



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

28 September 1989

## Thursday, 28 September 1989

|   |      |
|---|------|
| Powers of Attorney (Amendment) Bill 1989 .....              | 1585 |
| Payroll Tax (Amendment) Bill 1989 .....                     | 1586 |
| Trustee Companies (Amendment) Bill 1989 .....               | 1587 |
| Trustee (Amendment) Bill 1989 .....                         | 1589 |
| Acts Revision (Arrest without Warrant) Bill 1989 .....      | 1590 |
| Motor Traffic (Alcohol and Drugs) Amendment) Bill 1989..... | 1590 |
| Optometrists (Amendment) Bill 1989 .....                    | 1591 |
| Motor Traffic (Amendment) Bill (No 4) 1989.....             | 1593 |
| Motor Traffic (Amendment) Bill (No 3) 1989.....             | 1595 |
| Traffic (Amendment) Bill 1989 .....                         | 1596 |
| Suspension of standing and temporary orders .....           | 1597 |
| Independent audit to determine assets transfer .....        | 1597 |
| HIV, illegal drugs and prostitution - select committee..... | 1599 |
| Gaming Machine (Amendment) Bill 1989 .....                  | 1605 |
| Suspension of standing and temporary orders .....           | 1608 |
| Social policy - standing committee .....                    | 1611 |
| Questions without notice:                                   |      |
| Deportation of minor .....                                  | 1628 |
| High technology industry .....                              | 1628 |
| Bushfire Council .....                                      | 1629 |
| Transitional Funding Trust Account.....                     | 1629 |
| Bushfire Council .....                                      | 1630 |
| Police rural patrol.....                                    | 1631 |
| Bushfire Council .....                                      | 1631 |
| ACT public account.....                                     | 1631 |
| ACT legislation .....                                       | 1632 |
| Tuggeranong Community Centre .....                          | 1633 |
| Asbestos removal .....                                      | 1633 |
| Commercial research .....                                   | 1634 |
| Sports sponsorship .....                                    | 1635 |
| Cotter Reserve playground .....                             | 1636 |
| Currong Flats .....   | 1636 |
| Street lighting .....                                       | 1637 |
| Libraries.....  | 1637 |
| Child-care facilities .....                                 | 1637 |
| Nurses .....  | 1638 |
| National aquarium .....                                     | 1638 |
| Day of next meeting .....                                   | 1639 |
| Suspension of standing and temporary orders .....           | 1639 |
| Appropriation Bill 1989-90 .....                            | 1642 |
| Adjournment.....  | 1668 |
| Appropriation Bill 1989-90 .....                            | 1668 |
| Estimates Committee .....                                   | 1696 |
| Fluoride tablets and/or mouth rinses .....                  | 1699 |
| Adjournment: Press gallery .....                            | 1700 |
| Appendix 1 .....  | 1703 |
| Appendix 2 .....  | 1704 |

28 September 1989

**Thursday, 28 September 1989**

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**MR SPEAKER** (Mr Prowse) took the chair at 10.30 am and read the prayer.

**POWERS OF ATTORNEY (AMENDMENT) BILL 1989**

**MS FOLLETT** (Attorney-General) (10.30): I present the Powers of Attorney (Amendment) Bill 1989. I move:

That this Bill be agreed to in principle.

An enduring power of attorney is a power of attorney that continues in force even though the donor of the power becomes mentally incapable. Under current ACT law, with very limited exceptions, it is not possible to create an enduring power of attorney. Earlier this year, the Australian Law Reform Commission issued a report that recommended amendments to the Powers of Attorney Act 1956 that would allow people to simply and safely create an enduring power of attorney. This Bill implements the recommendations of the commission.

These amendments are particularly important for elderly people and those people with diseases such as Alzheimer's disease which will, over a long period, destroy their mental faculties - I make clear to those opposite that that is mental faculties, not dental faculties. It will allow them to plan for the future, choose who will manage their affairs for them and avoid the indignity of having to be declared incapable by a court to enable the court to appoint a guardian.

This Bill includes a form in the schedule which a person wanting to create an enduring power may use. The form is written in "plain English" so that anyone wishing to create an enduring power can do so without necessarily having to seek legal advice. The form and a "plain English" explanatory pamphlet will be widely available from the Public Trustee, the Government Law Office and through relevant community groups.

An enduring power of attorney will allow a person to give his or her attorney the power to manage that person's money and property. It will also, but optionally, give the attorney the power to make personal decisions and arrangements and power to give consent to medical treatment on the donor's behalf. These powers will operate only while the donor is mentally incapable.

By accepting responsibilities under an enduring power, an attorney is legally obliged to perform certain duties. He

28 September 1989

or she must act, so far as possible, as the donor of the power would have acted if the donor were not incapacitated. The attorney must also avoid conflicts of interest, keep his or her money and property separate from the donor's unless they own property and money jointly, and keep proper accounts of transactions entered into on behalf of the donor. An enduring power of attorney confers considerable power on the attorney. Safeguards to protect the maker of such a power are essential. The protective measures that have been included in these amendments are as follows. Firstly, each part of the form that grants the attorney power must be signed by the donor of the power and witnessed by two persons, neither of whom are relatives of the maker of the power or the attorney. Secondly, the amendments grant the magistrates and supreme courts a supervisory role of the attorney's activities. If the attorney breaches his or her duties under the power of attorney, the Public Trustee or a person who has permission from the court may ask the court to exercise its supervisory functions. The court may direct that the attorney pay compensation to the donor, it may require the attorney to do or stop doing something, or it may even terminate the enduring power.

These protective measures go beyond those in the equivalent New South Wales and Victorian legislation. These amendments have received strong community support from the ACT Council on the Ageing, the ACT Branch of the Returned Services League, the Welfare Rights and Legal Centre as well as the Law Society, the Public Trustee and trustee companies. I now present the explanatory memorandum to the Bill.

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

### **PAYROLL TAX (AMENDMENT) BILL 1989**

**MS FOLLETT** (Treasurer) (10.35): I present the Payroll Tax (Amendment) Bill 1989. I move:

That this Bill be agreed to in principle.

This Bill amends the Payroll Tax Act 1987. ACT payroll tax is levied on wages and certain other allowances paid directly to employees for services provided in the ACT. The tax base is being eroded, partly through a movement away from traditional forms of salary and wage payments and partly through the growth of tax minimisation and avoidance schemes which either operate to cloud employer-employee relationships or deliberately set out to put payments to employees outside the current narrow definition of "wages" found in the Act.

Payroll tax is a significant revenue earner for the ACT, and the aim of this Bill is to counteract these schemes and

28 September 1989

restore the tax base. Over the years employers have changed their methods of payment to employees by providing an increasing proportion of the employees' income as benefits. This problem has been recognised and countered by the Federal Government through the introduction of the Fringe Benefits Tax Assessment Act 1986. To ensure that such payments are included in the payroll tax base, the definition of "wages" within the Payroll Tax Act will be expanded to include benefits which will be assessed along the lines consistent with the Fringe Benefit Tax Assessment Act.

In order to avoid or reduce payroll tax, schemes have been developed over recent years which attempt to sever the existence of an employer-employee relationship through the use of artificial contract arrangements. The proposed amendments will counter such avoidance schemes by deeming that all contracts of service will attract payroll tax liability. Truly independent contractors, however, need not fear these amendments as exemption provisions are also included in the amendments to protect such contractors. The proposed legislation will bring the ACT into line with New South Wales and Victoria in the treatment of these avoidance schemes.

The payroll tax liability of persons hired out by employment agents is often difficult to establish. The proposed amendments will clarify this by deeming the agent as the employer. The proposed amendments will not affect the situation where the agent fulfils purely a job finder role. The problems I have outlined are Australia-wide and have been tackled by a majority of States and the Northern Territory. The proposed amendments have been developed after a close study of the relevant State legislation and will not only reverse the current erosion of the tax base, but will bring ACT anti-avoidance legislation substantially into line with the States and the Northern Territory. I now present the explanatory memorandum to the Bill.

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

### **TRUSTEE COMPANIES (AMENDMENT) BILL 1989**

**MS FOLLETT** (Attorney-General) (10.39): I present the Trustee Companies (Amendment) Bill 1989. I move:

That this Bill be agreed to in principle.

The Trustee Companies Act 1947 regulates the operation of trustee companies in the Australian Capital Territory. Trustee companies provide a range of services, including the management and administration of deceased estates. The Bill contains amendments which will, firstly, extend the circumstances under which a trustee company may be authorised to act jointly with an executor of a will, or jointly with a person entitled to obtain administration of an estate.

28 September 1989

Secondly, the Bill will amend section 18 of the Trustee Companies Act 1947 to provide an increase of 0.5 per cent in the rate of commission on the capital value of an estate, or the gross annual income, payable to a trustee company for its services. Finally, it will introduce proposed new sections which will specify a range of fees payable to trustee companies for the provision of services connected with the management or administration of a deceased estate.

The extension of the facility for ACT citizens to join with a trustee company in the management or administration of an estate is a timely and sensible initiative. At present a citizen with sole responsibility for an estate must act alone or, alternatively, authorise a trustee company to act. There is no middle ground. These amendments, which will repeal existing sections 5 to 8 and substitute for them proposed sections 5 to 8A, will provide an additional option of joining with a trustee company.

The proposed increase of 0.5 per cent for commission payable to a trustee company is a modest increase. For commission on the capital of an estate, the ACT rate will increase from 4 per cent to 4.5 per cent, taking it from the lowest rate in Australia to the second lowest, but still behind States such as South Australia at 6 per cent and Western Australia, which was 6 per cent but where recent amendments have removed a prescribed rate. The increase of 0.5 per cent for commission payable on the gross income of an estate places the ACT at a rate of 5.5 per cent, which is about the average rate but behind Victoria and Queensland at 6 per cent and South Australia at 7.5 per cent.

The introduction of proposed new sections 18D to 18G will define the types of fees, as distinct from commissions, payable to a trustee company. These fees are trust fees; fees for preparation of returns such as a tax return; and fees for an officer of the trustee company who acts as a director of a company included in the management or administration of an estate. A consequential amendment limits the introduction of the fees to only those estates committed to the administration or management of a trustee company on or after the date of commencement of these proposed amendments.

There are no financial considerations for the ACT Government's expenditure or revenue involved in these proposed amendments. I now present the explanatory memorandum to the Bill.

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

28 September 1989

### **TRUSTEE (AMENDMENT) BILL 1989**

**MS FOLLETT** (Attorney-General) (10.42): I present the Trustee (Amendment) Bill 1989. I move:

That this Bill be agreed to in principle.

The Trustee Act 1957 includes provisions which specify the circumstances and the types of investments in which trustees may invest trust moneys. Under the present law, investment of trust funds in approved building societies is only permissible if, firstly, the building society has carried on business in the Australian Capital Territory for a period of not less than 10 years; secondly, the building society has withdrawable funds of not less than \$50m; and, thirdly, the Minister, being the ACT Attorney-General, is satisfied that the building society has complied substantially with the Co-operative Societies Act 1939 during the immediately preceding period of five years.

In recent years, with the growth of building societies, we have seen the establishment in the ACT of a subsidiary of one of Australia's major societies. That organisation, as well as any other building society which does not satisfy the 10-year establishment rule, is unable to be accorded trustee investment status. This limits the operation of such societies as well as reduces the range of approved investment options available to trustees in the ACT.

The proposed amendments will amend item 11 in the second schedule to the Trustee Act 1957 to revise subsection (2A) of paragraph (a). The revision together with a new subsection (2AA) will provide that a building society which has operated in the ACT for less than 10 years may be approved for trustee investment status provided it has the backing, in terms of an irrevocable undertaking for \$50m, given by an established building society in a State or territory. The building society giving that undertaking must itself have carried on business for not less than 10 years and have substantially complied with the local law in each State or territory in which it has operated at any time during the immediately preceding period of five years. The ACT based building society must have, of course, also substantially complied with the Co-operative Societies Act 1939 during the period it has carried on business in the ACT.

There are no financial considerations for the ACT Government's expenditure or revenue involved in these proposed amendments. I now present the explanatory memorandum to the Bill.

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

28 September 1989

### **ACTS REVISION (ARREST WITHOUT WARRANT) BILL 1989**

**MS FOLLETT** (Attorney-General) (10.45): I present the Acts Revision (Arrest without Warrant) Bill 1989. I move:

That this Bill be agreed to in principle.

The Bill is intended to clarify the power to arrest without warrant in the Territory by repealing inoperative and redundant provisions from the statute books. It reflects this Government's commitment to simplifying the law and making it more easily understood. The amendments are technical only and do not change the substance of the law on a private individual's or a police officer's power to arrest without warrant.

Section 352 of the New South Wales Crimes Act 1900, as it applies in the Territory, provides a general power to arrest without warrant and is intended to be the provision applicable to most situations in this Territory. The present form of section 352 results from amendments made in 1983 and in 1986. Those amendments had the effect of impliedly repealing similar powers of arrest in 12 other Acts - powers which were specific to the Acts they were found in. The continued presence of inoperative arrest provisions in individual Acts could cause confusion about the source of the power of arrest in particular circumstances. To avoid that possibility, this Bill will expressly repeal those provisions from the 12 Acts. In every case then section 352 of the Crimes Act will clearly be the applicable provision. I present the explanatory memorandum to the Bill.

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

### **MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL 1989**

**MS FOLLETT** (Attorney-General) (10.48): I present the Motor Traffic (Alcohol and Drugs) (Amendment) Bill 1989. I move:

That this Bill be agreed to in principle.

The Bill amends the Motor Traffic (Alcohol and Drugs) Act 1977 to correct an anomaly which has arisen in the operation of the Act. The Motor Traffic (Alcohol and Drugs) Act 1977 establishes procedures for detecting people who drive motor vehicles while under the influence of alcohol or certain specified drugs and creates punishable offences aimed at deterring this socially unacceptable behaviour. The Act authorises blood samples to be taken from an unconscious person who is suspected of having driven while under the influence of alcohol. Several prosecutions have failed where blood was taken from an unconscious driver, even though analysis showed that the person's blood alcohol concentration exceeded the prescribed limit. This is because the relevant offence in



28 September 1989

section 20 of the Act implicitly assumes that the blood sample was taken from a conscious person with his or her active consent.

The Bill creates an offence where a blood sample is taken from an unconscious driver and the ensuing analysis determines that the blood alcohol concentration is equal to or more than the prescribed limit. Revised procedures for the taking and analysing of blood samples will better safeguard the integrity of samples and minimise the possibility of unauthorised handling. The driver from whom the required two samples were taken will be given one as a control sample. If the driver was unconscious at the time the blood was taken, the analyst is required to keep the control sample for collection later. If the driver wishes, he or she may have that sample independently analysed.

A new provision will limit the use of certificate evidence, attained under the Act, in civil proceedings which relate to an insurance contract. The Bill also makes several other formal amendments to ensure that the Act conforms with current drafting conventions. None of these formal amendments change the substantive law. I present the explanatory memorandum to the Bill.

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

### **OPTOMETRISTS (AMENDMENT) BILL 1989**

**MR BERRY** (Minister for Community Services and Health) (10.50): I present the Optometrists (Amendment) Bill. I move:

That this Bill be agreed to in principle.

The Bill is about the removal of unnecessary business regulations. I do not think that anyone in this house would want to see regulations perpetuated that forced a business into unfair competition with others in a similar field.

Three subsections of the Optometrists Act 1986 prohibit the advertising, canvassing and sanctioning of advertising of optometric services. These subsections state that it is unprofessional to advertise. The Act in its original form did not include these subsections. They were introduced in 1986 when legislation was effected by the Federal Parliament. The Senate Standing Committee on Regulations and Ordinances expressed concern that the provisions were too vague. It also considered that the provisions would unjustly cover an employee of an optometrist who would not necessarily have any knowledge of the advertising.

Discussions were held between the various interested bodies, including the ACT Optometrists Board, to ascertain if it were possible to modify the strict regulatory nature

28 September 1989

of the provisions, and agreement could not be reached. The matter was referred to the ACT Regulation Review Committee to resolve the issue. This committee resolved that (a) advertising is not intrinsically unethical or unprofessional; (b) no particular problems had arisen justifying the more restrictive approach; (c) the provisions were anticompetitive; and (d) the results may have been to increase cost for consumers by restricting the activities of the larger optical dispensers.

Before the Territory achieved self-government, the then Minister was in agreement with the repeal of the subsections, but events overtook the process and this was never completed. The Government is in agreement with the repeal of the subsections and wishes to proceed with legislation to complete the process started many years ago. The Optometrists Board favours the retention of the subsections in their present form to prevent the sharing of premises by optometrists and optical dispensers. It considers this to be unprofessional.

The Government does not necessarily believe that such arrangements are unprofessional and, in any case, these provisions do not have the effect claimed by the board as they relate solely to a prohibition on advertising. The Act still contains adequate provisions against unprofessional conduct. If advertising can be construed as unprofessional conduct, then this can be dealt with quite unambiguously, under the powers given to the Optometrists Board by the Act, by the remaining legislation.

The Government supports the view that companies and businesses should be allowed to operate without undue regulation that restricts their ability to compete on an equal basis with other businesses in the same field. Clearly, optometrists and optical dispensers work in the same field. They need to work together to provide a service to those in the community who require glasses and other optometrical appliances and it would be counter to a democratic society's principles to let one section of an industry advertise and not the other.

I stress that the provisions remain within the Act for the Optometrists Board to examine an optometrist on the ground of unprofessional conduct, and the Government sees no reason why certain "unprofessional" approaches to advertising might not still be questioned by the board. The Government, therefore, is in agreement with repealing the provisions that relate specifically to advertising. I now present the explanatory memorandum to the Bill.

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

28 September 1989

### **MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 1989**

**MRS GRASSBY** (Minister for Housing and Urban Services) (10.55): Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 4) 1989. I move:

That this Bill be agreed to in principle.

This Bill is intended as a major social and legal reform by eliminating imprisonment for parking offences and minimising the cost of follow-up action necessary to recover parking fines. It will encourage prompt payment of uncontested fines while leaving rights to natural justice unaffected.

The Bill will remove parking matters from criminal jurisdiction and will do away with the provision that requires parking offenders who fail to pay fines to be imprisoned. The very idea that imprisonment should be the ultimate sanction against someone for failing to pay a parking fine is clearly out of step with community attitudes as we approach the 1990s. Apart from this, it is quite apparent that the threat of a prison sentence has not acted as an effective deterrent against parking infringements in the past.

Prior to the tragic bashing of a fine defaulter in New South Wales several years ago, some people regarded imprisonment for non-payment of parking fines as fairly minor. They could incur a number of fines, refuse to pay them, and then discharge the lot by spending a weekend in custody at the taxpayer's expense. Following this unfortunate incident, no ACT parking offender has been imprisoned. Prison sentences are nevertheless still being imposed in the Magistrates Court because the law has not yet been changed.

To allow this situation to continue unchanged is clearly out of the question. It would be seen as an open invitation to commit parking offences in the full knowledge that any fine could be discharged with impunity. There is also the question of cost. Next year the ACT will take over full responsibility, including financial responsibility, for the courts in the Territory. The cost of imprisoning fine defaulters in the past has, in fact, made up only a small part of the total cost of dealing with parking offenders under the present system. In particular, due to their sheer volume, the problem of dealing with parking offenders has placed a great strain on the ACT Magistrates Court.

While I am hopeful that the Federal Government will act promptly to implement the recommendations of the recent report on improving the operations of the Magistrates Court before we accept this responsibility, it is still crucial for the ACT Government and the Legislative Assembly to act now and do what we can to improve the situation.

28 September 1989

Then there is the question of police resources. I am sure that all members of the Assembly, regardless of their views on the question of police powers, would agree that requiring the police to spend their time serving warrants for unpaid parking fines is a wasteful use of police time. This Bill will overcome these problems by the introduction of civil enforcement of parking fines. Instead of drivers facing imprisonment for failure to pay a fine, they will face having their drivers licence or the registration of their vehicles cancelled.

The arrangements proposed in the Bill have many advantages over the present system. Cancellation of drivers licences or vehicle registration is a more equitable way of dealing with parking fines. This is especially the case in view of the priority that this Government places on social justice matters. There is also the question of deterring parking infringements in the first place and ensuring that fines are actually paid.

As I have already noted, the existing system, even with the threat of possible imprisonment, has clearly failed. The system of licence and registration cancellation proposed in the Bill will, I expect, have a major impact on the actual level of parking infringements committed. If the experience in New South Wales is any guide, we can also expect a significant reduction in the amount of unpaid parking fines. This is because the cancellation of the privilege to drive is a more appropriate response as it is a punishment that truly fits the crime and whose deterrent value is readily understood and accepted by motorists.

I now turn to the major features of the proposal and how it will operate. The most significant single change proposed in the Bill is that breaches of the parking provisions of part X of the Motor Traffic Act will no longer be criminal offences. They will instead become prohibitions, the contravention of which will be dealt with by the ultimate administrative sanction of licence or registration cancellation, instead of a fine or gaol term imposed by a magistrate.

Motorists who receive parking infringements will not see any change provided they pay the fine within 14 days of the notice being issued. Failure to pay within 14 days will result in liability for an additional administrative charge of \$20. This charge offsets the cost of administration follow-up action necessary to recover unpaid fines and to encourage infringers to pay promptly. As the administrative charge is paid by the infringer, follow-up costs are borne by infringers and not by the ACT taxpayers generally.

In the last financial year nearly 80,000 final notices had to be sent out because almost two-thirds of our parking offenders failed to pay their fines promptly. We are therefore looking at a considerable saving to the ACT taxpayers who at present bear the entire cost of recovering

28 September 1989

unpaid fines. I should also note that this does not breach the Government's undertaking not to increase rates or taxes for individual citizens or households.

A major cost to the Government and taxpayers which will be eliminated by the combined introduction of fine default cancellation and the proposed administrative charge are those associated with the issuing of summonses and the necessity for the Magistrates Court to deal with these cases. At present nearly 40 per cent of recipients fail to make payment. Last financial year this resulted in nearly 30,000 summonses being sent out, representing almost a quarter of all infringement notices originally issued. It is clearly impossible to justify the burden which this places on the Magistrates Court, particularly when 97 per cent of the summonses issued are not personally defended in court.

This brings me to the question of whether the Bill will affect the legal rights of persons who receive parking infringement notices. The substitution of civil for criminal enforcement and the introduction of the fine default cancellation scheme proposed in the Bill will not diminish existing rights. Although the proposals contained in this Bill are intended to relieve the burdens currently placed on the Magistrates Court, it will still be possible for anyone who wishes to do so to dispute a parking infringement in court. As the Magistrates Court will only have to deal with defended cases, which currently amount to less than one per cent of all infringements issued, it will, I hope, be possible for these cases to be dealt with much more expeditiously than at present.

If taxes and charges are to be kept down, it is clearly of vital importance that action is taken now to reduce the future cost of parking enforcement to the ACT Government and the Territory's taxpayers. That, together with the decriminalisation of parking offences, is precisely what the proposals contained in this Bill for a fine default cancellation scheme, incorporating an administrative charge, are designed to achieve.

Consequential amendments to the Magistrates Court Ordinance will also be made by the Commonwealth Attorney-General's Department. The opportunity has also been taken to adjust the levels of certain fines to bring them more into line with the seriousness of the offence. I commend the Bill to the Assembly. I present the explanatory memorandum to the Bill.

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

### **MOTOR TRAFFIC (AMENDMENT) BILL (No. 3) 1989**

**MRS GRASSBY** (Minister for Housing and Urban Services) (11.06): I present the Motor Traffic (Amendment) Bill (No. 3) 1989. I move:

28 September 1989

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 will remove an anomaly in the Motor Traffic Act which technically defines wheelchairs as motor vehicles, thus prohibiting them from travelling on paths in the ACT. It widens the definition of a pedestrian to include disabled persons using wheelchairs not capable of exceeding seven kilometres an hour. This means that the laws covering pedestrians will also include disabled persons travelling in motorised wheelchairs.

The Bill is consistent with the national road traffic code, which provides guidelines to the States and the territories on traffic regulations. Without the Bill, the Motor Traffic Act discriminates against motorised wheelchair users by denying them legal access to public places prohibited to motor vehicles.

While the existing law has not been enforced, this Bill will clarify the issue. It allows disabled persons who use motorised wheelchairs to use legally paths and other public places prohibited to motor vehicles. The improved access for motorised wheelchair users demonstrates that the Government is sensitive to those in our community who have disabilities and accords them the same rights and privileges available to other users of transport facilities. I commend the Bill to the Assembly. I present the explanatory memorandum to the Bill.

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

### **TRAFFIC (AMENDMENT) BILL 1989**

**MRS GRASSBY** (Minister for Housing and Urban Services) (11.08): Mr Speaker, I present the Traffic (Amendment) Bill 1989. I move:

That this Bill be agreed to in principle.

The ACT Traffic Act was introduced in 1937 and relates to the regulation of non-motorised traffic, including pedestrians and cycles. This Bill amends the Traffic Act to omit the definition of a bicycle path. In the early 1970s when the then National Capital Development Commission adopted a policy of constructing a network of cycle paths in the ACT, it was intended that cycle paths should be gazetted for the exclusive use of cyclists. The ACT has some 130 kilometres of pathways which traverse a number of the ACT's more prominent recreational attractions. As well as being used by cyclists, this network is heavily used by both pedestrians and joggers, to the extent that it is not appropriate to restrict the use of such a valuable asset to one sector of the community. For these reasons there have

28 September 1989

been no bicycle paths gazetted under the existing provision.

Cyclists in the ACT do, and will continue to be actively encouraged to, make use of the extensive network of pathways rather than the more hazardous environment of the road system. A number of other jurisdictions in Australia are currently considering extending cyclists' rights in this regard, but the ACT leads the way in providing the safest possible environment for this category of traffic.

This amendment reflects the Government's continuing commitment to improving road safety in the ACT, its support of recreational and sporting activities in the community and its objective of making optimum use of the Territory's valuable transport infrastructure. The Bill also provides for minor consequential changes to maintain consistency between the ACT Traffic Act 1937 and the ACT Motor Traffic Act 1936. I commend the Bill to the Assembly. I present the explanatory memorandum to the Bill.

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

### **SUSPENSION OF STANDING AND TEMPORARY ORDERS**

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

That so much of the standing and temporary orders be suspended as would allow private members' business order of the day No. 1 and notice No. 1 to be called on forthwith and have precedence of executive business until disposed of.

### **INDEPENDENT AUDIT TO DETERMINE ASSETS TRANSFER**

Debate resumed from 27 September 1989, on motion by **Mr Kaine**:

That -

- (1) this Assembly requires the Government to commission an independent audit to determine the assets transferred to the Territory on self-government and the public debt associated with those assets;
- (2) the report be provided to the Assembly no later than 30 November 1989; and
- (3) the report be referred to the Public Accounts Committee for consideration.

**MS FOLLETT** (Chief Minister) (11.12): When I started to speak on this matter yesterday I pointed out to the Assembly the existing arrangements for the transfer of assets and rights to the ACT under section 5 of the ACT Self-Government (Consequential Provisions) Act. That

28 September 1989

section requires that the Commonwealth Minister responsible for territories transfers those assets and rights used for ACT functions. While there is agreement in principle to the scope of the transfer, there are some concerns of this Government particularly relating to the retention by the Commonwealth of certain parcels of land which have no clearly defined national purpose.

We are also objecting in particular to the Commonwealth decision to hold onto Gowrie Hostel and subsequently to announce the sale of that hostel. The actual transfer process is effected by way of the preparation of legal instruments and, given the level of detail currently being specified by the Australian Government Solicitor, this process is not likely to be completed until very much later this year. The process itself requires the development of a comprehensive assets register.

On the question of debt associated with the assets of the Territory, which Mr Kaine has also addressed, the statement that I made on 22 August and the budget papers set out the issues and the position that the Government is taking in its negotiations with the Commonwealth. I think it is sufficient to say at the moment that there is not actually an established debt profile for such agencies as the ACT Electricity and Water authority and the Housing Trust. In all instances the debt is being serviced from the charges, rents and rates levies on the respective customer populations.

The Government has adopted the position with respect to debt for State-type assets which produce little or no income that the ACT should start with a clean slate. This should apply not only to the equivalent of the States' general purpose capital advances but also to ACTION and to forestry. In ACTION's case they are heavily reliant on a budget funded subsidy and any debt servicing cost adds directly to that subsidy. The forestry function serves many objectives in the ACT, including the protection of water catchment areas and the provision of recreational facilities. As such, it cannot be assessed on strict commercial terms. I have put the Government's position on a zero debt start to the Commonwealth in the clearest possible terms.

I would also like to draw the Assembly's attention to this year's budget, where the Government has taken a decision not to raise the full level of borrowings available to the ACT under the Loan Council global allocation. Such a decision, as always, requires a balance to be struck between the future costs of debt servicing and the deferral of works which would benefit the current community. I do consider that we have made a sound decision on that matter.

I would like to conclude by saying that it is my understanding that the ACT government service is undertaking very much of the work, if not all of the work, that is encompassed by Mr Kaine's motion. Nevertheless, I



28 September 1989

believe that, if the Assembly requires a closer scrutiny, as has been suggested by Mr Kaine's motion, of the assets and the associated debt, then certainly it will not find the Government standing in the way of that request for a closer scrutiny. The only difficulty that I have with it is that it is likely to be quite an expensive proposition to hire an independent auditor to undertake this work - work which is being undertaken already by my very capable public servants. Nevertheless, I will not oppose the undertaking of an independent audit, except to say that I am worried that we have not budgeted for it and that it would clearly be a quite expensive proposition.

I do not oppose Mr Kaine's motion. I can understand his wish to get information other than that supplied by the public service, although I do not believe that it is totally warranted. But I will have to look at where we can find the money to undertake this audit, and I will do so if that is the wish of the Assembly.

Question resolved in the affirmative.

