Development; and Mr Denis Page, managing partner of Ernst and Young, one of the major management consulting firms in Canberra.

The ACT is indeed fortunate to have such an experienced team to undertake this, the most important review to be conducted in the ACT public sector.

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The aims of the review are twofold: firstly, to set the direction for the development of the ACT Government Service through the 1990s and to provide a blueprint for making our public service the best in the country; and secondly, the committee is being asked to identify specific measures the Government can take to close the budget gap between the current cost of providing ACT Government services and the revenue that will be available to fund those services upon completion of the phase-out of guaranteed levels of Commonwealth financial support for the ACT in 1991.

The Government sees these two objectives as being complementary and wishes to emphasise the need for longer term strategies as well as immediate economies.

I expect the board to oversight the implementation of the Government's decisions upon completion of the review, as well as carrying out the review in the first place. In this way we will ensure that the recommendations are such that they can be put into practice and that they are not forgotten due to other important matters taking precedence after the report has been lodged.

There is no way that we can escape the fact that the ACT must pay its way. This committee will be giving the Government very positive guidance upon what we will need to do to make sure that we live within our means and also as to how we can provide our services in the best way for the people of Canberra in the future.

I do not pretend that this will be an easy task and I am aware that hard decisions will be required if we are to bring responsible fiscal management to the Australian Capital Territory.

Across the country there are significant structural changes taking place and I am sure that, as has happened elsewhere, the union movement will play a constructive and responsible role in this review.

I have already commenced discussions with the union movement and I look forward to its positive involvement in helping the Government reach decisions which ensure both that the ACT community continues to receive the support it deserves from this Government and fully protect the interests of our dedicated and professional staff.

This is an opportunity to create the last public service in Australia. We want it also to be the best in Australia so that the people of the ACT are given the best service and so that it attracts the best people to work in it. We want it to be capable of delivering necessary government services at least cost to the ACT taxpayer.

I am confident that the Legislative Assembly will support the Government's initiative in establishing this Priorities Review Board and the positive changes which the Government

will introduce as a result of the board's work. I present the following paper:

Priorities Review Board - Ministerial statement, 13 February 1990

and move:

That the Assembly takes note of the paper.

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

### **NATIONAL HEALTH POLICY ON ALCOHOL Ministerial Statement**

**MR HUMPHRIES** (Minister for Health, Education and the Arts), by leave: Today I wish to inform members of the Government's position in relation to the national health policy on alcohol. The national health policy on alcohol was endorsed by the Ministerial Council on Drug Strategy on 23 March 1989. Although the policy was developed after extensive national consultation, the prime responsibility for implementation rests with State and Territory governments.

The ACT Government takes this opportunity to lend its support to the national health policy developed by the Ministerial Council on Drug Strategy. It is appropriate therefore that the ACT Government should develop a suitable range of responses within the framework of the national health policy on alcohol which are specifically suited to the ACT. In order to develop policies about the important health, welfare, education and legal issues that surround the social use of alcohol I have asked my Department of Health to establish an interdepartmental consultative group to examine these issues.

It should be stated at the outset that the national health policy on alcohol is not a prohibitionist policy. The ultimate aim of the policy is not the complete cessation of all consumption of alcohol. Unlike tobacco, the moderate consumption of alcohol does not necessarily lead to impaired health. Indeed, there are many well known and appreciated benefits to be had from its moderate consumption, as members of the Assembly would well know.

**Mr Berry:** I have read that speech out.

**MR HUMPHRIES:** I am afraid you have, Mr Berry. And if you have, I am reading it much better than you ever would. It must be recognised that there is a place in Australian society for the responsible and moderate consumption of alcohol. The overall aim of the national health policy on alcohol is instead the minimisation of harm associated with its use. A national health policy on alcohol was developed because, whatever the benefits of alcohol, the harm

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associated with the inappropriate use of this drug is depressingly large.

In terms of per capita consumption of absolute alcohol, Australia is currently ranked thirteenth in the world and is the largest consumer of alcohol amongst the English-speaking countries. Excessive alcohol consumption is a risk factor for cancers of the digestive system, foetal alcohol syndrome, permanent brain damage, cirrhosis of the liver and motor vehicle and other accidents such as drownings and poisonings. Of special concern to women is the association of alcohol consumption and the incidence of violence in the home.

Alcohol consumption is a major factor in reducing life expectancy. In 1987 there were about 68,800 years of life lost due to alcohol related causes. This compares with about 92,900 years of life lost due to tobacco consumption and 24,300 for all other drugs. About 6,500 Australians die from causes related to the consumption of alcohol every year. By contrast, heroin and related opiates account for only about 320 deaths per year. While the problem of heroin abuse is unquestionably important, these statistics underscore the largely unseen and unappreciated significance of the problems caused by alcohol in our society.

An estimated 190 alcohol related deaths occurred between 1981 and 1985 in the ACT alone. This is 8 per cent of all deaths in the period. A major factor in these deaths is of course road accident fatalities. Motor vehicle accidents account for about 75 per cent of the total national alcohol related deaths in the 15-34 age group. Another major factor in these deaths is the use of alcohol in the context of water with one in three drownings associated with the use of alcohol.

As you can see, Mr Speaker, the reasons for developing an alcohol policy are significant for the nation and the ACT alike. In order to have an impact on these depressing statistics a policy is needed which is both broad and allows every reasonable opportunity to reduce the problems associated with the use of alcohol. Within the broad perspective of harm minimisation, there are a number of issues that are of particular concern both to the Government and the general public. These include under age drinking, binge drinking and drink driving.

Each of these causes enormous loss and grief to the community, the family and the individuals concerned in health, social and economic terms. In particular, the level of alcohol related offences by young people in the ACT is a matter of special concern. While there is no reason to believe such problems are in any way unique to the ACT, much more must be done to address the problem of under age drinking, particularly binge drinking.



There is no universally safe level of drinking. Most alcohol related problems occur in persons who would be regarded by most Australians as social drinkers, so it is not sufficient to direct all efforts at reducing alcohol related problems to those whose drinking is habitually irresponsible. Indeed, no single initiative is likely to effect the significant improvement that is needed.

Accordingly, the national health policy on alcohol covers a range of policy matters, including policies for education, pricing, taxation, availability, advertising, marketing, legal policies, the role of the non-government sector, research and treatment. Public education about responsible attitudes to alcohol use is essential if the present levels of harm are to be reduced. The home environment and the family must also play an important role in the adoption of responsible attitudes and behaviour of the young. To this end the provision of alcohol education programs at all levels of the education system will be maintained and reinforced.

Already my Departments of Health and Education have a reputation for excellence and innovation in this regard with two major projects being adopted nationally - the drug abuse prevention in primary schools project and the stories presented by the Skylark Puppet and Mask Theatre.

We must also encourage the availability of alcohol-free events, particularly for young people. The recent cool cocktails promotion of alcohol-free cocktails is an excellent example of this kind of activity and one which has already stimulated national interest. But the Government will not rest on its laurels. For example, I have also decided to sponsor the 1990 Rock Eisteddfod in the ACT through the health promotion fund in conjunction with the Quit for Life campaign. The Rock Eisteddfod is a competition for the development of school based bands covering several States and the ACT. Although strongly emphasising an anti-smoking theme to the young people participating, the entertainment events themselves are also promoted as alcohol-free events.

A key message for young people from such events is that you do not need alcohol to have fun. The Government is also committed to examining the needs for specialised treatment services for young people. The Burdekin inquiry recommended the establishment of such centres, and I have already approved a grant to examine such needs in the youth sector.

There is also much that should be done to promote the responsible use of alcohol through the media. This can be achieved through specific mass media campaigns designed to encourage responsible consumption of alcohol. We must also look at our local content in the media and examine the impact of role models in popular programs including both television and radio.

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We must encourage the provision of information by doctors and other health and welfare workers covering the risk levels of alcohol use. The dissemination of the National Health and Medical Research Council's recommendations regarding responsible levels of drinking is particularly useful. I wonder how many members would fit within the criteria of the equivalent of four middies of full strength beer on average for men or two for women per day.

Cooperative arrangements with the alcohol industry have been a successful feature of preventive activities in other States. The server intervention programs and the "Home Safely" campaign which was recently launched in the ACT and other States are examples of this type of cooperative approach. The "Home Safely" program which has been vigorously promoted by the alcohol industry addresses the problem of young people and motor vehicle accidents by encouraging young people and their parents to sign contracts in which parents undertake to drive their children home after they have been out and consumed alcohol.

Professional training and education for those working with alcohol affected people is also essential to maintain the effectiveness of the community's investment in alcohol problem prevention and treatment. A new initiative for my department will be the creation of special training positions within the alcohol and drug service to provide an opportunity for recent graduates or those without formal tertiary qualifications to acquire the appropriate experience or qualifications. This will enable them to contribute more effectively to the prevention and treatment of individuals and families affected by alcohol and other drug problems.

The training needs of existing staff will also continue to be addressed by encouraging their attendance at relevant seminars and conferences, the provision of study leave where appropriate and staff rotation programs, such as those already available to psychiatric registrars, student psychiatric nurses and masters students in clinical psychology. Teacher training needs will also continue to be addressed. Indeed my department, in collaboration with the Department of Education, has been responsible for the development of the drug abuse prevention in primary schools package which is now being adopted nationally. The package uses an action research model to train teachers to develop and adapt drug education approaches specifically suited to their own classroom situations.

The interdepartmental consultative group on alcohol will need to consider the influence of laws and regulations which affect the availability of alcohol, especially to young people. My colleague the Attorney-General has announced his intention to carry out a review of the Liquor Act. I am advised this review will address a number of aspects of the operation of the Liquor Act in the ACT, including matters relating to the issue of under-age

drinking. The outcomes of this review will be examined by the interdepartmental committee, as well as other legislative strategies which may assist in reducing the problems associated with the use of alcohol.

We must ensure that advertising and marketing practices are consistent with the aim of encouraging responsible use of alcohol. To this end I will be participating with my colleagues on the Ministerial Council on Drug Strategy to ensure that appropriate standards are maintained by the alcohol industry.

The role of the non-government sector in supporting and complementing the Government in its provision of basic preventive and treatment services must not be underestimated. Non-government agencies, such as the Alcohol and Drug Foundation ACT and the Drug Referral and Information Centre, play an essential role in the provision of basic community services for individuals and families affected by alcohol.

The Government's Alcohol and Drug Service will continue to play an important role in coordinating the activities of the government and non-government sector and the administration of a grants program. This will encourage both flexibility and initiative but at the same time ensure that the programs are systematically evaluated to guarantee a continued high standard of service provision.

Research in relation to alcohol and drug matters will play an important role in policy development. We will continue to encourage those working in this important area to be involved in policy development and conduct their own quality research. Over time this will enable us to develop an integrated, systematic and comprehensive approach to alcohol dependence and alcohol-related problems. Some important initial steps will be to conduct surveys of drug use among school-age children and the continuance of innovative programs designed to improve our treatment of chronic dependence as well as our preventive approaches.

The treatment of alcohol dependence and related problems has a limited but vital role in a comprehensive set of strategies designed to reduce alcohol-related problems overall. We must never allow the development of treatment facilities to lead to a neglect of prevention. Nonetheless, we must ensure that those with a need for treatment have reasonable access to treatment facilities.

A full range of treatment services, which is sensitive to the needs of particular at-risk groups, will need to be developed. As alcohol problems mostly affect men, they are the major users of treatment facilities in the ACT. Particular at-risk groups, young people, women and Aborigines, are underrepresented in treatment programs, possibly because of a reluctance to share treatment facilities with a predominantly adult male clientele. More needs to be done to remove the barriers to full access by these groups.

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No single service such as the Alcohol and Drug Service can possibly hope to deal effectively with the extensive range of problems caused by alcohol. All organisations, departments and agencies coming into contact with people with alcohol-related problems must examine the role their members can play in the treatment of drinking problems and ensure that staff have adequate training to identify and appropriately manage such clients.

More needs to be done to ensure that services for the diagnosis, assessment, treatment and rehabilitation of those with alcohol-related brain damage are readily available. While the application of our energies to preventing people, especially the young, from developing problems with alcohol is essential, we must accept as a community the need to adequately care for those who are now permanently afflicted with brain damage through the long-term abuse of alcohol.

At the forthcoming meeting of the Ministerial Council on Drug Strategy in April this year I will be reporting on the progress of the ACT Government in the implementation of the national health policy on alcohol. In the meantime I have asked my department to pursue the establishment of an interdepartmental consultative group to examine a wide range of policy options appropriate for the ACT and ultimately to develop a complementary ACT health policy on alcohol.

In closing, let me reiterate that we must recognise the benefits as well as the harm that alcohol brings to our society and develop a broad range of strategies that will lead us to a responsible and moderate enjoyment of alcohol in our society. In this regard we recognise the importance of giving due consideration to the many diverse interests and concerns that this complex problem presents. Mr Speaker, I present the following paper:

National health policy on alcohol - Ministerial statement, 13 February 1990

and move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

**ALLIANCE GOVERNMENT'S LEGISLATION PROGRAM**  
**Ministerial Statement and Paper**

**MR COLLAERY** (Deputy Chief Minister), by leave: Mr Speaker, it gives me pleasure to table the Alliance Government's legislation program for the first half of 1990. The legislation program provides the titles of legislation proposals and, unlike the former Government's program, also

identifies the responsible Minister and the category of priority accorded to each proposal. I might note that my colleague the Chief Minister forwarded a copy of this, prior to the sitting today, to the Leader of the Opposition.

The Government is seeking to provide members with a full listing, which is being distributed now, of the range of legislation currently under development. Accordingly, the program includes proposals for legislation which are in their early stage of development and which have not yet been subject to formal consideration by the Government as well as Bills that are close to introduction. Members should also be aware that the program is indicative to the extent that changing priorities, drafting requirements and the evolving nature of government policy formulation in the ACT will effect how quickly and in what order legislation is developed and introduced into this Assembly.

The program identifies three categories of priority for the government legislation proposals, and in that regard I wish to say a few words about these categories. The first category of priority represents those legislation proposals, the drafting of which has been presently accorded the highest priority by this Government. It is the Government's intention to introduce as many of the Bills which fall into this category as possible before the conclusion of the autumn sitting.

