



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

22 November 1989

Wednesday, 22 November 1989

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

TRADING HOURS (AMENDMENT) BILL 1989

MRS NOLAN (10.30): I present the Trading Hours (Amendment) Bill 1989. I move:

That this Bill be agreed to in principle.

This Bill for an Act to amend the Trading Hours Act 1962 seeks to change the trading hours from 12 noon on Saturday to 5 pm on Saturday. Canberra is the national capital of Australia, with a population of over 270,000 people, geographically surrounded by New South Wales and only six kilometres away from Queanbeyan, a New South Wales country town. This city of ours is a unique and beautiful one. However, it is no longer the "country town" but a city commensurate in status to other national capitals around the world.

Those of us who have lived here for some years are only too aware of how that status has changed. Currently you can buy a house in Canberra on a Saturday afternoon; certainly from some stores you can buy furniture and carpets, a car, petrol, a garage for your car, plants for the garden, food, meat from the supermarket, fruit and vegetables, alcohol or soft drink; and you can visit some of our public and private attractions such as the War Memorial, Telecom Tower, the national Parliament House, and Cockington Green, to name but a few.

The Act currently states the following exemptions, and I would like to read them because there does seem to be some difference in what is able to be purchased on a Saturday afternoon and what the schedule to the Trading Hours (Exempt Goods) Ordinance 1962 actually represents. These articles are: foodstuffs and non-alcoholic beverages; flowers; garden requisites; goods for use in decoration, renovation or repair of domestic premises; hardware; hobby and handicraft goods; ice; motor vehicles and parts for motor vehicles and engines; newspapers, books and periodicals; paints; plants, trees, shrubs, seeds and turf; petrol, fuel-oils and lubricants; secondhand goods; soap, toothpaste, toothbrushes, shaving cream and lotions, cosmetics, razors and razor blades, adhesive bandages and toilet paper and tissues; souvenirs, postcards, stationery, art works and reproductions of art works; timber and goods for use in woodworking; tobacco, cigars, cigarettes, cigarette-papers, cigarette-holders, matches, pipes and pipe-cleaners; tyres and tubes; and wallpaper.

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However, if you want to buy jewellery, clothing, footwear or giftware, you must travel to New South Wales. Restrictions preventing Saturday afternoon trading for one are hindering businesses. Canberra is simply losing business because, unlike New South Wales, which allows retail trading up to 5 pm, ACT retail trading is only allowed up until noon. On Saturday afternoons you can only look through some windows of some department stores and some boutique shops, rather than purchase the dress for the night out, shoes for the children, and the list goes on.

Some may say we do not need to be the same as Brisbane, Sydney, Melbourne, Perth and Darwin, where Saturday afternoon trading is already in place. Only in South Australia, where Bills have been introduced into the parliament twice - in December 1987 and April 1988, both times defeated, but they may be lucky the third time - and in Tasmania is there not Saturday afternoon trading. However, I believe we need to have Saturday afternoon trading to come into line with New South Wales and Victoria. I am confident that here in the ACT Saturday afternoon trading will become a reality.

The battle group opposing the Bill is still unidentified. While I recognise that some small traders may have reservations, I am aware that as more householders become two-income families, nowadays by necessity rather than choice, as a result of the high interest rates policy of the Federal ALP Government, Saturday afternoon trading will allow more dollars to be spent in the Territory.

As I have previously stated, the restriction on shopping hours is not helping our tourist industry. Visitors to the ACT find weekend shopping hours awkward and inconvenient. They arrive in Canberra with dollars to spend and find stores have closed. Tourists are subjected to the mad rush of Saturday mornings to do their shopping, and the situation reflects poorly on Canberra's image. The Canberra Tourism Development Bureau 1989-90 marketing strategy, in appendix B, quotes some important factors affecting Australia's tourism industry. Under the heading "Shopping Hours" it states:

Shopping is primarily a holiday activity for both domestic and international tourists. The attractiveness of Australia as a destination will be enhanced where the retail shopping sector provides a range, price and quality of goods and services of a standard at least matching those available in other countries.