### **HIV, ILLEGAL DRUGS AND PROSTITUTION - SELECT COMMITTEE**

**MR MOORE** (11.17): I move:

That -

- (1) a select committee be appointed to inquire into and report on AIDS, illegal drugs and prostitution in the ACT with particular reference to:
  - (a) the effectiveness of current legal and social controls enabling action to prevent the spread of AIDS;
  - (b) the effectiveness of current legal controls on prostitution and drug-taking;
  - (c) alternative social, medical or legal proposals which may assist in restricting the further spread of AIDS; and
  - (d) other such matters relating to the issue of AIDS in the ACT which the committee considers should be drawn to the attention of the Assembly;
- (2) the committee shall report at its earliest convenience;
- (3) the committee shall consist of four members, namely, Ms Maher, Mr Moore, Mrs Nolan and Mr Wood;
- (4) the majority of members constitutes a quorum of the committee;
- (5) the committee be provided with the necessary additional staff, facilities and resources; and

28 September 1989

- (6) the foregoing provisions of the resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

It is very important for members of this Assembly to realise that one of the great challenges of our society at the moment is to deal with the potential of an AIDS epidemic. AIDS has challenged many of our current views and will continue to do so until we find a way to control it. It has an incredible impact upon our lives; it questions even our level of compassion; and the media, in particular, recently have looked at many examples of where, with this particular disease, we have become rather an uncompassionate society.

As a legislative body, we have a responsibility to do what we can to avoid an epidemic. We have to be very careful that we do not select certain scapegoats. Let me draw your attention to a previous example. In the Middle Ages, when the favourite scapegoats were witches, one of the animals most associated with witches was the cat. Some historians argue that the association of the cats and the elimination of the cats left the way open for breeding of rats, which led in turn to the incredible epidemics of the black plagues which decimated a third of Europe. We must be sure we avoid treating AIDS as a scapegoat and winding up in the same boat.

I would propose that in looking at AIDS this proposed committee should not attempt to rediscover the wheel. There has been a tremendous amount of in-depth work done on AIDS, and we should look to that. We should ensure that we understand the factors on how AIDS is linked with prostitution and with drugs. We are all aware that prostitution does exist in Canberra, and we should be aware that prostitution is often, as I understand it, linked with drugs because it is a method of raising money in order to buy drugs, particularly for intravenous drug users. Hence there is the link with AIDS, and as a sexually transmitted disease the link becomes even more significant.

What we have to discover is just what is the AIDS distribution network. I think it will be incumbent upon this committee to find what sort of proportion of our society is involved and what sort of proportion forms that network which could increase the epidemic. With reference to illegal drugs, we do know that the war on drugs has been entirely unsuccessful. At the moment a third of all justice funding in America is spent on control of illegal drugs. If that situation were to arise in Australia, as it has in America, it would cost us billions of dollars and we would still achieve absolutely nothing. In fact, the evidence that it is failing is that the use of illegal drugs is actually on the increase. So what is happening is it is working less and costing more. Some proponents would say, "Okay, let us go out and legalise all drugs". That is simply not acceptable, nor do I expect it will ever be

28 September 1989

acceptable, to our community. What we will be looking for in this committee is to see whether we can find a solution and to look at the link between prostitution, AIDS and drugs. I think it is absolutely critical that this Assembly take this responsibility, which is probably relatively unpopular from a political point of view. Nevertheless, we have a responsibility to do what we can to avoid this epidemic.

**MR WOOD** (11.22): Mr Speaker, I support the establishment of this committee, and I anticipate long and hard work as we consider the issues and eventually come up with recommendations to bring back to this Assembly. I have valued my experiences on the committees. They have provided me with a great deal of education and information about this community and about the issues that confront us. I have in all circumstances enjoyed what the committees have done. I might add that that even includes walking with Mr Moore and Ms Maher across rubbish tips and into some rather strange places as we have looked at recycling. It has been a valuable experience. I accept the commitment to work on this committee. However, I do not expect to enjoy it; I think it will be a sad experience.

The presence of AIDS in the world has changed every view that we may have on a number of crucial issues, in particular the drugs and prostitution ones that Mr Moore has mentioned. The catastrophic effect of AIDS is such that we must review our attitudes and our controls over such matters. We must assume that we are still in the very early days in our fight to control AIDS.

If we can draw a line a metre long, we have not covered a millimetre in coming to understand that disease and to control it. We must assume that and, that being the case, think how much greater the damage is that can be done because of this disease. It is such a dreadful and still a totally uncontrollable disease that we must look to every measure possible to control it.

This was the message that the community received two to three years ago when the Federal Government, along with governments in other parts of the world, took very dramatic measures to bring to the notice of communities the threat from AIDS, and there was some adverse comment about the very dramatic television commercials that displayed the great problem.

The community was made aware of, and I believe was greatly alarmed about, the AIDS epidemic and reacted accordingly. Many in the community changed their attitudes and their behaviour accordingly. I believe that as time goes by the term "AIDS" will become one with which we will have some familiarity. I think that the urgency of the matter has now been diminished, and this is most unfortunate. We must never forget how critical the problem is, and the mere fact that it has been present for some time should not allow our anxiety in any way to be diminished.

28 September 1989

We must always be terrified by this scourge until it is no longer a problem. There is no end in sight to this problem. There is no way that we can see an end to the problem. It may be that, as the numbers of people who contract this disease increase - and I hope that that will not be the case - the community will have more and more concern.

Australia, it is said, is a world leader in its attitude towards publicising and promoting preventive measures. Well, let this Assembly take some role in that and come up with whatever is possible to apprise the public of what it needs to do. If there are measures that can be taken in respect of AIDS, drugs and prostitution, then let us apply them. Mr Speaker, I am not looking forward to this task, but it is one that we must undertake.

**DR KINLOCH** (11.28): Mr Speaker, there was a question at one point about whether or not this matter would sit more appropriately with the Social Policy Committee, but I have no hesitation now in wanting to support the select committee as it is proposed, especially as three members of the Social Policy Committee would also be on the proposed committee. So where there might appear to be levels of overlay - drugs, for example, vis-a-vis public behaviour - I believe that these will be amply taken care of by the select committee.

**MS MAHER** (11.29): Mr Speaker, I rise to support the points made by Mr Moore, Mr Wood and Dr Kinloch and I am in favour of the motion. Mr Moore is proposing to introduce a select committee to examine the subject of AIDS, illegal drugs and prostitution. While I support the introduction of such a committee, I must stress that these need to be addressed as individual issues, but I accept that they do interrelate and also need to be looked at as a whole.

The issues are a great concern to the community, and the committee will provide an appropriate forum for the related matters to be aired and will allow those on all sides of the matter to have their say. As an example of what this committee will be able to deal with, I stress that AIDS and HIV at the moment are not defined under the ACT Public Health Act as infectious diseases. They are only classified as notifiable diseases. However, it is not even clear as to what legislation deals with this issue. The committee will also allow for legislation dealing with public health in general to be reviewed at some point in the future. I am most happy to see that Mr Moore has left this report open because the issue is of great concern and there is a lot within it to be reviewed and investigated.

**MR HUMPHRIES** (11.30): I seek leave to move two amendments together.

Leave granted.

28 September 1989

**MR HUMPHRIES:** I move:

- (a) Paragraph (1), delete "a select committee be appointed to", substitute "the Standing Committee on Social Policy"; and
- (b) Omit paragraphs (3) to (5) inclusive.

Like the previous speakers, we endorse the concept of an investigation into this question but feel that it would be more appropriately dealt with at this juncture by the Standing Committee on Social Policy. The reason for that is as follows. The establishment of a select committee effectively supersedes the priorities like those that the Social Policy Committee has established for itself in respect of a certain number of inquiries that it is already conducting. We are concerned with the prospect that this particular inquiry, important as it is, will take priority over other inquiries which, in my view, are probably as important, if not more important, in other fields.

I know that the Standing Committee on Social Policy at the present time is inquiring into the ageing. It is also in the middle of an inquiry into public behaviour. That inquiry is significant because public behaviour has a great deal to do with the content of this motion moved by Mr Moore. AIDS, illegal drugs and prostitution are all issues that relate intimately to questions of public behaviour of the kind currently being examined by the Social Policy Committee. I understand also that today we are to examine some motion dealing with the Social Policy Committee looking at fluoride. Those sorts of things are all going to be on the plate of the committee. I would be happier if the Social Policy Committee were to decide between its members exactly how those issues should be handled, whether they should be integrated in any way - and obviously, as I have just said, to some extent they should - and decide for itself what priority and what time scale ought to be attached to each of these items. Therefore, I am not keen on the idea of a further select committee.

I spoke yesterday in the debate on the motion of Mr Berry that we should have a reference to a standing committee which would increase the number of inquiries in the ACT. I cannot say that we are happy with extending the number or range of inquiries in any respect but, as I said, I accept that there is some need for the examination of the issues mentioned in this motion. As such, we support the inquiry but would be happier if it were to be referred to the Standing Committee on Social Policy.

The issues concerned have been covered adequately by previous speakers and are issues that will not go away. In particular, AIDS is an issue that needs to be addressed by any responsible administration at the earliest juncture with respect to what is happening in other places in Australia so that we have a policy which makes sense. Illegal drugs is an issue that has been raised in various

28 September 1989

forms overseas as well as in this country, and I have even heard senior and respected politicians argue that some of these offences should be decriminalised. I imagine issues of that kind will be raised in this inquiry and I look forward to that.

I know that members of the Social Policy Committee are interested in these areas. Mr Moore is not, of course, a member of the Standing Committee on Social Policy at present but, if the Opposition's amendment were accepted, I would be very happy to consider attaching Mr Moore to it for the purpose of this particular inquiry. So Mr Moore's membership is not a problem as far as we are concerned.

I commend the amendments to the Assembly and hope that we can conduct this inquiry in a way which fits in better with the existing inquiries.

Amendments negatived.

**MR BERRY** (Minister for Community Services and Health) (11.35): I do not intend to take up much time on this matter. However, it is pleasing that such an important issue has been raised by the Residents Rally party for public consultation and I commend that party for its new-found support of this important function of the Assembly. But I must say at the outset that this issue is a challenge for any government because of the impact that it has on the community in all sorts of areas and, like Mr Humphries, I shall not seek to go into the detail of the issue of AIDS and HIV. Rather, I will confine myself to expressing support for the matter to be considered in a consultative way by an organ of this institution.

I think one of the features of the debate on AIDS and HIV has been the growing up of the community in its approach to this horrific problem, and I think it will grow further away from the period when victim bashing was very fashionable in the area of defence against these sorts of diseases.

On the issue of drugs, many would say that the war against drugs has been lost, but I think that the war is really in its infancy. There will need to be a lot more work in that area. I am not sure that the ACT will form the vanguard of it, but I am sure that an appropriately formed committee, in close consultation with the community, will lead us to a stronger position in the fight against this dreadful disease.

Mr Speaker, I seek to move an amendment to the motion moved by Mr Moore. I move:

Omit "AIDS", wherever occurring, substitute "HIV".

Amendment agreed to.

Motion, as amended, agreed to.

28 September 1989

## GAMING MACHINE (AMENDMENT) BILL 1989

Debate resumed from 27 September 1989 on motion by **Ms Follett**:

That this Bill be agreed to in principle.

**DR KINLOCH** (11.41): First, I thank the Chief Minister for the helpful briefing arranged for members and I ask her to pass on thanks to the person concerned; I thought he was excellent. Most members will, I expect, accept the notion that such a tax is proper. I have some reservations about that personally in a larger area, but they are not so considerable - and anyway, they are personal - as to object to the main purpose of this amending Bill, which is essentially a piece of necessary machinery through which an already existing tax may be changed in terms of percentages. One might quarrel about those percentages, but that is another matter. I will leave to my colleague Mr Humphries the considerable question about the proper form of legislation for raising these taxes.

I do question the underlying rationale of the proposed percentages. Clubs - that is, clubs like the Ainslie Football Club, the Southern Cross Club and so forth - are to be levied percentages ranging from 12.5 to 16 per cent. Meanwhile, hotels and taverns are to be taxed 30 per cent. I do really question that, and that seems a much harsher condition on some areas of the entertainment industry than others. I would welcome some explanation of that particular matter. Why 12.5 to 16 per cent for clubs but 30 per cent for hotels and taverns? Is that not a kind of discrimination against some enterprises in the city? I wish the Chief Minister would discuss that point.

**MR HUMPHRIES** (11.43): The Opposition supports this Bill and in particular the amendment to be moved by the Chief Minister. I might just comment on the nature of that. It was my contention last month that at that time current taxation laws in the ACT were inconsistent with a number of principles embodied in constitutional practice over many centuries. The principle, established first in Magna Carta and subsequently in the Bill of Rights of 1688, was that taxation levels were determined in respect of a community not in those days by the whim of the King, or in this case at the discretion of a Minister, but by the vote duly taken of the assembly of the people. Unfortunately, it was the case a few years ago that in the ACT, which was administered as a fiefdom in the federal sphere, the practice grew up of having determinations made by Ministers to constitute major levels of taxation applicable to the ACT. I am pleased to say that that trend is being reversed, and this legislation is part of that process.

Earlier this year, I think last month, the Assembly passed various Acts, namely the Rates and Land Tax (Amendment) Act, the Sewerage Rates (Amendment) Act, and the Water

28 September 1989

Rates (Amendment) Act, all of which had the effect of removing ministerial discretions and putting the assessment of levels of taxation into the hands of the Assembly. This amending Bill does the same thing. Before those amendments occurred, both to those previous Acts and today, the ACT was the only place in Australia where rates, payroll tax, stamp duty, tobacco, petroleum and alcohol licence fees were all altered solely by ministerial discretion. I am pleased to say that the Government has accepted that these changes need to occur.

Like my colleague Dr Kinloch, I looked originally at the question of the differing rates between clubs and other than clubs, namely hotels. I accept, however, that there is a very important difference there between clubs and hotels. Clubs in our community perform important social roles, and profits made from clubs as a rule are ploughed back into community purposes. For that reason I accept and endorse the concept of differentiating between clubs and other sorts of institutions that have poker machines and other gaming machines. The Opposition, as I have said, supports this Bill.

**MS FOLLETT** (Chief Minister), in reply (11.46): I would just like to pick up a couple of points that have been made in the debate. As Mr Humphries says, there is a very good reason for the differential rate of tax between clubs and hotels, a point which Dr Kinloch has raised, and that reason is, of course, that hotels operate purely for profit. Most of them are owned outside the ACT, and licensed clubs do make a habit of putting something back into the community that they are operating in.

I should also mention that the Licensed Clubs Association has been fully consulted on the proposed amendments and has accepted the proposed tax scale. Mr Speaker, the timing of this Bill is important, because we need to set in place the new tax arrangements on 1 October, and I very much appreciate members' understanding of the timeliness of this legislation. As Mr Humphries has said, I have an amendment, which I will be moving in the detail stage of the debate, which I think picks up his further concerns relating to the Bill. I might perhaps speak on that matter at that time.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail Stage**

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3 (Distribution of income from gaming machines)



28 September 1989

**MS FOLLETT** (Attorney-General) (11.49): I move:

Page 1, lines 8 to 18 and page 2, omit the clause, substitute the following clause:

"Distribution of income from gaming machines.

3. (1) Section 57 of the Principal Act is amended by omitting from subsection

(4) the definition of "prescribed percentage" and substituting the following definition:

"prescribed percentage', in relation to a licensee, means -

(a) if the licensee is a club, in respect of the part of the gross revenue for the relevant month -

(i) that does not exceed \$12,500 - 12.5 per cent;

(ii) that exceeds \$12,500 but does not exceed \$83,333 - 15 per cent; or

(iii) that exceeds \$83,333 - 16 per cent; and

(b) if the licensee is not a club - 30 per cent."

(2) The amendment effected by this section commences on 1 October 1989."

The amendment effectively omits the clause and substitutes the new clause. It is a matter that has been raised by Mr Humphries, and while I respect his opinion on it I think it is not really an essential question because his objection is somewhat misconceived. As matters stand, the rates of tax set by ministerial determination under the provisions of the original Bill require tabling in the Assembly and would be subject to disallowance by the Assembly. However, as I said, I am willing to put up this amendment in order to satisfy other members who have some concerns about the original wording.

Members of the Assembly, as they have indicated, have all been consulted on the wording of this amending Bill. In the interests of getting an agreed view and because the implementation of this Bill is essential to the Government's budget strategy, I am therefore putting up this proposed amendment in order to satisfy everybody's concerns.

Amendment agreed to.

Clause, as amended, agreed to.

Remainder of Bill, by leave, taken as a whole, and agreed to.

Bill, as amended, agreed to.

28 September 1989

## SUSPENSION OF STANDING AND TEMPORARY ORDERS

**DR KINLOCH** (11.51): I move:

That so much of the standing and temporary orders be suspended as would allow me to move a motion to refer the matter of fluoride to the Standing Committee on Social Policy.

**MR SPEAKER:** Do you wish to speak to the motion?

**DR KINLOCH:** Yes, Mr Speaker. I would refer all members of the house to yesterday's Hansard in which I said I would do this - that is, I am now doing today what I said I would do yesterday.

**Mr Wood:** Why did you not do it yesterday, Hector?

**DR KINLOCH:** May I reply to the charge of being a WIMP - a "Worthy Initiator of a Magnificent Proposal". If you read Hansard, you will see the reason why we are doing it this way. It was already proposed yesterday that, if you are to have a neutral playing field on which to discuss this matter, you first have to undo what was incorrectly done 20 years ago. You do that and then you start from scratch. That is what I said yesterday. I repeat it today. It is a thoroughly valid and logical position. I do not for a moment accept the criticisms of the opposition.

**Members** interjected.

**DR KINLOCH:** I think they are entirely wrong. I think they substitute shouting for argument.

**MR WHALAN** (Deputy Chief Minister) (11.52): I find this a most extraordinary motion to suspend standing orders. I raise exactly the same criticisms that I raised yesterday when opposition members who support the fluoride Bill seek further steps today to interfere with important business before this Assembly. It is quite clear that this is a controversial matter. It is quite clear that this particular, stupid, idiotic motion is not going to go through without some considerable debate. For that reason it should be placed on notice, as all business should be.

I pose the question as to why this was resisted yesterday when it was moved on two separate occasions, Mr Speaker. You, yourself, voted against it; all those people over there, Mr Speaker, voted against it.

The situation we are faced with is that, because of the outrage demonstrated in today's Canberra Times, they have now come up with the brilliant idea that they will refer the matter to a committee. It is absolutely extraordinary. I do not know, Hector, how you have got the hide to come forward on this particular proposal today when you voted against it twice, just as you did, Mr Speaker. The

28 September 1989

opportunity was there then to do it. But today because you have been under pressure from the press, the wimps that you are, you are responding to the pressure from the press.

**Mr Collaery:** On a point of order, Mr Speaker; I believe the Deputy Chief Minister is reflecting on the Chair. He is referring to those who voted in support of this Bill as wimps and you are not, in my estimation, Mr Speaker, a wimp. I draw the attention of members to the completely unnecessary language of this Deputy Chief Minister.

**MR SPEAKER:** Your objection is upheld, Mr Collaery. Please use non-objectionable language, Deputy Chief Minister.

**MR WHALAN:** I withdraw the reference to you, Mr Speaker, as a wimp. It is the people over on the other side who are the wimps. At least you stuck to your guns when you were interviewed in relation to this.

**MR SPEAKER:** Order! Your speaking time has expired, Deputy Chief Minister.

**MR WHALAN:** I move:

That I be granted an extension of time.

Question put.

The Assembly voted -

AYES, 13

NOES, 4

Mr Berry  
Mr Duby  
Ms Follett  
Mrs Grassby  
Mr Humphries  
Mr Kaine  
Ms Maher  
Mrs Nolan  
Mr Prowse  
Mr Stefaniak  
Mr Stevenson  
Mr Whalan  
Mr Wood

Mr Collaery  
Mr Jensen  
Dr Kinloch  
Mr Moore

Question resolved in the affirmative.

(Extension of time granted)

**MR WHALAN:** What I am suggesting, Mr Speaker, and why the suspension of standing orders should not be granted, is that the wimps who tried to deny me the right to speak on this particular matter by refusing the extension of time, time which they had wasted by points of order - the Residents Rally party here were the people, and Hector, of course, is the classic one - are responding to community pressure. But it is too late now to have the inquiry

28 September 1989

because they had the opportunity to support the inquiry on two separate occasions yesterday and they did not take it. But they cannot stand this sort of thing.

I listened to Dr Kinloch being interviewed on radio this morning, and quite clearly he makes his decisions on the run, under pressure from the radio commentators. Is this the way we are going to see decision making proceed in this particular body? We should not allow it to happen. It should be rejected outright. Let us look at some of the comments which have been attributed to them. Mr Collaery was not game enough to make his statements here in the Assembly; he had to choose to go outside the Assembly to make his statements in relation to the conduct of the discussion. But he said here in the Canberra Times - - -

**Mr Stevenson:** On a point of order, Mr Speaker; I notice that the clock is not going.

**MR SPEAKER:** Thank you for bringing that to my attention, Mr Stevenson. Please proceed, Deputy Chief Minister.

**MR WHALAN:** Mr Speaker, it was in response to the acute embarrassment which these people felt as a result of their support for this insane provision that they then started to seek ways of attributing blame. As for Mr Collaery, who is laughing and giggling away with Mr Moore at the moment and who was laughing and giggling in his contribution to the debate yesterday - laughing and giggling was his only contribution to the substance of this debate - we heard him on radio this morning saying who made contributions to the debate yesterday. His contribution was to laugh and giggle and to talk about his children having too many teeth because he lived near a nuclear reactor in France or something like that, but he made no substantial contribution. He rushes off to the press and says that on a crucial day like this he did nothing but bait us. And what did I do? In an effort to try to persuade these great democrats on the other side, I spoke about their policies at great length. We took them through their vision - their platform, Hector. We took you to that and you described that as baiting you. What did we see there but constant and continual reference to consultation - the very thing which you twice voted to deny the community of Canberra. Twice you voted to deny the community of Canberra the opportunity to be consulted in relation to this most crucial issue. Then you have the hide to come here today and seek to review the same decision that yesterday you rejected.

**MR SPEAKER:** Order! Deputy Chief Minister, your speaking time has expired. The question is that the standing orders be suspended.

Question resolved in the affirmative.

**SOCIAL POLICY - STANDING COMMITTEE**  
**Reference**

**DR KINLOCH** (12.01): I move:

That -

- (1) the matter of fluoride in relation to public health be immediately referred to the Standing Committee on Social Policy;
- (2) the committee be asked to seek professional, technical and scientific advice on several matters including:
  - (a) the effect of fluoride on public health;
  - (b) the issue of mass medication and civil liberties; and
  - (c) other matters relating to the issue of fluoridation in the ACT which the committee considers should be drawn to the attention of the Assembly.

I repeat that in the debate yesterday - nothing has been decided today - I made it very clear, and if need be I will read out exactly what I said yesterday, that the moment we have a level playing field, that is, that fluoride is out of the water, then we have an investigation. I am quoting the exact speech of yesterday, and I agree that on such a matter as putting a potentially toxic substance in the water there should be public consultation. What I am suggesting is that that process of public consultation takes place immediately after the fluoride is removed when you go back to square one. After you remove the toxic and possibly harmful substance from the water, then I would be happy, I said yesterday, to support the establishment of a select committee to examine the matter or to put the matter before the Social Policy Committee. That is in yesterday's Hansard. I am not going to be told across the chamber that I am a wimp on this matter. I ask Mr Whalan to withdraw his comments, to apologise to me, as he surely should have done also yesterday when he made statements about me that were entirely false and improper. So the main principle on this matter for me and for many others is to do with the time at which you have this necessary inquiry.

I am not going to speak long on this matter. I know the time of the house is valuable. Yesterday in this Assembly I indicated that in the matter of putting that toxic substance in the water there should be public consultation and objective, updated research under objective conditions. What I then clearly noted was that such a process of public consultation and research should take place under neutral circumstances, that is, during a time when no such toxic substance is actually in the water. I cannot say that too often. That has nothing to do with immediate reaction. There it was yesterday. You did not listen to it, Paul. Those conditions now exist.

28 September 1989

I now join with all those in this Assembly who wish such an investigation to take place, and here I do link hands across the chamber. I wish to be together both with those who wanted it to take place while fluoride was in the water, improperly though that was, and those who believed it to be more appropriate and much more effective to undertake that when there was no fluoride in the water. I have consulted with colleagues on the Social Policy Committee on this matter.

Finally, I wish to stress that from my point of view there was no hidden political agenda over the question of fluoride. We made that very clear in our discussions with the various teams that approached us. We read the material. We debated this in January-February. It is in our policy. There is nothing new about it, and I wish to say that I do not want to see this matter turned into some kind of political football.

**Mr Whalan:** Hector, you are a comedian. You missed your career, you missed your vocation. You should have been a comedian instead of an academic.

**Mr Jensen:** Mr Speaker, on a point of order, I seek that you ask the Deputy Chief Minister to withdraw that offensive statement from the record.

**MR SPEAKER:** With the furore, I did not hear the words spoken. Please refrain in future, Deputy Chief Minister. Please proceed, Dr Kinloch.

**DR KINLOCH:** I want to make the very simple point, that I was elected to this Assembly and I thank the people of Canberra who did it. I was not elected to play political games. I was elected to look at particular issues, and I have joined very cordially with Mr Whalan on another issue which I think we battled through very successfully together. I ask that we look at this issue in its own terms, on its own merits, not in terms of political advantage or political disadvantage; I could not care about that. I wish to stress that from my point of view there was no hidden political agenda over the question of fluoride yesterday and there is no hidden political agenda in this motion today. I resent all such imputations. I want to do what is best for the inhabitants of the ACT and also, I believe, for our friends and neighbours in Queanbeyan.

**MR WOOD (12.07):** Dr Kinloch is proposing that we give some retrospective consideration to a decision that is already taken. May I remind you that yesterday the Social Policy Committee voted on this issue. It voted four to one against fluoride. That is the reality of the situation. What are we going to do? Are we going to go through months and months of inquiry and come back for a four to one vote again? What is the purpose of it? I have not heard it expressed. Please tell me. Or is the purpose of this to be a salve to the conscience, to appease perhaps the souls,

28 September 1989

if they have them, of the anti-fluoridationists. I must assume that is the real purpose of it.

Is Ms Maher going to change her opinion tomorrow? Are Mr Stevenson, Mrs Nolan, or Dr Kinloch? Am I, as the fifth member of that committee, going to change my opinion? I have read quite an amount of scientific evidence. I have been satisfied with that scientific evidence. The National Health and Medical Research Council is a most reputable body; it has made its assessments and I have accepted that. It was said many times yesterday that this is an emotional issue. Indeed it is, and the mere fact that it is an emotional issue is going to make it so much more difficult for those five people to change any mind. We will be sitting down, we will hear mountains of evidence, but where do we get the objectivity?

If it goes to a committee - and no-one will deny that we need to further explore these issues; indeed, I think we need to explore them so that the weight of evidence does come through - perhaps we should have some sort of impartial committee if that is possible, perhaps from the Labor Party. Mr Wood or Mr Berry might go on the committee; Mr Humphries or Mr Kaine from the Liberals; Dr Kinloch I would be satisfied with from the Rally, or Mr Moore. Who from the others - Mr Duby, Ms Maher? I think we ought to go beyond the Social Policy Committee and try to find people who may bend their views as the weight of the scientific evidence becomes apparent.

Those names I read out would, on yesterday's vote, give a two to two vote. That is why I picked those names. But I do not think that simply referring it to the Social Policy Committee is going to see this go the way it ought to go. I value what happens in that Social Policy Committee, and I do not want to see a divisive issue like this disturbing the good work that that committee has been undertaking.

**Mr Jensen:** You wanted it to go there yesterday, did you not?

**MR WOOD:** Yes, ahead of time.

**Mr Jensen:** But you were not worried about divisiveness yesterday?

**MR WOOD:** The divisiveness came when people voted yesterday. You did not understand what went on yesterday. That is when the divisiveness came, when we got a vote of four to one. Dr Kinloch says that he wants neutral ground, neutral circumstances. The word "neutral" was used. Mr Stevenson, Dr Kinloch, Ms Maher, do you see that it is neutral ground as we go into this matter?

**Ms Maher:** No.

**MR WOOD:** I cannot see that it does. I agree with you, Ms Maher, and thank you for your point. It is not neutral

28 September 1989

ground. I really cannot see the purpose of this. I think there is as much chance of the Social Policy Committee members changing their mind as perhaps a committee of the National Party in Queensland voting for daylight saving. It is not on.

**Mr Moore:** But you wanted to go there yesterday.

**MR WOOD:** But yesterday we did not have predetermined opinions, Mr Moore. Do you not see that? The Social Policy Committee can spend a great amount of time on this - it will have to. You know what this issue is. It will bring an avalanche of submissions. We will be inundated. They will come from all sides, and we will need to take account of them. We will need to talk to people. It is going to take a great amount of time to get the investigation that Dr Kinloch wants. As chairman of that committee, I will see that we get that scientific evidence and we will all become, I can assure you, very competent scientists before this is done. It is going to take time.

**A member:** That is why there is no time on the motion.

**MR WOOD:** Well, do you think that, at the end of that, people are going to change their minds? I do not have that confidence, and I value my time. I think consultation should have happened long before this came to the Assembly. I heard someone this morning on a radio program saying it has been there a month and people knew about it. Well, with respect, Mr Speaker, that was, to use one of your words this morning, nonsense. It has been on the agenda for a month, it has hardly been heard of, and it has been thrown into this Assembly very, very quickly and deliberately. The Social Policy Committee, if this Assembly requires, will consider this matter, but I am very pessimistic about the outcome.