Members should, however, note that some of the proposals arise from the possible transfer to the ACT of responsibility for the Supreme Court and corporate affairs, subject to our further determination of the outcome of the recent High Court case, by the middle of 1990. Maintenance of the first category of priority for these proposals would be contingent upon their transfer within this time frame.

In relation to the legislation proposals which fall into the second and third categories of priority, some may also find their way into the Assembly before the middle of the year depending upon progress with the issues involved and the availability of sufficient drafting resources. In this regard it should be noted that the extent of the Government's progress will place considerable demands upon the resources of the legislative counsel.

The Government is providing its legislation program with the objective of providing a meaningful indication of its present legislative agenda. I trust that members and the public will find the document to be informative and helpful. However, I do not anticipate that by providing this formulation in essence of open government this Government will be forced to debate Bills and proposals which are at a sensitive stage of pre-government and government commitment. I present the following paper:

Alliance Government's legislation program - Ministerial statement, 13 February 1990.

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## **EXECUTIVE DEPUTIES**

### **Discussion of Matter of Public Importance**

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

The role and cost of Executive Deputies, their relationship to the Executive Government and the legislature, and the implications of these positions for the Westminster principle of the separation of powers.

**MS FOLLETT** (Leader of the Opposition) (3.48): Mr Speaker, I wish to take the opportunity of using the first debate on a matter of public importance to raise the issue of Executive Deputies because they represent so neatly all the things that are wrong with this Government.

I believe that the appointments of Executive Deputies have demonstrated the very weakness of the leadership of Mr Kaine and they have shown up the basic mistrust between the different groups in this fairly ramshackle coalition. They also demonstrate a contempt for the community which even you, Mr Speaker, have admitted is confused by the notion. Much more obviously, as we have seen today, they also show a complete contempt for this Assembly by making the Assembly subservient to the Executive and by attempting to pervert the independence of the Assembly's committees.

First and foremost, Mr Speaker, the creation of the Executive Deputies shows that no-one is really in control of this Government. It shows up the weakness of Mr Kaine who has given in to a fairly twisted form of Mr Collaery's so-called collegiate system, the much-touted collegiate system, and it shows further that Mr Kaine was so weak in negotiating his coalition that he had to give a job to everybody. He had to buy the loyalty of the members of his Government with jobs for the boys and the girls and with the kind of grandiloquent and pretentious titles that we have seen, in exchange for every vote he received as Chief Minister.

If you are in any doubt as to the nature of the titles, you might have a look at them. I notice, for instance, that Mr Stefaniak, when he is not calling himself the Minister for sport, is known as the Executive Deputy Assisting the Attorney-General/Minister for Housing and Community Services, on Police and Justice and Sport, Recreation and Racing Matters. Mrs Nolan is now the Executive Deputy Assisting the Minister for Finance and Urban Services on Tourism, Business, Employment, Transport and Rural Matters.

Mr Speaker, they may well rejoice in those titles, and they may be gratified that their personal titles take up no less than a full column inch in the newspaper without anything attaching to them, but I put it to you that they have

caused enormous confusion, and I suspect that the length of the title is probably inversely related to the talents and the creativity of the person bearing it. But the creation of these Executive Deputies shows that Mr Kaine, in forming his coalition, was not strong enough to fend off the paranoia of his coalition partners. There is just no hiding the paranoia which led to a Residents Rally deputy being appointed to look over the shoulder of each of the two Liberal Ministers. There is no hiding the doubts and the mistrust which caused a Liberal deputy to be given the role of watching each of the two non-Liberal Ministers.

You might want to cast your minds back to 11 May last year, if you have any doubts whatsoever about the antipathy and the divisions between the two major parties in this coalition, when Mr Kaine, speaking of his now Deputy Chief Minister, Mr Collaery, was quoted in Hansard as saying:

He -

that is, Mr Collaery -

presents himself as the knight in shining armour on the white horse, fighting against the two big party machines. His party machine -

that is, Mr Collaery's party machine -

is stronger than mine.

That is, Mr Kaine's. He continued:

His executive -

that is, Mr Collaery's executive -

gave him more directions in the past few weeks than mine gave to me.

That is, Mr Kaine. He continued:

He -

Mr Collaery -

misrepresents himself and he misrepresents me and I resent it.

That was Mr Kaine speaking not even a year ago. I do not think matters have changed all that much.

Let me turn to the supposed role of Executive Deputies and, indeed, the way the whole Executive Government works. Firstly, I think we should look at the accord between the coalition members, a copy of which I have here but I am sure they all know it off by heart. It says that all participating members will be involved in executive decision making, that decision making will be vested in the

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joint party room and that the Executive, the four Ministers, will implement the party room decisions. So rather than the Ministers being responsible for executive decision making, as the ACT (Self-Government) Act provides and indeed requires, we see that the accord between the coalition members provides for the real decisions to be made elsewhere and that Ministers are expected to abrogate their legal responsibilities under the Act.

Let us look at the statement that Mr Kaine made in this Assembly on 14 December last year, to see the first signs of the enormous confusion over this role of Executive Deputies. Mr Kaine said:

... Ministers will be entirely responsible for all matters in their portfolio ...

He went on to say:

... the Executive Deputies' role is to provide an additional source of advice and assistance to Ministers.

Mr Speaker, I ask you how this gels with the previous statement in the accord, namely, that all participating members will be involved in executive decision making and that decision making will be vested in the joint party room? In the guidelines that Mr Kaine tabled on that same day he shows that Ministers will not be entirely responsible and in some cases Executive Deputies will, for example, make decisions on anything a Minister can legally delegate, sign correspondence on behalf of Ministers, represent Ministers at ministerial councils and make press comments in their designated functional areas, which has already caused the Government some degree of embarrassment, I would put it to you. But all of this adds up to a clear presumption that Executive Deputies are meant to exercise executive authority, that in some sense they are a kind of Minister and certainly, as Mr Kaine has acknowledged, the media has that impression. They consistently refer to Dr Kinloch as the Minister for education, to Mrs Nolan as the Minister for transport, and so on.

Mr Speaker, there is an old saying - I believe it has been touted recently by a minor Liberal luminary in the Federal sphere - that if something looks like a duck, waddles like a duck, quacks like a duck and hangs around with other ducks it probably is a duck. I put it, too, that Mr Stefaniak definitely seems to think he is a duck, or at least he signs documents like one, as we showed - - -

**Mr Wood:** No, that document had nothing on it.

**MS FOLLETT:** It is an insult to ducks. I beg their pardon; I take it all back. But Mr Stefaniak has quite clearly signed a document as a Minister. If Mr Stefaniak does not know what he is doing as an executive deputy and/or a Minister, who does? Who is responsible for him? Who



answers here for his mistakes? As we found out, it is the public servants.

Could we also look, Mr Speaker, at the cost of these Executive Deputies. We know that some of Mr Kaine's deputies thought that the extra title showed extra responsibility and deserved an extra salary - always a matter close to their hearts. I believe it is only a matter of time before greed and jealousy become too much and we see them bid publicly for more pay.

But, of course, that is not the only cost that the ACT community will bear. We look at the cost to the public service, explaining everything twice, the cost of the time and the cost of the endless reams of copied minutes and submissions to two Ministers instead of one. We look at the cost of the confusion and the changing of minds as Ministers countermand the deputies' orders, as we saw at question time today when Mr Humphries dumped Dr Kinloch right in it. We look at the extra cost of the letterhead and all the lengthy titles - a full column inch, as I have said. Think what it will cost to give each of them a suite on the fifth floor so that everybody is up there together in the bunker, so they can keep an eye on each other and continue in their now established tradition of making all decisions, such as they are, behind closed doors.

The role of Executive Deputies, Mr Speaker, has even more profound implications for the operation of this Assembly. On several occasions we have heard Mr Collaery wax lyrical about the Westminster system, and he has quoted from various authorities on it. But here we see the 10 members of this coalition tear up the most fundamental principle of that system - the principle of the separation of powers. That principle involves a strict delineation and separation of the three arms of government - the legislature, the Executive, and the judiciary. Each is meant to have a separate and a distinct identity. The Executive is meant to be responsible to the legislature, not to dictate to it.

This coalition - Mr Kaine's coalition - has turned that principle on its head. Indeed, Mr Speaker, we heard from Mr Kaine at question time today that he has a total misunderstanding of the separation of powers. He talked about moving public servants away from the Executive on the fifth floor. Of course, Mr Speaker, as I am sure you understand, the public servants are the servants of Ministers and are, therefore, a part of the executive arm of government. He has got it wrong. It is the non-ministerial members of the legislature whom Mr Kaine is moving on to the fifth floor, thus confusing even further the line between the Executive and the legislature. I know that the separation of powers got another conservative government into trouble. I would suggest that Mr Kaine really gets up to speed on it.

Now that the Executive of 10 is a majority of this Assembly, I fear, Mr Speaker, that we will see the Assembly

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doing what the Executive wants. Now the Executive decides that five of its members, the deputies, will not be accountable through question time for their actions. They are not accountable, even though they clearly think they have policy responsibility and even though they can exercise delegated decision-making power, as Mr Kaine has said. Now the Executive has half of its members asking the other half questions - by their own admission, Dorothy Dixers - when they were all collectively responsible for making the decisions in the party room.

**Mr Humphries:** You were, too, when you were in opposition. Bill Wood asked you questions.

**MS FOLLETT:** He was not an Executive Deputy. Now that each of the Assembly committees has a majority of members from the Executive those committees are hardly likely to play an independent role or to scrutinise the Government, but that is their job. Now the Standing Committee on Administration and Procedures, which was set up as a committee of private members to run the affairs of the Assembly, is dominated by members of the Executive Government. Now it will be the Government which decides in that committee the priority of private members' business. This is the kind of contempt for the Assembly and for principles of representative government which allows Mr Kaine to censor private members' Bills, to say that he will decide what private members are allowed to introduce into the Assembly.

Mr Speaker, I will run through again what are the implications for the Canberra community of these Executive Deputies. There is certainly a greater expense to the public purse. There is absolute confusion about who is responsible, who is the Government. Mr Speaker, your article in the Chronicle admits as much. You refer to the confusion in the electorate about the role of the Executive Deputies. I think the electorate is not the only one that is confused; the Government is as well.

Members of the electorate, of course, have the suspicion that when they speak to an Executive Deputy they will not be getting a real decision from a legally responsible person. They feel that they are getting second best, because they have the monkey and not the organ grinder. At one meeting, at which I was present, there was also a Minister and an Executive Deputy present, and the minutes subsequently recorded the Executive Deputy as a bureaucrat.

There is also a complete lack of knowledge about who really rules the Government. Is it the Chief Minister or is it Mr Collaery's deputies peering over his shoulder? Is it the four Ministers or is it the entire 10 member Executive? Who knows? I do not think the Government does.

What can the community think about the stifling of debate in this Assembly and the fact that private members' business will now be controlled by the Government? Finally, Mr Speaker, in all the confusion, what sort of

stability and what sort of responsibility can the community expect from a ship of state, such as we have here, on which everybody wants to be the captain and most of them think they are the first officer?

Mr Kaine and his Government stand condemned for the disaster of Executive Deputies, for the confusion, for the lack of leadership and for the total contempt in which they appear to hold the ACT community and indeed this Assembly.

**MR Kaine** (Chief Minister) (4.03): In this, as in many other matters, the Opposition is making much ado about nothing, and I must say that Ms Follett has engaged in a 15-minute flight of fancy to which there was absolutely no substance at all. She must come here and reproduce her worst nightmares that have developed in the dark of night when she has nothing else to think about.

There are 10 members of the three political groups forming this Alliance Government. Mr Speaker, you were elected to your office before this Government took office, and because of your office you must remain aloof from the day-to-day business of government. Apart from you, Mr Speaker, all members of the government parties are directly involved in the business of government. This is as far as we were able to go in achieving a fully cooperative form of government. We would like to have gone further, but sadly the Labor Party and its fellow traveller and Mr Stevenson could not agree to participate.

**Mr Moore:** I was never invited.

**MR Kaine:** I offered you a ministry, and you refused it.

**Mr Moore:** I was never invited. That's a lie, Trevor.

**Mr Wood:** But that's the crunch, because you have got half of one system and half of another. That is the problem you have got.

**MR SPEAKER:** Order, Mr Wood!

**MR Kaine:** Are we carrying on a debate, or am I having an opportunity to make my 15-minute speech?

**Mr Moore:** Not if you're going to lie.

**MR Kaine:** That is not a lie, and I will get you later.

**Mr Moore:** I was never invited. When was I invited?

**MR Kaine:** I have no time for fellow travellers. Let us be clear, Mr Speaker, there are only four Ministers in this Government; there are only four members of the Executive, and that is as permitted by the ACT (Self-Government) Act. The Executive Deputies have a role to play. They assist those Ministers; they help spread the workload in matters other than executive responsibility, and they provide an

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additional source of expert advice in the matters in which they are specially interested. I do not need to enumerate them, but I will.

Mrs Nolan has a special interest in business, and she advises the Minister accordingly. Mr Jensen has a special interest in planning and the environment, and he advises me accordingly. Dr Kinloch has a special interest in education, and he advises Mr Humphries. Ms Maher has a special interest in people with disabilities and the status of women and such matters, and she advises me on those. Mr Stefaniak has a special interest in sport and recreation, and he advises his Minister on those.

In order to address specific questions raised by the Opposition in its MPI, I would like to run through them briefly. The first concerned the role. I have defined their role, Mr Speaker, unequivocally; it is in writing. They have a non-executive role. Despite the Leader of the Opposition's ranting and raving about the involvement of these people in the business of government, they have no executive role. I cannot be clearer than that. If she cannot hear, or if she cannot understand, she has a problem.

There is no additional cost to the Government in having the additional assistance and advice from these Executive Deputies. They occupy the same offices that they occupied before the Government changed; they will occupy similar offices on the fifth floor when they move up there. Even if we were inclined to remunerate them for the work that they do - and I made it clear from the outset that they would not be remunerated - under the enabling legislation they cannot be remunerated. So to prattle on about requests for increased salaries and the like is sheer rubbish. It cannot be done, and it is not the intention of the Government to do it. Again I cannot be clearer. They have no relationship to the Executive except to assist and advise the members of it.

**Mr Wood:** They don't sit in Cabinet?

**MR KAINE:** Let us be clear about that. They do not sit in Cabinet.

**Mr Wood:** They sit outside?

**MR KAINE:** You used to sit in Cabinet, so we could ask questions about that, I presume. These are simply matters that were mentioned in the matter of public importance put forward by the Leader of the Opposition.