This is referring to the national scene, but it could also be referring to the local scene.

I think at this stage it is important to recognise the contribution those working in the industry make and to address some of their concerns, especially as a case is

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currently before the Industrial Relations Commission. In a letter to me dated 21 August, when this issue was first raised, the Deputy Chief Minister wrote:

I am aware of your concern that ACT trading hours restrictions are causing Canberra traders to lose business to traders in New South Wales and that visitors to the ACT are inconvenienced because of limitations to hours of trading, particularly over a weekend.

I am conscious of the disadvantage that ACT business is incurring at present when compared to the relaxed arrangements now in place in New South Wales. However, it is difficult to facilitate consultation on the matter between the Shop Distributive and Allied Employees Association (SDA) and the Confederation of ACT Industry (CONFACT) until a case concerning wages and conditions for shop assistants currently before the Industrial Relations Commission is resolved.

The letter goes on from there, but that is as much as I will quote.

I understand, having spoken with Mr Whalan only the other day, that the Government has written a letter seeking to have this case expedited, if that is the term. We thought, back in August, that at that stage it was appropriate to wait for the case to be resolved. However, it is now the end of November, the ALP minority Government has announced that Saturday trading will be permitted in December, so it appears to me that, if the Government is willing to allow trading for one month of the year, in December, surely it would be appropriate for it to continue on in January. January is a time when many visitors come to our city and an appropriate time for afternoon trading to be in place. The Canberra community will need time before getting used to the change in trading hours, and for it to continue in January would be more appropriate than closing down for a month and then looking for changes in February or March.

Mr Speaker, it should also be pointed out that in Victoria the introduction of Saturday afternoon trading took place some months prior to the resolution of hours and conditions. Queensland also took a similar path, I understand, for independent retail shops. Saturday afternoon employment for shop assistants would be voluntary, and I believe in many cases additional part-time employment would be provided which would be of great benefit for those youth seeking employment or those, especially women, looking to re-enter the work force. We are certainly not proposing to take away any person's time off. I am sure many in the retail work force would appreciate working Saturday and having that time off during the week.

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Canberra, with the advent of Saturday afternoon trading, has the potential to become a regional shopping destination. Currently, Wagga is a bigger retail centre than Woden, Belconnen, Fyshwick or Civic. Currently many people drive over the border to shop in Queanbeyan. We only have to count the number of cars with ACT number plates in the Riverside Centre, Queanbeyan, car park, something I have done on several occasions and will do again when trading on Saturday afternoon begins operating in December.

Since announcing my intention to introduce this amending Bill I have received letters and telephone calls from many in the community, by far the great majority of whom were very positive in their recognition of benefits of Saturday afternoon trading. There is one letter I would like to read into the Hansard because I think the request has merit and I urge the Government to give the request full consideration. It is a letter from ASBA and it states:

I refer to our recent discussions regarding the proposed extension of trading hours in the ACT. I would first like to emphasise that the Australian Small Business Association is not opposed to extended hours per se. We are, however, very concerned that once again the small business proprietors of Canberra are being confronted with an initiative without anyone having any real idea of the repercussion that such a step might have.

ASBA would have no objection to extended hours being adopted for an appropriate trial period which might extend for three to six months after Christmas, provided this time is used to conduct a review of the effects of extended hours on small businesses in Canberra.

In order to obtain the necessary information a consultancy should be arranged. The consultant would carefully select a representative sample of small businesses who would then participate in a thorough study of the increase or decrease in business, increase in costs and other problems encountered during the trial period. In addition to the group selected for detailed study, input would be obtained from anyone who was prepared to provide information.

May I just say before I continue, Mr Speaker, that that very same thing has happened in Western Australia and the outcome has been very positive. It continues:

In our view it is important that the effects of extended trading hours are fully investigated. If extended hours do nothing more than spread the turnover of small businesses over longer hours, without increasing sales, then it will drive up costs, leaving small business people and the people of Canberra worse off.

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It is estimated that the consultancy would cost in the vicinity of \$50,000. I suppose that some within government would argue that this is an unwarranted cost. I can assure them it is not.