**MRS GRASSBY** (Minister for Housing and Urban Services) (12.13): I would just like the house to understand that fluoride comes under my portfolio. It comes under ACTEW, and I am responsible for its going into the water. I am wondering whether the house understands that at the moment the machinery is turned off. To put fluoride into the water, the machinery will be in disarray and, the longer it is left, the longer it will be in disarray. So when the decision is made - I understand from my colleague Mr Wood that he will be very sure that the committee gets every opinion there is, and this could take a long time before we know - at that stage we could find that it will cost the taxpayer a fortune to pay for new machinery to put more fluoride back into the water. I would like the house to understand that this cost will be borne by the opposition who voted on this, not by those of us who voted against it.

The matter could have been sent to a committee in the first place. A decision could have been made, and it could have been made quite quickly. That is what the committee could have advised on, and it would have been done the right way.



28 September 1989

You are going about it in exactly the same way as it was done before. It was put in the water without our being asked, and now you are doing exactly the same thing. You are taking it out and you are not asking the people. You have put six weeks into considering big bins, which I do not consider that important. I consider that the rights of the people outside are important.

I consider that we should be asking the people out there what they want to do, and I do not understand how you can now turn around and say, "Well, we will go to a committee, we will turn it all off, and we will cost the taxpayer a fortune. We will have to buy all new machinery because this will have to be put into place to put more fluoride back into the water if the people decide they want it". If they do not want it, that is fine. But the point is that you could have gone to a committee in the first place, but you voted against it. You had the opportunity to put it to a committee, you could have put it to the Social Policy Committee, but you decided, "No, we will have a vote on it and do it later and take it out". I am sorry, but I just cannot understand the way the opposition works at all.

**MR WHALAN** (Deputy Chief Minister) (12.16): I move:

Add the following new paragraph -

"(3) until such time as the Assembly receives and decides upon the final report of the Standing Committee on Social Policy, on the matters referred to in paragraph 2, the Electricity and Water (Amendment) Act (No. 2) 1989 is hereby suspended from operation."

Hector, this is your big chance to cooperate. You may not be a comedian but I am sure that you are an honest man and that you are prepared to rise to the challenge you proposed earlier, which is that we cooperate in relation to this matter. You have now an opportunity to respond to the universal condemnation of that idiotic decision which was made yesterday in relation to fluoridation.

**Mr Jensen:** On a point of order, Mr Speaker; I would suggest that the Deputy Chief Minister is reflecting on a decision of the house, which is against standing orders.

**MR WHALAN:** I withdraw. What we have got here is an opportunity to reverse what has been universally condemned in the public reaction.

**Mr Moore:** On a point of order, Mr Speaker; once again the Deputy Chief Minister is reflecting on a decision of the house.

**MR SPEAKER:** The Deputy Chief Minister is reflecting on a decision of the house.

28 September 1989

**MR WHALAN:** I have withdrawn that reflection. I am telling you the public reaction to the decision yesterday - - -

**MR SPEAKER:** Order! Deputy Chief Minister, if you read your standing orders, you will see that you are reflecting on a decision of the house yesterday.

**MR WHALAN:** Mr Speaker, with due respect to you, I am reporting the public reaction to a decision. I am not in so doing reflecting on the decision myself.

**MR SPEAKER:** Please proceed on that basis.

**MR WHALAN:** The fact that 100,000 people out there reflect on it does not mean that I am reflecting on it. The fact that 100,000 people out there reject it does not mean that I reject it. I have to accept it because I participated in the vote, albeit that I voted against it. But the 100,000 people out there who have risen up today in protest at this proposal are the ones whose views we are entitled to consider. There has not been one wimp of a voice in support of the decision. Look at the reporting in the Canberra Times, listen to the two programs on the ABC which have reported this, listen to the comments of public persons such as Senator Margaret Reid. Senator Margaret Reid is one of the most respected people in our community and her views cannot be ignored. Let us see what Senator Margaret Reid had to say. She is quoted in the Canberra Times as saying, "Where is the proof that it is harmful?". She condemned the decision of this Assembly. I cannot understand how the Liberal Party was able to adopt the position that it did yesterday when it took this particular position.

Let me just also look at something that has happened here in the Assembly today. Through you, Mr Speaker, I would like to remind Mr Michael Moore that Mr Michael Moore introduced private members' business into this Assembly today on prostitution. Why did he not introduce legislation, just as you did, instead of referring this issue to a select committee? He referred it to a select committee because he thought it important.

I support that proposal, and we voted in favour of it. So where is the consistency between this man's actions yesterday, when he twice denied the people of the ACT the opportunity to be consulted on this matter, and today, when he moves in the opposite direction? But then we have come to expect that that is the way that the Residents Rally party operates: say one thing, do another. That is the pattern under which the Residents Rally continues to operate.

It was interesting to see the Canberra Times editorial, which I found particularly instructive. It was interesting to hear journalists of the calibre of Pru Goward pressing the issue with Mr Collaery this morning and Mr Collaery sort of hiding behind criticisms of the Canberra Times, our worthy

28 September 1989

newspaper. The point is quite properly drawn in relation to the public stand which the Residents Rally party consistently has taken in demanding consultation. That was graphically described as baiting in this very sort of thin-skinned approach that the Residents Rally party has to politics. They like to throw the mud at other people, but when they are questioned on their motives, on their approach to things, they all of a sudden get very sensitive.

When the public reaction reached the crescendo that it did today, they all of a sudden rushed into this place like the wimps that they are, seeking to change the decision which was made yesterday when they twice refused to give the people of Canberra - let me remind you once again, they twice refused; good old Hector, you twice voted against it - the opportunity to be consulted on this. Then they expect us to give them some credibility today. Michael Moore voted twice against it yesterday, then he comes into the chamber today and seeks to have exactly the same provision raised on a matter which is dear to his heart - prostitution. It highlights the inconsistency.

I think I mentioned the level playing field argument, Hector. This is one that I find quite intriguing. Let us destroy it, clear the field, demolish the whole thing and then you have got your level playing field. For a pacifist, I would have thought that you might have adopted a different approach altogether. Indeed I urge you to reconsider your position. I have no doubt that, given your open mind on these sorts of matters, you will be prepared to reconsider your position.

You will not be prostituting your policy on fluoride. In fact, you will be pursuing the interests of that because you will have the opportunity to put forward all this magnificent information which Mr Collaery claimed on ABC radio today - none of which was produced during the debate yesterday, I might say, Mr Speaker - all this wonderful information upon which you made your decision as a party grouping within the closed circles of your political party. You made your decision in that context.

Mr Collaery told the public of Canberra via ABC radio today that that involved consideration of an enormous amount of scientific material. But how much did Mr Collaery contribute to yesterday's debate? He contributed not one piece of evidence at all. He came into this chamber and all he could do was laugh and joke as his contribution to the policy on fluoride. He made no significant contribution whatsoever.

**Mr Moore:** I rise on a point of order, Mr Speaker.

**MR WHALAN:** Could we stop the clock please, Mr Speaker, while this point of order is heard? This is just a tactic to deny me time to speak.

28 September 1989

**MR SPEAKER:** Please proceed, Mr Moore.

**Mr Moore:** If he just sat down, Mr Speaker, I would make my point of order very quickly. Mr Whalan is reflecting on the debate of yesterday and the decision of this Assembly.

**MR SPEAKER:** That objection is overruled. Please proceed, Deputy Chief Minister.

**MR WHALAN:** Thank you, Mr Speaker. It is just so typical of their attempts. They applied the gag yesterday; they deny me time by taking these facetious points of order. This is so typical of their attitude toward free debate and democracy. Continuing to interject and interrupt the flow of the discussion is so typical of their tactics, Mr Speaker.

**Mr Jensen:** We presume you are going to be quiet in future, are you?

**MR WHALAN:** But let us get it straight for once, Norman. Your party claimed to be the great party of the community, the great party of consultation, yet you denied the opportunity for consultation that was given to you yesterday. You denied it twice, and here you have the hide and the hypocrisy to come here again today and seek to raise it.

I put it to you, members of the Residents Rally party, that you have the opportunity to redeem yourselves. Support this level playing field motion. This has been in place for 25 years. An extra few months is going to make no difference whatsoever, yet will provide an opportunity for open and objective discussion on this vitally important matter.

**MR COLLAERY (12.25):** We have heard at length from the Reverend Paul Whalan. We will seek to redeem ourselves on a number of issues, and no doubt in his great, new, charitable frame of mind he will be redeeming himself on other issues. I do not suppose the press has always been good for Mr Whalan.

**Mr Whalan:** Certainly not the lies that you have perpetrated, Bernard.

**MR SPEAKER:** Order! I request the Deputy Chief Minister to withdraw that remark calling Mr Collaery's statements lies.

**Mr Whalan:** I would never call Mr Collaery a liar.

**MR SPEAKER:** No; you said his statements were lies.

**Mr Whalan:** If he thought he heard that, I withdraw it, Mr Speaker.

**MR SPEAKER:** Thank you, Deputy Chief Minister. Please proceed, Mr Collaery?

28 September 1989

**MR COLLAERY:** I will give him a job, Mr Speaker, as my altar boy. The trade union movement is not, as this Deputy Chief Minister knows, united on this issue. That will be a matter which will become evident during the course of the debate before the Social Policy Committee of this Assembly. What we have done is to return the water supply to what it was when nature provided it to the people of Canberra - more or less it is there.

**Mr Berry:** Don't forget the chlorine. We have left the chlorine in there.

**MR COLLAERY:** With a little more chlorine. But our policy, in terms of a mandate, has been publicised. It has been available. Part of the Rally's objectives in securing government was to ban fluoride. That has been known to the Deputy Chief Minister because he went through our policies very carefully before 11 May and he made clear to me on a number of occasions, Mr Speaker, that he saw nothing in the Residents Rally's policies that the Labor Party really strongly disagreed with.

**Mr Whalan:** That is not right. That is mendacious.

**MR COLLAERY:** It is very interesting that the Residents Rally's policies did not at that time anticipate that the word "mendacious" would be so important to the maintenance of debate in this chamber.

**Mr Whalan:** At least you pronounce it correctly.

**MR COLLAERY:** I did not go to school in Newcastle, Mr Speaker, and I do have these pronunciation problems.

I refer to the trade union movement in Bendigo. Bendigo is a place that suffered from cyanide effects from the goldmining there over the years. It is a very conscious trade union environment. When the Labor Minister in Victoria - the then Minister, of course, because most of them are "thens" - Mr Roper, decided, on coming into office, to charge into fluoride, he got a closed door in Bendigo, did he not? The Deputy Chief Minister knows this. He knows it, and he is obviously going to redeem himself before the Social Policy Committee. Given his great technical expertise in this subject, he will no doubt volunteer to appear before that committee.

Mr Speaker, the Rally supports the motions put forward by Dr Kinloch today, principally because they fit a proper process in this Assembly. The process that the Rally adopted from the start was to ban fluoride. We have not wimped on our policy. We have not wimped on our policy about Monash Drive and a number of other issues that may well lose us some votes. We have stuck to our policy. We have banned fluoride. You were on notice of that for six, seven, eight months, and as well the Bill lay on the floor here for a whole month.

28 September 1989

**Mr Moore:** And you did not do anything about it.

**MR COLLAERY:** And you did not do anything about it.

**Mr Moore:** And you came unprepared.

**MR COLLAERY:** And you came unprepared.

**Mr Whalan:** Who is the puppet?

**Mrs Grassby:** Have you got your hand up his back?

**MR COLLAERY:** I have not got a belt on today. I thought I might want to use it, Mr Speaker - on myself, of course. The Minister for Urban Affairs - - -

**Mrs Grassby:** I do not have affairs. Please, I want it said right now in the house that I do not have affairs, urban or any other kind.

**MR COLLAERY:** The Minister for Urban Water Supplies - - -

**Mrs Grassby:** Services.

**MR COLLAERY:** The Minister for Urban Water Supplies has no doubt got some heavy time ahead of her negotiating with the Queanbeyan Council, which is equally divided on the subject of fluoride. What the Residents Rally has done in support of motions in this house is to open a national debate on this issue. Here we have a democratic Assembly approaching an issue; it has the gumption to take it head-on; it has banned fluoride; we have got the debate going; and the Rally will accept the outcome of the eventual debate. Now we have got relatively purer water during the maintenance of that debate.

We do know that the ACT Health Commission has, in the past, examined claims for compensation for fluorosis, for injuries to residents. We expect that when the debate is properly presented by the Minister for Health he will detail any instances when the ACT Health Commission has ever settled a claim by an ACT resident for fluorosis. I wonder whether the Minister for Health is prepared to give us some advice today on that topic. There are implications in this decision. One implication is that with the substance out of the water the debate is, as Dr Kinloch said, returned to the level playing field. That is a reasoned, democratic basis for debate.

**Mr Whalan:** Muddying the waters.

**MR COLLAERY:** It is regrettable that the Deputy Chief Minister, the Reverend Paul Whalan, uses fluoride now as his new topic to form a new righteous crusade in the Canberra community. Naturally, one would expect the member for Canberra, Ros Kelly, to come out in support of Mr Whalan's views on fluoride.

28 September 1989

Additionally, one would expect statistically that among four members of Federal Parliament representing this Territory, two, three or even four of them might be against fluoride. The fact is that the community is evenly divided. If you take a representative sample, you will get an even divide. If you take a smaller sample, you could well find that all in the smaller sample are against or for fluoride. There is nothing conclusive in the fact that four august members of the community are opposed to this Bill - if they are; if the reports are correct; if they have yet had the chance to debate it.

What they are really saying, if Mr Whalan's advice from his new source of information, the Canberra Times, is correct, is that they wanted more time to think about it. Well, we know the heavy and onerous duties of the member for Canberra. We know that she has to attend a number of important functions, many of them with Mr Whalan, and clearly she has not had time to get into that debate. Well, that is unfortunate, but now this debate will continue through the Social Policy Committee on the basis that there is a pure water supply - as far as we can have it - to the residents of the ACT.

**MR BERRY** (Minister for Community Services and Health) (12.34): Again, we see the Rally in water that is over its head. I must say that it is the most appalling demonstration of hypocrisy that has been wheeled into this house since the move-on powers were debated and the Residents Rally had to move backwards, I think with the speed of a startled gazelle. What we have seen is hypocrisy demonstrated by two members of the Residents Rally trying to make out an argument that what they have put up this morning is a reasonable step back from their position yesterday, as a response to the outcry in today's media.

I must say that Mr Collaery, in his usual form, has rationalised the hypocrisy pretty well, but nobody is fooled. I think that one of the first things that needs to be explained about the whole debate is that, yesterday, not very many people in this place could have made a balanced decision on fluoride, and you know it well, Mr Collaery. You know that the issues were flagged in this Assembly yesterday and you therefore misled the radio listening community when you said that the issues were not raised by this Government in this place yesterday, because they were.

**Mr Collaery:** In detail; scientific issues.

**MR BERRY:** I do not think anybody in this place yesterday was in a fit condition to consider it in detail, least of all you.

**Mr Jensen:** What were you doing for a month?

28 September 1989

**MR BERRY:** Well, I will tell you what I was doing for a month. Part of what I was doing was trying to summon some good sense from the opposition parties about referring this matter to a committee before the decision was made so that all of the evidence could come out in the open and so that the public of Canberra could hear the debate and know what was happening in their Assembly. But, no, Residents Rally members decided that they would do without the public consultation process and the Liberals decided to do without the public consultation process as well.

I must say that the irony of this morning's press is amusing at least, when we see the most senior Liberal person in the ACT critical of Liberal Party members in this place because of the lack of public consultation on this issue. I think that all of the members of this Assembly who opposed that public consultation not once, not twice, but three times yesterday, you will all recall, ought to be ashamed of themselves. Of course now the people of Canberra are a wake-up to this.

I think what we need to do to bring some sense back into the debate, to ensure that some rational consideration comes back into the debate, is to consider closely the issue which has been raised by my colleague Mr Whalan in moving the amendment to the motion. I think that, if that amendment is supported, then we are truly back to a level playing field; we are back to the status quo where we should have stayed. Then we can properly and rationally consider this issue instead of having the hypocrisy that has been demonstrated in this whole debate. I call on members of the Assembly to demonstrate a bit of good sense on the issue and support the amendment.

**MS MAHER (12.38):** Mr Speaker, while there is any doubt about any harmful side effects from the intake of any substance, you should not have it. So why not turn off fluoride until it can be proved that it is safe?

**MR STEVENSON (12.39):** Mr Speaker, now that the people of Canberra, after a quarter of a century, are no longer being medicated by the drug fluoride every time they turn their taps on, I welcome an inquiry. The inquiry will look at the effect of fluoride on public health and mass medication and civil liberties. This will be the first such inquiry in Australia. There have been two inquiries in Australia, but they certainly did not look at those matters. The first was in Tasmania in 1968 and the second was in 1979-80 in Victoria, the Victorian study being the senior study. Unfortunately, the evidence would show that the decision by those inquiries was predetermined - - -

**Mr Berry:** Did they not agree with you?

**MR STEVENSON:** What they did not agree with, Wayne, was the evidence presented. Let me give you an example, which you would not look at although I tried for days to get you to look at it. The first evidence that was rather vital was



28 September 1989

the statement by the Victorian inquiry that there was no evidence of harm. There were 100 individual cases of harm caused by drinking fluoridated water presented to that government inquiry, substantiated by doctors' statements in each case. The report of the inquiry made no mention of any single one of those cases. Such is the understanding, as Mr Wood mentioned, of impartiality. It will be a change to have some impartiality, to have an honest look. We have not had it before - - -

**Mr Wood:** Do you think we can get that?

**MR STEVENSON:** I think we can get it - where both sides of the issue are allowed to present their cases. I welcome that. Let us have a look at something else that the 1968 and 1979 inquiries said. Having made the statement that it was safe, they said that with water fluoridated at optimum levels there was a probability that up to 10 per cent of young children would be affected by dental fluorosis or mottling due to variable water intake. This is the uncontrolled dose. It depends on how thirsty your kids are. The only two government inquiries in Australia admit that you can have up to 10 per cent mottling.

Let us look at what mottling is. Dorland's Illustrated Medical Dictionary defines fluorosis as "chronic poisoning with fluorine", and mottled enamel is chronic endemic dental fluorosis that is found in communities using a drinking water that contains one part or more of fluorine per million. One part per million - that is what Canberra gets. The two inquiries say that fluoride is safe, but their reports state that up to 10 per cent of our children are going to suffer from chronic fluoride poisoning, the first visible evidence of which is mottling on the teeth. I am sure that many of those "common mothers", who were referred to on one of the radio stations this morning, have evidence that in certain areas their kids' teeth are mottled.

It is interesting to look at people's rights. With some of the Liberal people still here, I think it worthy to note that the declaration of Liberal Party beliefs in 1988 states, "We believe in the fundamental freedoms" - what fundamental freedoms? - "to choose, to be independent. We believe in the individual, we stand for the free man and the free woman, their initiative and personal responsibility". What that has got to do with compulsory mass medication would be a difficult thing to ascertain.

Bill Wood once again talked about impartiality in this matter. Can we be impartial? I agree that it is an emotional issue, but it is about time that the matters were presented in an impartial manner before a committee. Let us have a look at what is considered to be the most impartial situation in our society - the courts. There have been three major court cases in America where both sides had the opportunity to present their evidence to an impartial body - the court.

28 September 1989

**Mr Berry:** You are not reading the same speech again, are you?

**MR STEVENSON:** That is an interesting point. Apparently some people were not listening to it. Is that right? In these three court cases the judges found, after looking impartially at all the evidence, that fluoride was a hazardous chemical and a carcinogen. Did you hear that yesterday, Wayne, and what does it mean to you as someone who is supposed to be responsible for the health of the people? What does that mean, Wayne? No comment.

So let us have a look at the sort of information that is spread by the Australian Dental Association and the Australian Medical Association. They are grimly trying to hang onto reputations which, in the dentists' case, have been shot full of holes. The president of the Queanbeyan division of the Australian Dental Association said this morning on the Pru Goward show in response to the statement that approximately 15 countries have removed fluoride, "It is the ADA's understanding that it was done on grounds of civil liberties, not health".

That is what the head of the Queanbeyan ADA said today on radio. That is absolute disinformation. The truth of the matter is that West Germany was one country that removed fluoride, taking into account legal and health grounds - most importantly health grounds. The consul-general of West Germany has written to the Australian Dental Association complaining strongly about the disinformation of that statement and here we go again getting more of the same. Right?

**Mr Berry:** We sure are.

**MR STEVENSON:** That is the best you can say, is it not, Wayne? It is not becoming of you. In Sweden the same thing happened. The matter was looked at from health and legal aspects. The health aspects were very important. In Holland it was largely as a result of the researches by Dr Hans Moolenburgh and 10 other medical doctors that fluoride was removed from the water supply. What do we get? We get disinformation from those who should accept the responsibility for telling the truth to the people. These are the supposedly impartial witnesses that Bill Wood talks about.

**Mr Wood:** Are you likely to change your mind?

**MR STEVENSON:** I will look at the evidence, let me tell you. I will look at all the evidence.

**Mr Wood:** I will do that too. Are you likely to change your mind?

**MR STEVENSON:** Are you likely to change yours?

28 September 1989

**MR SPEAKER:** Order! Please address your comments through the Chair.

**MR STEVENSON:** This is what happens in the situation. I mentioned yesterday that the head of the Canberra Medical Association stated that a major study in America showing the increase in the number of cancer deaths in places that are fluoridated compared with those in non-fluoridated places was attacked on the ground that it did not adjust for age, race and sex. That was proven to be not true in the three court cases I mentioned.

What happens? Once again, people who should have some ethical responsibility in this community are making statements that simply are not true in meetings of this Assembly. What is going on that the ADA and the AMA persist with such misinformation and statements which are not true, which have been shown to be not true and which they have admitted are not true? What is going on?

I recommended to Dr Bonanno of the Queanbeyan ADA that he come along and talk to me. This was days ago. I said I would welcome it. I urged him to ring up and make an appointment as I would love the opportunity. He did not take that opportunity and I think we well understand why from my talk. I look forward to the opportunity of having the matter finally presented truthfully.

**MR MOORE (12.49):** I will speak very briefly. I was horrified to hear the Minister for Housing and Urban Services present her opinion on big bins and indicate that the issue of recycling is not important. Perhaps that reflects on her attitude to the environment as indeed - - -

**Mrs Grassby:** I did not say it was not important.

**MR MOORE:** That is exactly what she said. She should refer back to Hansard. She then went on to talk about machinery that had been turned off not being able to be turned back on again. I hope that she will present the evidence of that to this Assembly because I believe that is the sort of statement that may be construed, in Minister Whalan's terms, as "mendacious".

Let me refer also to the Deputy Chief Minister, who presented some evidence from the Canberra Times editorial this morning. I think he could have pointed out that the report was, in a number of respects, incorrect and the editor's opinion was based on some misinformation about our mandate to follow and implement our policies. I have had a satisfactory discussion with the editor of the Canberra Times on this particular thing.

But let us go back to points of substance. All we have heard in this whole debate from the Labor Party is absolute froth and bubble. We have heard absolutely nothing. Labor members have come totally unarmed, and all five of them have spoken in terms of anecdotes, in terms of no evidence.

28 September 1989

Yet they have had a month to prepare it, a month at least. In fact, they have had longer; they have had more than six months because this matter was in our policy and this press release went out to the media during our campaign. Labor members have produced absolutely no reasoning whatever; all they come up with are emotive and attacking terms. They had the opportunity to present this debate to the public over the last month and they had the opportunity to come in here and debate it appropriately with evidence. Instead, they have gone away and used their froth and bubble tactics and then used their influence with their own members in the Federal Parliament to come out and get it.

I must say I am delighted to support Dr Kinloch's motion, but not to support the amendment because I believe that now that we have the situation as it should be, the status quo with nature, it is quite appropriate that this matter can be looked into and the evidence that is available to us can be brought to light. I have no fear at all that, if the evidence is overwhelmingly in favour of returning fluoride to the water, Dr Kinloch will approach his own party and go through our procedures for changing our policy. If our party is prepared to change its policy, then he will be prepared to change his stance and the Rally in turn will be prepared to change its stance. So the methodology does exist. However, we had the mandate to implement our policies and we have had the guts to do it. We will continue to do that with all our policies. I hope that the Labor Party emulates that with some of its policies.

**MR DUBY** (12.53): Mr Speaker, I wish to speak against this motion. I think it is fairly obvious from what we have seen today and the last couple of days that people in this Assembly have made up their minds on the issue of fluoridation. There have been more inquiries into fluoridation than Dr Kinloch has had hot dinners, and the simple fact is that having another one, investigating all the facts, as this motion proposes, is simply nothing more than a waste of time. In the time that this motion was on the floor of the house, members have had ample time to look into the facts of fluoridation. There have been, as I said, numerous documented inquiries, and reports have been published many, many times.

Our having a detailed examination of the issues is not going to shed any further light on the issue whatsoever. The real test of what will happen will be some six or so years down the track. We will know then if we have made a mistake in turning the water off. There will be a lot of rotten teeth in town. We have made our decision; we shall stick with it. I think that to have a further inquiry now is absolutely foolhardy and a waste of time. Accordingly I oppose the motion.

Question put:

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

28 September 1989

The Assembly voted -

AYES, 6

Mr Berry  
Ms Follett  
Mrs Grassby  
Mr Humphries  
Mr Whalan  
Mr Wood

NOES, 10

Mr Collaery  
Mr Duby  
Mr Jensen  
Dr Kinloch  
Ms Maher  
Mr Moore  
Mrs Nolan  
Mr Prowse  
Mr Stefaniak  
Mr Stevenson

Question resolved in the negative.

**DR KINLOCH** (1.00): Mr Speaker, we are now back on the motion. I want to say only a few brief things, especially if there is any danger that I have not made myself clear. In answer to Mr Wood's interesting point, the Social Committee did not vote four to one. Five individuals voted to remove fluoride from the water. On the question of scientific neutrality, I well appreciate from my experiences during the last 140 days that five minutes is a long time in politics. Twenty-five years is a long time in scientific inquiry. The evidence of 25 or 30 years ago is not the evidence of today. I wish to urge that - - -

**Mr Whalan:** Why do you not give us an opportunity to see the evidence before you make your decision?

**DR KINLOCH:** That is exactly what I am now moving. Therefore, in terms of scientific neutrality, we must have a situation in which what it is we are debating is not then part of the process. What I voted against yesterday was having fluoride in the water while we debated whether fluoride should be in the water. Do I make myself clear? Is it not clear that, once we are on the level playing field, we can debate this issue? In answer to Senator Reid, I very much respect her question: where is the proof that it is harmful? That is exactly what this committee will go about trying to find out.

Finally, Mr Speaker, on the question of changing of minds, there are those here who know that we have already debated this matter very considerably and minds have shifted and changed on this matter. I wish again to assure the house that when there is an issue before a select committee or a standing committee, where that evidence leads to certain conclusions, those conclusions must be heard and I will try to do that.

Question resolved in the affirmative.

**Sitting suspended from 1.02 to 2.30 pm.**

## QUESTIONS WITHOUT NOTICE

### Deportation of Minor

**DR KINLOCH:** My question, Mr Speaker, is to the Chief Minister. I do not know to which portfolio it is designated. It has to do with Janice Thorpe. Will the Chief Minister contact the Federal Minister for Immigration, Senator Ray, and indicate to him the widespread public condemnation of his proposal to divide the Thorpe family by excluding the mother from Australia and leaving the daughter Janice, aged 16 years, here alone? I can assure the Minister there is a lot of distress at the college the girl is at. Does the Chief Minister agree that dividing a family is contrary to human rights, in particular Australia's adherence to the declaration of the rights of the child recently championed in the Burdekin report?

**MS FOLLETT:** This matter is not one which falls within my portfolio, nor is it one which falls within the jurisdiction of this Assembly. It is an immigration matter, as I understand it. In fact, it is therefore quite properly one which Senator Ray is dealing with in the Federal Parliament. But of course, Mr Speaker, I have sympathy for this young woman and indeed for her family. I myself have not received any representations on this matter, but if members wish me to pass on any representations that they have had to Senator Ray in the Federal Parliament I would be happy to do so.

### High Technology Industry

**MR JENSEN:** Mr Speaker, my question is directed to Mr Whalan in his capacity as Minister responsible for industry and development. I refer the Minister to his media release of 18 August this year when he welcomed the undertaking by Blohm and Voss, designers of the new frigate project, that Canberra high-tech industry will benefit from the project. Can the Minister inform the house whether he has taken any steps to ensure that this commitment is carried out?

**MR WHALAN:** Mr Speaker, there have been some steps taken. Indeed, I have had discussions with one of the senior scientists from Blohm and Voss as recently as last evening.

**MR JENSEN:** I ask a supplementary question, Mr Speaker. Is the Minister at liberty to indicate what sort of possible arrangements he may be looking at in this area?

**MR WHALAN:** No.

### **Bushfire Council**

**MRS NOLAN:** My question is to Mrs Grassby as Minister for Housing and Urban Services. Is it correct, Mrs Grassby, that in order to make changes to the composition of the membership of the Bushfire Council you have written to only some groups previously represented on the council seeking their nomination for council positions - in other words, you are proposing to reduce the composition of the council from eleven to seven? Was this done without discussion or consultation with the present council or chairman in relation to the proposed changes, and were there discussions or consultation with community groups about the proposed changes?

**MRS GRASSBY:** That is true; the council is to be reduced. People from New South Wales will be taken off the council. It is now the ACT. We do not have New South Wales people on the Bushfire Council. The police will be taken off because of the situation in regard to the emergency services. There will be a council - I cannot remember exactly the set-up - of the bushfire brigade; the TLC; rural leaseholders; and two people from the volunteers, one from the north and one from the south. I cannot quite remember the lot, but I can get Mrs Nolan a list. It will be reduced. People from New South Wales will be taken from the council, also people like the police and the emergency services. We do not see any reason for them to be there.

**MRS NOLAN:** I ask a supplementary question. I asked about the exact number on that council. Has it been reduced from eleven to seven?

**MRS GRASSBY:** That is what I said; it has been. That is correct.

### **Bushfire Council**

**MR STEFANIAK:** My question is also to the Minister for Housing and Urban Services in relation to the council she has just been talking about. I would like to know why the police representative and the emergency services were taken off the council?