The next is their relationship to the legislature. They are members of it, and that is their relationship to it. They just happen to belong to parties that are in government. In every parliament there are members who are not members of the Executive, not members of the Cabinet, but who are members of government parties. The Executive

Deputies have the same relationship to the Executive in this place and to the legislature as those people in other places.

If this is all beyond the comprehension of the members of the Opposition, I suggest that they simply read up a little on the way parliaments work. It is quite normal; it is quite simple; it is quite basic.

I will not deal with the question of the separation of powers at any great length, although I can say that I do understand it. It is not beyond my comprehension. I have been around parliamentary and semi-parliamentary bodies for a long time, and I understand quite clearly what it is, but my colleague the Attorney-General will be speaking on that aspect.

I will address a few things that Ms Follett touched upon in her fanciful discourse. She said that the collegiate system was somehow foisted on the Liberals and on me by the Residents Rally. That would be great if it were true, but if anybody bothers to go back to the things that I said during the election campaign, now over a year ago, it would be seen that I talked about a system of collegiate government months before I ever had any discussion of any kind with Mr Collaery.

The concept of collegiate government, I believe, was something that I put forward first in the public arena. For the Leader of the Opposition to assert that somehow Mr Collaery has foisted this on me as the Chief Minister is an absurdity and patently untrue. I wish she would get her facts straight. She has only to do some reading of the things that were said and done within living memory, only a year ago.

She wants to know who is in control. The Chief Minister and the Executive are clearly in control. They meet as a Cabinet; they determine what is done. She mentioned the joint party room and the Executive. The joint party room stands in relationship to the Executive in our Government in exactly the same way as the Labor caucus stands in relationship to a Labor government. The caucus determines policy; the Executive implements the policy. There is a clear distinction. Maybe even you can understand that distinction of responsibility. The party room develops the policy and the Cabinet, as does the Labor Cabinet and the Labor Executive, implements it. There is no confusion whatsoever in that.

You can go to the lengths of absurdity that the Leader of the Opposition did to try to explain what the titles mean. I believe that any one of my Executive Deputies in my Government would be quite happy to be referred to as the spokesman on such and such a subject if it is that difficult to comprehend. I do not believe the media have any difficulty with it. They sometimes get it wrong, but then the media like to heighten a little bit of controversy

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from time to time as well. I suppose that they have their own reasons why they might describe somebody as a Minister when he or she is not and when they know he or she is not. But I am not going to get into a debate with the media; they have their motives, and I admire them for what they do.

I do not believe anybody but the Opposition is confused. I do not believe that the business people with whom we deal have any sense of confusion about the matter, and I do not believe that the community organisations with which we deal have any confusion about the role of Executive Deputies. It seems to me that the only people who are confused are the people across the room who are so blind that they will not see.

As to the costs, as I said, there is no additional remuneration; there can be no additional remuneration. There are no suites for these people on the fifth floor. They will have exactly the same sort of accommodation as they had before. There are no increased costs, except in some cases to move them up there and move the public servants off. This separation of executive powers seems to be an interesting debate, but where people sit has nothing to do with the separation of powers. The fact that the public servants sit on the third floor and the executive members of government sit on the fifth floor says nothing about the separation of powers.

**Mr Wood:** That's not what you said in your answer to a question earlier. You said you shifted the public servants down.

**MR KAINÉ:** I understand the separation of powers. I suspect that you, Mr Wood, if you are going to argue with me, do not. And I thought you, of all people in the Opposition, would understand. I regret that you are having difficulty with this issue.

**Mr Wood:** But your answer now is inconsistent with your earlier one.

**MR KAINÉ:** No, it is not. I was talking about moving people off the fifth floor for other reasons, but it had nothing to do with the separation of powers. I do understand what the Executive is, and I hope you will accept me at face value.

I wanted to refer to only one other point, Mr Speaker, and that is that the Leader of the Opposition asserted that the Government intends to censor private members' Bills and that private members' business will be controlled by the Government. Absolute and sheer rubbish! I have written to the Leader of the Opposition in relation to this matter. She has made this statement before publicly. I have written to her to assure her that the arrangements that we have in place in no way permit me to intrude into the allocation of private members' business. I am not a part

of that committee; I have nothing to do with the committee, and to assert that I am censoring it is another absurdity.

**Mr Moore:** You as a government. Is it your Government or not?

**MR KAINE:** The Government is involved in all committees as the Government is in all parliamentary bodies, but because its members are members of committees in no way that they are censoring or controlling. They are participants in all committees and will continue to be, but that in no way can be read as imposing censorship or controlling what government business will come forward. I would not be party to that, even if it were possible, and I think that to assert otherwise is to question my integrity. I do not believe that anybody is impressed with that kind of calling into integrity of me or any other member sitting on this side of the house.

As to the question of whether people do not know whether they are speaking to the monkey or the organ grinder, at least under this Government people can talk to somebody. One of the constant complaints that I had until 5 December was, "We cannot get to talk to anybody. We always end up talking not even to the monkey but to the monkey's assistant, or we can't even get access to the fifth floor to talk to anybody". At least now people do have somebody to whom they can talk. We are responding to the needs of the public, and I think that this debate is really a waste of everybody's time.

**MR WHALAN (4.15):** In mid-December, probably in a rush of blood to the head, Trevor Kaine waved his magic wand across the heads of a group of people and, in the process of doing so, created a group of constitutional mutants known as Executive Deputies. In so doing, Mr Speaker, Mr Kaine initiated a violent and bizarre departure from tradition in the governance of the ACT. I think that what has happened as a result of this act of magic on the part of the chief magician or - - -

**Mr Kaine:** I'm not a magician.

**MR WHALAN:** Nor a fairy, indeed! The results will be recorded in history to the detriment, quite clearly I believe, of the reputation of this chamber as an instrument of government in the ACT. I refute entirely the remarks made by Mr Kaine that there is no confusion. There is confusion. People who wish to do business with the Government continue to indicate to me that they are confused about to whom they should address their approaches. Do they speak to Ministers? Do they speak to these Executive Deputies? They are confused. Public servants, I think, are equally confused and, as a result of some of the goings-on in the chamber here today, I believe that they will be further confused.

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Let me give you an example of this confusion in relation to public servants. When Mr Stefaniak was squirming, trying to explain his signature on a statement which was, in inverted commas, saying that he was the Minister for sport, he said, "I directed the public servant". "I directed the General Manager" were his words. "I directed the General Manager to do such and such". I ask, Mr Speaker, what power has an Executive Deputy to direct any public servant to do anything whatsoever?

**Mr Collaery:** He can convey a message on my behalf.

**MR WHALAN:** We now have an admission by this play Attorney-General that he was part of the conspiracy of Mr Stefaniak to present himself as a Minister of the Crown. So we have here the problem: to whom do people in the business community, those who are interested in tourism, go? I will come back to the conflict between individuals, but who do these people go to when they want to talk about tourism? Who do they go to when they want to talk about planning? They cannot get near Trevor Kaine. They cannot get near him to discuss with him planning issues which are of importance to this Assembly.

But let me go on now, Mr Speaker, to the question of conflict. It is part of the grave differences that exist between the people who make up this Executive Government of nine over there, plus you - the differences in terms of abilities, capacities, intelligence, diligence and sense of humour. We see here today the conflicts emerging.

We have heard Hector shoot off his mouth on radio the other day, ordering a public servant, who happened to be a union official and who made statements in his role as a union leader, out of the ABC studio. He was being censored so that his point of view as a unionist could not be expressed on radio. That is the sort of behaviour that we see, but it gives rise to conflict because, as Rosemary Follett said, Gary Humphries dumped him in it when he was asked a question about it.

Let us take the classic one. There was a beauty recently, Mr Speaker; it is a great source of discussion among members of the tourism industry at the moment about the division between Mr Duby and Mrs Nolan. You will all be aware - they are all aware - of the divisions between the two and of Mrs Nolan's resentment at Mr Duby's efforts to impose his will on tourism matters.

The classic example of this was in relation to a recent occasion at the Hyatt Hotel at the launch of a promotional video prepared by the Canberra Tourist Bureau. This was attended by hundreds of tourism industry and business leaders and the media. Following a dispute between Nolan and Duby over who would make the official speech, it was decided that they would each make a speech. But this was not acceptable to Nolan, and she boycotted the reception. It is the talk of the town among members of the tourist industry.



There is another example. I was at the Prime Minister's cricket match, not the Chief Minister's cricket match, and I was having a beer with some players from the Royals Football Club. They said, "Gee, we're looking forward to Bill Stefaniak opening his office out in Tuggeranong".

**Mr Stefaniak:** It was your office, Paul - \$122,000 worth.

**MR WHALAN:** Hang on, let us hear the story. They said, "He has promised us a good afternoon". I saw them at the footy club on Saturday and they said, "Do you know what happened? We turned up, and Trevor Kaine had directed him not to have any grog, and it was a dry show". So they were stuck with drinking orange juice, and they were really annoyed. Gee, they were upset. But they are aware of the conflict that exists between Trevor and Bill Stefaniak.

These are the sorts of things that are starting to emerge. Mr Speaker, the most dramatic demonstration is the relocation of these Executive Deputies from the precincts of this chamber to the precincts of the Executive on the fifth floor. Today, if ever we needed it, we had from the mouth of the Chief Minister himself evidence of that particular point when he was justifying kicking Bill Harris off the fifth floor. He justified kicking the Chief Minister's Department off the fifth floor by saying "This was our commitment to the separation of powers. We were moving the bureaucracy and replacing it with members of the Executive". That is clearly evidence of what he has in his mind. It is confirmation of that.

The extra costs were dealt with by my colleague, but it is clear that one cannot avoid the fact that this particular bizarre arrangement is going to result in enormous increases in costs. But it will have certain advantages, Mr Speaker. These mutants are going to provide certain benefits to the four Ministers who claim to be the only members of the Executive because they will provide somebody to hide behind. When they make a mistake there will be someone to hide behind - the skirts of the mutants will be there for them to hide behind. They will do this in exactly the same way as today they sought twice, during question time, to hide behind public servants to cover their mistakes. Twice, once the Chief Minister and once Bill Stefaniak, sought to make cowardly attacks on public servants in order to conceal their own errors.

But, of course, the gravest concern in relation to this matter relates to the role of these executive members of Government on the Administration and Procedures Committee of the Assembly. This Administration and Procedures Committee of the Assembly is supposed to control matters that relate to the legislature, that relate to this chamber. The functions are very significant and they are set out in the standing orders in standing order 16A.

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But what has happened? There is a committee of four. Three of them are Government members and of the three, two are resident in the Executive suite on the fifth floor.

Let me give you an example of one decision that was made the other day. A proposal came forward for the use of a computer on the first floor. Those three members combined to destroy that proposal and I will tell you why. It is because they know that they are going to the fifth floor and they will have the full resources of Government to rely upon.

**Mr Kaine:** The ones you had.

**MR WHALAN:** And that is where they will get them from. They will get them from the fifth floor. They will not have to rely on it and so they are using the numbers to deny resources to those of us who reside here on this floor of the chamber, knowing full well that they will get the same resources from Government on the fifth floor. So, Mr Speaker, I - - -

**MR SPEAKER:** Order, Mr Whalan! Your time is up.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (4.26): Mr Speaker, it was pretty rich sitting here listening to the Leader of the Opposition talk about the Westminster principle of the separation of powers in her matter of public importance. She lectured Mr Kaine and others on this side of the chamber on what that principle meant and how our so-called colleagues in Queensland - in the previous Queensland Government - used the concept of the separation of powers with other things and how we were not fully appraised of what it meant, et cetera. It was rich because the Opposition Leader herself had a fundamental misconception about that very notion. She was here lecturing us on something about which, frankly, she knew very little.

I would like to take the opportunity to explain clearly to the Leader of the Opposition and others on the other side of the chamber just what is meant by the separation of powers. She talks about the Westminster principle of the separation of powers. I think she is confusing the Westminster principle of the separation of powers with the United States principle of the separation of powers. They are two quite separate things.

In the United Kingdom there is a very strong tradition, reflected in the institutions of this country, that there should be a separation of powers between the executive and the judiciary. I do not believe anything has been said today in this debate which reflects on any breach of that particular principle by this Government or anybody else. So I assume that Ms Follett is not talking about that particular separation of powers. In the United States of America there is a further principle of the separation of powers which applies to the executive and to the

legislature. In that country members of the legislature do not sit on the executive. I think last year when Mr Dick Cheney became the Secretary of Defense in the United States he had to resign as a member of Congress in order to become a member of President Bush's Cabinet. There is a quite distinct separation of powers between executive and legislature. Does that happen in the Westminster tradition? No, it does not.

The fact is that there is a long confusion in the Westminster tradition between the executive and the legislature. In fact, one is drawn exclusively from the other in this country, as in Great Britain. Members of the executive must be members of the legislature; they must be. One is directly and fully answerable to the other. The principle that the executive and the legislature are closely tied in together means it is an apotheosis in the practice of the Parliamentary Labour Party of Great Britain, and it has been further refined by the Australian Labor Party because the practice of the Australian Labor Party has been that the Executive is bound by, and is subject to, decisions of caucus.

Who are the caucus? Who makes up the caucus of the Australian Labor Party? In fact, members of the parliamentary Labor Party sitting in that Parliament. That is the best example I can think of, of a confusion between the legislature and the executive. There is no separation of powers in that model whatsoever.

The fact is that Ms Follett is confused. She ought to acknowledge that fact and she ought to take her facts as she finds them. She has spoken at some length about the inequity of the ACT's new model of government incorporating Executive Deputies. There has been discussion in this chamber already about what the source of that particular model was. I saw that it was attributed to Mr Collaery originally and then Mr Kaine claimed authorship of that concept. But I would say that the authority or the authorship of that principle goes back quite a way further. It is a model very similar to that used in another parliament on this globe. And to find the name of that parliament one has only to look at the motion that Ms Follett herself has moved today. In the second line she refers to the Westminster principle.