When the ill-considered, the ill-timed amendments of the Payroll Tax legislation were recently pushed through, the ACT Treasury suggested that they would be able to get their hands on an extra \$2m of business money. I do not think it is asking too much to reinvest some of this revenue in the business sector which is, after all, being asked to bear a disproportionate share of the revenue burden of the ACT.

That letter is signed by Jeff Kelly, the President of ASBA.

The manager of the newly opened Canberra Centre has said that there is already evidence that the centre, based on sales figures of Saturday morning trade, is screaming for extended hours. The pattern is as follows: between 9 am and 10 am there is 10 per cent of total business; between 10 am and 11 am, 25 per cent; and between 11 am and noon, 65 per cent. At 12 noon, when trading is at a peak, the doors of the centre close and many shoppers leave, disappointed that time did not permit them to complete their shopping.

In conclusion, Mr Speaker, let me say that the balance that best serves all interests is to allow the ACT to fall in line with New South Wales by permitting Saturday afternoon trading. Saturday afternoon trading will encourage a healthier retail industry in the ACT; make shopping more convenient for our tourists and allow them to spend the retail dollars in the ACT; give Canberrans the advantage of shopping in their own locality rather than having to travel interstate; but, most importantly, Saturday afternoon trading will provide Canberra businesses with the scope to undertake the economic expansion that the public sector is no longer able to contribute to.

As the Canberra Times stated in its editorial on 11 November:

Canberra could have deregulated shopping hours -

It used the word "deregulated"; I did not -

before Christmas if the ACT Legislative Assembly really puts its mind to it. There is nothing intrinsically difficult about the process ...

The issue of what terms and conditions employees get for working outside "normal" hours is an issue between employer and employee. The industrial question is irrelevant to the issue of whether it should be against the law to open a shop on Saturday afternoon.

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I now present the explanatory memorandum to this Bill.

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

UNIT TITLES (AMENDMENT) BILL 1989

MR JENSEN (10.45): I present the Unit Titles (Amendment) Bill 1989. I move:

That this Bill be agreed to in principle.

While this private member's Bill may seem to make only a small change to the Unit Titles Act, in a similar way to the small changes that the previous speaker has made to the Trading Hours (Amendment) Act, when one considers the Bill further one finds it has the potential to make far-reaching changes to the development of the ACT, especially relating to residences in current or potential heritage areas.

While this Bill may seem to be simple and could probably be passed through the Assembly during the final sitting in a couple of weeks' time, the Rally proposes to ensure that every opportunity is given to all parties and members of the public to fully examine this proposal. It is proposed that this Bill would lie on the table to allow the full ramifications of the seemingly minor amendments to be absorbed and commented upon.

There are a number of unresolved planning issues in the ACT, many of which relate to the lack of legislation for planning and heritage, and I will not bore the house again with much more reference to that. But, more particularly, we are concerned about the lack of a responsive appeals system which is non-legalistic and appropriate to the sorts of changes that are required in the ACT.

The Planning, Infrastructure and Development Committee, for example, has just taken on board the issue of small-scale residential redevelopment of which this Bill could be said to be part. It probably would be appropriate for that committee to consider this particular Bill in its deliberations. There may, however, be some residents in the older suburbs who would have some concern about what this proposal could mean to their suburbs. The NCDC had a policy on dual occupancy and has prepared a draft policy on small-scale redevelopment, which was subsequently withdrawn and not proceeded with. The other policy that this proposal affects is the one on aged persons units. All of these, I have no doubt, will be considered by the planning committee in its deliberations.

While some residents, as I have indicated, may be concerned about this policy to allow for the redevelopment of inner suburbs and allow some of the larger blocks to be broken up, they only need to recall what happened in Barton just after the election, when a house in an acknowledged

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heritage area was demolished and four units were built on that block. In this case the owners wanted to retain their residence in the suburbs but needed to be able to reduce the size of their dwelling, as they were at an advanced age, and make some use of the capitalisation of their position to assist them in their retirement.