**MRS GRASSBY:** Because we see no good reason why they should be on there.

### **Transitional Funding Trust Account**

**MR DUBY:** My question is addressed to the Chief Minister in her role as Treasurer. I refer to the ACT transitional funding trust account, which supposedly has some money held in it by the Commonwealth on our behalf. In the initial budget statement that was presented to this house by the

28 September 1989

Chief Minister and in all subsequent information about that, that figure has always been listed as \$22.7m, and in the budget paper No. 7, which was released on Tuesday, it is said that that figure is \$21.3m. Would the Chief Minister be able to enlighten us as to the sudden change in that amount?

**MS FOLLETT:** I thank Mr DUBY for the question, Mr Speaker. Yes, it is indeed an interesting question and I think everybody in this Assembly would share my disappointment that that money was withheld at all, the Federal Government having given an undertaking on no fewer than six occasions that the ACT, as part of its self-government package, would receive a guaranteed level of real terms funding. As Mr DUBY points out, the amount that we first estimated in that trust account was \$22.7m, and in the budget that I handed down on Tuesday the amount has been recalculated at \$21.3m that the Commonwealth is now holding in trust.

The reason for the change over the period relates - and it is a fairly simple matter - to changes in the consumer price index and in base adjustments. It is just a technical matter that has been clarified since the Federal budget and its application to the ACT has become clearer. They used a slightly different CPI figure and that accounts for the change. I have written to the Prime Minister seeking the release of these funds to assist the ACT to establish its finances on a State-type basis and put forward a number of restructuring proposals for which that money might well be put to use. As yet I have not heard back from the Federal Government on that matter.

### **Bushfire Council**

**MR JENSEN:** Mr Speaker, my question is directed to the Minister for Housing and Urban Services. I refer the Minister to her answer to my colleagues Mrs Nolan and Mr Stefaniak in relation to the Bushfire Council. Can the Minister advise what was the nature of consultations that took place with the Federal Police before the decision was made to remove them from the Bushfire Council?

**MRS GRASSBY:** No consultation. We agreed that it was unnecessary to have them on it.

**MR JENSEN:** I ask a supplementary question, Mr Speaker. Did the Government write to the Australian Federal Police asking for their comments on the decision to withdraw them from the council? If not, why not?

**MRS GRASSBY:** No, because we did not think it was necessary, and we have not informed the board as yet. We did not think it was necessary.



28 September 1989

### **Police Rural Patrol**

**MR STEFANIAK:** My question is also to the Minister for Housing and Urban Services, Mr Speaker. Is the Minister aware that the Australian Federal Police have a rural patrol?

**MRS GRASSBY:** Yes, I am aware of that.

### **Bushfire Council**

**MR COLLAERY:** My question is directed to the Minister for Housing and Urban Services. Minister, did you not also remove the New South Wales Farmers Federation representative from the board?

**MRS GRASSBY:** I said that to Mrs Nolan. Do I have to say it again? Yes I did, Mr Collaery. They were moved off the board, and if the supplementary question is "Why?", we did not think it necessary for them to be on the board. I thought I would get that in before you asked a supplementary question.

**MR COLLAERY:** I will ask the Minister something different - in the same vein, Mr Speaker, with your leave. Minister, who is on the board now?

**Mr Whalan:** On a point of order, Mr Speaker; that is not a supplementary question. A supplementary question must relate directly to the very first question and lead on from it. The very first question related to a particular representation from New South Wales, and the supplementary question can only relate specifically to that. To broaden the question is totally inconsistent with the standing orders. I would also like to draw to your attention, Mr Speaker, and I ask you to draw it to the attention of Mr Collaery, that if he had been present in the chamber he would have heard earlier answers on this particular matter.

**MR SPEAKER:** Order! The point of order is upheld. That is a correct judgment by the Deputy Chief Minister.

### **ACT Public Account**

**MR MOORE:** My question is directed to the Minister for Industry, Employment and Education. Mr Whalan, I notice in the comments on page 25 of budget paper No. 4 for the ACT public account that you have an allowance of about \$10m for accommodation. The explanatory note on the following page reads: "The increase relates to the allowance made for new leases to be entered into primarily for replacement accommodation in respect of the North and South Buildings in Civic", which we presume is being paid for at the moment. As to that particular \$10m, Mr Whalan, I am told

28 September 1989

by a number of teachers that they would be quite happy to assist in any moving expenses with their cars and trailers and so forth, in order to encourage you to move some of that \$10m towards education and amelioration of health cuts.

**MR WHALAN:** If Mr Moore could give me their names and addresses, I would be happy to contact them.

**MR MOORE:** If I may put a supplementary question, could you explain, Mr Whalan, why \$10m is required for that?

**MR WHALAN:** I decline to answer that question because it is not supplementary to the first question. The first question was about teachers providing services to the Government, apparently free of charge.

**MR SPEAKER:** I rule that that is a supplementary question, Deputy Chief Minister. Please answer the question.

**MR WHALAN:** Mr Speaker, I find the ruling on this quite extraordinary and I think it is - - -

**Mr Kaine:** I take a point of order, Mr Speaker. I do not see anywhere in the standing orders that the Minister has the right to question your ruling. Your ruling stands without debate, surely.

**MR SPEAKER:** Thank you, Leader of the Opposition.

**MR WHALAN:** Mr Speaker, thank you for upholding the point that I was making. The fact is that the question supposed to be supplementary did not relate in any way whatsoever to the original question. I think that the original question, in the form of a question by Mr Moore, was a very generous offer on behalf of teachers and, as I say, I would be happy to entertain that proposal if he can supply me with names and addresses.

**MR SPEAKER:** Deputy Chief Minister, your objection is overruled. I have ruled on this once. I have done it a second time. Please answer the question as proposed by Mr Moore. It is a supplementary question; that is my ruling.

**MR WHALAN:** I will take it on notice.

### **ACT Legislation**

**MR KAINE:** Perhaps I can get an answer, Mr Speaker. Since the Government seems to have adopted its old stance of not answering questions, I will ask one of the Chief Minister. It follows from a point that was made by the Minister for Territories, Mr Holding, on the Pru Goward show this morning in which he clearly indicated that the Government was undertaking an investigation with a view to vetoing a Bill that passed through this house yesterday. Is it the

28 September 1989

Chief Minister's intention to recommend to the Minister for Territories that he do so or to support him if he proposes to do so?

**MS FOLLETT:** I thank Mr Kaine for the question. It is a very interesting question indeed and I think that it points up some of the difficulties of dealing on a radio program with the actual facts of the situation. Mr Speaker, quite clearly, once the Assembly has passed a Bill, it is my duty to bring it into operation. I have no choice in that matter, and it is my intention with the Bill on the removal of fluoride from the Canberra water supply to do precisely that. I will follow the normal processes of gazetting the Act and bringing it into implementation. Mr Holding, I know, did indicate this morning that he saw some difficulty with that, but I think that, if he has difficulties with it, it is up to him to raise them with me. He has not done so, so far, and I will be following my normal process of bringing the Assembly's wishes into operation.

### **Tuggeranong Community Centre**

**MR JENSEN:** Mr Speaker, my question is directed to the Chief Minister in her capacity as Minister for the arts. I note in budget paper No. 5 on page 22 there is reference to \$2m being allocated from the community development fund for construction of the Tuggeranong Community Centre, which has been carried over from 1988-89. I remind the Chief Minister that the community has been involved with this project from the very beginning, some number of years ago, and there is some concern that continued delays in this project are having an effect on what will be finally built on that particular site. Can the Chief Minister advise when work on this project is expected to commence?

**MS FOLLETT:** Mr Speaker, if I may, I will take that question on notice. I am afraid I do not have access at the moment to the precise date on which that work might commence and I think it might be best if I were to seek some advice on that and provide it to the Assembly.

### **Asbestos Removal**

**MR HUMPHRIES:** Mr Speaker, my question is to the Minister for Housing and Urban Services. Can the Minister confirm that tenders have now closed for the domestic asbestos removal program? Is it true that tenders were all considerably higher than the Government expected by about half? Has the Government reassessed the anticipated cost of the program as a result of this?

**MRS GRASSBY:** Yes, it is true that tenders have closed and are being assessed by my department. I understand that they are higher than were expected. At this stage it has

28 September 1989

not been decided exactly what tenders are going to be accepted.

### **Commercial Research**

**MR JENSEN:** Mr Speaker, my question is directed to the Minister for Industry, Employment and Education. I refer the Minister to the publication Canberra Residential Activity Report, a quarterly production of the Commercial Research Bureau in the Office of Industry and Development. In view of the disclaimer in this publication which states, "The ACT Government makes no warranty as to the information's accuracy and completeness and accepts no responsibility to any person who uses this information for any purpose", my question is: how can a publication on which no reliance can be placed by business be said to fulfil the objectives of the Commercial Research Bureau's stated objective of assisting Canberra's economic development, and should the bureau's energies be better directed to establishing more reliable economic, market and demographic figures?

**MR WHALAN:** When you get asked a question of that sort it really goes to show the calibre of people who push through legislation on fluoride and give priority to that over other important business which we could be attending to in this Assembly. This sort of disclaimer, Mr Speaker, is a normal disclaimer in documents of that sort and it is intended to protect governments; it is intended to protect the taxpayers; although, when we consider the line which the Residents Rally took in relation to payment of Mr Stevenson's staff, it is hardly a concern to him to protect the taxpayers.

**Mr Jensen:** On a point of order, Mr Speaker; I trust that you will request the Minister to answer the question and not debate other issues.

**MR SPEAKER:** The point is upheld. Please proceed, Minister.

**MR WHALAN:** This is a question which relates to the protection of the interests of the taxpayers, Mr Speaker. It clearly shows an inconsistency between the stand that Mr Jensen took when he supported Mr Stevenson's practice of paying his clerical staff in such a way that they - - -

**Mr Jensen:** I raise a point of order, Mr Speaker.

**MR SPEAKER:** Minister, please get to the question asked. Please proceed, Deputy Chief Minister.

**MR WHALAN:** You have not heard his point of order.

**MR SPEAKER:** I have sat him down as well, thank you. Please proceed to the point.

28 September 1989

**MR WHALAN:** Mr Speaker, it is, as I have said, quite a normal procedure in documents of this sort to have disclaimers as a form of protection against legal action. I am sure that the lawyers on the other side would be quite familiar with that sort of disclaimer. I am sure Bernie knows about it quite well. It is a normal process, is it not, Bernie, to have a disclaimer? What it is intended to do, Mr Speaker - - -

**Mr Humphries:** I rise on a point of order, Mr Speaker. I am sure there is a standing order somewhere that refers to the way in which members address each other across the chamber.

**MR SPEAKER:** Order! Please resume your seat, Mr Humphries. That is not a point of order. Please proceed, Minister.

**MR WHALAN:** The situation is that this is designed to protect the agency from legal action. There are certain predictions made in relation to movements in certain indices which are contained within the document. No-one can anticipate exactly how things are going to be in the future, except that we can anticipate that there will be more tooth cavities, I believe, in Canberra in the future. I think that is a reasonable expectation based on the evidence.

**Mr Kaine:** There will be more tooth fairies too, Paul.

**MR WHALAN:** I could not pronounce on that. It is wise and prudent to put in this sort of a disclaimer so that there can be no legal action by a person who takes business decisions, or any sort of decision, based on the information which is supplied. So in summary, Mr Speaker, if Mr Jensen were more widely read, he would probably have seen the same sort of disclaimer in other documents.

### **Sports Sponsorship**

**MR KAINE:** I would like to direct another question to the Chief Minister. This is a rather apolitical question. Chief Minister, on 7 September it was reported in the media that "a Federal Government committee has questioned the ACT Assembly's decision to ban tobacco company sponsorship of sports". Could you tell me when, if ever, that matter came up before this chamber and, if there is such a ban intended, who made the decision?

**MS FOLLETT:** The short answer is no, I am not aware of that press report and I do not know what it was based on. So I think it might be an idea if Mr Kaine were to give me a copy of the media report. I could have some inquiries made for him and ensure that we get a reply to the Assembly as quickly as possible. But I have not seen the report and I do not know what it refers to.

### **Cotter Reserve Playground**

**DR KINLOCH:** Mr Speaker, I have a question for the Minister for Housing and Urban Services. We have been advised by a constituent - and I cannot vouch for this personally - that the children's play equipment at the Cotter Reserve, which is used by many visitors as well as by Canberra residents, does not meet modern requirements for safety and design. Indeed, the constituent argues that the equipment is dangerous. Can the Minister respond and/or undertake to look into the matter? I do thank the Minister for the help she gave on a similar matter several weeks ago.

**MRS GRASSBY:** No, Dr Kinloch, I do not know anything about the equipment, but I will have it looked into and checked out and as soon as I have the information I will let you know.

### **Currong Flats**

**MRS GRASSBY:** I have an answer to a question Mr Collaery asked on 27 September on the subject of tenants accepting the Housing Trust decision to replace the central heating system at Currong Flats. The issues surrounding the Housing Trust decision to replace the central heating system at Currong Flats were dealt with in a response to Mr Collaery's first question and have been the subject of ongoing discussions with a group of Currong Flats residents.

I attended the first of these meetings myself and subsequent meetings were attended by a member of my staff and representatives of the Housing Trust. While some of the tenants would prefer central heating, the proposed electrical system is cheaper than a central gas heating system and gives tenants the right to control their own level of consumption. A gas central heating system would result in a considerable increase in costs to tenants.

I realise that not all tenants will be happy with this decision. However, it is the most viable option for the Trust and I am certain that in the long run tenants will find this an acceptable method of heating. The trust will continue to consult with tenants at Currong Flats on the electrical heating system and residents will be encouraged to approach the trust with any further concerns they may have. Once the electrical system is installed, tenants will no longer have to pay the additional rent levy for the current heating system, and that is \$6, \$8 or \$10 according to the size of the flat. That will stop and they will find it will be cheaper because they will be controlling their own electricity.

28 September 1989

### **Street Lighting**

**MRS GRASSBY:** On 27 September Mrs Nolan asked a question about the maintenance review of street lighting in the Erindale Centre and surrounds and in the Tuggeranong Town Centre. My answer to the member's question is as follows: street lighting in the Tuggeranong Town Centre was inspected on 30 August 1989. The system, which was constructed to national standards, was fully operational and all lanterns not working were replaced. The Erindale Centre has two sources of external lighting. Street lighting around the centre, which has also been provided to national standards, was last inspected on 21 September 1989 and all lanterns were operational. Due to vandalism experienced in the area, ACT Electricity and Water inspect the area each week. Additional lighting within the car park is provided and controlled by the building management. This lighting is to be upgraded in the next few months.

### **Libraries**

**MRS GRASSBY:** On 27 September Mr Jensen asked when the consultant's report on the management structure of joint use libraries in the ACT will be made public. My answer to the question is as follows: the review was commissioned jointly by the ACT Library Service and the Department of Education to evaluate the joint use library at the Erindale Centre which has been in operation for the last six and a half years. The review was carried out by consultants from the Public Service Commission.

The report on the review was received earlier this month by my department and the Department of Education. A copy of the report has now been passed to my office by my department. I have no objection to its release. However, I understand it has yet to be cleared by the Department of Education. Arrangements have been made for the report to be distributed to staff and unions next week. I will ensure that Mr Jensen gets a copy.

### **Child-care Facilities**

**MR BERRY:** Mr Jensen asked a question on 27 September concerning some work - and I hope he will express a little bit more interest in hearing the response when I give it - on the Tuggeranong Town Centre child-care facility.

**Mr Jensen:** I am sorry, Mr Berry; my apologies.

**MR BERRY:** I hope that he is still welcomed out there by the mothers with children who may be having tooth trouble in the future. The answer is that the upgrading to the Tuggeranong Town Centre child-care centre referred to in the question was a rectification of some safety aspects of

28 September 1989

the playground. These were due to the slope of the land and were not apparent until occupation of the facility by the operators of the child-care service. When the concerns were identified, immediate action was taken by the department to redesign and correct that essential safety use. The cost of \$8,190 for these modifications was borne by the construction program of the ACT Government and was not met by the sponsors of the child-care service.

### **Nurses**

**MR BERRY:** In response to a question asked by Mr Humphries on 27 September 1989 concerning nurses and ACT hospital management, as I said yesterday, I was aware of an Australian Nurses Federation media release which referred to Royal Canberra Hospital nursing management preventing nurses from objecting to health budget cuts. My understanding is that the allegations stemmed from a staff meeting that took place at the hospital on 23 August. Senior hospital management met with the federation on Monday, 4 September 1989, to discuss this issue and it was agreed that an officer from the staff relations unit of the ACT Department of Community Services and Health would investigate the federation's statement and a report would follow to the chief executive of hospital services. This investigation began last Tuesday and I expect it to be completed by early next week.

In addition, the hospital's chief executive officer indicated during staff budget briefings in July and in a note to all staff on 31 August 1989 that staff participation in the budget consultative process would have the full support of management and was to be encouraged. Of course it had the full support of this Government, and indeed I met some nurses from the hospital in the course of the budget consultative process.

### **National Aquarium**

**MR WHALAN:** Mr Moore asked me a question yesterday as to whether or not an application had been made by the crown lessee, O&E Da Deppo Holdings Pty Limited, for an extension of time in which to complete the development on block 1496, Belconnen. I can report to the Assembly that no formal application has been received. The lease requires the lessee within 18 months from the date of commencement of the lease, namely 17 March 1988, or within such further time as may be approved in writing, to complete the construction of the development in accordance with the plans and specifications, in accordance with every statute, ordinance or regulation applicable thereto.

**Mr Moore:** I cannot hear, Mr Whalan.



28 September 1989

**MR WHALAN:** Do you want me to go right back to the beginning?

**Mr Moore:** No. Will you just go from there a bit louder, thank you? The gallery would probably like to hear too.

**MR SPEAKER:** Order! It has been very difficult for me to hear also. Please raise your voice, Minister.

**MR WHALAN:** As members are aware, the construction of this project is well advanced. No certificate of compliance has been issued. As is usual practice, officers of the department are currently in discussions with the lessee in relation to this issue.

It has been standard practice with respect to all leases to allow a reasonable extension of time, especially where the lessee has progressed extensively with the development. In this case it is expected that the development will be completed by November, and, in accordance with proper, consistent and ordinary practice, I or my delegates would exercise a discretion to grant an extension of time for the lessee to complete the development and comply with the provisions of the lease. As this matter is directed only at the construction of the development, the stage where certificates of fitness for occupancy and use and certificates of compliance can be issued, I would see no reason why a reasonable extension should not be granted if such an application is made.

Members should note that a failure to meet the development conditions of a lease does not result in any automatic termination of that lease. Section 22 of the City Area Leases Act provides the processes to be followed before a lease is determined. Until the actions required under that section are properly completed, the lease remains valid with rights and responsibilities associated with the lease in force. Section 22 requires processes which take approximately two months to complete, and by that time in this case you would expect the development to be finished.

### **DAY OF NEXT MEETING**

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

That the Assembly, at its rising, adjourn until Tuesday, 17 October 1989, unless the Speaker fixes an alternative day or hour of sitting on receipt of a request in writing from an absolute majority of members.

### **SUSPENSION OF STANDING AND TEMPORARY ORDERS**

**MR MOORE** (3.04): Mr Speaker, I move:

28 September 1989

That so much of the standing and temporary orders be suspended as would allow private members' business notice No. 2 to be called on forthwith.

This matter is of particular importance and, in spite of the fact that it is budget day, I particularly brought it up today on account of its grave environmental significance. However, I believe that this motion to suspend will be defeated by the major Federal-linked parties in this Assembly - the parties who perceive themselves to be environmentalist; the parties who try to present the idea that they are interested in the environment. The significance of this motion is that there has been no environmental impact statement for the National Aquarium in this particular operation. What is at risk is the whole Murray-Darling waterway, and we must keep in mind these risks. We are talking about the risks of billions and billions of dollars and of change to our whole environment. The sort of risks - - -

**Mr Kaine:** On a point of order, Mr Speaker; I understood that what Mr Moore was seeking was the suspension of standing orders, not to debate the substance of his motion.

**MR SPEAKER:** That is correct, Mr Kaine. Please proceed to the point, Mr Moore.

**MR MOORE:** I am trying to emphasise the importance of debating this particular motion now, and I shall go to the other side of the equation where Mr Whalan has pointed out that the cost of the development is around \$10m - - -

**MR SPEAKER:** Order! Mr Moore, you are still debating the issue.

**MR MOORE:** I am seeking suspend the standing orders at this time in order to debate this motion. It is important to ensure that it is debated now rather than later so that there is no inconvenience to the developer involved in this case. Also, we must understand the absolute importance of this as an environmental issue.

**Mr Whalan:** I raise a point of order, Mr Speaker. The issues are being argued. I am sorry, but I think that the member must be confined to the reasons for suspension.

**MR SPEAKER:** Yes. Please address the suspension rather than the argument, Mr Moore.

**MR MOORE:** Mr Speaker, because we are talking about why we ought to suspend standing orders, we must have a good enough reason for doing so, and I am trying to emphasise the importance of the particular issue. That is quite appropriately in line with speaking to the suspension of the standing orders, otherwise people will not know what I wish to debate. The importance of the issue is that billions of dollars are at stake; not only billions of dollars, Mr Speaker - - -

28 September 1989

**Mr Whalan:** On a point of order, Mr Speaker; the issues are being argued. The member must confine himself to the question of the suspension and not to the arguments.

**MR SPEAKER:** That is overruled, Minister. I believe that the member is trying to make his point. Please stick as closely to the issue as possible, Mr Moore.

**MR MOORE:** Thank you, Mr Speaker. I expected these objections. Labor Party members do not want to debate this issue because they are fake environmentalists.

**Mr Whalan:** I take a point of order, Mr Speaker. These wild allegations that are now being made by the current speaker are clearly not part of the very narrow limits that must be observed in relation to a suspension of standing orders. Mr Moore must be given some instruction in relation to these narrow limits and he should be encouraged to stay within those very fine lines.

**MR SPEAKER:** The point of order is upheld. Mr Moore, please immediately address the issue.

**MR MOORE:** Thank you, Mr Speaker. The particular point I wish to make is that it is important to debate this issue now. It is important that we actually suspend standing orders in order to debate the issue which I have raised and which members, if they wish, can read from the notice paper. The motion that I am talking about is that the Assembly demand that the stocking of the National Aquarium with anything other than fish and other water life indigenous to the Murray-Darling waterways not be permitted until due environmental process are followed and that those processes include a draft environmental impact statement, four weeks' public comment on the draft environmental impact statement, and a final environmental impact statement for the approval of the Standing Committee on Conservation, Heritage and Environment.

In summary, Mr Speaker, let me say that if people are genuinely concerned about protecting the environment they will support debating this motion now.

**MR WHALAN (3.09):** Mr Speaker, the Government opposes the suspension of standing orders for two simple reasons. It is an extraordinary discourtesy to the Leader of the Opposition when the whole week has been built around this time as the period for his reply to the budget. It is an extraordinary discourtesy on the part of the Residents Rally party to encroach on his time.

The second point that I would like to make is that in negotiations with the Residents Rally party on Monday about private members' business - and this is private members' business, bear in mind - we offered to allocate the whole evening of Tuesday for that purpose, which would have meant this would have come up. Members of the Residents Rally

28 September 1989

just refused outright; they refused absolutely. They are discourteous and they have had their chance.

**MR JENSEN** (3.10): Mr Speaker, I would just like to make a very brief comment on the remarks that have just been made by the Deputy Chief Minister. It was seen as appropriate to bring this matter on at this time because of an answer that the Deputy Chief Minister gave to this house the other day.

**Mr Whalan:** On a point of order, Mr Speaker; we are talking to the question of suspension of standing orders and it completely precludes discussion of the merits of the issue.

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

That the question be now put.

**MR SPEAKER:** The question now is that standing orders be suspended.

Question resolved in the negative.

### **APPROPRIATION BILL 1989-90**

Debate resumed from 26 September 1989, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

**MR KAINE** (Leader of the Opposition) (3.11): Before responding to the Treasurer's budget speech, I would like to indicate that, although I had foreshadowed an amendment to the motion that the Treasurer moved on this issue, I have been persuaded not to proceed with that amendment. I have acceded to that request although I find it rather strange that in a new Assembly, where so many of us pretend to be trying to develop a different form of Assembly, when the chips are down we are constantly called back to the House of Representatives' rules and told that we cannot change the procedure. I do find it a little curious but I do indicate that I am not proceeding with the foreshadowed amendment that I put forward two days ago.

Mr Speaker, the Treasurer presented her 1989-90 budget to this Assembly on Tuesday, a budget which after detailed analysis could not, in honesty, be described as a complete or effective budget for the ACT. In the prevailing economic climate Australia-wide, and more specifically in the ACT, a total economic strategy is required, not a strategy that identifies easy, trendy issues to deal with, but a strategy that deals with the issues that for too long have been put in the too-hard basket by the Federal Labor Government and now by this Government. When will we see this Government take responsibility for its own financial folly, rather than hiding behind its lack of understanding

28 September 1989

of the Territory's priorities, as demonstrated also by its Federal colleagues - if you like, blaming it all on the Feds?

Despite the Treasurer's claims, this budget is not something that has grown out of any consultative process nor is it one that is responsive to the community's wishes. It is one that has avoided, as far as possible, politically embarrassing issues and which has then been dropped into the Assembly's lap in the hope that we would all become accomplices to an irresponsible and incompetent government document.

It is this Government - the ACT Government - that is responsible for the efficient and effective running of the Territory. The Government cannot simply abdicate its responsibilities. The Chief Minister, as the head of the Government and as Treasurer, should have tackled the Territory's economic future with conviction, with courage and with vision. It is unacceptable that she should pass responsibility for her budget, firstly onto the community and now onto the Assembly, while simultaneously blaming the Commonwealth Labor Government for it all. This has a familiar Keating-like sound to it, has it not? "Everybody is responsible but me".

The Government has denied all responsibility for its failure and has adopted the role of arbitrator of conflicting views rather than that of policy maker. We do not have the luxury of time in the ACT. We do not have the luxury of assured funding in perpetuity either. What we do have is quite the opposite, and the ACT will suffer as a result of the Government's short-sightedness and indecision.

There are many major items that need to be addressed by this Government that have not been addressed in the context of Tuesday's budget. The first of those is overfunding from the Commonwealth. The Chief Minister stated on Tuesday:

The self-government legislation has established a framework for the ACT to be treated on a State-like basis by the Commonwealth.

But when will this Government start behaving like a State government by taking responsibility for its budgetary process? On the basis of 1986-87 information the Commonwealth Grants Commission found that the ACT was then overfunded compared with the States to the extent of some \$84m. The Treasurer has consistently refused to face up to this problem. In the lead-up to the election earlier this year she said, "It is fair to say that the Grants Commission is not regarded as being 100 per cent accurate" Then she said, "The ACT's budget situation is not nearly as gloomy".

28 September 1989

One report quoted the Treasurer as saying that the ALP's draft budget would result in a budget surplus in 1989-90 of more than \$50m. The report then went on to say that Ms Follett said that the Labor Party had "done its homework" and that no drastic changes in budget policy would be needed to make the ACT pay its way. Now, more recently, the Treasurer has developed some doubts on these points and in her opening statement to the budget consultative committee recently, after referring to the \$84m overfunding, she stated, "There is nothing that would suggest that this position has improved".

So now we are acknowledging that the Grants Commission was correct. In fact the \$84m figure for Commonwealth overfunding for the ACT was based on the 1986-87 situation, as I have said, and it has been suggested by an officer of the Commonwealth Department of Finance at a seminar on ACT finances early this year that the figure is more likely to be of the order of \$135m. It is no secret that the guarantees of Commonwealth funding for the ACT expire about 21 months from now.

This is a major problem that demands positive and immediate action. The Government's budget action on this matter is timid and token. The hard decision is yet to be made, and this decision cannot be further delayed because time is running out. I note, Mr Speaker, that the \$50m budget surplus for 1989-90 predicted by the current Treasurer has failed to materialise.

Despite her belated recognition of the financial problems facing the ACT arising from the Commonwealth overspending, the Treasurer still has done little to address them. She does not seem even to understand that the Commonwealth guarantees expire in 21 months and that we will need to adjust the finances to the tune of possibly more than \$100m annually by then. The budget that the Treasurer has presented for 1989-90 is no more than a reiteration of the inherited forward estimates, forward estimates based on past performances deriving from Commonwealth priorities and imperatives.

Some minor fiddling has been done around the margins. The Treasurer continues to show a total inability or unwillingness to tackle the real issues, an approach which will only compound the problem for 1990-91 and for future budgets. Where change is contemplated the Treasurer misrepresents some elements of the financial situation. For example, take public borrowing. The Government claims in its budget papers - that is paper No. 2 at page 11, for those who want to look it up - that it has taken a significant decision to cut its future recurrent expenditure by deciding to reduce its borrowings by \$10.8m.

This, Mr Speaker, is simply not the case. The \$10.8m reduced borrowing is illusory and has involved no hard decisions by the Government. Of the \$10.8m, \$5.8m is referred to in the initial budget statement of 25 July as

28 September 1989

"unallocated borrowings" - that is, it was unused borrowing potential; it was never intended to be borrowed, according to the Government. A further \$4.1m of extra borrowing is not required this year because a similar amount has been carried forward from 1988-89. It was money the ACT did not need to borrow last year so it has carried it forward to this year. Budget paper No. 7 at page 20 clearly sets out that new ACT semigovernment borrowings for 1988-89 were \$25m whilst \$28.7m is proposed for 1989-90. Even though this \$10.8m is some \$10.8m below the level which the Commonwealth will allow the ACT Government to borrow, it is, in fact, an increase of 14.8 per cent on last year's borrowings. For the Treasurer to claim that her Government has decided to reduce its borrowings by \$10.8m is clearly misleading.