Let me tell her about the Westminster tradition. There are three levels of executive government in Great Britain. There are Cabinet ministers, ministers of state and undersecretaries. There is a fourth level below that, consisting of people called parliamentary private secretaries. They have a long tradition in the United Kingdom. Those parliamentary private secretaries are not members of the executive. They act as a liaison between the government parliamentary party and the minister that they work for. All Cabinet ministers have parliamentary private secretaries and some ministers of state have some as well. Their role depends on what their Minister wants

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but, essentially, they are involved in the work of the department of that Minister; they work with that Minister in that department and they give the Minister advice and seek his advice on matters touching on that department. They cannot take executive decisions but they do, for example, sign letters. In my book that looks very, very similar to the model that the ACT has adopted, and that very model comes from the Westminster Parliament which Ms Follett holds up as the model which we should work to on this occasion. I think she ought to take some note of the parliamentary tradition and do some research.

Ms Follett claims that the public of the ACT are confused. I think they are a little bit confused, I feel a little bit confused, but you, Ms Follett, and your colleagues are responsible, in part, for this confusion. You have done your best to obscure the distinction between Executive Deputies and Ministers. I quote, for example, from a statement put out to the media by Mr Wood, as education spokesman for the ALP. It claimed that because I, as Minister, had Dr Kinloch as my Executive Deputy, I would not need to have a schools council. What absolute and utter twaddle! There is no reason that Dr Kinloch's existence as my Executive Deputy should make any difference whatsoever to that particular issue, and I think the sooner the confusion being generated by members of the ALP opposite is stopped the sooner the confusion generally will die down and people will understand what this new model is about.

I have spoken to members of the community about this particular model. One member of the community said to me the other day that he thought it was a brilliant idea. It was an excellent way of integrating the involvement and the talent of all people in this Assembly who care to take part in it. I think that is a pretty high accolade.

The fact is that people opposite in this chamber do not like this model of Executive Deputies because they are not used to sharing power. They are used to a model where they have power for themselves and they are not answerable to anybody. That was the way they ran the Assembly when they were in government and it is not the way the Assembly is being run now. This Assembly was elected by the people of the ACT nearly a year ago. It consists not of one or two major parties, but of five or six parties and groups. It is an Assembly which was clearly designed by the people of the ACT to share power across a range of groups or parties. That was clearly the intention of the electorate when they put so many parties in place and did not provide for any one party to have a majority. That is what this Government is now being able to achieve. This Government is providing for a model which allows a number of parties to participate in the work of government, and I think the sooner the ALP acknowledges that this is an appropriate model in the circumstances, the sooner we can get on with the business of providing good government.

**MR WOOD** (4.33): Mr Kaine said in his speech that he understood the concept of the separation of powers. I believe I do also. I am sure we all do, because these days you could never admit that you do not understand it. It has brought disaster to people elsewhere. But Mr Kaine and I may have different understandings or different views.

I think the problem was expressed by Mr Kaine when he made his speech. He said that he had been proposing a collegiate system of government before the election, and no doubt he was. Then he came in here, and late last year decided to get this up and running, and this is what we have. We have half a collegiate system and half a system that is based on the Australian model of the Westminster system, and Mr Kaine is trying to merge these two. Mr Kaine, you can have a collegiate system of government or you can have an Australian model of the Westminster system, but you cannot have parts of each and try to weld them together, because then we have confusion. That is what has developed here, and this is, I think, where the problem arises.

In its pre-election literature the Residents Rally made a great deal about no machine politics, no party politics, but what they have done in collusion with Mr Kaine, as they have developed this unique system, is to give us a system of political parties or political operation that is now very, very rigid, because we have the potential for a rigid system within this Assembly. It remains to be seen how they are going to apply that potential, but I would be fairly pessimistic at this stage about the future of the openness and the freedom that has hitherto applied in this Assembly. What we have with the sharing of power - to use those words that Mr Humphries used a moment ago - is a block on the Government side of the house that also sits upstairs on the fifth floor and makes its decisions. That same block dominates this house through its numbers. You have the Executive coming down here and there is no opportunity for difference of opinion. There is this quite significant difference between what is the potential here and what happens in the Federal Parliament and in the State Parliaments.

It is true that in Australia we have Executive Government and the governments are invariably very powerful, more or less, depending on the style of government. It is true that the executives are powerful. I do not argue about that at all. Mr Jensen made a remark before that the Labor caucus can overturn the decisions of government. Well, I am delighted that they can, but now there is no caucus on your side of the house that can overturn the decisions of government because you are all in there together. You come down with your decisions, and that is it. There is no potential for a backbench revolt. The system was different - - -

**Mr Kaine:** Did you not feel it was that way when you were on the backbench, Bill?

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**MR WOOD:** No, quite the contrary. When the Follett Government sat on that side of the house it listened to its backbench, I can tell you, but the position was different. The Follett Government was a minority government and it had to argue everything through the house. It is true it lacked a large backbench. Nevertheless, the difference in that was made up because it had to come down to this Assembly and argue everything through. So the parliament was dominant. That is the key ingredient for our parliamentary democracy; it is the parliament that is ultimately dominant. True it is, that the executive, the government, is powerful, we accept that, but ultimately the parliament dominates.

Now, given the way that you have structured things, I am very pessimistic that the parliament is going to be able to be at all dominant. You have locked the parliament in by the way you have structured this Government. There should be a place for the backbench, but not in your style of Government. You have got a half collegiate system and a half, or a third, Westminster system - and I believe it is not going to work at all.

Nor - and I challenge Mr Humphries - will the position of Executive Deputies work. He spoke about the parliamentary secretaries in the United Kingdom, where certainly they have a role. It is an educative role for them, a position in which they are trained. In the Australian context, there have been many examples - a half dozen examples, I think, from memory when I read this last year - where governments have tried to have assistant ministers or ministers without portfolios, or honorary ministers, and they have never survived. In the UK experience they have continued. In the Australian experience they have not survived because they have never been successful.

**Mr Kaine:** This time they will, Bill.

**Mr Humphries:** We are going to make them successful this time.

**MR WOOD:** Well, are you? The ultimate test for any executive position is that you need a department to administer if you are to have a productive role. The Executive Deputies, we understand, do not, although they are sharing power. I am not quite sure yet how it is that they are sharing the power. You might tell me, as you reply, Mr Duby, or somebody else, how it is that the power is being shared with those people who sit behind you, because I cannot see it.

The problem is that you have got this mixture of systems and they are not going to work. Let me repeat some of the remarks I made last year when I was talking about the role of Executive Deputies and committees. There is the potential again that the Executive Deputy with the direct link to Government, with the Government majority, will see

to it that the committee system becomes a pseudo-Government committee, rather than a committee of the parliament. In some respects the committee system that we have just left behind us was a very good system, because, again, it was able to express the will of the parliament; and that is always important. We must express that will of the parliament.

**Mr Kaine:** Well, you are still on all of them, Bill, they still will.

**MR WOOD:** Well, it is time that changed. I hope that you can resolve the difficulties that the Labor Party faces with the way the committees were rapidly restructured - too rapidly restructured - at the end of last year. People were put on to the committees who did not really want to be on them.

Let us look at the committees. I hope that soon you will be able to find the time, Mr Kaine, to talk to the Labor leader and come to arrangements about how the committee structure is to operate. Let us see to it - and I have some regrets about this and I have mentioned this to Mr Jensen, and I will say it again here - that Executive Deputies do not have a role in chairing committees where they have some Executive Deputy role, however ill-defined that may be. I have suggested to Mr Jensen that it is not really proper for him to chair the Planning, Development and Infrastructure Committee because he has some Executive Deputy duties related to planning. It would have undesirable connotations for the committee system if the Executive Deputy of planning runs the parliamentary planning committee - not the Government planning committee, if there ever is one of those.

**Mr Jensen:** It works for the Brisbane City Council.

**MR WOOD:** So that is something to give your consideration to. You mention the Brisbane City Council and, yes, I know that system, I lived near it; but that is a different system. It is like that collegiate system you want. You are wanting a bit of each system.

**Mr Humphries:** We are experimenting.

**MR WOOD:** Yes, you are definitely experimenting. Next you will go on and admit that, yes, there is an awful lot of trouble getting it together at the moment.

**Mr Kaine:** None at all.

**A member:** It is working quite well at the moment.

**MR WOOD:** Well, you had better convince your Speaker. He does not seem to agree with that, because he sees that there is considerable confusion about it. I went into the Self-Government Act further to see how your Executive Deputies might operate and you do have difficulties there.

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I expect you have already encountered those. If you look at sections 50 and 51 of the Self-Government Act you will understand that nobody, other than the Minister, is able to direct a departmental head.

**MR SPEAKER:** Order, Mr Wood. Your time has expired.

**MR COLLAERY** (Deputy Chief Minister) (4.43): Mr Speaker, I will be brief. The Government has received competent legal advice which puts to rest the arguments that have been advanced on the illegality or the inconsistency of the arrangements made by the Chief Minister with respect to Executive Deputies.

**Mr Wood:** We just maintain that it is a real muddle.

**MR COLLAERY:** Firstly, Mr Speaker, it was refreshing to hear our colleague, Mr Wood - at least he did not go into sour grapes and personalities. I think the only show of that today has been, regrettably, from the other side of the house.

The collegiate style that perhaps we all aspire to has to meet the provisions of the Self-Government Act as my colleague Mr Wood mentioned. Briefly, in section 39 and section 41(1) the Act provides that we have a ministry of four. Those powers can only be divided among the Ministers; section 43 makes that clear. That gives Ministers executive power. Ministers can legally bind the Government, and it is on a basis such as that we have had to abide by an arrangement made, for example, at Tuggeranong for some offices. So it is well settled in law that executive power rests in the Ministers.

It is further settled in law that a Minister is not bound to give his or her sole attention to matters personally. We are all used to delegations. We are all used to Ministers delegating power to senior officials. Indeed this concept was recognised by Lord Justice Denning, in a famous 1949 House of Lords decision. That case has been consistently recognised in the courts of this land and it was affirmed again, on my advice and to my knowledge, by the High Court in 1982. Clearly there is a power to delegate. That power to delegate in common law has now been given statutory recognition in section 54 of the Self-Government Act. We have senior public servants who can exercise executive power, and the Head of Administration is responsible, as Mr Wood pointed out, - in sections 50 and 51 for units and components of government.

Section 5 of the Administration Act 1989, a separate piece of legislation, gives the power subject to any contrary intent in any legislation. Sometimes that is only power to give the public servants a power to delegate. To my knowledge there have been no delegations of power - and I could be corrected by my ministerial colleagues - to any Executive Deputy, nor has it ever been foreshadowed in Cabinet that we would delegate executive powers to the Executive Deputies.



**Mr Wood:** Well, what are the powers that they are sharing; can you tell me that?

**MR COLLAERY:** If the members opposite had taken the time to look at the House of Representatives Practice, second edition, pages 106 through to 110, there is a full explanation there. It is supported by your own Labor Party and describes, from time to time over the years in Federal Parliament, the concept of assisted ministers, under secretaries and the like. This is a furphy. You have spent an afternoon wasting the time of this house on a matter which is not in the public domain; it is not causing alarm; there is no great matter of public interest - - -

**Mr Wood:** It is causing public confusion.

**MR COLLAERY:** It is causing confusion only in the minds of those too frightened to get involved with innovation and attempts to involve this Assembly in governing the polity here with the best minds available and without excluding people.

On the subject of exclusion, I note that member Wood was secretary to the ALP Cabinet; he was privy to those decisions of Cabinet whilst he was an Executive Deputy. I can assure the Assembly that no Executive Deputy has been present at any Cabinet meeting of this Government, nor is it foreshadowed that they will be. I can further assure the house that the Cabinet agenda is not circulated amongst the Executive Deputies. There is a clear concept that the Ministers will exercise the powers that only they have under section 43 of the Self-Government Act.

I want to put to rest a couple of other things. There was a suggestion by Mr Whalan in relation to Mr Bill Harris that there was a move from the fifth floor because of errors or because of a reflection on the public service. There was no such thing. There is an arrangement to give the people of the ACT better government - innovative government, creative government, with everyone contributing. It is sad that your first MPI in Opposition should be so trifling - that it should trifle with issues of this nature when you could have put down matters of substance for debate this afternoon.

It was further suggested that Mr Stefaniak has somehow exceeded some power because he signed some - - -

**MR SPEAKER:** Order, Mr Collaery! Time for this discussion has expired.

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**CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE -  
ALTERATION OF REPORTING DATE**

**DR KINLOCH** (4.49), by leave: I move:

That paragraph (2) of the terms of reference of the committee's inquiry into commercial and domestic waste management be amended by omitting "on the first sitting day of 1990" and substituting "by the last sitting day in March 1990".

May I comment that it is unfortunate that the committee is not able to table its report today as was scheduled. A number of circumstances, mainly personal, have arisen to hinder the committee's progress towards releasing the report.

**MR MOORE** (4.50): It is interesting that this motion comes up now because the committee would easily have had a chance to present that document on time had the Government not decided to decimate committees in the way it did. I thought I would take this opportunity to point out that, in this particular circumstance, the Committee on Conservation, Heritage and Environment had the opportunity to continue the work that had been done - so much work - on this waste management inquiry, and to bring to a speedy resolution the very important and integrated concepts - that were rapidly gaining agreement in that committee prior to the time that the committee was changed so that only one of the original members was left on that committee.

I will not refer to the personal matters that Dr Kinloch has spoken of. They have added some delay to that particular committee, but they are a very minor part of the particular delay and what has really happened here is something entirely different. I would draw the Assembly's attention to that, and suggest that, in consideration of the committee system, the Government take very careful note of some of the problems it has created here in its very hasty, knee-jerk reaction to the committee system, in the hope that it will show some consultation in putting these matters together.

It is very difficult to consult with this Government. I attempted to make an appointment with Mr Kaine for a week, last Friday, and was assured that that appointment would be gained in the week. If I was to relay the whole of that story to the Assembly, which I will not do, the way his staff had dealt with it would be of great embarrassment to Mr Kaine.

**Mr Kaine:** You might have a hard time getting any appointment if you keep that up.

**MR MOORE:** If you wish me to, I shall. I am not doing that. So I would hope that they would consult widely about that committee. I am quite happy to discuss it with you

later and explain the problem, and not put it in Hansard. But I assure you that I was not at all pleased about the conduct of the particular attempt I made.

The point about the reporting date for this committee is that it is an appropriate way to go to give it a longer reporting date. May I encourage that committee, as I have done in a number of letters to Dr Kinloch, to seek leave of the Assembly to make its draft findings public so that there can be a public input.

Question resolved in the affirmative.