Some of the Treasurer's figures are decidedly rubbery. Another interesting set of figures to come out of the budget appear in budget paper No. 2 at page 51 under the heading of "Summary of Capital Expenditure". The figure relates to a provision of \$76m for payment to the Commonwealth for serviced land, a figure which the ACT Government claims to be continuing to negotiate. This figure was \$50m in April of this year: it became \$67.7m in the Government's initial budget statement in July; and now it appears as \$76m in the budget. At the current rate of growth, Mr Speaker, the figure will hit \$100m in about February 1990.

Another interesting figure is the amount provided in the budget for debt servicing from the consolidated fund. In June this year the forward estimate for 1989-90 was \$82.6m. The figure is now shown in budget paper No. 4, page 25, as \$91.1m, an increase of almost 10 per cent in less than 10 weeks. Is this also going to continue to grow like the previous figure that I talked about?

Mr Duby raised the question a minute ago of the amount of money retained by the Commonwealth in a trust fund, reduced from \$22.7m to \$21.3m. It is a good question. When does \$22.7m cease being \$22.7m? According to the Treasurer, it has something to do with CPI. Is this figure going to continue to shrink while all our other figures continue to increase?

A hint about this Government's intentions concerning individual taxpayers and householders was recently given by the Treasurer's deputy, Mr Whalan, who was reported in an article in the Canberra Times on 14 September as saying that Labor's promise made earlier this year - that is, that rates and taxes for individuals would not increase for this year at least - quite obviously did not necessarily apply to next year. Since the Government has not honoured its election promises on this point in this first budget, one can question whether it can be trusted in the next one in dealing with this issue.

28 September 1989

Does the Treasurer believe that Labor's traditional budgetary strategy of increasing revenues rather than reducing expenditures, even when the capacity to pay does not exist, will produce the required result? This approach, in view of the magnitude of the problem, would be absurd and the effects on individuals and businesses in the ACT would be devastating. What is required is the imposition of local priorities and the ACT community's needs upon the bureaucracy's forward estimates - something that the Government has failed abysmally to do.

I would like to refer to the budget consultative committee and the proposed Estimates Committee of this Assembly. The Treasurer claims to have produced a budget as a result of an open and consultative budget process. It is in fact little more than a representation generally of inherited forward estimates and the community has recognised the community consultation ploy for what it is, a confidence trick.

Even the Deputy Chief Minister's own creation, the ministerial advisory committee on schooling, repudiated the process as recently as this morning. The Government has congratulated itself on its new policy items to the value of \$5.3m in the budget - \$5.3m out of a total budget of \$1.2 billion. Put into perspective, this represents something less than one half of one per cent of the total budget. The Government has also claimed that great sacrifices were made to achieve expenditure reduction, that the bulk of these reductions consisted of \$13.4m for "lower national wage case provision in view of revised estimates from the Industrial Relations Branch".

Other expenditure sacrifices include \$3.7m for variation in price parameters applicable to the public sector and \$6.3m for other base refinements. These hard decisions, Mr Speaker, must have taken great courage by the Treasurer, I am sure, but in fact they represent nothing more than creative adjustments to the forward estimates budget base.

The budget consultative committee was ostensibly established by the Treasurer as part of the Government's "open and consultative strategy". However, it really represents a poor attempt by the Treasurer to legitimise her budget by claiming to have consulted widely with the community. The Government appears obsessed with the idea that it can present a budget and defend it, no matter how bad it may be, based on the spurious justification of open and consultative processes. After the public relations exercise for public consultation was concluded, the Government reinstated about \$2.5m to placate the disenchanted; a very small adjustment indeed and one which the teachers and nurses will find totally inadequate.

The Treasurer has now proposed a further process in legitimising her budget by referring it to an Estimates Committee which, on her program, will examine the expenditure proposals in mid-October so that debate on the



28 September 1989

Bill can recommence in mid-November. This is an unbelievable and totally unacceptable sequence of events. It is noteworthy in this context that many worthwhile bodies such as Marymead Children's Centre, Barnardo's Homes and the Richmond Fellowship remain uncertain about their funding for this fiscal year. Presumably this uncertainty will continue until the budget process is completed. It looks like November, but presumably the Government does not care if it is in February or March.

If we allowed this to happen it would mean that the budget would not be passed until almost halfway through the financial year and any changes could have little, if any, effect on the budget for the balance of the financial year. That is another clear demonstration of the Treasurer's lack of appreciation of the problem. I can only interpret the Treasurer's actions as demonstrating a lack of confidence in her ability to produce an effective budget which she can defend. The approach appears to be: spread the decision responsibility and dilute the Treasurer's responsibility.

What then needs to be done, Mr Speaker? The task of delivering sound financial management to the ACT is not an easy one. However, it is exactly what we must have. Time is running out. The guaranteed transitional Commonwealth financial assistance to the ACT will soon cease. The time to make the hard decisions is now, not two years down the track. If we do not make these difficult decisions now it will only compound the problems and require even harder decisions next year and beyond. Rational decisions on reducing government expenditure need not necessarily affect the quality of services produced by the Government. The achievement of efficiency and effectiveness in the provision of services must be the prime consideration but duplication, redundancy and waste must be eliminated.

Education and health, which make up approximately half of the ACT's budget - that is, \$500m approximately out of a \$1.2 billion budget - are functions which the Commonwealth Grants Commission identified as those which contributed most to the Commonwealth overfunding of the ACT; in fact, of the order of some \$51m in the year 1986-87. Because these two items account for nearly half of the total budget, it is obvious that they must be candidates for review in achieving savings. Inefficient administration, leading to excessive overhead costs, is a significant contributor to the overfunding. It is these excesses which need to be eliminated and not the direct delivery of services to the public. Nurses and teachers deliver the goods; bureaucrats in offices do not.

I must note at this point, however, that the Treasurer's statement yesterday, that the Liberal Party has called for draconian cuts to education and health with a reduction in both services and costs, is quite simply a fiction. Nice try, Rosemary, which no doubt went down well with your supporters. But the nurses and teachers will be continuing to ask you to defend your ill-directed cuts while you simply attempt to deflect criticism onto someone else.

28 September 1989

Municipal services, consuming some \$105m this year, and particularly the ACTION bus service, which in 1989-90 will be subsidised to the tune of \$25m - and that is almost one half of the general rates revenue - need to be reviewed. Again, bus drivers deliver the goods, literally, and so do the people maintaining our magnificent parks and gardens, but bureaucrats in offices do not.

A brief word on housing, Mr Speaker, which my colleagues will expand on. One commendable initiative in the budget is that of removing stamp duty for first home buyers. This will be welcomed by the beneficiaries and the housing industry alike. It is interesting that this last-minute initiative was lifted in its entirety from Liberal policy. It is the kind of initiative that is needed, and I commend the Government for it.

The cost to the ACT community of restrictive work practices and undue union control is also a matter which needs urgent and close scrutiny. Under self-government, we can no longer afford the luxury of supporting trade union interests from the public purse.

What is needed, Mr Speaker, is to get away from nibbling at the periphery and to really attack the heart of the problem. As an example, let me pose a radical scenario in health delivery. Let us face up to the principal hospital dilemma and retain the Royal Canberra Hospital as a low intensity care, low cost community hospital facility. Then it will always be there if we want later to exercise options relating to upgrading it to major hospital status when the population can sustain it or even to a teaching hospital in conjunction with a medical faculty of the ANU, if that is desired.

Let us sell Jindalee, the Queen Elizabeth II nursing home and the Taj Mahal on Moore Street. Let us transfer all of the patients from Jindalee and the Queen Elizabeth II home down to the Royal Canberra Hospital community hospital. Let us place hospital management totally in the hands of hospital boards; eliminate imbalance between public and private beds by permitting private development of another hospital like John James on the north side and take some pressure off the public purse; transfer bureaucrats out of the Taj Mahal to some of the unused capacity of the now Royal Canberra Hospital community hospital facility. In doing all of this - - -

**Mr Berry:** It is a Second World War scenario.

**MR KAINE:** You will get your turn, Mr Berry. In doing all this we would both achieve significant capital gain and reduce our operating costs and, at the same time, retain the Royal Canberra Hospital for future development. Radical thinking? Maybe, but this is the kind of solution demanded of government. But this Labor Government will not be so bold or imaginative as to consider anything other

28 September 1989

than the status quo. I predict that it will even equivocate on what to do with the Royal Canberra Hospital, which is only a fraction of the health delivery problem.

On the revenue side of the budget, greater attention needs to be given to expanding the revenue base by encouraging development and diversifying the sources of revenue in the ACT. The Commonwealth Government is no longer the big spender in the ACT, and one only needs to look at its capital works budget for this year to verify that.

A diverse and effective private sector in the ACT is absolutely necessary if we are to maintain our standard of living and provide job opportunities for all ACT citizens and an expanding revenue base. The budget makes only token contributions to this in terms of encouraging growth. On the other hand, the Government aims to collect an additional \$40m plus in taxes and charges from those same businesses - a major disincentive to business confidence and growth. For example, land tax is an impost which the business community has to carry. The amount collected from this tax in 1988-89 was \$6.9m; we now learn from the budget that the expected 1989-90 collection from this source will be \$12.9m, almost double the 1988-89 figure - some incentive to development of the private sector!

Mr Speaker, Labor governments have traditionally been high taxing, big spending governments. The ACT Labor Government seems to be no different in this regard. It is not prepared to make real expenditure reduction decisions but prefers instead to introduce higher taxes and charges on selected areas of the community with the greatest impact on the business sector. It is not prepared to take the hard decisions to eliminate excessive administrative costs, nor is it prepared to remove restrictive work practices.

The Treasurer has not taken firm control of the bureaucracy; she has chosen to avoid decisions rather than make them. She has taken the ostrich approach, burying her head in the sand in the hope that our budgetary problems will go away. Well, they will not. The confidence and the ability of the Follett-led Labor Government to identify and address the real economic and financial problems must be seriously questioned.

In her budget speech the Treasurer said that her Government must ensure that a sharp adjustment is not forced upon the ACT as we move towards State-type funding, and to this end the Treasurer has taken a \$10m first step towards reducing the overfunding identified by the Grants Commission. This, of course, would leave the balance of the Commonwealth overfunding, perhaps over \$100m a year, to be corrected next year. A very sharp adjustment will then need to take place, I would suggest.

The Treasurer has not shown any determination to make the necessary decisions for preparation for the withdrawal of overfunding by the Commonwealth. The community is now

28 September 1989

aware of this, and a lack of confidence in the ACT economy is being expressed by the community. This is reflected in the downturn in new business activity and consumer confidence. The latest ACT economic report published by the ACT Treasury shows reduced population growth rates, reduced employment growth, reduced building and construction and reduced retail turnover.

The only figures which showed an increase were on the housing waiting list, coupled with a dramatic increase in the number of recipients of rent relief. None of these changes are grounds for optimism and the Treasurer has not addressed these specific problems that we face. It is not only in these areas that the economy is losing confidence in the Government. The construction industry has virtually come to a halt in recent weeks, and decisive action, not discussion papers, is required of the Government to head off a major economic disaster.

Well, I can hear it now. Critics, of course, are going to ask the question, "What are you going to do about it?", so I will address that briefly. The Treasurer said yesterday that I could not produce a budget. Well, Minister, that remains to be seen. What we do know, and the community shares this view, is that you have not produced a responsible or effective budget. It is your budget, not mine. In light of the Treasurer's remarks yesterday, it is fascinating that the Government wants me now to chair its Estimates Committee, to become the de facto Treasurer of the Labor minority Government to make its budget more palatable. I say now, Minister, that I decline the invitation.

In our election campaign early this year the Liberals issued a 10-point budget strategy for the ACT. In government we will implement the actions outlined in that strategy, and they include the commissioning of an independent audit to determine what we own, what we owe, where we spend, and how effective that spending is - that is, if the Government does not accept that task now. Secondly, our strategy includes the development of a comprehensive five-year financial plan, clearly spelling out to the community the Liberal Government's priorities and intentions. It also includes the development of annual budgets derived from the five-year plan, designed to meet identified community needs in priority order and tailored to ensure that we spend only the money that is available.

We will undertake the improvement of overall efficiency and the delivery of government services by ensuring that the administration is lean and cost-effective. We will transfer to the private sector the responsibility for providing services which can be delivered more efficiently by that sector and where this will lead to a net saving without a reduction in the level of service provided.

In short, Mr Speaker, in government, in company with our Rally colleagues, we will provide responsible financial

28 September 1989

management. In practical terms, that means facing up to the reality; identifying those areas of public expenditure which can be eliminated without affecting the direct delivery of services to the consumer; ensuring that private enterprise takes on tasks which it can undertake with beneficial results for the community; and generally improving the efficiency of the Administration by eliminating waste.

Mr Speaker, it will of course entail repairing the damage that this budget will do. I do not intend to get into a debate at this point on the detail of the budget. It is, after all, a debate in principle and the detailed debate will take place in the Treasurer's Estimates Committee. However, there are things that we will have to redress quickly. We will certainly get rid of the tax on pornography. In common with all other legislative jurisdictions in Australia, we will ban all pornographic videos. The comfort currently given to the Government's friends in the pornography purveying business will be short-lived. We will clearly have to move quickly to reverse the decision impacting directly on the teachers in our schools. There are other adverse effects of this budget which will require urgent attention to reduce the long-term impact on our community. I am sure that others in this debate will also focus on the repercussions of this Government's budget.

In conclusion, Mr Speaker, the Opposition finds the Government's budget to be a budget which lacks courage, conviction and vision. It fails to address the major financial problems with which we are faced. We believe that the Government must accept full responsibility for the budget and not seek to spread that responsibility to others. The Government must accept the consequences of its demonstrated lack of competence and commitment. We will pursue the critique in detail in the proposed Estimates Committee and to a much shorter time scale than the Chief Minister envisages.

**MR COLLAERY (3.38):** Mr Speaker, I follow the effective critique given by my colleague Mr Kaine and direct my comments in a slightly different vein. We have before us this first major product of the Follett Government's much touted public consultation process. It is not, if I may say so, a very auspicious beginning.

Despite the rhetoric, despite the claims repeated throughout the budget documents which can only lead us to the conclusion that "the lady doth protest too much", the two months of consultation have not taken us very far. We can also see in Ms Follett's budget paper No. 2 a foreshadowing of the Government's efforts to sidle away from community consultation. While the concept will remain, she claims that the method may need to change in future. Obviously the community's voice brought the Government uncomfortably close to feeling the need to respond with changes to the budget. It has weathered the

28 September 1989

pressure of public opinion this time, but has warned us that it might feel obliged to avoid it altogether next time.

This remains then, to all intents and purposes anyway, the same budget that Ms Follett presented to the Assembly before in draft. The Government may have tinkered at the margins and spelt out a few more things than before, but it has continued with the same headstrong attitude towards the ideas of others. "This is our budget", the Government has said, "and we will listen to public comments but we will not hear them".

So be it. This is the Government's budget and Government members will have to live with it. They will have to live with the fact that their budget stands or falls on highly questionable estimates of future economic performance over the next year. They will have to live with their faith in the Commonwealth's ability to sort out national problems and they will have to live with the results of putting their trust in the same Commonwealth Government to treat the ACT fairly in establishing the financial circumstances for self-government.

The level of debt and potential debt in the ACT is looming as a problem for this Government. It claims to have identified, for example, a notional indebtedness to the Commonwealth of \$285m, an amount which would be paid off over 138 years. Another concept of debt which is accepted by world financial institutions, including the OECD, is that governments drawing on the reserves of their own statutory authorities are actually borrowing.

This budget imposes for the first time a dividend on ACTEW of some \$5m. The idea of a dividend, Mr Speaker, is no more than a shallow device to avoid being seen as a borrower. So too is the demand placed on the Gaming and Liquor Authority for \$2m. In other words, the Government's borrowings are far more than they are prepared to admit.

We welcome the effort to cut the proposed \$62m borrowings by \$10.8m. Even so, the Rally identified the \$67.7m reserves set aside for payment to the Commonwealth for serviced land taken over on 1 July 1988 as a supposed debt which demands renegotiation. We attempted to point this out to the Government in our pre-budget submission, but like many other voices in the community ours too has been ignored.

I can only say to the Government once again that it must confront the Commonwealth and demand on behalf of the people of Canberra a much better deal. The other members of the Rally team will deal in due course with the Government's failure to tackle revenue measures such as betterment and the failure to address the ACT forestry issue with any financial logic. The ACT forests have large amounts of capital tied up in their management and produce an embarrassingly low return.

28 September 1989

This budget is clearly the product of a minority government attempting to preserve its shaky hold on power by trying to sell the electorate the idea that it is giving us a "steady as it goes" economic climate. But there are different ways of mortgaging the future. A deficit budget is one, and I congratulate Ms Follett for avoiding this easy but dangerous option. Yet in her zeal to do so she has clutched at a straw which may be nonetheless damaging. The budget's erratic notions of what we should be cutting back on and what we should be spending manages only to raise threats about the future of the ACT social conditions.

I note, Mr Speaker, that the Treasurer cannot do me the courtesy of listening to my speech about her budget. She thinks that mentioning the mere words "a balanced budget" will be enough to solve all our ills. It is not enough and, Ms Follett, I have to say that it is not good enough in this budget process. Ms Follett wants us to believe that social justice considerations are, and I quote her party's word, "paramount". We were expected to believe this during the consultation process on a draft budget, which was a straightforward attack on the future of our children, on our access to health services and on the employment opportunities for women. The force of this attack has moderated little, and social justice for women, the ailing and our children is becoming sadly more remote.

The so-called consultation process created a significant degree of anxiety and insecurity among the potential victims: the teachers and nurses facing unemployment; the children and the ill facing reduced services. In itself, this was a blow to social justice. Even if the threatened cuts had not taken place, that disruption to the lives and hopes of many people over the past few weeks did more than enough damage.

Despite a few cosmetic adjustments to proposed cuts, the damage will continue. The whole circumstances in which real social justice can be developed have been undermined. It is no use Ms Follett presenting the people of Canberra with neatly packaged descriptions of social justice initiatives when the real agenda is clear. It is no use her telling us about the coat of fresh paint she is going to apply to the kitchen wall while she is busily burning down the house.

Ms Follett attempts to justify her selective cuts to the two most important services in the ACT by referring to the imperatives dictated by an old and inappropriate set of Grants Commission conclusions. We can only wonder what the Grants Commission would have made of our ability to pay our own way in the light of the Commonwealth's plundering of our resources and its shonky financial dealings with the ACT.

More importantly, the Government's approach to overfunding is the kind of response we have come to expect from the

28 September 1989

Commonwealth political and bureaucratic financial wizards, and I make no personal reflection in that remark upon the under treasurer of the ACT and his excellent and cooperative staff. "Cut the services provided", they say, "but don't dare touch the bureaucracies controlling those services". The Grants Commission did not separate out the service provision costs from total health and education budgets and it did not conclude that overspending was isolated to schools and health facilities. I repeat, Mr Speaker, that only this Government, with some of its roots and power located firmly in a public service accustomed to a once-upon-a-time golden age of public spending, could react to the exigencies of reduced spending by insulating almost totally the ACT bureaucracies from any real cuts.

It is among other things a bureaucratic budget fashioned for the approval of ACT's bureaucrats, at political direction. As a result, the budget leaves the Rally with a more than sneaking suspicion that it is ultimately mechanistic and inhumane. Even where it appears to strive for a little humanity there are serious problems.

Before 11 May this year the Rally discussed with the ALP the possibility of forming a joint working arrangement. High on the list of the expressed joint concerns were the social justice initiatives we could jointly take in government. Perhaps it was no more than an early flush of enthusiasm on the part of the Labor candidates before they were given their factional instructions. I might add, Mr Speaker, whatever happened, they are a long way from their plans now and that must be evident to all in the ACT.

This budget is therefore a profound disappointment to the Rally. Social justice has been emasculated by finding it a niche within the bureaucracy. The Chief Minister's Department now has a social policy position. This is all well and good, but social policy imperatives exist already and are easy to identify. Women's health, mental health, youth homelessness, the absence of a proper regime of equal opportunity, privacy and antidiscrimination legislation are only some examples. There is no need for bureaucratic appointments and hierarchies to prod the social conscience which should already be there in this Government.

There are plenty of sources of information if the Government needs them. One of the most lucid documents we have seen in recent times is a community based response to a report to the ACT Housing Trust on the development of a youth accommodation program. In that report, youth workers themselves had pointed out that the ACT is the only State or territory without a central coordinating body for youth affairs; that is a significant problem to be addressed. So is the area of providing medium- to long-term supported accommodation, and so is the development, above all, of integrated programs for homeless young people who are drug or alcohol affected.



28 September 1989

Indeed, in July this year, the human rights commissioner, Brian Burdekin, drew attention to the fact that abused and disturbed children were being flick-passed from one crisis centre to another. The Government should accept it as a matter of great shame that Commissioner Burdekin was able to cite evidence of one Canberra refuge where, of the 160 young people who had been accommodated over time, few had received follow-up contact to find out what had happened to them, some were subsequently traced, and at least four were identified as having committed suicide within 18 months of leaving the refuge.

There are deep and compelling reasons why the Follett Government should have allocated more than \$150,000 for the youth outreach worker program to provide personalised information support and job planning services for long-term unemployed teenagers and youth with disabilities. The allocation of the \$150,000 is insufficient when compared with other materialistic projects approved in the construction budget.

A similar lack of conscience has been shown in provisions for psychiatrically ill alleged offenders in the community. What the Rally sought was a purpose-built facility for the mentally ill while they were being assessed and for mentally ill remandees. Instead, we have seen another cosmetic device - a 24-hour direct access service at Woden Valley Hospital and special accommodation being provided. Those accommodation arrangements were not spelt out. The Rally submitted very strongly that we should not grasp on to the existing stretched resources which were not purpose designed. There are very real practical problems of safe custody and proper facilities for assessment of the alleged mental health offenders.

In fact, building a mental health facility or converting existing facilities is a very high priority in the community. It has been called for by a variety of interest groups, including the courts and lawyers, and this would have been a positive aspect of a construction budget. Instead, money has again gone to less compelling projects.

Budget paper No. 9, Mr Speaker, the women's budget statement, which I assume Ms Follett sees as her chance to grasp at a small but unique role in history, is an important initiative which should be welcomed. We are pleased with aspects of the statement, such as the move to assist women's business enterprises to become established. We are well aware that women have been discriminated against in matters such as loan applications where, unlike men, they have been expected to bring their spouses in for interview and guarantees and assurances have been demanded of them which often no man would be asked to provide.

Women are still often thought of, in some circles, as having less business acumen than their male counterparts. Even so, we do not see much point in allocating \$150,000 to provide women with advice on obtaining finance. Banks and

28 September 1989

finance houses have begun to recognise the advantages of providing such services of their own, and the marketplace will dictate that more and more institutions follow the trend. Government spending is unnecessary, and we told the Government precisely that during the budget consultations.

We believe Ms Follett should look to the Victorian experience, where the Government agrees to underwrite certain business proposals by women. This should be progressively introduced here, initially in a pilot scheme involving government guarantees for loans provided by finance houses, rather than direct capital payments by the Territory. Such schemes provide real promise for the future of women in the Territory, but we are forced to ask again how much of Ms Follett's women's budget is any more than window dressing.

The women's budget proudly puts forward for all to see the positive steps this Government wants to take for women. The summary is just a little too convenient. After all, we have to remember that around 50 per cent of the school population and of the population requiring health facilities are women. Where are they accounted for in describing the budget's effect on women? Where are the lost jobs for those women working in health and education accounted for? Budget paper No. 9 refuses to come clean on what is being taken away from women. It does not allow us to balance the cuts, the reduced services and the lost jobs against the initiatives Ms Follett is spending money on and decide whether women are any better off. This fiscal sleight of hand smacks of the old paternalism which was practised by earlier generations of male politicians. It assumes that women should be protected from the truth and that they will willingly allow the wool to be pulled over their eyes; they will not. It is not only a shame but also a sad irony that Ms Follett has put this budget paper into effect.

The Government's treatment of our homeless youth is also open to question. (Extension of time granted)

The supported accommodation assistance program is a positive and useful step, even if its contribution to the problem is only partial anywhere in Australia. The ACT will, no doubt, benefit from contact with the Commonwealth and the States and all the resources and experience that they have to offer to the processes of planning and developing initiatives. But the Follett Government seems to be content to hang onto the Commonwealth's coat-tails and to make adjustments to Housing Trust policies only. We do not see before us in this budget any commitment to specific initiatives falling outside the supported accommodation assistance program from the Commonwealth and the provision of Housing Trust paternalism.

The measures announced by Minister Grassby yesterday in respect of relieving homelessness amongst Canberra's youth are, to the extent to which they come from her portfolio

28 September 1989

interest, welcome. But, of course, there is nothing that takes account of the special needs and differences that apply here, the climatic, social and economic demands that our homeless youth have to face. There is nothing, either, that takes account of the damage the Follett Government is doing elsewhere in its budget.

Youth homelessness does not exist in isolation. Some States are directing additional resources into education in the knowledge that, even in times of hardship, we must offer our children the means of escaping unemployment and homelessness through adequate education. The Government needs to do more, much more, in identifying and targeting our specific problems, not all of which will be answered by following where other governments lead.

Although I do not have the time to look at the numerous items of expenditure or reduced expenditure, let me mention one in passing, since it reflects the Government's basic ambivalence about social justice. Ms Follett expects our acclamation for the reprieve she has offered the Galilee Fostering Service. This she must do. Why else would she single out this relatively small expenditure item in a budget speech setting out her grand expected achievements? All that she has managed to do by extending Galilee's funding until March 1990 is to loosen the noose she has placed around the service's neck. Now it must somehow continue to operate, wondering whether that noose will be pulled tight again in six months. Yet, like our nurses, who must now live only with the promise that their future employment will be negotiated, Ms Follett expects Galilee to go on providing the same dedicated level of service. I am sure that it will do best in this morale damaging situation, but I am equally sure that it deserves to be free of the pressure of uncertainty.

If we cannot say that social justice and social services have improved or even held their ground as a result of this budget, we have to ask ourselves who benefits. Does anyone benefit, or are we all being asked to pull our belts in equally? If that were so, we might find some cause for accepting that overall the budget is necessary and responsible. But it is not so, and we do not need to look very far to see why.

Ms Follett tells us, again with a sense of pride, that even though she has achieved a lower level of borrowings than expected, it has not affected the planned increase of over 10 per cent in overall construction spending. What this means to the Rally is the selective and generous lining of Mr Whalan's portfolio purse. In other circumstances we might have taken this spending increase as some kind of Keynesian attempt to boost the economy, but we have learned to be more suspicious than that.

We find it curious that this pocket into which the money is going is the one in Mr Whalan's portfolio area where he has demonstrated an almost single-minded interest. Why? It is

28 September 1989

perhaps in the interests of some sections of the union movement to keep money coming in for construction work at whatever cost to the rest of the community. Or do we simply have a misguided knee-jerk response which says that because Canberra has ridden on the back of the construction industry in the past it should continue to do so without bothering to diversify our economic base?

We have our answers and I believe, Mr Speaker, that the voters of Canberra will draw their own conclusions. This budget's priorities make it very clear that on the agenda for Canberra is a city full of buildings - neatly kerbed, guttered and landscaped areas where people cannot afford to live and cannot get jobs because they cannot get the education in the first place. "Never mind", Mr Whalan will tell us, "let the unemployed, the homeless, the sick who cannot get treatment and the kids who cannot get into schools hitchhike out to the Bruce Stadium and fill their bellies on the satisfaction of another tax-sponsored victory".

We also have to condemn the lack of detail in much of the capital works program. We heard of the capital works program earlier in this week, a fact that seems little more than arrogance on the Government's part, especially relating to several items which the PDI Committee specifically requested the Government to review before it committed funds as it has done in this Appropriation Bill.

Indeed, in one of the budget papers there is an increased allocation up to \$6m in the community development fund for construction works, an allocation which was not put to the PDI Committee for review in the alleged consultation process. The Rally cannot accept the slavish manner in which the Government has adopted a number of items in the construction vote. We will be demanding much more input on several matters during the course of the Estimates Committee, of that I can assure the Government.

Of even greater significance is the reliance the Government has had on what seem like rubbery figures in the overall construction vote while a very precise and surgical approach has been taken to social welfare and justice cuts. This budget is, at its heart, not a budget for the people but a budget for Mr Whalan. It transparently serves his political interests and advances his idiosyncratic view of Canberra's future.

The pity of it is that, when this budget founders, not only will it threaten the security of many in our community but Ms Follett will, sadly, be saddled with the blame. We cannot help Ms Follett escape that fate if it arrives. The choice was hers to be persuaded by her deputy and we are on record as saying that we would not oppose the budget. We will not.

The Rally is committed to guaranteeing the welfare and serving the interests of the whole community. We do not

28 September 1989

accept that parliamentary measures in general and budgets in particular are a vehicle to serve the interests of any groups, whether they be unionists, bureaucrats, politicians or anyone else. This budget will be known as the Follett budget, even though it has several subtitles. We therefore find it a deeply disappointing contribution to the Government of the ACT.

**MR DUBY (4.00):** The first ACT budget is a great disappointment to members of the ACT community who expected the Government to more closely address the economic condition of the ACT than any Commonwealth Government had been prepared to in the past. Instead, while accepting the analysis my party has been arguing for the last two months, that the ACT economy is performing worse than that of the rest of Australia, as noted in budget paper 2, page 13, the Government has failed to take the macro-economic measures necessary to achieve economic recovery. This is particularly serious because the general economic environment will deteriorate progressively over the next year under the influence of the Federal budget.

Although it is extremely difficult to get a clear picture from the budget papers of the comparison of 1989-90 with 1988-89 and with the initial budget statement, it appears that the Government has increased total outlays by 0.6 per cent in real terms over the last year. The initial statement suggests a real cut in outlays of 2.6 per cent. This is far too weak a response to an economy which, in the most significant sectors, is already in recession. We have argued for an increase in real outlays of 6 per cent, requiring an injection of funds into the ACT economy of around \$90m to reduce the severity of the coming recession, mitigate unemployment and reduce bankruptcies of our businesses.

In our submission to the budget consultative committee we predicted that the growth basis of the budget of 1.5 per cent increase in the work force and 2 per cent in population would turn out to be far too optimistic. These, however, have been retained in the budget. If we are right and the Government is wrong and ACT growth is much lower than expected due to the contractionary Federal policies, the ACT Government will face a \$50m deficit by the end of this financial year rather than its proposed balanced budget. This will be caused by the drying-up of its revenue bases as the economy contracts. There is precious little in the budget to lead me to believe that the Government has the faintest idea of what we have been talking about.

In budget paper No. 2 the Chief Minister talks as if countercyclical spending by Government is a luxury we cannot afford. I quote from that paper:

A group of responses to the initial statement have suggested significantly higher levels of ACT spending to offset the current downturn in the ACT economy.

28 September 1989

This, the Chief Minister says, would of course be welcome if it were possible. Let me tell the Government that countercyclical expenditure in this year is not a luxury but an absolute necessity. It is an investment in the ACT economy which will reap large dividends in the future by maintaining the growth and vitality of the ACT economy and not allowing it to fall into a hole out of which it could take years to crawl.

The Government has chosen not to respond to the contractionary forces in the economy. This must make the reduction in economic activity worse and the Government tax take lower, with inevitable cuts in vital government services the result. The Government argues in budget paper No. 2 that it would be foolhardy to spend funds held in reserve before an agreement with the Commonwealth is reached. Let me say that my submissions to the budget consultative committee listed nine measures by which over \$120m could be raised to fund a countercyclical budget strategy whilst maintaining a balanced budget. Not one of these measures is foolhardy or irresponsible.

To await the Federal Government's pleasure in responding to the urgent needs of the ACT when we are facing mass bankruptcies and a doubling of unemployment is, to my mind, the height of foolhardiness. The fact is that the bulk of the funds which could be used to maintain activity are already in the hands of the ACT Government in the form of surplus funds set aside from 1988-89 to pay the Commonwealth for serviced land transferred to the ACT. There is no timetable set for such payments, so it is perfectly reasonable to use a substantial part of this reserve in the interests of the ACT economy and to dictate the terms of repayment to the Commonwealth.

By rejecting the approach that my party has proposed, the Government has revealed its commitment to social justice to be very hollow indeed. In a macro-economic sense it is standing by and allowing the economy to collapse into a recessionary hole. This means much higher unemployment, greater hardship for families in this high interest rate environment, loss of homes, a contraction of vital government services and businesses going broke.

We make these comments not from an uninformed standpoint but from comparing the performance of other States in this difficult economic climate. We have found that the other smaller States have adopted similar approaches to what we have been urging on this Government. Queensland, for example, has brought down a budget which increases outlays by 10.3 per cent, compared with the ACT's 8 per cent. And the Queensland economy is much more buoyant than that of the ACT. South Australia has adopted a similar policy.

Let me now turn to the particular matter in the budget where I believe the Government must consider reversing its policy. The Government decided not to take up its full

28 September 1989

allocation of loans under global new money borrowing limits imposed by the Commonwealth at this year's Premiers Conference. Budget paper No. 2, page 59, says:

The ACT Government intends to limit its borrowings to \$28.7m, which is 27 per cent less than the approved global limit.

This is extremely dangerous, because as soon as the Commonwealth sees that the ACT does not need such a global allocation it will withdraw it. The allocation has already been slashed at the Premiers Conference from \$50m and this was easily the lowest per capita in Australia, some half of Tasmania's borrowings per capita and about one-third that of the Northern Territory.

It would be far better to borrow this extremely small amount of funds to help to retain the economy's capacity to meet the needs of the community in very difficult economic circumstances, and certainly not to give another opportunity to the Commonwealth to slash ACT funds as it did by repudiating its real terms guarantee at the Premiers Conference. The impact on future budgets of servicing this sum is negligible but the need for the funds now is extremely great.

A point should be made about the budget papers. The Government and its Administration are to be congratulated on the improvement in the papers from last year. These papers are developing into a good set of economic documents. However, compared with the steps that the other States have taken, we still have a long way to go. Aggregate expenditure is difficult to obtain from the papers and to compare with the previous year, the initial statement and the forward estimates. Various categories of capital expenditure have no comparable previous year's figures to indicate a trend.

Crucially there is no estimate of gross State product, as in some State budget papers such as those of Queensland, and therefore no information on what the expected level of private investment will be. There is little discussion of the impact of the Commonwealth budget on the ACT and no quantification of the likely rate of economic growth, apart from population and work force growth estimates.

Very importantly, in terms of monitoring the Government's estimates, there is no commitment to releasing ongoing information on government expenditure and revenue against the budget forecasts. I suggest that this could be done in the Government's excellent publication, the ACT Economic Report, which is published quarterly.

All in all, Mr Speaker, my party basically has three beliefs about this budget and its policies. To copy national economic policies is grossly irresponsible. To ignore the present realities and act as though the ACT will again ride the storm as it has in the past is a gross

28 September 1989

misunderstanding of the current and future situation and an abrogation of government. To accept the budget legacies of the ACT as if we were still a department of the Commonwealth, with a little embroidery, is tantamount to fiddling while Rome burns.

This budget and its strategy is really the worst possible response to the current economic conditions. It is contractionary and it will lower economic activity. All in all, it is not a budget that I would have assumed would be put out by, of all things, a Labor government, but nevertheless it is Labor's budget. Whilst not happy with it, my party will not oppose the budget and I just hope that the forecasts that we have made do not actually come about, because I do not think the budget will do much about it if they do.

**MR STEVENSON (4.09):** Mr Speaker, this is a deficit budget. An injection of funds into the ACT economy would be similar to the injection of heroin: it feels great for a while, but sooner or later you have to come back to earth and look at the dire consequences of that action. Making the people of the future responsible for debts incurred in the present is the type of financial policy that has placed Australia and the States in their current debt situation. That same policy is like being hooked on heroin - you do not get off it. It is a never-ending debt treadmill.

In the ACT the people did not want self-government, basically because they were concerned about increased charges and taxes and with good reason, as the first budget proposal shows. What will happen is that budget borrowing will escalate, year after year after year, as it inevitably does. It is vital in the ACT, in a founding government, that we do not put this place and the people of Canberra into hock, into debt. It is essential that we keep in mind the logic of "you pay as you go". The idea of expenditure for capital works has been mooted, that it is perfectly okay to borrow for them, but who says the people of the future want to pay for the decisions of the present, which can be shown, and which have in the past been shown, to be the mistakes of the present?

The other major area that we need to look at in this Assembly is the proper allocation of economic responsibility for the Australian Capital Territory. And it is not called the Australian Capital Territory without good reason. This is the nation's capital. The majority of things that happen here and the planning and development that went on here to turn this into the national showcase were done because it is the capital.

The people of the ACT should not be expected to pay for these grandiose planning ideas. Let me give an example: the Y plan, which encouraged the spread-out development of Canberra. It may look great, it may be nice to live within, but it is not typical planning. It was done specifically for the nation's capital. The costs of this



28 September 1989

in extra schools, extra roads, extra transport and various other things are now expected to be borne largely by the ACT people with no fair Federal Government responsibility. That is not on.

In addition, the people in the ACT are apparently expected to pay for the use of a number of our services by people in New South Wales, particularly in south-eastern New South Wales, in the educational and medical areas.

**A member:** That gets covered.

**MR STEVENSON:** Not in full. I do not feel there has been a fair apportionment in these areas. We are also told that the Grants Commission has covered the responsibilities of the Federal Government. It has not done that. There has not been specific and basic allocation of funds to cover Federal responsibilities. Far too much has been put on the people of the ACT.

Let us have a look at what is going to happen in a few years in Canberra. When the Federal Government funding, the special funding, cuts off or diminishes - and who knows how soon that will be, as the Federal Government has already shown it cannot be trusted with its promises - we will have to either find more money or make drastic cuts. We should not wait until that time. We should take due planning; we should run a surplus budget. There is a far better case to run a surplus budget than a deficit budget.

The money that comes into the ACT will come from two areas basically - obviously the ongoing grants from the Federal Government in the future and also the money produced within the small business sector. We all acknowledge that the small business sector needs to be encouraged, but where is the encouragement of small business in this budget? We need to encourage small business. It is not necessarily that we need to do something for them. Basically it would be an advantage in a lot of cases if we stopped doing things to them and let them produce and get on with creating jobs.

Another area we need to look at is the public service. We need to encourage efficiency, productivity and excellence in the ACT public service. There is no mention in the budget speech of efficiency; there is no mention in the budget speech of performance enhancement. There was a mention of productivity - it was on page 8 - and it talked about a delay in the introduction of productivity savings in high schools and colleges.

I would suggest we pay more attention to using the wonderful resources we have in the ACT public service. Perhaps we then would not need to be so concerned about using consultants. I suggest an award scheme to give financial bonuses for public servants at whatever level so they can be encouraged to make suggestions on how to improve the financial performance of the public

28 September 1989

administration and to supply better quality services at the same cost and staffing levels. There is an abundance of talent within the public service. Our responsibility is to allow that talent to be used, to encourage that talent.

Before the budget was brought down we were told that public consultation was operating. I commend the principle of public consultation, but did we get that? I suggest not. I believe that basically what we got was a typical consensus of big business, trade unions and token community representation. If there had been any truth in the suggestion of public consultation, for a start the Chief Minister should have invited me into the consultative process. That was not even done. I suggest that the suggestion of public consultation, community consultation, is basically untrue.

What we need to do is balance the budget. With the Estimates Committee we can look at things that need to be done. Cuts will have to be made sooner or later. Like heroin, the later they come, the harder they are to make. We must, as the Capital Territory, ensure in all ways and by using all avenues that the Federal Government accepts its responsibility for setting up the Capital Territory as the nation's capital and then forcing many of the payments for it upon people who live here. It should not wait for the Grants Commission next year. That is an absolute nonsense. Writing one or two letters to the Prime Minister is not the answer. Let us take some action. Canberrans should only pay for what is rightfully their responsibility.

**MR HUMPHRIES** (4.19): Mr Speaker, Canberra's first budget after self-government should have been an opportunity to set the ACT on a course that will lead to a sound and financially viable and prosperous future for the people of this Territory. Indeed, as we said during the campaign, we have to get it right from the start. But the fact is, Mr Speaker, that this budget is, as the Leader of the Opposition has pointed out, in all respects a wasted opportunity.

I am going to restrict my remarks to the areas of health, education and welfare and show in those areas how much of a wasted opportunity it really is. This minority Labor Government is relying heavily on a public relations stunt to boost its credibility, and that stunt is very much part of this budget. Public relations stunts particularly include the budget consultative committee. The fact is that the whole process was nothing more than a sham. The Government is attempting to say that it has backed down on cuts in health, education and welfare as a result of the budget consultative process.

There are two comments to make in respect of that. First of all, when I look at those so-called backdowns and at the way the debate was orchestrated in this sort of area, I have to confess to a very strong suspicion that much of

28 September 1989

this retreat, much of this backdown on the part of the Government, was pre-planned; that the cuts being made were very specific; that they were intended in many respects to be reversed; that the Government knew perfectly well that there would be public outcry in certain areas and that it was only going to gauge the depth and the strength of that public outcry before deciding to implement its plan to reverse those particular cuts. Which of course leads us inevitably to the view that the Government was not really listening very hard during the budget consultative process; it was not really trying to determine what people thought. It was merely trying to see whether its predictions about public reaction to its cuts would be borne out. And of course they were.

This raises questions about what happens in future years when this kind of practice is followed, should we be unfortunate enough to be inflicted with a Labor government in future years; what happens when we follow the practice of seeing how loudly particular groups cry out before cuts to the proposed areas are to be reversed. The message is very clear, and I think a commentator made a point the other day: if your area is to be cut and you are invited to make a submission to the budget consultative process, call out long and hard and often and your cuts will get reversed. That is, of course, assuming that they had been planned to be implemented by the Government. But, for goodness sake, do not lose the opportunity because it might have been scheduled to happen and if you do not cry out loudly enough you might miss out.

The other thing to say about those so-called reversals is that the public should not be hoodwinked into thinking that cuts to these key areas have been in fact fully reversed by the Labor Government - not by a long shot. Education cuts proposed in this budget are still substantial. The Government had proposed cuts of almost \$3m this year and almost \$5m in a full financial year. The cuts now total some \$3.6m in a full year, still very substantial. Concessions announced in the budget total just \$635,000 in this area. People in education must remember that Labor is still proceeding with the bulk of its cuts, particularly in the area of preschools.

Expenditure on community services and health, on the other hand, will increase in actual terms by just 3.2 per cent. That represents a substantial decrease in real terms. Now, the most galling part of this whole process is not so much that the cuts themselves are occurring, hard as that may be; what is galling about it is that during the election campaign in the early part of this year the ALP, to put it bluntly, fibbed about the extent of its proposed budget cuts and fibbed about the extent to which it would reduce services to the people of the ACT.

It said, often and loudly, "Trust us. We're the Labor Party. We won't cut your services. We won't reduce the quality or the quantity of services which we are currently

28 September 1989

providing. Not us. The Liberals will do it. But trust us, the Labor Party, not to do that". The speed with which the Labor Government reversed that policy after coming into government leads me to only one conclusion and that is that it knew full well from the very outset that the economy of the ACT would have to sustain certain cuts; it intended to make them but realised that the promises made during an election campaign would be non-redeemable - that people would not be in the position to hold them to account for that until far too late. I have to say that if people do not learn a lesson from that for the next election they will be very foolish indeed.

There have been a number of backdowns on initial budget cuts totalling some \$1.05m in the community services and health areas. However, quite substantial cuts will still go ahead. Substantial rises will still take place in the form of, for example, charges for private hospital beds in public hospitals - very substantial increases. As I have said before, there is also to be an ambulance tax for people with private health insurance. So much for the promise that individuals would not face any increases in their personal tax levels as a result of a Labor government. These two measures by themselves will add \$50 a year to the average cost of private family health insurance in the ACT. That is appalling, Mr Speaker.

In the welfare area, cuts totalling some \$352,000 will go ahead in relation to organisations such as Barnardo's, the Richmond Fellowship and Marymead. Of course, there are also cuts to the Galilee Foster Parents Scheme, even though these have been postponed for some six months.

Mr Speaker, I want to remind this Labor Government about some of its election commitments, once again. Let us look at its election commitment as set out in the document, Policies for a Fairer Canberra, launched on 14 February this year at the Canberra Theatre by the Chief Minister. On that occasion, in respect of community services she said:

Community services will be an essential part of the ACT Labor Government's commitment to the ACT being a fair society.

A fair society, Mr Speaker. It all sounds very laudable, but the fact is Labor's achievement in the area of community services has been abysmal. We find organisations like Marymead, Barnardo's and the Richmond Fellowship facing severe cut-backs and difficulties. In the case of Marymead, the director, Anne Burns, has said and I quote her words:

I think the Government is just trying to save money in some area and they are targeting the most disadvantaged groups. It is past disappointment. I am quite angry. There seems absolutely no justification for the cuts at all.

28 September 1989

She went on:

The hard fact is that as a result of these cuts when emergencies happen we will have to say, "Sorry, we can't take you in". We are talking about abuse and neglect. I'd like to know who will be looking after the kids we are looking after because there are no alternatives.

Now, bear in mind, Mr Speaker, those promises by the Government, relying on the good faith that Labor had built up, supposedly, over the years, not to cut into areas of community services.

We also find that groups like CANA, about which there have been some questions in recent weeks and which provide accommodation for those homeless young people who cannot be accommodated in other centres, are totally unfunded under this budget. What kind of record is this for a Labor government? In education we find preschool cuts going ahead despite Labor's election promise to abolish the preschool fee and not to seek to make up lost revenue through education cuts. That promise clearly, Mr Speaker, was not worth the paper it was printed on.

I want to quote what the then ALP education spokesman, Bill Wood, since demoted, told the ACT community during the election campaign. I am quoting here from the document, A Policy Statement by Bill Wood, spokesperson on education on behalf of the Australian Labor Party, Australian Capital Territory, 25 January 1989. He said:

Labor is committed to maximising preschool attendance and will implement the following policies to achieve this:

1. Abolish the current preschool fee -

here is the good bit -

guaranteeing that there will be no loss to the education budget as a result.

And what has happened? Precisely the opposite. Perhaps, Mr Speaker, we ought to have Bill Wood back as our Education Minister. The fact is that during the election Labor made it clear that its education policy was based on the education budget remaining constant. That has not happened.

I want to make mention of some of the promises that the Labor Party made in the area of health. It promised to keep Royal Canberra open; that remains to be seen. It promised an expansion of community health services and it promised that health would be a top priority for a Labor government.

Debate interrupted.

28 September 1989

## ADJOURNMENT

**MR SPEAKER:** Order! It being 4.30 pm, I propose the question:

That the Assembly do now adjourn.

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

Question resolved in the negative.

## APPROPRIATION BILL 1989-90

Debate resumed.

**MR HUMPHRIES:** The Labor Party promised a number of things - expansion of community health services, and that health would be a top priority for a Labor government. Now, of course, we see that this top priority is to be cut as well. The point is, of course, that Labor has in a whole range of areas failed to keep its election commitments.

Another promise was drawn to my attention today, of which members may or may not be aware. In its manifesto, the ALP made a promise about an international arts festival. I quote from the ALP's draft budget, its pre-election budget:

An amount of \$200,000 has been allocated to fund the development of an arts festival around Floriade.

I gather from that that the Government has promised to spend extra money on building an arts festival around Floriade, not that it will spend the same amount of money it was spending previously on Floriade. It promised to put in \$200,000 that was not there before. And what is happening in the arts area? Actual expenditure in 1988-89 was \$2.502m; the 1989-90 estimate is \$5.106m. There is a cut of \$400,000 when the Government had promised an increase of \$200,000 - another promise gone out the window.

This has been a budget of wasted opportunity, as I said, and I think I can best express it this way: if in the lead-up to 1991 when the special Commonwealth funding which has been promised will be cut off the ACT in that period has to face one or two more budgets of the kind that was handed down this Tuesday, we will be in a very sorry state; in a calamitous position. This raises the question: if these issues are important, as of course they are, why has the Government not addressed them now - not in the next budget or the budget after but now, in this budget? I think Mr DUBY best summed up the sentiment of this budget when he said that this Government is fiddling while Rome burns.

28 September 1989

**MR JENSEN** (4.33): Mr Speaker, I rise in this debate to speak briefly in support of my colleague Mr Collaery. Also, I understand that my colleague Mr Moore will either be speaking today or in the detail stage about the cuts in education. The Rally supports the comments made by Mr Humphries in relation to the concern about the Government's cuts in education. I will comment on that a little later in my speech. Today, however, I want to talk about an area that concerns me and one or two of the specific items of the budget that fall within my area of interest and responsibility.

First, Mr Speaker, let me refer to the matter of betterment tax. If we look at page 15 of budget paper No. 4 we will see that the estimated revenue from betterment tax in this financial year is \$3m, and if we look across in the column next door we will note that the betterment tax from the last financial year was also \$3m. There has been no consideration, I would suggest, even for the possibility of inflation in this figure, and certainly in no way in the world does it take into account Labor Party policy to which my colleague Mr Humphries has already referred.

Let me refer to and refresh the minds of the members of the Government on their policy in this particular matter:

A major revenue initiative is to increase the maximum rate of betterment tax from 50 to up to 100 per cent and to improve the enforcement of the tax.

The next sentence is the crunch line:

This will provide an extra \$4m to the ACT community by ensuring that capital gains from lease purpose changes granted by the ACT Government are available to the community.

In case there is any worry, Mr Speaker, members opposite will see quite clearly that I am reading from an actual copy of their policy document, so no-one can say that I am making it up.

**Mrs Grassby:** Isn't it a wonderful policy?

**MR JENSEN:** Mrs Grassby says that it is a wonderful policy. Well, the Government certainly made no attempt to introduce it into this particular budget. So one has to wonder why the Government has decided to wimp on this issue. Now I have it on reasonable authority that the Government's attitude to the matter is that it is all too complicated. It is all too difficult, it would seem, to work out the necessary arrangements.

But we have here a budget that is prepared to cut some \$4m from the education system. I wonder whether those teachers who will not be working next year in the system that they

28 September 1989

are currently used to will agree that the Government has wasted its opportunities to make meaningful changes to that area of revenue which has drawn many critical comments. Some of these criticisms have come specifically, I might suggest, from one of the Government's own Federal members who sought to have this matter redressed in a report that he brought down in the Federal Parliament. I refer, of course, to Mr John Langmore. I understand that the report is yet to be debated or considered by the Federal Parliament.

That was the sort of attitude that the previous Labor administration had to this particular issue. It seems to me that there is ample information available to the Government to enable it to get on with this very important job of increasing its revenue from this area and possibly, I would suggest, helping to reduce some of the cuts that we now find being put upon the people of the ACT.

I would now like to move on and draw attention to the industry and commerce program of expenditure. In summary, therein we find reference to a major projects group to assist in the fast tracking of new business proposals and an industry assistance scheme. Let me say, before anyone suggests otherwise, that the Rally fully supports schemes that will assist and promote investment in the ACT. But we are concerned that any proposal to fast track projects does not result in projects being approved or land being allocated before proper planning considerations and the public consultation processes are observed. Had we had the sort of planning appeals processes that I would suggest are important and that the Rally believes are important, the problems that we are having from an environmental point of view in relation to the so-called National Aquarium would not have taken place.

In the past administration there was no provision for proper appeals against that particular process going ahead. The maintenance of a well-planned, pleasant environment is a real asset that Canberra has in trying to sell itself as a regional centre and as an attraction to enterprises considering locating here. This will become even more important once the VFT project is under way and population pressures are increased.

Canberra can offer a pleasant lifestyle and natural environment, a minimum of traffic hassles and proximity to the Federal Government. Also we are right slap bang in the middle of the major urban area of this continent of ours. We have all the facilities of a modern, vibrant city, and it is important that we should continue to attract businesses and tourists to the city. However, we have to make sure that we do not perpetuate the sorts of problems that have been experienced by some businesses in their attempts to set up operations in the ACT.

I will refer briefly, Mr Speaker, to two such particular actions. In one case an American company was prepared and



28 September 1989

keen to set up its operations here in Canberra. However, what did it find when it got here? It found a myriad of red tape, confusion, and problems associated with seeking to get this particular business enterprise established. The company looked at two other areas in Australia - at Campbelltown and Albury-Wodonga. That particular company ended up going to Albury-Wodonga because it very quickly eliminated the ACT as a suitable area in which to operate.

**Mr Whalan:** Give us the name.

**MR JENSEN:** I will in due course, Mr Whalan. The other case was that of a businessman who spoke to us at a meeting. It was not just members of the Rally who were present at this meeting; there were other members there, including, I recall, Mr Wood. At that meeting this businessman indicated to us that he had set up business in the ACT, but golly it was hard and tough; it was a long, rough row to hoe through the various bureaucracies and he would never go through that again.

That is the sort of thing, Mr Speaker, which the Rally trusts the Government's program in this area, which we support, will address. For that reason - the need to develop this area as a vibrant regional centre - the Rally supports the increased budget allocation to tourist promotion. However, there is one very important factor in relation to promotions, any promotions of any sort. There is not much point in pouring thousands and thousands of dollars down the drain without making sure how effective that particular program and policy might be. The Rally would hope and trust that the Tourism Commission would look very carefully at its program for assessing the effectiveness of the various programs and promotions that it has to bring people to this city of ours.

Mr Speaker, I return to the underlying concern the Rally has about capital works and business proposals - that is, that all such alterations to the built environment in the ACT should be preceded by proper planning processes. We have heard much from the Government about the need for proper planning processes and proper community consultation. However, I searched and I searched in vain in the budget papers for any proposals, any money, or any funds being set aside for a planning appeals tribunal. I looked in the section on the Administrative Appeals Tribunal, which I understand the Chief Minister is suggesting may be an area where it could go, but there was no provision there for allocation for that organisation. Nothing at all. So, one has to wonder, Mr Speaker, when this appeals planning proposal is set up, where the Chief Minister is going to find the money to establish it.

The Rally, Mr Speaker, as my colleague Mr Collaery has already said, is deeply concerned about the number of programs that come under the auspices of the Minister for Industry, Employment and Education. We are not opposed in any way to the legitimate aims of construction contractors,

28 September 1989

builders and associated unions who maintain a consistent, ongoing program of building works in the ACT, but the people of the ACT are entitled to ask why this should happen at the expense of our children's education and our run-down health service.

These matters, particularly in relation to the capital works program, were noted by the planning committee's assessment of the capital works. We heard here yesterday, I believe, the Chief Minister say that no substantive recommendations or changes came out of that particular report. Mr Speaker, I dispute that, as does the Rally, and I am sure my colleague Mr Kaine does. There were proposals for amendments and recommendations to make some changes in that particular area.

One was a suggestion that the Government reconsider its proposal to commence operations in the building of the Theodore Primary School this particular year. We in the valley all remember that the Calwell High School remained unused for a period of 12 months because of problems associated with the number of people being available to go into that particular school. For 12 months very important assets were allowed to be idle.

Let us hope, Mr Speaker, that this does not happen in this particular case. I am sure the Deputy Chief Minister, who holds the education portfolio, will ensure that that does not happen again. Once again, I urge the Chief Minister to reconsider that particular matter. The costs associated with that program could possibly go some of the way to providing some of the immediate recurrent expenditure programs associated with the education system in the ACT.

Another thing, Mr Speaker, is that we do not have a full run-down on the costs to the ACT taxpayers associated with the Civic Square project. This is a major development, yet the people of this Territory are not being informed of all the processes and costs involved. In fact, Mr Speaker, I seem to recall that when the advertisement for the Civic Square project came out there was a particular provision in the advertisement that said, "If you put in a tender, my friend, you have to keep it under wraps. If you miss out, tough; no-one else can have a look at it. You cannot provide information on what you are proposing to do at all". It becomes the property of the Government and is never to be released again, Mr Speaker.

It is an incredible arrangement. One has to wonder why the Government is prepared to put this in that sort of tender document. One always has to wonder, I would suggest, when people are asked not to release information on such matters, what the Government has to hide.

I notice in the budget papers that the relocation of office workers from the North and South buildings will cost in the region of \$10m. Let me repeat that, Mr Speaker. The cost of relocation of office workers alone from the North and

28 September 1989

South buildings will cost \$10m. That may seem a trifle extravagant, I would suggest, in the light of teachers' jobs being cut. I noticed that my colleague Mr Moore, in fact, raised the issue with Mr Whalan this afternoon and he responded, I would suggest, in a slightly jocular manner.

Mr Speaker, we could go much further in looking at individual items in the budget, but it is, after all, a Labor budget, and a Labor Government will have to live with the disapproval of the electorate. For our part, we will continue to ask searching questions in the Estimates Committee and the other important committees in this house.

I see that I have a few moments left, so I will briefly comment on one particular aspect that is very important to the Rally. In fact, Mr Speaker, we noted the comments by the Liberal leader, Mr Kaine, about the figures on page 19 of budget paper No. 2 regarding the severe downturn in retailing in Canberra compared to the rest of Australia. The Rally shares these concerns. If one examines our own policies for business, one sees there is a clear understanding of the problems associated with small business in this particular city.

One of the major concerns of small business is the degree of the slope, if you like, towards the shopping centre managers and building managers and owners, away from these hard-working, small operators, many of whom operate family businesses and are the backbone of the private sector, particularly in the tourist industry.

The proposal by the Rally to have this matter considered by a select committee was the fulfilment of a promise to these many family businesses to give all sides of the business sector an opportunity to operate on a level playing field. We acknowledge, Mr Speaker, that many of their problems are related to high interest rates, which are beyond the control of business. They are related to the problems of the Federal Government, which is slowly squeezing the people of Australia. However, following on from the problems of small business, Mr Speaker, the Rally notes the commitment - - -

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

**MR STEFANIAK (4.48):** I will confine my comments, Mr Speaker, to a number of specific areas. There are certain aspects of the budget which are indeed positive and other aspects which certainly are not. I will deal with a couple of points raised by Mr Kaine and perhaps elaborate on them. I share the comments raised by other speakers here today in relation to this budget.

Mr Kaine referred to easy, trendy issues, and there are a number of points in the budget where moneys are to be spent in forming certain units, certain sections, certain groups of people, which I think could be quite adequately handled by public servants already in place. There are some areas

28 September 1989

there perhaps which I could indicate. For example, I know \$50,000 is to be spent on the women's employment strategy. Surely that is something that current public servants would be well able to do.

Moneys are also to be spent in certain areas supposedly to assist people in certain business enterprises, for example. I note \$350,000 was proposed to be spent assisting business enterprises. I have spoken to a number of people in the private sector and they see that really as a total waste and not what is needed. Business needs other types of incentives. The vast increase in commercial rates, for example, is very much a disincentive to business. Money being spent to assist business enterprises such as that \$350,000 really goes nowhere.

I see also mentioned a women's enterprise service, and \$150,000 is to be spent on that. A lot of money has been poured into such systems in the past to assist people to start businesses. Most of those businesses have not succeeded, and, effectively, good money has been really poured after bad there. I think that is not necessarily money well spent. I note \$100,000 is to be spent on conflict resolution. That appears to be a positive thing, Mr Speaker, which can perhaps end up saving the community money, and I would regard that as being a good expenditure of money.

I am concerned at cuts to certain bodies such as Galilee, Barnardo's and Marymead, institutions which provide a very valuable service to this community. The moneys would be proposed to be spent in other areas - again, in the social welfare area - and there is no guarantee that those moneys would be well spent. Those tried and proven bodies such as Galilee, Barnardo's and Marymead are very deserving of support.