### **TENANCY OF COMMERCIAL PREMISES - SELECT COMMITTEE - ALTERATION OF REPORTING DATE**

**MRS NOLAN** (4.54), by leave: I move:

That paragraph (6) of the resolution to appoint the Select Committee on Tenancy of Commercial Premises be amended by omitting "on the first sitting day of 1990" and substituting "on 20 February 1990".

I would just like to say that several circumstances have arisen to enable us not to be able to report until next week. I seek the Assembly's leave to go down that path.

Question resolved in the affirmative.

### **DISCHARGE OF ORDERS OF THE DAY**

**MR STEFANIAK** (4.55), by leave: Mr Speaker, I move:

That the following orders of the day, Assembly business, be discharged:

Police Offences (Amendment) Bill 1989 - Select Committee - Report - Motion that recommendations 1 - 16 be agreed to: Resumption of debate.

Occupational Health and Safety Bill 1989 - Select Committee Report - Motion that the recommendations be agreed to: Resumption of debate.

This motion is of a housekeeping nature. Assembly business order of the day No. 1, the Select Committee report on the Police Offences (Amendment) Bill, is no longer relevant. The Bill to which recommendations 1 to 16 of that report relate was withdrawn from the Assembly and redrafted in accordance with recommendation 17 of the report. The redrafted bill was subsequently introduced hereto and passed by the Assembly. Accordingly, as recommendations 1 to 16 are relevant to legislation which was withdrawn, I propose to discharge the relevant order of the day.

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In relation to Assembly business, order of the day No. 3, the Select Committee report on the Occupational Health and Safety Bill is simply redundant. That Bill was passed after exhaustive consideration of the committee's recommendations. I also propose to discharge that order of the day as well, Mr Speaker.

Question resolved in the affirmative.

### **DISCHARGE OF ORDERS OF THE DAY**

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

That the following orders of the day, executive business, be discharged:

- Integrated Transport Strategy - Ministerial statement and paper - Motion to take note of papers: Resumption of debate.
- Civic Square project - Selection procedure - Ministerial statement - Motion to take note of paper: Resumption of debate.
- Multicultural marketing - Ministerial statement - Motion to take note of paper: Resumption of debate.
- Industry Assistance Program - Ministerial statement - Motion to take note of paper: Resumption of debate.
- Trustee Companies (Amendment) Bill 1 989 - Motion for agreement in principle: Resumption of debate.
- University of Canberra - Ministerial statement - Motion to take note of paper: Resumption of debate.
- Children's Week - Ministerial statement - Motion to take note of paper: Resumption of debate.
- Schools Authority (Amendment) Bill 1989 - Motion for agreement in principle: Resumption of debate.
- Medical Practitioners Registration (Amendment) Bill 1989 - Motion for agreement in principle: Resumption of debate.
- Optometrists (Amendment) Bill 1989 - Motion for agreement in principle: Resumption of debate.
- Public hospital redevelopment - Ministerial statement - Motion to take note of paper: Resumption of debate.
- Dog control legislation - Ministerial statement - Motion to take note of paper: Resumption of debate.
- National Better Health Program - Ministerial statement - Motion to take note of paper: Resumption of debate.
- Australia and New Zealand Environment Council - Ministerial statement - Motion to take note of paper: Resumption of debate.

Greenhouse gas reduction projects - Ministerial statement - Motion to take note of paper - Resumption of debate.

**Sitting suspended from 4.57 to 8.00 pm**

**MOTOR TRAFFIC (AMENDMENT) BILL 1990**

**MR DUBY** (Minister for Finance and Urban Services) (8.01), by leave: Mr Speaker, I present the Motor Traffic (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

The Motor Traffic (Amendment) Bill (No. 1) 1990 provides amendments to the Motor Traffic Act 1936 consequential upon the Motor Vehicles (Dimensions and Mass) Bill 1990 which I shall be presenting in a moment. The Bill empowers the Registrar of Motor Vehicles to refuse to register motor vehicles, or renew their registration, unless they comply with appropriate provisions in the Motor Vehicles (Dimensions and Mass) Act 1990, which will be presented later.

The Bill provides for equivalent provisions in respect of motor vehicle trailers. It also specifically allows a person to drive a vehicle with more than one trailer attached to it when the vehicle is being driven in accordance with a permit granted under the Motor Vehicles (Dimensions and Mass) Act 1990.

Finally, there is provision in the Bill to exclude general limits on width of vehicles prescribed in the Motor Traffic Act 1936 where a vehicle complies with relevant provisions under the Motor Vehicles (Dimension and Mass) Act 1936. I now present the explanatory memorandum to the Bill.

Debate (on motion by **Mrs Grassby**) adjourned.

**MOTOR VEHICLES (DIMENSIONS AND MASS) BILL 1990**

**MR DUBY** (Minister for Finance and Urban Services) (8.04), by leave: Mr Speaker, I present the Motor Vehicles (Dimensions and Mass) Bill 1990. Mr Speaker, I move:

That this Bill be agreed to in principle.

The ACT is the only state or territory where there are no limitations on the weight or size of loads carried by vehicles. This reduces vehicle safety and causes excessive and costly damage to the road system. This is an unnecessary expense which the Territory cannot afford.

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The Alliance Government has moved quickly to introduce this Bill which is intended to correct that situation. I should add that this legislation represents the culmination of work that was initiated prior to self-government and that was carried on by the previous Labor Government under Minister Grassby. In fact, the legislation has been under consideration for some years. It will bring the ACT into line with other states and the Northern Territory which already have load limits in place.

The Bill allows the maximum weights which may be carried on vehicles using ACT roads to be fixed by determinations; such determinations will be subject to tabling in the Assembly. There are also set limits on dimensions of the vehicles and their loads. The Bill reflects the higher load limits recently adopted in other states and is consistent with moves to national uniformity in road regulation. The Bill also provides for the issue of special permits so that vehicles which could not be used generally on ACT roads can be operated. This could apply, for example, to specialised equipment lorries such as crane carriers.

The permits will prescribe what conditions must be met while the vehicle is on the road and may include restrictions on the speed, time of journey and other precautionary safety measures. The Bill provides for the enforcement of its provisions by inspectors appointed under the proposed Act. These officers will have powers of investigation and direction and will be able to issue infringement notices where breaches have occurred.

The Bill makes provision for a range of penalties for infringements. These are graduated according to the seriousness of the infringement. There are also minor consequential amendments to the Motor Traffic Act 1936 and the Magistrates Court Act 1930. The latter is administered by the Commonwealth Government and will be appropriately amended by that agency.

Since legislation has been under consideration discussions have occurred over an extended period with local shire councils, local federal parliamentarians, the ACT branch of the bus and coach association, ACTION, the Australian Federal Police and the Transport Workers Union. More recently there has been consultation with ACT employer and employee groups of the transport industry and relevant sections of the ACT Government. Sectors of the industry which have specific problems associated with the specialist nature of their activities will continue to be the subject of ongoing consultation.

The Bill will become operational on notification in the Gazette. The Alliance Government understands the need for operators to become used to the new requirements, therefore there will be a settling in period of several months. During this time officers will liaise with industry to ensure that everyone understands the legislation and only flagrant breaches of the legislation will be prosecuted.

I present the explanatory memorandum to the Bill.

Debate (on motion by **Mrs Grassby**) adjourned.

### **MOTOR TRAFFIC (AMENDMENT) BILL (NO. 2) 1990**

**MR DUBY** (Minister for Finance and Urban Services) (8.09), by leave: Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 2) 1990. I move:

That this Bill be agreed to in principle.

The ACT Motor Traffic Act was introduced in 1936 and relates to the control of motor vehicles and the regulation of motor traffic. This Bill provides for novice motorcyclists to undertake a compulsory rider training course to ensure that they have attained a basic level of riding skills and knowledge of road rules before being allowed to ride on the road as a learner. It is the culmination of a road safety policy development that was initiated prior to self-government, carried on by the previous Labor Government under Minister Grassby and has now been quickly completed by my Government.

Let me say that I particularly welcome the opportunity to introduce this legislation as I believe it addresses one of the most critical problems in road safety. For too long our young people have been exposed to the high risks of motorcycle riding without proper preparation or guidance on how to negotiate those risks. Road crash experience has shown that 17- to 25-year-olds are the group most at risk of being involved in an accident. At the same time, motorcyclists have been shown to be the most vulnerable of all road users. Young novice motorcyclists are 20 times more likely than a motor car driver to be killed in a crash.

In its policy on transport issues the Alliance Government has emphasised the need to reduce the incidence of traffic accidents in the ACT. By ensuring our novice riders have attained a basic level of riding skill we are minimising the risk of their being involved in an accident through total inexperience or lack of basic knowledge.

This amendment very clearly reflects an ongoing commitment to protect all transport users, not only by improving the on-road environment but by improving the driver's and the rider's abilities to cope with its inherent dangers.

This initiative is consistent with national trends towards improving motorcycle rider safety. It accords with the motor cycle safety package endorsed by the Australian Transport Advisory Council in 1984 which includes pre-licence rider training and is in line with the current practices in New South Wales, Tasmania, Victoria, Queensland, South Australia and the Northern Territory.

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The ACT scheme is being conducted by a professional motorcycle rider training school named "Stay upright" on behalf of the Government on an administrative basis pending the successful passage of this Bill.

The nine-hour training course includes both theory and practical riding skills. An additional six-hour training course is being considered for persons who cannot, after the basic nine hours of training, demonstrate an adequate level of riding skills to achieve a motorcycle licence.

The Government is aware that many young people choose motorcycles because they offer a comparatively inexpensive means of transport. Funds were allocated in the 1989-90 budget to subsidise the cost of this course to the student to ensure that no persons are unduly disadvantaged. The cost of the course is \$140, of which the student pays \$60, which is similar to that charged for government operated schemes in other states.

This initiative is part of a much wider driver and rider licensing package of reforms, including provisional licences, which is currently being considered by the Government. It is hoped that these measures will reduce the carnage on our roads and particularly the waste of young lives lost through inexperience of the road environment. I commend the Bill to the Assembly and present the explanatory memorandum for the Bill.

Debate (on motion by **Mrs Grassby**) adjourned.

### **ALLIANCE GOVERNMENT'S OBJECTIVES AND PROGRAM Ministerial Statement and Paper**

Debate resumed from 7 December 1989, on motion by **Mr Collaery**:

That the Assembly takes note of the following paper:  
Alliance Government's objectives and program -  
Ministerial statement, 7 December 1989.

**MS FOLLETT** (Leader of the Opposition) (8.13): I have responded to that paper, Mr Speaker.

**MR COLLAERY** (Deputy Chief Minister) (8.13): Mr Speaker, the Chief Minister rightly described the Alliance program in his address on 7 December as historic and one which would lead the Government forward in its vision for the ACT. He outlined our vision for Canberra for the next two and a half years:

A territory that has financial security, a territory that has no debt, a territory that encourages competition, a community that encourages excellence -



That is, in all facets of activity -

a community that is proud of the Territory that we live in, a community that cares for its citizens.

As Deputy Chief Minister in this historic Alliance Government, it is my very great honour to address the Assembly in support of the Chief Minister's comments. In doing so, I would like to focus in particular on the programs that are now my responsibility. Mr Speaker, the drawing together in the one portfolio of responsibilities for a wide range of community service and justice matters presents a unique challenge for this Government and for me as the responsible Minister. In addressing the Government's fundamental social objectives, the opportunity has been created to consider the issues - - -

**MR SPEAKER:** Order, Mr Collaery. I have just tried to resolve an issue here. Are you appreciative of the fact that by your speaking at this time this concludes the debate on this issue? I would ask whether the Opposition wants to partake in this?

**Ms Follett:** This will effectively close the debate?

**MR SPEAKER:** Yes.

**Ms Follett:** Indeed.

**Mr Whalan:** That is fine.

**Ms Follett:** Yes, that is fine. Go for your life.

**MR SPEAKER:** Please proceed.

**MR COLLAERY:** With your leave, Mr Speaker, I would defer to my colleague Mr Humphries.

**Mr Whalan:** No, you cannot now. It is too late.

**Ms Follett:** You have started now; sorry.

**Mrs Grassby:** It is too late to start it. You cannot. You had better learn the rules if you are going to be there.

**MR COLLAERY:** The rules were that the Opposition agreed to a notice paper. Presumably the whip has discussed it and Ms Follett was listed as speaker.

**Ms Follett:** I have spoken.

**MR COLLAERY:** We have worked out a solution that will be satisfactory to all involved.

**Mr Wood:** Mr Humphries' notes have just been passed over. Let it be recorded.

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**MR COLLAERY:** Before I was interrupted by the unexpected disappearance of Ms Follett from the agenda, I was saying that in addressing the Government's fundamental social objectives, the opportunity has been created to consider issues of acute community concern such as the well-being of socially disadvantaged groups across the full spectrum of available Government initiatives, which can range from support services and community funding at one end of the spectrum, to remedial law and order measures at the other end. I welcome this challenge.

Mr Speaker, in his address to the Assembly the Chief Minister referred to the chance the ACT now has to create a model justice system. When the transfer of legal functions from the Commonwealth is complete we will have a unique opportunity to design, with full community participation, the system that best suits our needs as the residents of Canberra.

Members will be aware that the self-government arrangements involved a phased transfer of legal functions from Commonwealth to Territory responsibility. Self-government, itself, in May last year saw important structural and functional changes. A Government Law Office was created to discharge a full range of State-type legal policy and administrative functions. A Government Solicitor's office was created to undertake professional legal work for Government agencies and enhance an expanded legislative drafting office which was established to undertake the drafting of legislation for consideration by this new Assembly.

Further functional transfers are in prospect. The ACT will assume responsibility for the Magistrates Court on 1 July this year. Similarly responsibility for the Supreme Court will be assumed by no later than 1 July 1992. Responsibilities expected to be assumed on 1 July next are criminal prosecutions, the current body of criminal law, and regulation of the legal profession. Negotiations are proceeding with a view to establishing by 1 July next, appropriate ACT responsibilities for the policing of the ACT by the Australian Federal Police. Great challenges lie ahead for us.

In particular we must design a court system that is responsive to the needs of the Canberra community. We are not interested in change for change's sake, nor must we necessarily maintain forever the court system that a national government thought was appropriate for the Territory within its own national court structure. Interested community groups and the legal profession will be fully consulted and involved in the development of these proposals. I do not want to pre-empt that process, but one possibility we might be examining is the creation of a Canberra court which might draw together functions presently vested in the Magistrates Court and administrative tribunals.