Another area, I think, which this Government, and indeed any government in the ACT, really has to look to in terms of future budgets is Federal funding. Mr Kaine has indicated that the funding stops in 21 months, and I really think it behoves this Assembly to carefully examine, over the next few months, exactly what the Federal Government is paying this community for use of facilities and what it is not. I am sure there are additional costs and additional funds we can get from the Federal Government for use of ACT facilities.

I note in the sports budget that \$1.6m was to be spent on an indoor netball facility. I understand that netball facilities are already available at the AIS, Dickson and Fyshwick. Indeed, if money is to be spent on a netball facility, I think that should be made a multipurpose facility so other sports can use it. Although it is not clear from that particular item, I would hope that, if that money is to be spent on that facility, it can be used by other sports as well.

28 September 1989

Mr Speaker, I come to housing. I wish to raise a couple of points here. Indeed, I wish to finish in relation to one particular initiative the Government has taken. Firstly, I note the Government is attempting to redress the problem of youth homelessness, and that is indeed a very serious problem, identified as such nationally and certainly in the Territory, and one that, through my dealings in the courts and work in the courts, I am quite familiar with in terms of seeing some of the unfortunate end results of youth homelessness and youth who do not have a stable family support system.

I am concerned that the Government may be going about this the wrong way. There are a number of schemes in Canberra whereby homeless youth can live in a situation where there is effectively a houseparent to tender to their needs. I am a little bit concerned at an emphasis being put on enabling 16- and 17-year-olds to be put into accommodation with their peer group without a guiding hand and the guiding assistance which they so desperately need, because if 15- or 16-year-olds have to leave home they need support, and they need mature and helpful support.

I see that there is some provision made for that, but I would indicate to the Government that that is a preferable way to go, where there is a responsible guiding hand there to help disadvantaged youth. Perhaps putting a group of disadvantaged youths together in a house by themselves, without any guidance and assistance could be fraught with danger. Indeed, I have seen some rather tragic after-effects of that in the past.

It is very pleasing to see that, after having nothing about private housing, after having nothing in relation to assisting first home buyers, this Government has finally taken notice of Liberal Party policy which we have had since before the election and indeed which we announced and which is still a motion, I believe, before this Assembly. That is the abolition of stamp duties for first home buyers. It is good to see the Government has taken a step there. It is certainly about time. They appear to have done a bit of a plagiarism on Liberal Party policy there.

Unfortunately, there are still a few problems. They have not quite got it right yet. I note that first home owners will not have to pay stamp duty on homes up to \$90,000, and I believe there will be a means test for homes between \$90,000 and \$107,000. That will cover most first home buyers. I would think the figure of up to \$90,000 probably covers at least 50 per cent and possibly higher. If you take the sum up to \$107,000, that will probably cover 80 or 90 per cent of first home buyers.

However, the Government proposes to administer that scheme and set up a rental bond trust, set up a fidelity guarantee fund administered by the Government, and put it into an ACT trust fund. I note on page 7 of the housing review, which goes into more detail than the actual budget papers do on

28 September 1989

the scheme, that there are a number of points there. There is nothing on page 7 to indicate how the scheme is to be funded.

I noted in the Minister's press statement a vague reference to \$2.5m as revenue, and indeed, in the figures I looked at in relation to a fidelity guarantee fund, we are looking at figures in the vicinity of \$2.3m or \$2.4m, but she does not actually say how it is proposed that that figure will be raised, which will certainly more than offset the cost of providing exemption for first home buyers.

Again I would counsel the Government that the way it intends to set up the rental bond trust and the fidelity guarantee fund is a lot more expensive than the proposal the Liberal Party has put forward and indeed would put forward to any committee of this Assembly. I gave brief details of the proposal in summary form to, I think, a member of Mrs Grassby's housing department who sought it.

Basically, we would see the need for a fidelity guarantee fund to be set up and administered by the industry; we would see the need for 80 per cent of the minimum quarterly balance held in trust accounts for agents of their bond moneys and 100 per cent of bond moneys for other bodies to be invested in the fund and deposits held under contracts of sale; 35 per cent of the agents' minimum quarterly balance and 35 per cent of each individual's deposit also to be invested in the fund.

On the figures available to us from the Real Estate Institute, an industry-run fund would only spend five per cent of its interest in administration. Fifty per cent could be easily spent for stamp duty exemptions for first home buyers and in the percentage break-up, that includes for the initial years 35 per cent of the income derived being poured back into the fund to enable a build-up.

That is a self-funding scheme which does not involve any expense and does not involve increasing the bureaucracy. It can be run by the industry. I would submit it is far more efficient than what is proposed by the Minister for Housing and Urban Services in her housing review. Those are the points I wish to make, Mr Speaker, in relation to this matter.

**MRS GRASSBY (4.59):** Mr Speaker, when I get up in the morning, I think, "What a genius of a Treasurer we have to have come up with such a wonderful budget". I mean, every time I read it, I am absolutely amazed that she should have come up with such a wonderful budget - of course, with the help of the under treasurer, who is sitting here in the house at the moment.

I feel very proud of this first Government that it has come up with such a budget. Not feeling too humble myself, I think the housing part of the budget was also wonderful. It is not possible to do everything to please everybody,

28 September 1989

but we have taken some hard decisions. Particular attention has been given to improving our environment, to maintaining our efficient transport service, to enhancing public safety and to continuing to develop our recreation facilities.

The sum of \$360,000 is to be used to develop a new recycling centre in Tuggeranong. To listen to Mr Jensen - he is not here - and Mrs Nolan, anyone would think there was only one place in Canberra. Of course I have to say that the Deputy Chief Minister feels the same way. But there are other people who live in Canberra in parts other than Tuggeranong. We have taken very good care of Tuggeranong.

We will be spending \$287,000 to improve visitor facilities at the Jerrabomberra wetlands, to allow a better understanding of and respect for the local environment. Facilities will include paths, bridges and birdwatching hides. As part of a broader program to promote the use of trees for shade, soil stabilisation and correcting salinity, \$50,000 has been allocated for community tree planting programs.

The Government has a strong commitment to public transport, to meet transport needs, improve social justice and reduce pollution. Forty-nine new buses will be ordered to replace part of ACTION's older fleet. We have even built a new bus station - at Tuggeranong, would you believe? An extension of express route 333 services has already been put in place so that people from Tuggeranong can be in Civic in no time at all. We have also made sure that buses are operating in new areas before all the houses are built, so that we can encourage people to use the good transport system they have out there.

The budget includes major road construction. It will provide \$10m for further expansion of the Eastern Parkway to provide more effective transport from the southern suburbs. There again, more for Tuggeranong! I think we should all move out to Tuggeranong. Whilst we can continue to invest in more complex engineering solutions to road safety problems, we must also provide education. I am pleased to be able to take the initial step this year of allocating funds for a new year 10 pre-licence driver education course and a compulsory motorcycle rider training course. The training of new drivers is an investment in the future.

One project which I know will give a number of people greater assurance about their safety is the proposal to install emergency telephones on the Tuggeranong Parkway. Mr Jensen is complaining that we do not have a netball court at Tuggeranong but, my goodness, look at all the things that are going to Tuggeranong. An initial allocation of \$100,000 has been given to this project, which will be a bonus to anybody stranded late at night on dark sections of the parkway. I mean, what a wonderful budget for Tuggeranong!

28 September 1989

We have also thought about safety and concern for individuals in looking at addressing the growing number of syringes being found in public places. A 24-hour collection service and the installation of syringe disposal units in public toilets will reduce the health risk posed to the community, particularly our children.

The problems with asbestos are now widely known. The potential impact of legionnaire's disease is not so widely understood. Inspection of commercial premises will identify and eliminate the risks associated with asbestos and legionnaire's disease on a cost recovery basis.

As part of our commitment to provide increased cycle paths for both commuter and recreational purposes, we have committed \$450,000 to link Isaacs and O'Malley to the existing cycle network and to improve the network between Kaleen and Bruce.

Recreational facilities for youth are also important, and a skateboard track will be developed at Belconnen. Thank goodness Belconnen is getting something! I was beginning to think it was not getting anything. The estimated cost is \$232,000.

The Phillip district enclosed oval is to be upgraded at a cost of \$580,000. A canteen and covered seating will be provided to meet the growing need in this area. In addition, \$316,000 has been allocated for installing floodlights at sportsgrounds to allow better use of grounds and to recognise the growing demand for facilities.

Now, let me get to Mr Collaery. I really take objection to Mr Collaery's remarks about our youth report. Mr Collaery said that the Government's response to youth homelessness was not good enough. I reject that completely. Let me tell him the facts. He is not here, of course, to hear them. That is typical. The recent report of the national inquiry on homeless children, the Burdekin report, said that crisis youth refuges should be linked to a significant expansion of medium- and long-term accommodation for the singles share program, and we do that precisely with this.

The Burdekin report recommends that housing authorities appoint youth tenancy officers. I announced yesterday that the Housing Trust will appoint a youth tenancy officer. The Burdekin report said we should establish housing targets for homeless young people. We have said that we will allocate 50 dwellings to youth tenancy. The Burdekin report said that we should provide more equitable direct tenure for young people. I announced yesterday a review of priority housing procedures to make sure that there was no discrimination against young people. I say that to Mr Collaery, but he is not here.

The Burdekin report recommended that additional funding be provided to local government and community housing



28 September 1989

programs. I announced this yesterday, Mr Collaery. The Burdekin report recommended head leasing schemes. I announced yesterday a new singles share accommodation scheme which will allow for that. The Burdekin report recommended that crisis accommodation guidelines be expanded. I announced dramatic funding increases for the crisis accommodation program yesterday. The Burdekin report again recommended housing authorities acquire and build housing stock for young people. We are doing that and recently purchased a seven-bedroom house for housing young people. And let me say to Mr Stefaniak, who just said that he was worried about 16- and 17-year-olds in need of community support and youth housing, that 20 of our 50 houses are to be sponsored by community organisations.

What we need is a guaranteed range of services. We have done that. We are at the moment talking to the Rotary and Lions clubs, who are interested in putting over \$100,000 into this. We have promised to build new refuges and to improve existing ones. We have made a commitment to staff training and information, and to developing living skills packages for young people so they know how to survive on their own.

Let me tell Mr Collaery what the youth sector think about our government plan. They are excited. By the way, we have asked them. They are excited about the innovation in the ACT response to the Burdekin report. They see the announcements made yesterday as very constructive. They see the Government as being very serious about youth homelessness. And what did the Council of Social Services say about our housing policy? They welcomed the measures that I announced yesterday. They see them as providing help to people in difficulties in all housing sectors.

In fact, the community reaction clearly does not support Mr Collaery's view. The Government has consulted widely in developing its youth housing policy. Is Mr Collaery rejecting the views of those who know best? Let me also say what we are doing for the aged in housing. I mean, we have not just thought about youth. We are building 52 new aged persons units. The fact that we have been told we are not doing anything really annoys me. The Commonwealth Government has been very generous to us, but we have also looked at how we can do this.

As to the rental bond board, let me tell Mr Stefaniak that the Liberal Party in New South Wales wanted to do exactly this but it did not work. The only thing that Mr Greiner has left intact that the Labor Party in New South Wales put in was the rental bond board because he is making so much money out of it that he would not dare pull it apart. It was one of the things he realised was a very good revenue earner. Unfortunately, he is not putting it back into the housing, which he should be.

As for stamp duty, I am sick of hearing the Liberal Party telling me it was their policy. The Labor Party has been

28 September 1989

the one that has always looked after the underdog, the unprivileged people. The first thing we looked at was stamp duty relief for people who are first home buyers. We made it possible, on a \$90,000 house, to get the full exemption from stamp duty of \$1,765, and this proves that we have looked after young first home buyers. I do not see the Liberal Party's policies operating in that way.

So it really upsets me to hear that the Liberal Party thinks that this is their policy. It is not their policy. This has been Labor Party policy for years. I saw Mr Jensen hold up the Labor Party's policies. We are proud of our policies. They are not policies we got together when we decided to run a team. We have had policies for years. I have been a member of the Labor Party for 35 years. I have been going to conferences for the last 15 years. We have had policies that have been for the people of the community, not policies that we got together because we decided to run a team in an election and we thought we just might be able to get some people up.

At least the Liberal Party has had some policies. I may not always agree with them but at least it has had policies, and it is the Opposition. So I reject it when I hear Mr Jensen or the Liberal Party tell me that we did not have any policies.

**MS MAHER (5.10):** Mr Speaker, I rise today to speak on the first ACT budget and in particular I wish to comment on the effects this budget will have on one half of the citizens of the ACT - the women of Canberra. As my colleague Mr Duby has already pointed out, this budget does not address the real issues facing Canberra, the issues that are there for all to see.

Any close examination of the current economic circumstances facing the ACT shows that this city is facing difficult times. All sectors of the economy are currently depressed, and it is my opinion that the measures taken, or should I say not taken, by this budget are only going to make matters worse. The bottom line of this budget is that it simply does not respond to the current economic conditions facing the ACT but instead is contractionary and will undoubtedly lower economic activity across the board.

It is my belief that the net result of this budget will be increased unemployment. This Government and the Federal Government have made it abundantly clear that they do not intend to increase the public sector employment level and instead are relying on the private sector to tackle the employment problem. But given the lack of assistance this budget gives to the ACT economy, the private sector will be flat out holding onto their current staff, let alone taking on new employees.

And, of course, with any depressed economy, the first people to be laid off or dispensed with in a belt-tightening exercise are women. In its original form, as

28 September 1989

first propounded by the Chief Minister in July, this budget was particularly abhorrent to me because in virtually every area where substantial cuts in expenditure - and of course staff levels - were made, the "victims" almost inevitably were women at the lower end of the economic scale.

Now, while the Government has made some changes to its original draconian proposals - and may I say that those changes are most welcome - it still boils down to the fact that the victims of this budget will be women and those most dear to them and to me - children.

The cuts to services that this budget will accomplish are broad and far-reaching and in particular affect the education and health areas. In education these cuts will directly affect approximately 70 teachers and 30 support staff - the majority of them women. That is not to mention the far-reaching implications the cuts will have on families in society.

What will the effects of the cuts be? They will encourage low morale amongst teachers and staff. Loss of jobs will mean hardship to women and their families. What about the standard of education? There will be more pressure on teachers to fill the gaps created by the cuts and more pressure put on parents with disadvantaged children. This will almost certainly create a stressful home environment because mothers, in particular, will have to spend more time with their children who are having learning difficulties at school.

Class sizes in primary schools are already larger than in the rest of Australia, and further increases in numbers will lead to a decrease in the quality of education. Teachers find it difficult to cope with the present class sizes, and an increase in numbers will mean more stress and discontent, and will possibly encourage them to change jobs. Ultimately, children will suffer because they will not get the adequate and quality standard of education that they need. To say the least, the majority of positions made redundant are held by - you guessed it - women.

In the health area, again the chosen victims are predominantly women. The Government talks about a review of its original proposal, but we all know what "review" means. It fully intends to proceed with what its original proposals were. And what do these proposals mean? Nurses, like all shift workers, are a special type of people, and the majority of them are women. Nurses have already a high incidence of family problems and marriage breakdown due to the fact that shift work is not conducive to a normal family and social life, leading to isolation and other problems.

The proposed changes, if carried out, will create more instability and unhappiness. They will undoubtedly increase the amount of sick leave taken and will also mean the loss of experienced staff due to mass resignations.

28 September 1989

Rotating rosters will create more problems for mothers with young families, and child-care will certainly be more expensive for these families. The proposed cuts will mean that Royal Canberra Hospital will have to make about 26 positions redundant - again, more women out of work.

Although concessions were made to the areas of health and education, the bulk of cuts remain unchanged and largely affect women. Budget paper No. 9 looks pretty good. It is nice and thick and well laid out. There are actually only five items in here that are new incentives. The rest of them are issues that have previously had funding.

There are about seven pages throughout the paper and about seven at the end which are just blank pages - a total of 14 pages. What are they there for? Are they there for us to use our imagination about all the programs that just have not been funded?

**MR BERRY** (Minister for Community Services and Health) (5.16): Mr Speaker, I rise to outline the effects of the budget on community services and health in the ACT. I intend to touch on those aspects of the budget which, of course, will put to rest some of the complaints which have been made about the budget here today by people who have largely argued for more savings and more expenditure.

**Mr Stevenson:** Not I.

**MR BERRY:** I was not counting you, Dennis. But I must say, Mr Speaker, that I found the opening remarks of the Leader of the Opposition most disturbing, particularly in relation to some of the reports that have been made about the budget process. Of course I, like Ellnor Grassby, believe that the budget process was an entirely successful process, and I think the Government has created a process which will be welcomed in future years by the people of the Territory. I think the outright rejection by the non-Labor parties in the Assembly is rather short-sighted.

**MR SPEAKER:** Order! Leader of the Opposition, we have a very soft speaker. Although he is a big fellow, he does not have much volume, and I cannot hear him. We are hoping that Hansard can. Would you please keep the noise level down, and could you please speak up, Mr Berry.

**MR BERRY:** It is all right for those short people who are closer to the microphone.

Of course, the consultative process was entirely successful, and I think that is reflected in the budget papers. I would like to refer to a Weekend Australian report of 19 August 1989, quoting the Liberal leader, Mr Trevor Kaine. It says:

He also believes that the ACT Government must move in the direction of other States and try to reduce government services and costs.

28 September 1989

The Liberals have nominated the health services area as one which requires much closer scrutiny than the Labor Party has so far attempted.

Finally, Mr Kaine believes there must be a greater thrust towards privatisation.

On several points of policy the Residents Rally group agrees with the general assertions of the Liberal Party and so will support Budget amendments on the floor of the ACT Assembly.

Now, we heard a whole lot of griping here from both the Liberal Party and the Residents Rally and I have not heard any budget amendments from the floor of the ACT Assembly. But I must say that the lack of a positive input into the budget has been entirely noticeable, and particularly noticeable in your case, Mr Kaine. You took off from the consultative process when you could have had a positive input.

**Mr Kaine:** I made my positive input and I left because it was a negative activity. You were not there, so you cannot comment.

**MR BERRY:** As an observer, it demonstrated the lack of commitment to responsible government in the Territory by the Liberal Party in the Territory. I must say that the community services and health budget did, indeed, do well out of the consultative process, and I think that will be proven as time passes.

What I would like to do, Mr Speaker, is to talk briefly about those areas where there have been significant alterations as a result of the budget in the area which my portfolio covers, in the community services area, and where Rosemary Follett announced the additional domestic violence refuge, another important refuge for women. I would hope that Mr Stefaniak would not raise this as a matter to object to, merely as a consequence of its being a facility for women. It was a Labor election commitment, and the \$142,000 allocated to it will secure short-term accommodation for women in order to allow them more time to consider long-term options. I think it was a commendable addition to community services in the Territory.

There will be improved 24-hour access at Woden Valley Hospital for mentally disabled persons. I should say that Mr Collaery complained about the consultative process as well, but his views were taken into account in the development of the community services and health budget, particularly in relation to the application of the budget to the mentally ill. Improved 24-hour access at the Woden Valley Hospital for mentally disabled persons will proceed, and further options for people with mental disabilities will be investigated.

28 September 1989

The Mental Services Advisory Committee, which was recently appointed, will also be asked to investigate other options as well as reviewing the Mental Health Act in the ACT. Although Mr Collaery was involved in the consultation process only for a short time, his very strong views on these issues were well and truly taken into account, and I was really disappointed that he would be so critical of the consultative process.

I might add that another area where Mr Collaery's view was taken into account was the improved adult detention arrangements for the psychiatrically ill. As part of the consultative process, the Government has modified its interim budget statement to reflect the concerns of the community and Mr Collaery. The final form of arrangements will be known later, after detailed consultations on the best way to achieve this initiative have been carried out. We will keep you informed as you require. So I think your criticism about the consultation process was unfair.

The women's health service has been extended, as part of Labor's election commitment. I apologise for that, Mr Stefaniak, but it is a Labor commitment and we intend to follow that through. In this proposal, an additional social worker with a vehicle is to be made available for community development work and, in this way, to improve access and equity for women by the provision of an outreach component. The sum of \$37,000 has been allocated to that commitment.

Migrant health services have been extended, and the hours of the health care interpreters are to be extended. That will alleviate some of the difficulties experienced by migrants in gaining access to the service. It is further evidence of Labor's commitment to its social justice strategy, about which I think I also heard criticism here by the leader of the Resident Rally party. Again, we are demonstrating that his criticism of our social justice strategy has been entirely unwarranted.

I also heard in various speakers' responses to the budget some criticism about Labor's approach to homeless youth. Ellnor Grassby, I am sure, made it clear that Labor has a strong commitment to providing help to homeless youth, and in the community services and health budget school liaison officers to assist in the prevention of youth homelessness will be employed. That is in response to the Burdekin report on homeless youth. This provision, of course, will work towards providing support for youth in an attempt to help them remain in the school system as well as trying to work through problems before they become homeless. I think that is a progressive measure. In the budget, \$100,000 has been allocated to that service.

A new group house has been provided for the intellectually disabled, in line with the direction of the new disability services Act. This initiative will help people with an intellectual disability to live and participate in society

28 September 1989

instead of being locked in institutions. The sum of \$62,000 has been allocated for that - another positive aspect of the budget.

New occasional care facilities at Dickson, the provision of a much needed service in the area of Dickson which has so far not had the benefit of an occasional child centre, will be put into place with an allocation of \$30,000. Counsellors will be employed to alleviate critical incident stress and \$60,000 will be allocated to that. That will help. I am sorry Ms Maher is not here, because she complained that nurses were being disadvantaged. Of course, the critical incident stress component of the budget will be of assistance to nurses in the performance of their work, as it will to other workers, including policemen, Mr Stefaniak, and other emergency workers.

On public health, there has always been a positive focus. The use of funding raised from the increased tobacco tax will focus on health promotion as a priority for this Government. As announced previously, we will set up a health promotion fund for which we expect we will have a budget in this financial year of \$660,000. I would thank Mr DUBY for his contribution to this fund!

Priority, of course, is given to social justice issues, and we see the introduction of the Food Services Act as a means by which appropriate food services legislation for the provision of proper food sales in nice, clean conditions will be ensured. Of course, that will require the upgrading of legislation to protect public health in the food area, and \$234,000 has been allocated for that.

In the hospital area there has been a replacement and upgrading program developed for high-technology equipment for patient care services. In this way we will be able to ensure that the people of the ACT and the surrounding areas have access to the latest in modern health care because, as we all know, technology in the health care area is developing quickly and it is important that we keep up with those developments.

Announced during the course of the budget was a priority to make a decision on the steering committee's report of the review of health services in the ACT. Of course, the Government's decision in that respect will take the ACT into the twenty-first century with its hospitals. The establishment of a child abuse assessment clinic is another important feature of the budget.

As I am running out of time, I will skip across some of those areas, all of which are important, and deal with some other important issues in the budget, in the construction area and in the capital works area. The sum of \$4.4m has been allocated for a nurse education building at the CCAE so that they will no longer have to operate in temporary premises. The sum of \$480,000 has been allocated for a child-care facility in the parliamentary zone for the

28 September 1989

people of the ACT who work in that zone and in Fyshwick and surrounding areas.

The important job of removing asbestos at the Royal Canberra Hospital will proceed, at a cost of \$1.413m; fire protection at the hospital will also be upgraded, at a cost of \$696,000; \$348,000 has been allocated for the refurbishment of community centres; and \$835,000 has been allocated for the stage 1 development of the adult corrections facility at Belconnen. That, of course, is a very important plank in the Government's corrections policy, and it will take us well into the future in progressive corrections facilities.

**MRS NOLAN (5.32):** In the budget debate this afternoon I would like to spend the time available to me in discussing three very important areas, and they are business, employment and transport. In speaking about these areas I suggest that the Labor Government, in presenting its budget, is doing more to break business than to make business. It is not creating any substantial employment opportunities and it has failed to include initiatives that are important to transport.

I, like Mr Jensen, welcome some major new initiatives, such as the tourism proposal and an extra \$1m. I am glad, Mr Speaker, that Mr Whalan has at last recognised it as a new initiative. During the election campaign he continued to say that it was money that was already available. However, I do have concern that at present the Tourist Bureau has a budget of \$1.9m for promotion and \$2m for administration, a total budget of \$3.9m. I am quite sure that this money could be better spent, and more money spent on promotion and less on administration. I am also sure that until the Tourist Bureau becomes a commission, free from public service constraints, this situation will be difficult to reverse.

At the same time as introducing some new initiatives, the Government has created a set of increased taxes and fees aimed at the business sector. Rather than providing for business development, this will restrict private sector operations. Rather than providing an environment that will inspire business development, businesses must now bear the brunt of a fatal mix of high interest rates, high overheads, high taxes and fees. The Labor Government has demanded that small businesses must pay an extra \$45m this financial year in increased taxes and fees. This figure is over 30 times more than the \$1.35m the Government has given in business incentives. When comparing the 1988-89 budget figure to the figures of this budget you get a clear indication of just how businesses will be affected.

Payroll tax collections will be up some 48 per cent; business franchise fees, 30.2 per cent; municipal rates, 18.8 per cent; and stamp duties, 11.3 per cent. But most astoundingly land tax will be up by an enormous amount - 88.3 per cent.



28 September 1989

This new burden of increased taxes and fees comes at a time when many businesses are struggling to keep afloat. How does the Labor Government expect it will encourage economic development if, on the one hand, the public sector is simply unable to provide growth as it has in the past and on the other hand, the Government makes policies which will restrict the private sector?

Mr Speaker, the new incentives for business are lacking in several respects and are ad hoc. They do not contribute to an overall plan, which is necessary if the private sector is to take the leading edge in our economy. First, the women's business enterprise service is supposed to be supplemented by community sponsorship. I find it hard to imagine that the business community would offer monetary assistance to a scheme which, in itself, defies basic business principles. The business enterprise service is an insult to real businesswomen, who have had to get where they are as a result of their own efforts. The initiative demonstrates the ACT Government's lack of confidence in the abilities of women to succeed in the business community without some form of assistance.

Another new initiative included in the budget is the Labor Government's regulation review unit. This is to consist of two officers from the social policy division of the Chief Minister's Department. May I say that outdated regulations are severely restricting our business sector, but a comprehensive review of business regulations necessitates the involvement of representatives from the business community and officials from the public sector. What is needed is a regulation review board, not a unit. The two-member unit that the Labor Government has created will merely consult with the business community. This Government has the gall to lump an extra \$45m on businesses in increased taxes and fees, yet it is not including representatives of the business community in the process of reviewing regulations.

The budget includes no initiatives that will specifically seek to diversify Canberra's private sector base beyond the construction and tourist industries. If the revenue base of the Territory were expanded by implementing policies that will diversify Canberra's private sector base, less burden would need to be placed on each individual business for revenue. There would be no need to increase taxes and fees, as Labor has done.

When I mention diversifying Canberra's private sector base, I am talking about the high-tech industry in Canberra and its potential for growth in this area. The ACT has all the elements for such high-tech industry already. We have a highly educated population; we have a computer base; and we have a good research capacity. Businesses need a framework in which they can work together with government. It is not appropriate for the Labor Government to create individual initiatives on the one hand and not indicate where they are

28 September 1989

leading the private sector. The right economic environment has to be created to encourage the business community with an overall business strategy - something this budget has clearly not done.

Mr Speaker, may I turn to another area - employment. The latest ACT Treasury report indicates that the employment situation in the ACT is worsening; our employment growth is lower than the national average; and we have slipped from having the lowest unemployment rate in Australia to being behind Victoria and Northern Territory. The ACT has a higher unemployment rate for teenagers than the national average, and the length of time people stay unemployed has increased dramatically over the year. This compares to virtually no change for the Australian average.

What can we do, then, to improve the outlook for employment in the ACT? The Labor Government has acknowledged that encouraging the private sector is the only means of substantially increasing employment. This Government is, in fact, lowering the level of opportunity by markedly increasing taxes and fees on the business sector. As I have already mentioned, and I might say it again, it is the private sector that is meant to provide the employment.

The Chief Minister, in her budget speech, mentioned that teenage employment is above the national average and the challenge to the ACT Government is to provide expanding employment opportunities for youth. But what have they done to really create job opportunities for our youth? The only initiative that is aimed at reducing youth unemployment is directed to long-term unemployed. There is nothing for job-seeking youth in general. This raises the question as to whether the Labor Government will create solid, long-lasting employment for our youth.

The budget includes a vast number of new capital works programs involving roads and parking areas. As we heard earlier from Mrs Grassby, there are some good initiatives in the Tuggeranong area, an area where there are over 62,000 people and the fastest growing area in the ACT. There need to be many initiatives taken in this particular area. But I must say that this is to be expected in a still growing city.

Some \$49m will be spent on capital works for transport in 1989-90 and around \$10m for public transport. Most significant in respect of public transport will be the expansion of ACTION services in terms of new routes in the Tuggeranong Valley and increased commuter services. However, can the ACT support ACTION and its losses? A complete review of ACTION should be undertaken as a high priority. There is no mention made in the budget of reassessing ACTION.

Mr Speaker, the Labor Government's budget has not included matters which are essential to making the ACT better. Labor has included initiatives in the area of transport,

28 September 1989

such as the compulsory motorcycle rider training scheme, but then it has given no thought to increasing the usage of bicycle helmets. There are some new initiatives, but these are sometimes ill-conceived or they are overshadowed by the initiatives that should have been introduced but have not.

Importantly, in the area of business, there is no overall policy plan, while for employment there is no new initiative that seeks to amend the favourable employment situation in the ACT at the moment. The budget typifies the attitude in the Labor ranks, that businesses will look after themselves even if we hit them with huge increases in taxes. The ACT Labor Government has done little to cut its own spending. Labor has not bothered to tackle the hard decisions, which means that the ACT will either sink into a future of public debt or allow proper decisions to be taken by a Government that does understand the ACT and its community.

**MR MOORE** (5.42): Mr Speaker, what I have done is that I have taken this document, the Australian Labor Party's Policies for a Fairer Canberra, and I have taken these budget documents, and I have compared them. Before I start on that, let me mention something about the consultation process that this Government is so proud of. I quote from a press release from the ACT Parents and Citizens Council.