One point I should stress is that there will be full and appropriate tenure protections for all judicial officers, judges and magistrates. I am very much aware of the concerns that have been expressed in that regard. There will be strong social equity themes in our law and justice priorities in the months to come. For example, proposals for a comprehensive antidiscrimination scheme for the ACT will shortly be considered by the Government. The sole objective will be to provide the best available protection for this community. We are not interested in political point scoring over what is essentially a Commonwealth problem, namely, its Human Rights and Equal Opportunity Commission and whether it should have a branch office in Canberra.

I expect to bring before the Government in the near future and announce here in the Assembly, a law reform process for the ACT, and an initial law reform agenda. That process will place a heavy emphasis on a community involvement. Several initiatives are being taken to enhance protections given to ACT consumers, both through the operations of the Consumer Affairs Bureau and through changes to the legislation it administers. Some structural changes are being considered.

The ACT is also an active participant in the development of national legislative schemes, such as the proposed uniform credit Bill and public order legislation. Those parts of the Liquor Act that regulate public dimensions of alcohol consumption are being reviewed. I wait with interest the outcome of the inquiry by this Assembly's Social Policy Committee.

Now, Mr Speaker, so far I have concentrated on my priorities in the area of law reform. I would like to turn now to my priorities as Minister for Housing and Community Services. In preparing the administrative arrangements we had the benefit of some six months of self-government and we were able to identify some weaknesses in the previous arrangements. The most significant change was the creation of the Housing and Community Services Bureau and its collocation with the ACT Law Office.

The underlying concern for human rights, consumer protection, social equity and service delivery across my portfolio makes it a unique portfolio arrangement in Australia. Fostering a society that protects the rights of individuals involves the community in setting priorities and delivering services in that challenge. By bringing together related programs, such as law, justice and corrections, we have an unparalleled opportunity to improve the operation of Government. By linking consumer affairs, the Law Office, housing and the housing policy review, we must surely be able to make progress on such critical issues as tenancy law.

At a different level the collocation of gambling and liquor with the racing responsibilities of the Office of Sport,

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Recreation and Racing, has obvious logic. I acknowledge that progress was made by the previous Government in the first six months of self-government on a range of issues now within my portfolio, and I would like to assure the Assembly that there is bipartisan support for many of the critical concerns, particularly in housing and community services.

We are reviewing our policies for sport, recreation and racing. The Government appreciates the significance of these activities and their importance in contributing to the ACT economy and the well-being of the community. My executive deputy, Mr Stefaniak, is closely involved in developing our policy statement on sport, recreation and racing and will be finalising that in the next few weeks.

The housing policy review started by the previous Government will continue, so will the consultative processes of that review. We will further examine the fidelity guarantee fund and attendant bond protection schemes. Work is proceeding on the proposed private sector rental housing trust. Advertisements will appear in the press this Saturday for the single share accommodation scheme. We are continuing with the replacement of Melba Flats and I propose to provide a progress report to the Assembly after I have completed my examination of a recent report on development options. The housing policy review will now concentrate on home ownership and our progressive equity participation scheme.

In regard to housing options for the aged, I intend to issue a discussion paper after the Chief Minister has responded to the Social Policy Committee's inquiry in this area. We will undertake a major review of user rights and the current eviction procedures will change. In consultation with the Commonwealth we are proceeding to prepare the first annual rental assistance plan for the ACT. It will be released after consultation with the community and it will provide the strategies, priorities and targets for public housing in 1990-91.

Planning is also a feature of the related supported accommodation assistance program. I have recently approved the strategic plan for SAAP and we will also release this plan to guide community organisations in preparing proposals for funding. This program will provide a forceful illustration of the tangible benefits of creating the Housing and Community Services Bureau. By bringing together the Housing Trust and community programs, which were in Health, we will be able to create an integrated plan for youth housing where there were elements of support missing in the previous Government's strategy.

I have been examining the previous Government's response to the Burdekin report. The Alliance Government will produce its own response which will build on and improve the previous plan. I gave priority to youth initiatives in the grants for community organisations I announced on 5 January

this year. We have been consulting with young people to obtain their views on the gaps in services which should become the target for the joint Commonwealth-State funding for homeless youth arising from the Human Rights Commission report.

Last week I met with a group of young people and service providers to explore ways of providing youth input to policy advice to Government. I have agreed to create a ministerial advisory council on youth affairs and will detail these arrangements once consultation with the youth sector has been completed. The ACT has a well-established community sector and the Alliance Government is committed to consultation in planning so that the funds available are used most effectively to fill the gaps in services. This is the approach being adopted for youth services, for housing homeless people through SAAP and importantly, for services to the ageing and people with disabilities. I recently approved the home and community care strategic plan and will also release this plan for public information.

I have taken some time to illustrate some of the processes being followed by the Alliance Government to demonstrate to the Assembly that there are prospects for achieving a bipartisan approach to improving community service provision in Canberra. Whilst I accept there may be differences in emphasis I have no doubt that the Labor Opposition, if it is true to its own ethic, will support much of the reform agenda that we are developing for community services.

I am sure that all members of the Opposition, like all members of the Government, share our concern for welfare services for children. There has been very little progress in this area. I regard this area as one of the most pressing areas for action. Over the recess I have conducted extensive consultation with non-government organisations and parents and those administering the law and programs in order to clarify the best first steps to overcome the inertia of the past decade. We are at least 10 years behind other States in planning services for children at risk. In the next two years the Alliance Government will concentrate on achieving real change.

The problems of substitute care in the ACT partly arise from an over-reliance on residential care and an inadequate range of family support and foster care arrangements, together with overlap between the roles of government and the community sector. A draft policy framework for family support and substitute care services has been developed and is the subject of current consultation with service providers. A major seminar is being planned for later this month involving participants from around Australia who have been through change processes. Negotiations are under way with major service providers and the operation role of the community welfare branch is subject to scrutiny.

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We have not released the Alliance Government policy statement on welfare because we are consulting to produce the best possible commitments which will lead to real reform. I am not proposing that there will be a further review of welfare. Further review is not needed. The community can rightly expect action from this Government and we are now putting together a strategic plan for that action. A similar approach is necessary in other areas. I have recently examined the report and recommendations of the 1987 review of adoptions. I have asked the Housing and Community Services Bureau to put together a plan for the amendment of law and practice in this area.

In its 1988 report on sentencing, the Law Reform Commission identified the need for the ACT to extend its range of sentencing options. Several suggestions were put forward, including an attendance centre, periodic detention, day release, home detention and imprisonment. The ACT does not have the full range of options and I will carefully consider these issues, together with operational problems, in our existing correction system. Nevertheless, improvement in community service will have to be tempered by the reality of the overall ACT budget situation. Certainly, funding is important for planning reasons and the Commonwealth has failed the ACT by its apparent unwillingness to guarantee a financial future for the ACT. This will impact on all areas of ACT Government and we will need to identify overlaps carefully, rationalise programs and look for structural adjustment options if we are both to maintain an appropriate level of community service provision and live within our means.

Welfare and funding are inseparable issues. We believe that properly defined needs should influence funding decisions. Needs should not be found to match funds. Welfare should not become self-promoting. We accept that considerable discretion exists in the community welfare area. Much decision-making is made by bureaucrats who have to be responsive to the general directions and social conscience that our Government can impose. In the child support area the Children's Services Act 1986 will be reviewed - - -

**MR SPEAKER:** Order, Mr Collaery! Your time has expired.

### **Suspension of Standing Orders**

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

That so much of the standing orders be suspended as would prevent Mr Collaery from concluding his remarks.

Question resolved in the affirmative.

**MR COLLAERY:** In the child support area the Children's Services Act 1986 will be reviewed, with particular emphasis on clarifying the Government intervention role in welfare concerns affecting young persons. The Alliance Government supports the notion that the States should intervene when there are reasonable grounds to believe that young persons are under real threat, whether physical, emotional or by deprivation. We are currently reviewing Government intervention services to ensure that they are receptive, responsive and resolute in areas of child abuse and other matters affecting the welfare of young persons.

The Alliance Government will continue to cooperate with the Commonwealth Government in conducting the home and community care program. This program targets the frail aged, the younger disabled people and their carers. The objective of HACC is to maintain and support frail aged and younger disabled people in the community who are at risk of premature admission to inappropriate long-term residential care, and to assist their carers. The ACT is the only State or territory in Australia whose contribution to the HACC program exceeds that of the Commonwealth. Members may be surprised that the ACT contributes approximately 55 per cent of all HACC funds allocated. The Alliance Government will press the Commonwealth Government to increase the allocation of Commonwealth funds in unmatched grants.

The Alliance Government will coordinate HACC arrangements to ensure that the ageing characteristics of the ACT population which result in the aged staying longer in hospitals in the ACT than is necessary are adjusted with the aim of providing more community options by way of innovative new projects to extend the delivery of support in home help and other independent and semi-independent situations. We will continue to work effectively with carers to implement, wherever possible, a triennial service review to ensure that services are being delivered and are appropriately funded. We will improve accountability for welfare agencies. We will attempt, without seeking to be dictatorial in any way, to reduce overlap in the provision of welfare services, particularly those in the area of substitute care for the young.

Recognising the distress that current high interest rates have caused, we will work within those areas where we have capacity to create an environment of joint effort to combat poverty, especially family poverty and social disintegration. In particular, we will look towards innovative programs that involve the community in doing more for itself by using welfare funds wisely and in a fashion that will be self-generating.

There is a great need for bipartisanship in some areas of welfare concern, and I have alluded to that already. Votecatching should not extend to creating victims. I was saddened recently by comments by a certain member of the Opposition suggesting that we were going to sell off inner city housing. The only two current sales were those

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approved of by the former Government. I found the statement particularly reprehensible because it resulted in many anxious phone calls and probable distress.

As foreshadowed whilst in opposition, we are particularly concerned that there has been no provision made for the construction or purchase or outfitting of psychiatric buildings for the day care of psychiatrically disturbed young persons. There is an identified pressing need there and all elements in the community agree on that issue. Similarly, in the area of mental health, there is a present concern to be addressed. Those concerns were not adequately addressed in the former Government's budget or in its forward planning. Likewise, the need for a single hospice in this city, the only city in this country not to have a hospice, is evident. No provision was made for that either.

In many respects I am happy, as Minister in this important portfolio, to brief Opposition members on the progress of current inquiries in the welfare area. If this will lead to a confidence in this Assembly and a confidence in the community at large that we have a definite agenda to address welfare concerns, particularly those in those categories I mentioned, then that should be appreciated for what it is. Welfare should not stem from any particular political grotto. It stems from the work of many of the members of this Assembly who share a commitment.

Lastly, our sport and recreation policy is going to be administered with energy in the spirit of a Territory blessed with a good climate, tremendous facilities and a healthy population. We are going to support initiatives and assist tourist objectives and involve the widest possible community, not just active sportsmen and women, but women generally, those with disabilities, and children, in wider areas of sports.

I have also had the advantage of consulting with my colleague the Minister for Health. I have noted the directions where health is interlocking in areas of my portfolio. In health the Government is committed to the maintenance and development of a high quality cost-effective health system for the people of this Territory. The people of the ACT deserve no less.

As my colleague Mr Humphries has indicated, we acknowledge the fact that we have inherited a system that is in need of change. In particular, as the Grants Commission has pointed out, we face significant problems of overspending. It is common knowledge that while the ACT public hospital system offers services of high quality it is the least efficient system in Australia. That is not acceptable to this Government and that is not acceptable to the people of Canberra.

The Government is committed to fundamental reforms in the health system in order to achieve a cost-effective and



efficient hospital service. Now that we have self-government the people in Canberra, just like Australians in every other State and territory, are required to pay fully for their hospital system.

This Government owes it to the people of Canberra that they get value for their health dollar, and that millions of dollars of taxpayers' money is not totally wasted on inefficient work practices. The major problem facing ACT is hospital redevelopment. It is a matter of some regret that the previous Government decided to proceed with a redevelopment - - -

**Mr Whalan:** On a point of order, Mr Speaker; the motion to suspend standing orders in order to extend the time for Mr Collaery was to allow him to complete his remarks, not to complete and state the remarks of Mr Humphries. I would ask you to rule that what has happened is that Mr Collaery has taken possession of Mr Humphries' notes. What could happen as a result of this ridiculous pantomime is that now he could go around and collect Robyn Nolan's notes, Mr Stefaniak's notes. We will end up in a situation where, because of this particular proposal, he will be allowed to do that. The motion was quite clearly for Mr Collaery to finish his remarks, not someone else's.

**MR SPEAKER:** Order! Thank you, Mr Whalan. I believe that is the interpretation you have placed on the word. Please proceed, Mr Collaery.

**Mr Whalan:** On a point of order, Mr Speaker.

**MR SPEAKER:** I have ruled on that, Mr Whalan.

**Mr Whalan:** No, I am taking a separate point of order.

**MR SPEAKER:** Please proceed.

**Mr Whalan:** On this particular point of order, Mr Speaker, would you allow Mr Collaery to take notes from Mr Jensen and Mr Stefaniak and to read their notes as well?

**MR SPEAKER:** I do not believe that is a situation that I should be involved in.

**Mr Whalan:** But you are involved in it now because you have just ruled to allow him to use Mr Humphries' notes. Are you going to allow him to do it in respect of these other people over here?

**MR SPEAKER:** Order! I believe the interpretation placed on it was that it applied until Mr Collaery was prepared to finish. That was the interpretation I placed on it. Please proceed, Mr Collaery.

**Mr Kaine:** Mr Whalan is clearly trying to gag the Government, Mr Speaker.

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**Ms Follett:** On a point of order, Mr Speaker; I would draw your attention to standing order 69(k). On the subject of time limits for debates and speeches it says that no extension of time "shall exceed half of the original period allotted". Mr Collaery was allotted a particular period of time.

**MR SPEAKER:** Standing orders were suspended. Therefore, that does not apply.

**MR COLLAERY:** The Government owes it to the people of Canberra, Mr Speaker, that they get value for their health dollar and that millions of dollars of taxpayers' money is not totally wasted on inefficient work practices. My colleague Mr Humphries informs me that the major problem, as we are all aware, is the hospital redevelopment in the ACT.

It is a matter of some regret that the previous Government decided to proceed with the redevelopment plan without securing any financial commitment from the Commonwealth for the considerable capital costs involved with redevelopment. The Alliance Government has approached the Federal Government for a response on the request for capital assistance, but is becoming increasingly frustrated by the Commonwealth's failure to be forthcoming. The Alliance Government will continue to press for a response, and once that has been furnished will review the former Government's decision on hospital redevelopment.

Now, it is very clear in my colleague, Mr Humphries' utterance, that it is the Federal Government that is delaying the final decision on hospital redevelopment. This delay is particularly galling as it has been Commonwealth neglect of the hospital system that has given rise to the problems that we now confront.

**Mr Whalan:** On a point of order, Mr Speaker; I know that Mr Collaery has been out for dinner and I can understand that he is half-pissed but the - - -

**MR SPEAKER:** Order! Withdraw that immediately, please, Mr Whalan.

**Mr Whalan:** Yes, I am sorry; he is half-drunk.

**MR SPEAKER:** Order; an unequivocal withdrawal, please, Mr Whalan.

**Mr Whalan:** Mr Collaery has obviously had a very pleasant dinner, and what I would draw your attention to, Mr Speaker, is - - -

**Mr Jensen:** On a point of order, Mr Speaker; I suspect that if you read through what has just been said Mr Whalan, in fact, did not withdraw his remarks.

**Mrs Grassby:** He did withdraw them.

**Mr Jensen:** He did not withdraw his remarks. He qualified them and, in fact, made other remarks without formally withdrawing his imputations against Mr Collaery.

**MR SPEAKER:** I believe that Mr Whalan did make a withdrawal.

**Mr Kaine:** It would be nice if he would confirm that, Mr Speaker.

**MR SPEAKER:** Would you please get to your point of order, Mr Whalan.

**Mr Whalan:** I am talking about repetition. What is happening here, Mr Speaker, is that Mr Collaery is repeating, virtually verbatim, the comments made by Mr Kaine when he addressed the house when introducing this. I would ask you to rule that the comments are repetitious and that they be terminated.

**MR SPEAKER:** Please ensure no repetition, Mr Collaery. Please proceed.

**MR COLLAERY:** It is difficult to see how any repetition could be occurring in this situation. Mr Speaker, I would like to make it very clear that the Federal Government is delaying a final decision on hospital redevelopment, and, as I have said, this delay is particularly galling as it has been Commonwealth neglect of the hospital system that has given rise to the problems that we now confront. In particular, I refer to the \$50m or more that is required to refurbish Royal Canberra Hospital to bring it to the standard we would expect of a modern hospital. The redevelopment of the hospital system, as recommended by Dr Brendan Kearney, is central to the Alliance Government's health policy, but whatever form redevelopment takes, the Alliance Government assures the people of Canberra that the Acton Peninsula will continue to be a focal point for the provision of community health facilities.

I should also point out that the Alliance Government is committed to the one principal hospital concept as recommended by Dr Kearney. I believe that the advantages of locating major hospital specialist services at one hospital is consistent with national and international trends in hospital services and will lead to a most efficient and effective delivery of services. Collocating all the major specialties also has outcomes in terms of the quality of services which are highly persuasive.

The Alliance Government has, of course, moved quickly to restore confidences in hospital administration. Under the previous Government the status of the hospital board was placed in what can only be described as serious doubt. The Alliance Government rejected Labor's attempts to downgrade the hospital board and moved quickly to implement the key recommendations of the Kearney report relating to the

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establishment of a permanent hospital board with its status, role and powers clearly defined in appropriate legislation.

**Mr Berry:** You have dumped community consultation and turned your back on the Rally.

**MR COLLAERY:** This Government, Mr Berry, has done what you dithered about. I have already confirmed the appointment of members of the interim board until such time as legislation is passed. Drafting instructions are now with the legislative counsel and the Government has given high priority to the passage of this legislation.

The permanent board, under the effective guidance of my colleague, Mr Humphries, will be given the necessary legislative power to take full responsibility for the management of the Woden Valley and Royal Canberra Hospitals and to move towards improvements in teaching and research as a major step to the delivery of better and higher quality health services. This means that I will be expecting the hospital board to manage - I withdraw that comment. This means that my colleague Mr Humphries will be expecting the hospital board to manage the hospital services within the budget to ensure high quality services and good industrial relations outcomes. Like hospital and area health boards across the country the board will be given a clear charter to administer the hospitals within the policy guidelines laid down by the ACT Government.

With the creation of the permanent hospital board the primary role of my colleague Mr Humphries' department in the area of hospital services will be: identifying health care needs and priorities and developing appropriate service responses; determining policy, planning and setting and monitoring standards; ensuring a proper balance between the promotion of good health and treatment services; resource allocation; and, finally, major industrial matters, work force restructuring and management improvement.

The Alliance Government believes that a clinical school for the later stages of undergraduate medical training will also contribute to an improvement in the standard and nature of health care in the Territory. A report on the options and implications of the development of such a school is now being prepared. A clinical school will undoubtedly bring opportunities for all professional groups involved in the health sector. Promoting and protecting public health will be another priority for the Alliance Government, as we know it was for the Labor Party when it was in government.

I have given priority to legislation to regulate tobacco use, sponsorships and advertising. As I am sure most members are aware, tobacco use is the single major preventable factor in death and disease rates experienced in the ACT. It is a major concern to see the use of

tobacco so prevalent among the community in general and among young people in particular. My colleague Mr Humphries considers it appropriate that taxes derived from the sale of tobacco should be used to fund activities which promote and protect good health. My colleague will be moving quickly to build on the work already done in this area. Already the Government has decided to look towards proposals such as the establishment of an advisory body to assist with the administration of such funds. Such an advisory body would be representative of key interests and would advise the Minister for Health on the allocation of grants from the health promotion fund. Two grants have already been made from the health promotion fund, with \$20,000 being supplied to sponsor the Rock Eisteddfod and \$30,000 to sponsor the National Sprint on the Black Opal Stakes day, an event formerly sponsored by a tobacco company.

The Alliance Government is also in the process of reviewing mental health legislation. I am aware of concerns voiced by many sectors of the community about the balance between the rights of the individual and the needs of relatives, carers and professionals. My colleague is also working towards ensuring that all the concerns and problems raised during such reviews will be fully considered in the process.

My colleague will also be looking closely at the recommendations of the report on the ageing which was brought down by the Social Policy Committee late last year to ensure that an appropriate response comes from areas within my portfolio responsibilities. Work has already begun on some issues. With regards to specific health responsibilities the Health Department has already started negotiating with the Commonwealth about the issue of increased nursing home beds.

Also among its recommendations the report identified the need to improve arrangements for the admission and discharge of elderly patients to and from our hospitals. Although a new admission and discharge policy is already in place, I have asked the hospitals board to find ways in which improvements can be made. There are, of course, a number of other matters which will be covered in the Government's detailed response to the committee's report.

I have dealt briefly with some initiatives this Government has taken and intends to take in my colleague's health portfolio. My colleague would also like to make it clear to the Assembly that the hospital system does face severe financial difficulties. Within weeks of taking office the Alliance Government started streamlining administrative areas within the Department of Health. The following initiatives have already been taken. A legal section is being transferred to the Attorney-General's office. Professional registration boards will become independent of the Department and will be self-funding by the end of 1990. My colleague will closely monitor the progressive

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refinement of administrative staffing arrangements across the board.

Reviews have now been completed to determine a sound financial base for both the Royal Canberra and Woden Valley Hospitals. My colleague Mr Humphries believes that this base will provide a high level of services while ensuring that the discipline of a fixed operating budget is observed. A proposal is being prepared for the commercial operation of the Health Service Supply Centre, including the linen service, for 1990. The proposal will examine the option of setting up this service as an independent Government business enterprise to increase production, provide expanded employer opportunities and improve productivity and efficiency.

The Government will move quickly to examine the establishment of a pathology laboratory as an independent institute operating commercially along the line of the successful Institute of Medical and Veterinary Science at the Royal Adelaide Hospital.

My colleague Mr Humphries last month had the opportunity to travel to Sydney to meet with the New South Wales Health Minister, senior health officials and officers and board members of the southern Sydney area health service. As he reported to his colleagues, Mr Humphries was extremely impressed by the fact that during 1989-90 the New South Wales health boards collectively achieved an operating deficit representing only 0.065 per cent of the annual budget. This overrun represented the amount of expenditure required to operate the New South Wales health system for about a quarter of a day. This result was also achieved during the period that productivity savings of 1.5 per cent were imposed and global budgeting was introduced for the first time. At the same time, the hospitals delivered a first-class service. My colleague can see no reason why the ACT should not perform to a similar standard of efficiency while maintaining its already high quality of service. I am sure all members of the Government endorse that aspiration.

On coming to office, I discovered that the hospital budget did indeed face a \$7m blowout. I then moved quickly - my colleague then moved quickly - to address the problem and announced a number of measures in December which are designed to produce lasting efficiencies. These measures include: taking immediate steps to identify measures to substantially improve efficiency and productivity in food services at both Royal Canberra and Woden Valley Hospitals; engaging consultants to assess the options for major modernisation in food services, including the possibility of contracting out the service and moving to a single service for both hospitals; greater efficiencies in administrative areas; examining rostering arrangements for junior medical staff and certain categories of health professionals who are rostered over 24 hours seven days a week with the intention of improving cost efficiency.

In addition, my colleague Mr Humphries has asked the hospital board and his department to undertake a further development of savings in a number of areas including: a review of the patient acuity classification system, ACTPAC; a review of the potential for charges to be made for visiting medical officer use of public hospital facilities for the treatment of private patients; the capacity to increase the use of enrolled nurses; the capacity to limit the number of call-backs to essential cases; greater flexibility in the use of redeployed staff to target areas of greatest need in the hospital system; and requesting the hospital board to quickly achieve the full implementation of an admission and discharge policy.

Since the announcement of these measures, my colleague Mr Humphries has reached agreement with the Australian Nurses Federation that a variety of nursing conditions, including rostering, will be reviewed under the Industrial Relations Commission's structural efficiency principle.

The task ahead is not an easy one and my colleague Mr Humphries is going to make no bones about that. However, the Government is determined to move forward in this important area and I ask the ACT community for their support while we seek to restructure our public hospitals and improve the delivery and efficiency of health services.

This is one outline of the Alliance Government's program, portfolio by portfolio. In regard to interrelated portfolio activity, I am also keen to comment upon the intentions of my colleague Mr DUBY in his area of important responsibility.

**Mr Moore:** Why do you not suspend standing orders and let him do it?

**Mr Whalan:** Mr Speaker, on a point of order, if you do not rule in relation to this matter, then you are making a farce of the proceedings of this Assembly. It is quite clear that because of the incompetence of the people opposite they were not able to cope with the standing orders - - -

**Mr Kaine:** I rise on a point of order, Mr Speaker. The only incompetence on this matter is that of the Opposition who failed to see that we were moving the same motion that they moved recently which suspended standing orders. That is where the incompetence is. Mr Collaery should be allowed to speak as he is now permitted by the Assembly to do.

**Mr Whalan:** If you will allow me to complete my point of order, Mr Speaker, the motion was quite clear - it was to allow Mr Collaery to complete his remarks. I believe that you have allowed a certain amount of leeway in the farce of Mr Humphries handing over his notes to be completed, and I think you were in a bit of a bind there because he had

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commenced, but quite clearly what has happened is that the sham is going to be allowed to continue. I ask you to rule, as you have power under the standing orders, that Mr Collaery cease abusing the privileges of this Assembly.

**MR SPEAKER:** Thank you for your observation, Mr Whalan. Please proceed, Mr Collaery.

**Mr Whalan:** On a point of order; could I ask you to give your ruling, Mr Speaker? You are upholding the abuse of the privileges of this chamber, is that correct?

**MR SPEAKER:** Order, Mr Whalan! Please resume your seat. My observation is that I have asked Mr Collaery to proceed. That is my ruling.

**Mr Whalan:** So, in other words, you are upholding the abuse and making a sham of this chamber.

**MR SPEAKER:** Order, Mr Whalan.

**Mr Whalan:** You are making a sham of this chamber.

**MR SPEAKER:** Please withdraw that comment. Mr Whalan, I ask you to withdraw that comment.

**Mr Whalan:** I will withdraw because otherwise you will take great delight in calling upon Norm to move some sort of motion to throw me out, but the fact of the matter is that you are making a sham of this place. But I do withdraw the remark.

**MR SPEAKER:** I request an unqualified withdrawal, Mr Whalan.

**Mr Whalan:** But you have an unqualified withdrawal.

**MR SPEAKER:** Thank you.

**MR COLLAERY:** Now, in the time available, Mr Speaker, might I add that I have not had the advantage of a dinner or a drink in preparation for this evening's sitting. In the arrangements which lead each of us to speak on our portfolio concerns tonight, my colleague Mr Duby has made clear his program in our Cabinet discussions. I am merely encapsulating, in written form, the nature of the Alliance Government's conjoint proposals for government in this Territory.

It has been suggested by Mr Whalan that there is some farce involved here. I would have thought that the very specific outline of our portfolio responsibilities would have been of assistance to the members opposite in preparing their work schedules, in preparing themselves to counter this Government as is their proper role in opposition. Not in the least, Mr Speaker, and that, of course, is a problem that we are going to face in this Assembly and is regrettably - - -



**Mr Kaine:** There will be no opposition; there is none.

**MR COLLAERY:** Regrettably, we will not be pressed by an informed Opposition as it has shown no interest this evening in assisting to bring forward the portfolio programs for the people of Canberra.

**Mr Moore:** I have. I suggested a different suspension of standing orders to allow Mr DUBY to do it himself.

**Mr Berry:** I rise on a point of order, Mr Speaker. It might be acceptable to the Speaker, but Mr Collaery attempts to cover up his own incompetence by slugging the opposition. There is a clear matter of fact here. Mr Collaery closed off the debate and, of course, now we are having to suffer the embarrassment of him having to pick up the speeches of the other members whom he blocked from speaking by his incompetence. I think for the Speaker to - - -

**Mr Humphries:** On a point of order, Mr Speaker; you have ruled on this point of order already. It is the same one again. I think we should proceed to get the business and the night over and done with.

**MR SPEAKER:** Please get to your point of order, Mr Berry.

**Mr Berry:** My point of order is that I think that it is most inappropriate for the Speaker to force this house to bear the embarrassment of a cover-up of this person's incompetence.