**MR SPEAKER:** Order! Mr Moore, please stand on your feet while you are addressing the Assembly.

**Mr Moore:** Would you prefer me to be behind my desk?

**MR SPEAKER:** Yes. It certainly is where you are supposed to be. I am looking at whether you should be there or not, but I think you should be there.

**MR MOORE:** The press release states:

Whilst the Council supports the concept of the budget consultative process, it believes that such a process is a cynical exercise unless Government is responsive in substantial ways to the arguments put to it during the process.

The Government's response indicates that it was a cynical exercise. Who loses out of the budget? The ordinary people. What else is lost? Morale, particularly in the areas that I am most concerned with - education and health. We see a \$600,000 rebate to education and a \$400,000 rebate to health.

Let me turn to the Policies for a Fairer Canberra, the Labor Party platform. In all their guffawing and criticism of the Rally recently, at least we were sticking to our policies and the mandate that we had when we went to an election. It would have been appropriate for this Government to try to implement some of its policies about education through this budget. The document says it has:

28 September 1989

A commitment to equality of opportunity and participation by all students, including women and girls, the disabled, the disadvantaged groups and those with a non-English speaking background.

The people from non-English speaking backgrounds thank the Government for returning to the ESL people the cuts it originally made. But what about those with a disadvantaged background? They miss out in the colleges; they miss out elsewhere. Over 65 teachers have been cut. Look at the impact of that. It says:

A commitment to excellence in all educational activities.

Measures to strengthen our schools and colleges include:

- development of a thoroughly cohesive structure uniting all sectors of education;
- ensuring that schools equip our children with the knowledge and skills they will need in life, along with the versatility to cope with changes -

And they are cutting teachers. It goes on:

- examining the performance of high schools -

And they are taking nine teachers out of high schools. What about examining the performance? What about realising the low morale in the high schools and what about making some attempt to reduce class sizes? The document says:

- recognising the needs of children who, in our mobile society, move in and out of Canberra.

That is fine. Let me quote further on preschool education:

- abolish the current pre-school fee guaranteeing that there is no loss to the education budget as a result.

Well, look at the loss to the education budget - millions and millions of dollars. Look at the loss to the preschool sector. Preschool is the greatest learning period that children go through, and here we have the decimation of the preschool structure. What we will have is resultant low morale there and a loss of positions in that sector.

One of the most important factors is this, and I quote once again from this very good education policy:

The size of classes at all levels is an important determinant of the quality of education. An ALP Government will aim to reduce class size, particularly in primary schools.

28 September 1989

You cannot reduce class sizes and cut 65 teachers. You have not followed your policies. You are turning them into a sham. That is what this budget does; it turns them into a sham. And further:

These pressures are most evident in high schools -

Look what you get: nine teachers cut from high schools. Which nine teachers? What about morale? I quote again:

We will ensure that quality support services in areas such as counselling, professional development, research and the provision of specialist teachers are maintained in all schools.

What we have, of course, is a failure to maintain the reading recovery program, one of the most important programs in terms of the disadvantaged.

I quote further:

Labor will maintain the excellent record in the ACT of having the highest year 11-12 retention rate in Australia and will broaden curriculum options for all students, but particularly students who do not wish to proceed to tertiary studies.

I suggest, Mr Speaker, that this budget does exactly the opposite to that. What happens with the introduction of the system of counting students in July is that we get a real cut in colleges, and the effect of that will be to turn those colleges into matriculation colleges; in other words, colleges that are academically orientated. That is not what our colleges have been. In fact, in the past, they have gone further and further to catering for students across the whole range of curriculum areas. It says "particularly students who do not wish to proceed to tertiary studies". It is those students who are going to be most disadvantaged by this budget - the ordinary people.

It says:

- encourage wider access to college for mature age students; and
- encourage individual colleges to develop areas of particular excellence in areas such as language, music, drama, agriculture, technology and other curriculum areas where concentration of resources would provide better student services.

These are great aims, they are great goals, and I congratulate the Labor Party for this very, very thorough education policy. I would be delighted to have the opportunity to also congratulate them on a budget that

28 September 1989

would implement that policy. Unfortunately, that is not possible.

Let us look at the particular areas that I have already mentioned - the preschool area, the greatest learning period, and the reading recovery program. I draw to the attention of the Government something I have already drawn attention to - the parish preschool experiment which indicated that money invested in those two areas of education would return fourfold. So what we have, of course, is a short-view budget that brings these sorts of cuts - small percentage cuts from a whole budget. It could have been the situation that the Government responded to the level of community pressure - nearly 5,000 signatures on a petition, outweighing any other by far; stopwork meetings; parental support; and a series of letters. Still the Government ignores, in its cavalier attitude, that sort of pressure.

Had Government members really been genuine and not cynical, as the P&C Council suggests, then they would have paid attention to that and they would have responded. I say to you, "Shame, for not responding to this. You could have found that money". The same applies to health. The Minister is not here, I note. You are going to have to deal with low morale, high resignation rates and those sorts of problems.

I say that the main problem we have with this budget is that the Government has failed to carry out a genuine consultation process. I genuinely had high hopes for that consultation process, and you will remember that I said publicly to a group of teachers who were demonstrating here that in fact the Government could well be having a genuine consultation process. I said that I believed it would be the case that they would make some reasonable adjustments to those particular areas, and I can say that I was profoundly disappointed and that the teachers and the nurses have also been profoundly disappointed.

If you look further at this same document Policies for a Fairer Canberra and you look into the health area, you will see a long discussion on a series of matters, but the one in particular I would like to draw attention to is this:

An ALP Labor Government will be well equipped to develop a modern industrial relations environment in the health system. The Labor Party has always had a close and fruitful relationship with the trade union movement.

I say to the Labor Party, "Thanks to this budget and to your attitude, you are starting to lose your grip on that relationship".

**MS FOLLETT** (Treasurer), in reply (5.54): Mr Speaker, I will just speak briefly to round up this debate. Could I first of all thank all the members who have contributed to

28 September 1989

it for their thoughtful comments on the Appropriation Bill in its in-principle stage. Mr Speaker I would like to echo Mrs Grassby's remarks when she said that she was proud of the budget. I am very proud of it as well. Even more to the point, I think that, having heard the diversity of view expressed in this Assembly today, the Assembly should leap upon this budget with glad cries and pass it at the first possible moment, because it seems to me that we have heard such a diversity of view that it is really difficult to draw any coherent line from the floor of the Assembly on how the ACT's economy should be managed.

From Mr Kaine we have heard - I appreciate his view; we have heard it before - that we should be making a greater effort towards addressing the Grants Commission's assessed overfunding of the ACT. We have heard also from Mr Kaine that we should be making a much greater effort towards reducing expenditure in the health and education areas, and that is something that Mr Kaine mentioned previously in his remarks on the initial budget statement when he said:

Turning to specific cost cutting proposals in education and health - operations identified by the Commonwealth Grants Commission as attracting expenditure significantly above standard - I am compelled to observe that the Government has not bitten the bullet. The reductions proposed are, in general terms, only nibbling around the edges of the problem.

So, clearly, from Mr Kaine and from the Liberal Party we have the view that we should be reducing expenditure even further in this budget. We also have a view from Mr Kaine that the Government should be selling off some of our assets, such as Jindalee, the Queen Elizabeth II home and the ACT Health Authority building. This is a tactic that the Liberal Party is using in New South Wales, and it is one way of raising money to meet difficulties in your local economy. It is not a way that the Labor Party favours. I think that that kind of selling off of public assets is not something that we would wish to indulge in.

**Mr Jensen:** They have done it in Canberra. What about the Belconnen Mall?

**MS FOLLETT:** Mr Jensen brings to my attention the question of the Belconnen Mall. May I place on the record here that the ACT branch of the Labor Party was totally and unitedly opposed to the sale of the Belconnen Mall.

Mr Speaker, Mr Kaine also, by implication rather than by direct mention, indicated to me that he does not think that bureaucrats do anything and that we should have made much greater cuts in the areas of administration. I would like to assure the Assembly that the cuts in expenditure that we have made have been applied pretty evenly but, if there is an area that has borne a heavier burden than others, it is that very administrative area. In fact, in my own

28 September 1989

departments, the order of efficiencies to be achieved by this budget is greater than in any other area under this budget.

That is not because I do not think public servants do anything. Quite the contrary. I believe that they work extremely hard, are extremely productive, and without them we would not have the kind of work that we enjoy in this Assembly. We would not have the ongoing business of government. To imply, as Mr Kaine does, that they do not produce anything, I believe is quite wrong.

**Mr Kaine:** I did not say that, Chief Minister.

**MS FOLLETT:** Well, Mr Kaine, that was clearly the inference.

**Mr Humphries:** "They do not deliver services" is what he said.

**MS FOLLETT:** He said they did not deliver services, but I think that they do. There is no doubt in my mind that the officers in the Housing Trust, the officers in the Health Commission, the officers in the Schools Authority, the officers in the Government Law Offices deliver very real services to the community in which they are working and they do so to a high standard.

Mr Speaker, we also heard from Mr Collaery and from Mr Collaery's party that they do not want any of the cuts that the Government was forced to make. At the same time, they have not put up any proposal as to where we might find the money to enjoy that luxury. I am afraid that I am forced into a position of believing that they do not really understand the constraints that we are faced with in this budget at all. We also heard from Mr Collaery's party an emphasis, and one which I share greatly, on the women's budget, on social justice and on programs for women. By stark contrast to that, we heard from Mr Stefaniak and Mrs Nolan some very harsh comments about the women's employment program and the women's business enterprise in particular. So I doubt that we would ever find a middle course of ground between those two sectors of those two parties. Nevertheless, Mr Speaker, I think that the debate has been useful in canvassing quite a broad range of issues contained within this budget. As I said, I thank members for their contribution.

I am proud of the budget, because I think it is one that is built on sound and responsible economic, social and financial principles. It is not a budget that is in any way reckless. It contains no shocks for the ACT community. I think that, as the first budget under self-government, it is essential that that budget allays some of the fears that were held in the community prior to self-government. Those fears, of course, were that the introduction of self-government would be a recipe for lunatic and reckless overspending and for high taxation. We have allayed those fears.



28 September 1989

At the same time the Government has commenced on a long process of addressing several of the pressing problems, namely, the depressed economic conditions, the Grants Commission's assessed overfunding, and a lack of a responsible and responsive approach so far by the Commonwealth Government towards the ACT.

The budget has been framed in the context of a number of important outstanding financial issues which require the immediate attention of the Commonwealth Government. I am referring, of course, Mr Speaker, to the Commonwealth Government so far not releasing funds from the transitional fund account; the land grab that has been defined in the national capital plan; and the run-down condition of assets transferred to the ACT at the time of self-government.

Mr Kaine accuses me of hiding behind the Commonwealth Government, but we cannot escape the fact that it is responsible for those actions. I say again that the Commonwealth must bear its fair share of responsibility; it must respond positively to our reasonable requests; and by doing so it will allow my Government to address now the problems that it has passed onto us.

The budget has been developed in a climate of open discussion. I have heard some pretty cynical comments about our consultative process. I am not a cynical person. I entered into that consultative process, as did all members of the Government, in a genuine spirit of cooperation, in a genuine desire to know the wishes of the community.

The consultative arrangement was a unique experiment in the formulation of a public sector budget. As I think Mr Berry observed, it was not perfect in its execution on this first occasion, but it will be next time. For one thing, we will have a much longer period in which to conduct our consultations. I believe that, once we have refined that process, it will be an even more valuable process than it has been this year.

But I should say, Mr Speaker, as I said on Tuesday, that nothing in the consultative process convinced the Government that there was a flaw in the basic principles underlying the initial budget statement. The development of a sound economic base for the ACT, through the implementation of policies firmly grounded in social justice, has always been our aim and is still our aim. The new policies on both the capital and the recurrent side of the budget implement those principles. So, Mr Speaker, the budget will provide a framework for employment growth as well as much required assistance to those most in need in our society.

As a result of the consultative process, the Government has accepted - and we have done so genuinely; not in the kind

28 September 1989

of cynical way that has been suggested - that certain proposals contained in the draft statement, if implemented, would have had an undue detrimental effect either on the level of service or on certain groups of employees. We have, therefore, adapted or dropped such proposals, but we have not wavered from the fact, and we will not waver from the fact, that expenditure restraint is required.

In two final comments, Mr Speaker, could I firstly just comment on the capital works program, to which I think Mr Jensen referred. He was concerned that we had not responded fully enough to the report on that capital works program. I would just like to remind Mr Jensen that I did table in the house yesterday quite a lengthy report from the Government on the committee's examination of the capital works program.

**Mr Jensen:** I was referring to your comments, Chief Minister, about no recommendations.

**MS FOLLETT:** Mr Speaker, Mr Jensen says that he was referring to my comments that there were no recommendations. There were, in fact, some recommendations, one of which was to untie the funding of the Alfred Deakin High School gymnasium and the new car park at TAFE from the issue of the sale of school premises.

**Mr Jensen:** I noted that.

**MS FOLLETT:** Thank you. But I do recommend that you have a look at the report that I tabled yesterday, and I think it will answer a great many of your concerns. Finally, Mr Speaker, I would like to commend the public servants who have been involved in the work on this budget. I believe that they have acted with great professionalism and great expertise in everything that they have done. They have also acted with enormous dedication to duty. They have worked long hours under very difficult circumstances. I am very proud of them and I am very proud still of the budget that has been produced.

Question resolved in the affirmative.

Bill agreed to in principle.

## ESTIMATES COMMITTEE

Motion (by **Ms Follett**) proposed:

That -

- (1) an Estimates Committee be appointed to examine the expenditure proposals contained in the Appropriation Bill 1989-90;
- (2) the committee be chaired by the Leader of the Opposition and also comprise such other members of the Assembly who notify their nomination in writing to the Speaker;

28 September 1989

- (3) the committee meet on 10, 11 and 12 October 1989; and
- (4) the committee report to the Assembly by 2 November 1989.

**MR KAINE** (Leader of the Opposition) (6.05): Mr Speaker, I seek leave to move together the two amendments I have circulated.

Leave granted.

**MR KAINE:** I move:

- (a) Omit paragraph (2), substitute: "(2) the committee shall consist of such members of the Assembly who notify their nomination in writing to the Speaker by 29 September 1989;" and
- (b) Paragraph (4), omit "2 November", substitute "19 October".

**MR SPEAKER:** Do you wish to speak to that, Mr Kaine?

**MR KAINE:** No.

**Ms Follett:** May I speak briefly to the motion while people are looking at the amendment, Mr Speaker? Would that be in order?

**MR SPEAKER:** Yes, certainly, Chief Minister.

**MS FOLLETT** (Treasurer) (6.06): Thank you. Mr Speaker, the Government, in moving this motion, proposes the formation of an Estimates Committee of the Assembly to examine the expenditure proposals contained in the Appropriation Bill. Contrary to some remarks earlier in the day, I do not expect that Estimates Committee to draw up a budget for me - that has been done - but I do invite them to examine the expenditure proposals.

The committee will provide a forum for members to question Ministers and officials on matters connected with the funds the Government is seeking from the Assembly. Consistent with Commonwealth practice, the Government envisages that the committee would also be able to extend its questioning to the general operation, administration and policies of the agencies of the Government.

Members will, therefore, have the opportunity to effectively discharge their parliamentary responsibility to closely and personally scrutinise the proposed expenditure of the executive arm of government. The fact that the committee, as I propose it, will comprise all members of the Assembly who wish to nominate will enable members to participate in the examination of matters falling within their particular areas of shadow responsibility or general areas of interest.

28 September 1989

The proposed timetable for the committee's work gives ample opportunity for members to examine the budget and to identify areas of concern, and sufficient flexibility to enable the passage of the Appropriation Bill in late November or early December.

It is proposed that the proceedings of the Estimates Committee will take place on a portfolio-by-portfolio basis. A timetable for the appearance of particular portfolios before the committee will be developed in consultation with the chairperson and will be made available to members closer to the proceedings. I confidently expect that the members opposite have re-examined their initial opposition to the concept - I believe they have - and will join with the Government in supporting the function of this integral part of the budget process.

Mr Speaker, may I just put in a final plea that, in proposing an Estimates Committee, I am being far from Machiavellian. I am offering members a genuine opportunity to examine the expenditure proposals, an opportunity that I think will increase their knowledge and an opportunity that not all of them had during the consultation process, particularly those who withdrew from those processes and those who were not involved in the first place. It is offered in a spirit of genuine sharing of knowledge, sharing of information and sharing of resources. I commend the motion to the Assembly.

Amendments agreed to.

**MR JENSEN** (6.08): I move:

Omit paragraph (3).

Mr Speaker, I will speak very briefly on this particular matter. The Rally is supporting the general proposal to refer the budget to an Estimates Committee. However, as already identified, we have supported the amendments proposed by Mr Kaine and the Liberals, and the Rally believes that the motion that the Chief Minister has put forward, particularly in relation to the requirement for the committee to meet on particular days - 10, 11 and 12 October 1989 - for three days only is an imposition. I am not quite sure of the reason, and I listened very carefully to the Chief Minister's speech to see whether there was any particular reason why she had to identify the time for the committee to meet.

I would suggest, Mr Speaker, that it is an imposition on the committees to decide when they are to meet. That is the reason why I have moved the motion to enable the committee to decide when it is to hold its meetings.

**MS FOLLETT** (Treasurer) (6.10): Mr Speaker, just very briefly on Mr Jensen's amendment, the reason why those dates were put in was again in an effort to be helpful. I

28 September 1989

have had some research done on when other committees are meeting and what the other commitments are around that time, and those three days seem to be the best for all members of the Assembly. But, if it is not what you want, do something else; that is fine.

Amendment agreed to.

**MR WHALAN** (Deputy Chief Minister) (6.11): I would like to add a further paragraph. After consultation with the opposition, Mr Speaker, it was identified that some members will be interested only in specific areas of the budget. Standing order 230 requires that a quorum in committees be a majority of the members. Now, that might not always be possible because some issues might be specialised. So, by agreement, we would propose that standing order 230 be suspended to provide that a quorum be three members at any time. I move:

That the following new paragraph be added:

"(4) that 3 members of the committee shall constitute a quorum of the committee."

Amendment agreed to.

Motion, as amended, agreed to.

### **FLUORIDE TABLETS AND/OR MOUTH RINSES**

**MR DUBY**, by leave (6.12): Mr Speaker, I move:

That this Assembly -

- (1) supports the concept of fluoride tablets and/or mouth rinses being made available free of charge to those ACT residents who wish to use them;
- (2) requests the Government to prepare a proposal for making fluoride tablets and/or mouth rinses available free of charge; and
- (3) requests the Government to bring the proposal before the Assembly for consideration.

There seems to be a lot of confusion in the community. If fluoride is turned off, some people require that facility to be provided. I am sure there will be no disagreement amongst the members here. It is simply a motion which allows those people who seek to medicate themselves with fluoride to go and obtain free fluoride tablets. As I have said, I do not think this matter will generate any great debate amongst the members of the house. It is simply a clarifying motion.

**MR STEVENSON** (6.14): I can understand Mr Duby's motion, and I do not disagree with it. I think it is important to put on record the potential dangers of fluoride tablets.

28 September 1989

On 15 May 1973 a two-year-old boy was taken to the Mater Misericordiae Children's Hospital in Brisbane and unfortunately died. The death certificate stated "fluoride poisoning". He had taken some four to six tablets.

**Mr Humphries:** What does that prove? You could take four to six Valiums and the same thing could happen to you. It does not mean anything.

**MR STEVENSON:** What it means, Mr Humphries, is that if mothers wish to give their children fluoride tablets, I do not disagree with that, but they need to take care to lock the bottle away. I spoke to somebody else yesterday in this building who caught his child just after it had swallowed a number of tablets. He tipped the child upside down and got it to regurgitate them. I feel he well could have, in that case, saved another child.

**Mr Humphries:** What parent does not know that already?

**MR STEVENSON:** A lot of parents do not know the dangers of taking fluoride tablets or fluoride paintings on the teeth. There was another case in New York where a child was given a fluoride painting, he was handed a glass of water, he rinsed his mouth and swallowed it. Once again the cause of death was fluoride poisoning. So it is just an important point to make note of.

Question resolved in the affirmative.

## ADJOURNMENT

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

That the Assembly do now adjourn.

## Press Gallery

**MR COLLAERY (6.16):** Mr Speaker, I want to make a few comments in the adjournment debate. One of the more important aspects of parliamentary democracy is a fair and efficient press reporting of the proceedings. I wish to draw to the attention of members of the Assembly the present living circumstances of the press gallery.

The current situation of the press gallery, Mr Speaker, is not appropriate, in my opinion. The members of the press gallery are not appropriately housed; they are not housed in circumstances where members of the Assembly can go and speak in confidence to members of the press; and they are not housed in a situation that allows for the orderly collation of reports, documents and the recording of our speeches.

28 September 1989

One classic example of the failure to communicate effectively was reflected in an editorial in today's Canberra Times where it was said, contrary to many statements in the house yesterday, that the Residents Rally, for example, had no agenda for fluoride. That clearly inaccurate reportage stemmed, in my view, Mr Speaker, from the fact that we do not have the capacity to liaise effectively with the press.

Fortunately, Mr Speaker, spring has arrived and we no longer have to stand outside in the rain and the hail and the wind to give interviews. But I again draw to the attention of the house the unsuitable circumstances in which the press gallery survives and the fact that, truly, it may well dissuade journalists from staying here for the further debates of the Assembly. It is not a comfortable circumstance for them and, if publicity is the soul of justice, we need to attend to that matter as soon as possible.

**MR SPEAKER:** Thank you for that, Mr Collaery. I am sure you are aware that efforts are being made to do the right thing by the press, and I do not appreciate being reminded of that on the floor.

Question resolved in the affirmative.

**Assembly adjourned at 6.18 pm until Tuesday, 17 October 1989, at 2.30 pm**

28 September 1989

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28 September 1989

APPENDIX 1

(Incorporated in Hansard on 28 September 1989 at page

ANALYSIS OF MATTERS REFERRED TO INVESTIGATIONS UNIT

| EXTERNAL | INTERNAL | BOTH |
|----------|----------|------|
| 117      | 49       | 9    |

|  |    |    |   |
|--|----|----|---|
| LEGAL ACTION                           | 49 | 10 | 1 |
| ADMINISTRATIVE/<br>DISCIPLINARY ACTION | 40 | 18 | 4 |
| NO FURTHER ACTION                      | 28 | 15 | 3 |
| IN PROGRESS -                          | 2  | 1  |   |

1703

28 September 1989

## APPENDIX 2

Document incorporated - : Hansard on September 1989

### SCHEDULE OF EVENTS

#### 1. 25 July 1986

An application was received on 25 July 1989 from O & E Oa Deppo Holdings P/L requesting a site to develop a trout farm and tourist attraction. The application advised that the ideal location for the facility was downstream from Scrivener Dam.

#### 2. 29 August 1986

The Canberra Development Board recommended support for the proposal.

#### 3. 29 August 1986

Ras Kelly MP wrote to the Minister for Territories, the Hon G Scholes MP supporting the application whole heartedly,

#### 4. 4 September 1986

The application was referred to various Branches of the Department and the NCDC for comment.

Although the original application was quite detail the proponents having addressed many of the problems confronted by previous applicants for such ventures, there were still a number of issues that needed to be resolved. Several meetings between the Department of Territories, the National Capital Development Commission and the proponent Mr DeDeppos were held to discuss site suitability, water supply, discharge and cost, pests and diseases, project finance and management.

#### 5. 24 March 1987

Department of Arts, Heritage and Environment examined Mr DeDeppos proposal and advised that an EIS was not necessary to achieve the objects of the Environmental Protection (Impact of Proposals) Act.

#### 6. 29 September 1987

The NCDC identified a more suitable site and supplied draft lease development Conditions.

Dr Shorthouse (NCDC) advised that the previous recommendation of DANE would still be valid for the new site.

1704

28 September 1989

2C October 1987

Draft development conditions forwarded to relevant Branches (Technical Service, Mater, Traffic and Transport Land Management and Forests) for comment. Draft development conditions were also forwarded to the Australian Valuation Office for advice as to the current site value.

8. 23 November 1987 & 4 December 1987

Responses to draft policy plan referred to NCDC.

9. 9 December 1987

Australian Valuation Office recommend an unimproved value for the block, as at 1 December 1987, to be ;200,000 or an annual rental of \$20,000.00

10. 16 December 1987

ACT Forests advised that the proposed site would remove approximately 6 hectares of productive forest from the Commercial estate. The value of the revenue lost to the Forestry Trust Account, \$59,400, would have to be paid up front by the proponent on acceptance of a lease offer.

11. 22 December 1987

Amended lease development conditions received from the National Capital Development Commission.

12. 4 January 1988

The Director Commercial/Industrial Development Bureau conveyed the lessees request for modification of the lease conditions regarding sewerage connection costs and the payment for access road and existing landscaping.

13. 15 January 1988

NCDC provided final lease development conditions.

14. 18 January 1988

Mr Da Deppo was offered a lease over the site subject to a series of conditions.

NCDC addressed Mr Da Deppos request of 4 January 1988. Lease development conditions remain unchanged.

1705

28 September 1989

5. 27 January 1988

Mr Oa Deppo accepts the conditional lease offer.

16. 3 February 1988

NCDC commented on several technical issues regarding easement requirements hydraulic services and surface drainage of the block.

17. 4 February 1988

NCDC advised that the Master Plan submitted by the developer has been endorsed by the Commission. This will form the basis for Design and Siting developments. Maximum gross floor area set at 2000 square metres including a maximum residential component of 150 square metres.

18. 9 February 1988

NCDC amended the maximum gross floor area to 2500 square metres inclusive of 200 square metres maximum residential and 200 square metres maximum commercial concessions.

19. 12 February 1988

Crowley & Chamberlain Solicitors for lessee request extension of time to accept final lease offer,

20. 11 February 1988

National Australia Bank guaranteed bonds for landscape maintenance (\$50,000) and disease control (\$50,000).

21. 22 February 1988

NCDC wrote to clarify the terms of limitations of the gross floor area.

22. 4 March 1988

Specimen lease forwarded to lessee.

23. 15 March 1988

Crowley and Chamberlain formally accepted the offer of a lease, requesting a series of minor modifications.

1706

28 September 1989

4. 17 March 1988

Payment of Premium (\$200,000.00) receipted.

25. 17 March 1988

Business Leases Branch accepted proposed amendments to lease, and confirmed that a Contract of Lease is in existence.

26. 19 May 1988

Building Plans approved.

27. 28 June 1988

NCDC advised that it has no responsibility for drainage works on the site (The lessee had complained directly about stormwater runoff).

28. 29 June 1988

Mr Adcock advised Australian Budget Brewing that the pocket brewery would be permitted under the lease purpose clause. The proposal would have to meet all the requirements of both pollution control ordinances.

29. 14 July 1988

Executed Crown Lease returned by lessees Solicitors.

30. 18 July 1988

The Ministers Delegate executed the Crown Lease.

31. 6 July 1988

NCDC notified that it has endorsed the Design and Siting drawings for off site works.

32. 24 August 1988

General Manager, Environment and Recreation wrote to the Lessee about disease controls and associated matters.

33. 29 August 1988

NCDC referred lessees proposal for alternative traffic arrangements to ACT Administration for consideration.

1707

28 September 1989

34. 18 October 1988

FAS Development wrote a submission to the Joint Subcommittee of the variations to the Plan of the City of Canberra and provided details of the process of the land release, valuations and costs.

35. 9 January 1989

FAS Development wrote to the lessee about supply of power to the site and agrees that the costs should be borne by the Commonwealth.

36. 16 January 1989

NCDC advised that application for Design and Siting indicates that lessee is going to exceed the maximum permitted gross floor area.

37. 27 January 1989

Urban Infrastructure Division requested to finance the additional cost of providing underground cabling, a planning requirement of the NC DC.

38. 30 January 1989

ACTED advised that the cost of supplying underground cabling would be \$46,360.

39. 20 February 1989

Lessee requested approval to display waterfowl and perhaps other animals in the future.

40. 22 February 1989

Urban Infrastructure confirm that they will meet the additional cost of underground cabling.

41. 22 March 1989

Submission received from the lessee on the installation of a brewhouse at the trout farm.

Environmental Protection advised that the Lessee would be required to obtain a licence to discharge water before the project could proceed.

1708

28 September 1989

10 April 1989

Environment and Recreation advised that lease conditions may need to be amended if other animals apart from fish and crustacea are displayed at the farm.

Building Plans for Concessions Area approved.

43. 10 May 1989

ANZ Bank provided advice on the financial aspects of the proposal.

44. 27 June 1989

The Lessee applies for an additional 2000 square metres of gross floor area.

45. 5 July 1989

Canberra Times reported Question Time in the ACT Assembly. Mr Collaery has asked the Minister whether he had negotiated a donation from Wollongong Constructions, present lessee of the trout farm.

The Lessees request for additional gross floor area forwarded to the Interim Territory Planning Authority for advice.

46. 7 July 1989

Conservation and Land Management proposed a number of changes to the lease to incorporate strict controls over the keeping of animals.

47. 21 July 1989

ITPA advised that it is not in favour of an increase in gross floor area at this time.

48. 24 July 1989

Advicings and Contracts asked to provide legal advice regarding Conservation and Land Managements suggested lease variations.

49. 28 July 1989

Amended Building Plans for restaurant facility approved.

1709

28 September 1989

50. 9 September 1989

Canberra Times reports on the Deputy Chief Ministers attendance at the National Aquarium Centres first official function.

51. 11 September 1989

Lessee advised that the Interim Territory Planning Authority would not support the proposal for additional gfa at this time.

52. 14 September 1989 \_

ACT Government Solicitor provided advice regarding the legality of a series of proposed lease variations. No decision has yet been made on this issue.

1710