**MR SPEAKER:** I do take the point. Mr Collaery, I wonder would you mind tabling those papers for inclusion in Hansard. Is that possible?

**MR COLLAERY:** Certainly, Mr Speaker. Mr Speaker, I seek leave to table a ministerial policy speech by the Minister for Finance and Urban Services for inclusion in Hansard.

Leave granted

Document incorporated at appendix 4

**MR JENSEN (8.58):** Mr Speaker, I seek leave to address the Assembly on the motion to take note of the Executive's objectives and program statement by the Chief Minister in December. I am seeking the indulgence of the House.

Leave not granted.

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### **Suspension of Standing Orders**

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

That so much of the standing orders be suspended as would prevent Mr Jensen addressing the Assembly on the motion.

Question resolved in the affirmative.

**MR JENSEN:** I thank the Assembly. Mr Speaker, as I indicated, I am speaking in support of the statement made by the Chief Minister in the Assembly on 7 December. In his statement the Chief Minister focused attention on a number of issues related to planning, heritage and the environment. The most important point he made is that open and responsible decisions on this range of issues are the essence of the Alliance Government's position.

This is of particular importance in these three areas where the competing interests can be considerable, and where there may be competing interests that are mutually incompatible and require resolution. The Chief Minister emphasised the need to achieve a balance in meeting the needs generated by the continuing growth of our city and the maintenance of its general amenity. The Chief Minister has committed the Government to an early introduction of integrated planning, heritage and environment and leasing legislation. Let me indicate, Mr Speaker, that this particular commitment is one that is strongly endorsed by the group which I represent. Now, as part of the Alliance Government, I support it just as strongly.

This commitment reflects the Government's recognition of the linkages between these areas and the need to provide a system which will promote community confidence that they are being adequately addressed when planning or development decisions are made. This is something that during my period of involvement with the community consultation process I was keen to see established and set up.

We are custodians of a unique city. It is not like other cities in Australia nor should it be so. The city was started many years after previous cities had been established in Australia, there was considerable planning and effort in relation to the way it is set out; and that, Mr Speaker, is the way that the Alliance Government is committed to retaining it. We all value the quality of the environment in Canberra and I believe that it is a view shared across all parties in the wider community. Similarly, we all value our unique heritage and want to conserve it for the ACT community in future generations.

We have a responsibility and a sacred trust to carry out that particular role. We are also the custodians of the economic health of our city which includes opportunities for employment. In his December statement the Chief Minister emphasised the importance of providing for growth

in the private sector to underpin a stable economic and financial climate for the Territory. These obligations can lead to conflict when a particular conservation or development initiative is proposed, or as we look at the options for the future growth of the whole city. It is the Government's role to establish the mechanism for resolving these conflicts in a manner which gives the public confidence that the various views have been aired and considered and the resolution is fair. People also need to be confident that the best outcome for the community as a whole has been achieved.

In its integrated planning, heritage and environment and leasing legislation package the Government has several objectives. The Territory plan, for a start, must be clear and easy to understand. The plan must have sufficient flexibility to make it easy to administer and it must provide clear statements of intent so that all interests understand the implications of its proposals. The Territory plan must be made available in draft form for public comment and such comments must be adequately considered by both planners and the Government.

The Alliance Government will ensure that the Government and its agencies and authorities will be bound by the Territory plan as well as private citizens. Decisions on conservation and development must be limited to the scope permitted by the plan. There must be no surprise decisions that lie outside the descriptions of the soon to be produced Territory plan. Where appeals are permitted the parties involved will have access to the facts. They will be able to put their case simply and inexpensively and will have confidence that the appeal hearing will pay attention to the issues raised and resolve them properly and equitably.

As I said before, the Government is committed to the early introduction of a planning legislation package in line with these objectives. This will take place next week, with the community then being allowed at least 28 days to examine and comment on the legislation. This is legislation that we have always maintained should have been passed and operating by now.

As the Chief Minister announced in his speech to the Assembly last December, we will be introducing changes to streamline and improve lease administration procedures in the legislation package. We will be addressing the need for the full community to have the benefit of changes to lease purpose clauses by introducing betterment tax when this change results in an increase in value. These taxes will recognise both community interest and the interest of those committing financial and other resources to particular projects. Full details, of course, will be provided next week as they are introduced as part of the overall legislation package.

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Planning legislation is a very important priority as the Government moves to provide an effective, open and fair framework for the Territory's future development. However, the environmental issues we face as a community are far broader than the Territory plan. Last week I attended a conference in Canberra where these issues were discussed at some length. It was a very interesting activity and I commend the papers - when they are produced from that conference - to the members both on our side and also opposite as well. I am sure that the Leader of the Opposition who now finds herself responsible for environment, although it was not included on her statement dated 14 January, will find those particular remarks made during that conference most edifying, since she has now clearly added that to her list.

One of the Alliance's first priorities was to address the range of environmental issues which confront the ACT both locally and as members of the wider population. These environmental issues include important local problems: the need for safeguarding the community from toxic waste; and developing recycling and waste management strategies for the Territory. We await with interest the final report of the standing committee that is looking into that issue. That will provide some basis for the Government to work out and develop its final policies in that area. Protection of our native forests is another important aspect, as is the protection of urban areas within our city.

At another level, we have to fulfil national and global responsibilities, to address global issues such as ozone depletion and the greenhouse effect. In January the Alliance policy on the environment was released, an important first step in this process. Following the release of the policy the Government is now working to develop a blueprint for the implementation of its policies in this area over the next five years. The blueprint will be released for public comment during the autumn session. Other priorities will include early action to ban ozone depleting substances in line with our national responsibilities as a member of the Australian New Zealand Environment Council. This is a commitment that I understand was made by the previous Government and one which, of course, we will be honouring.

As part of these national responsibilities, we will be continuing the development of a greenhouse strategy for the ACT, a process that I know was in place even prior to the introduction of self-government to the ACT. We will be developing strategies on sustainable development and energy use to enable us to continue to achieve the twin goals of maintaining and enhancing our local environment while also supporting the continuing viability of the local economy. I believe that in confronting environmental issues there is a growing level of community recognition and consensus. In this city our policies on planning, heritage and the environment are of major importance because of the value that we as a community place on the qualities of the city

and the responsibilities we have as the custodians of the national capital.

Many of these values are shared by people in this chamber, I know. Certainly the Leader of the Opposition has, at times, spoken eloquently on this subject. In this sense I would expect that many of the matters relating to planning, heritage and environment could be described as non-party. I believe that we can retain and build on the level of consensus we already have as a community in these areas. This can only be achieved, however, if decisions are open and responsible and this is the thrust of the Alliance Government's position, a position that, unlike the previous Government's rhetoric in some issues, we will deliver.

One of my major roles as an Executive Deputy will be to ensure that the Government fully participates in the consultation process, particularly on planning, environment and heritage matters. My door will always be open to residents of the ACT in these particular areas.

Question resolved in the affirmative.

### **ADJOURNMENT**

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

That the Assembly do now adjourn.

### **Release of Nelson Mandela**

**MS FOLLETT** (Leader of the Opposition) (9.09): Mr Speaker, I would like to take the opportunity that is offered by the adjournment in the Assembly to express, at least on behalf of the Labor team in the Assembly, our deep satisfaction at a very significant event which took place in the early hours of Monday morning, our time. I speak, of course, of the release of Mr Nelson Mandela from prison in South Africa.

Mr Mandela has spent the last 27 years in prison for his political beliefs and his political activism. I find him an inspiring man who has devoted his life to furthering the cause of human rights and equality in South Africa. Despite the fact that he has spent the past 27 years in prison, and much of that time at hard labour, he has lost none of his commitment to that cause. He has lost none of his outspokenness and none of his will to improve the lot of South Africans until they do enjoy true equality.

I take the release of Mr Mandela, together with the unbanning of the ANC - which took place some little while ago - as positive steps towards the improvement of the lot of black South Africans. I would like to express on behalf

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of our team here, the very, very fervent hope that these steps will be continued, and that we, in our lifetimes at least, may see the smashing of the apartheid regime in South Africa, and the institution in that country of true equality of equal rights for all people in South Africa, whether they are black or white. I think that if that does happen then the whole world will owe an enormous debt to Nelson Mandela for that achievement.

**MR COLLAERY** (Deputy Chief Minister) (9.11): Mr Speaker, we generally endorse those comments, but trust that this will lead to the removal of apartheid at the negotiating table and not in a battlefield situation. In that regard, whilst we support the removal of apartheid, we trust that it will not be smashed such that many innocent people will suffer in that process. Commenting on the general sentiments expressed by the Leader of the Opposition, all on this side of the house have an abhorrence of apartheid and would support all moves, including the release of this man, that will bring to an end the violence, death and destruction in South Africa.

Question resolved in the affirmative.

**Assembly adjourned at 9.12 pm**

## ANSWERS TO QUESTIONS

The following answer to a question was provided:

### **Grass Cutting (Question No. 75)**

**Mrs Grassby** asked the Minister for Finance and Urban Services, upon notice, on 5 December 1989:

- (1) Did the Minister direct his department to cut grass before Christmas "no matter what". If not, what were his directions to his department in relation to grass cutting.
- (2) How many Parks and Conservation staff were on overtime for grass cutting purposes on Saturday, 9 December 1989.
- (3) How many hours were worked by these staff.
- (4) How many hours were these staff paid for and what was the cost of this work.
- (5) What is the cost difference between the hours worked by these staff and the hours for which they were paid.
- (6) How many grass mowing contractors were required to work on Saturday, 9 December 1989.
- (7) At 13 December 1989, how many grass mowing contractors were being used to mow grass.
- (8) How many hours have each of the contractors been used to Wednesday, 13 December 1989.
- (9) What is the hourly rate being paid to each of these contractors.
- (10) What is the total cost of each contractor to 13 December 1989.
- (11) What is the total cost of employing contractors to 13 December 1989.
- (12) What was the total cost of employing contractors to 13 December 1988.
- (13) What is the total amount allocated for employing contractors in 1989-90.
- (14) What is the cost per hour to employ (a) a City Parks plant operator using a front end mower, and (b) a contractor using a front end mower.

**Mr Duby:** The answer to **Mrs Grassby's** question is as follows:

- (1) Due to public concern about the amount of long grass and its potential to create a fire hazard in the summer months, the department was instructed to use all available resources, including extra contractors, to remove the backlog of high priority mowing.
- (2) There were 123 Parks and Conservation staff rostered to work overtime for grass cutting purposes on Saturday, 9 December 1989.
- (3) These staff worked a total of 408 hours.
- (4) Staff rostered to work overtime are required to be paid for a minimum of four hours whether they work these hours or not. Due to unforecast wet weather conditions some of the staff rostered to work on Saturday, 9 December were unable to complete four hours work. Staff rostered to work on 9 December were paid for 561 hours at a cost of \$8,901.
- (5) The cost difference between the hours these staff actually worked and the hours for which they were paid is approximately \$3,100.
- (6) Fourteen grass mowing contractors were required to work on Saturday, 9 December 1989.
- (7) At 13 December 1989, 20 grass mowing contractors were being used to mow grass.
- (8) Up until Wednesday, 13 December, contractors had worked a total of 8,995 hours as follows:

Contractor 1	357		hours
Contractor 2	264		hours
Contractor 3		74	hours
Contractor 4	597		hours
Contractor 5	273		hours
Contractor 6	258		hours
Contractor 7	310		hours
Contractor 8	201		hours
Contractor 9	162		hours
Contractor 10	347 hours		
Contractor 11	306		hours
Contractor 12	275		hours
Contractor 13	2031		hours
Contractor 14	345		hours
Contractor 15	185		hours
Contractor 16	332		hours
Contractor 17	275		hours
Contractor 18	754		hours
Contractor 19	1425		hours
Contractor 20	224 hours		



(9) The hourly rate paid to these contractors ranges from \$22.50 to \$45.49 per hour and a breakdown is as follows:

Contractor 1	\$23.78		per	hour
Contractor 2	\$23.78		per	hour
Contractor 3	\$33.78		per	hour
Contractor 4	\$34.74		per	hour
Contractor 5	\$31.01		per	hour
Contractor 6	\$22.50		per	hour
Contractor 7	\$25.33		per	hour
Contractor 8	\$33.60		per	hour
Contractor 9	\$25.85		per	hour
Contractor 10	\$29.98		per	hour
Contractor 11	\$24.81		per	hour
Contractor 12	\$28.43		per	hour
Contractor 13	\$34.12	- 45.49	per	hour
Contractor 14	\$33.08		per	hour
Contractor 15	\$24.81		per	hour
Contractor 16	\$23.26		per	hour
Contractor 17	\$31.01		per	hour
Contractor 18	\$25.85	- 33.08	per	hour
Contractor 19	\$34.12		per	hour
Contractor 20	\$25.55 per hour			

(10) The total cost of each contractor to 13 December 1989 ranged from \$2,448 to \$75,851 and a breakdown is as follows:

Contractor 1		\$2,448
Contractor 2		\$8,489
Contractor 3		\$6,290
Contractor 4	\$20,739	
Contractor 5		\$8,450
Contractor 6		\$5,794
Contractor 7		\$7,852
Contractor 8		\$6,754
Contractor 9		\$4,188
Contractor 10	\$10,388	
Contractor 11		\$7,592
Contractor 12		\$7,818
Contractor 13	\$75,851	
Contractor 14	\$11,421	
Contractor 15		\$4,590
Contractor 16		\$7,717
Contractor 17		\$8,528
Contractor 18	\$23,218	
Contractor 19	\$48,540	
Contractor 20	\$5,790	

(11) The total cost of employing grass contractors for grass mowing purposes from 1 July to 13 December 1989 was \$282,456.

(12) The total cost of employing contractors from 1 July to 13 December 1988 was \$669,787.

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- (13) The total cost of employing grass mowing contractors varies from year to year and will not be known until the end of the financial year. The total cost depends on a range of factors including seasonal conditions, availability of Parks and Conservation machinery, and the rate at which new suburbs and areas come under Parks and Conservation control. The rationale for having flexible contract arrangements is to accommodate the annual fluctuation in these variables.
- (14) The cost of employing a City Parks operator to operate a front mounted mower is approximately \$27.73 per hour. The cost of hiring a contractor using a front mounted mower ranges between \$28.43 to \$34.12 per hour. This does not include the administrative costs of supervising either form of operation.