Offers were made by a noted and prize-winning heritage architect to design an extension around the existing building which would have retained the important streetscape but allowed the owners to achieve their aims. Instead of constructing the four units that we subsequently saw, this would have provided for two to three units on separate titles. However, the Act that this Bill proposes to amend would not allow this to happen. As a result, this important cornerstone in the streetscape of an acknowledged heritage area of interest was demolished because the Land Titles Act required the owners to subdivide the block into four separate parcels to achieve their objectives.

Some members may also be aware of the NCDC policy for dual occupancy of detached houses which was produced in February 1986 and gazetted, along with the other NCDC policies, in a special issue of the Gazette on 31 January 1989. While this policy allows for dual occupancy, it specifically forbids the breaking up of large house blocks into separate titles. The reasons given for not allowing separate titles are very interesting and probably can be argued against. Let me just read into the record the reasons that are given for this. The policy states:

... it is the intention of this policy that a dual occupancy development remains on the original block and is not separately titled. This is because single titles will assist in the maintenance of the character of residential areas; single titles will encourage the provision of rental accommodation, subdivision in many cases would produce small awkward blocks and thereby difficulties with services and utilities; subdivision would encourage the different treatment of the two dwellings in design terms; later redevelopment of the area may require land assembly and would be impeded by premature block fragmentation.

Let us just examine that, Mr Speaker. Let us consider these arguments and relate them to what has happened in areas like Murray Crescent in Barton that I have already mentioned where, under the guise the aged persons units policy and the existing land titles ordinance, some of the single residential blocks have been broken up into four or more separate titles. So all the sorts of arguments that are suggested against dual occupancies being given second titles have the potential for the same sorts of problems in the existing operations under the aged persons units policy and the land titles ordinance.

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Maybe some of those who are concerned about the possibility of increasing density in their suburbs would also have to be concerned about the potential for an even denser redevelopment using the policies relating to the aged persons guidelines in conjunction with the land titles ordinance. The concerns expressed about the dual occupancy planning policy are legitimate. That is why this change we propose will have to be related to defined planning directions and policies to avoid a possible free-for-all. That is why it is very important that the sorts of concerns that are expressed about the dual occupancy matters should be required to be made as part of policies, plans and development procedures that are to be adopted in conjunction with this matter. It is for this reason that the Rally has put this amendment forward now to allow consultation to take place.

The Rally is very keen to hear from all interested parties to this debate and will take note of any concerns or comment made on this proposal. So while the Deputy Chief Minister may think that this amendment is minor - and I understand he has made those comments - let me assure him that there is more to it than meets initial cursory examination. The proposal fulfils a promise made by the Rally during the election campaign and at various times during the debate on urban consolidation.

I present the explanatory memorandum to this Bill.

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

PROPOSED ENVIRONMENTAL ADVISORY COUNCIL

Debate resumed from 15 November, on motion by **Mr Moore**:

That -

- (1) the Government take immediate steps to investigate the most appropriate mechanisms for establishing an Environmental Advisory Council;
- (2) the Environmental Advisory Council be established, whether under an enactment or according to administrative arrangements, as soon as possible and that the Council -
 - (a) be responsible for investigating individual industrial, commercial or other development proposals, whether those proposals involve investment by the private sector, governments or both; and for reporting on all aspects of the environmental impact of development proposals (including the effects on flora, fauna, landscape, people and the quality and comfort of their lives);
 - (b) be appointed by and be responsible to the Minister responsible for the

- environment but, in all its investigations, report also on its findings to the Minister responsible for development;
- (c) comprise a core membership of five, two of whom will be nominees of relevant environmental and development groups while the remaining three will be appointed for their expertise and experience. The members will be suitably remunerated and the Minister will appoint, as necessary, additional expert members, with equal rights and responsibilities, for the duration of a specific investigation or assessment; and
 - (d) be empowered to report in such a manner and make such recommendations as it sees fit in terms of necessary modifications, relocations, prohibitions, or requirements for further study (such as inquiries, environmental impact statements, public environmental reports) and, where further study is required, the Minister responsible for development shall not permit the project to proceed until that study is complete; and
- (3) pending the establishment of a permanent council, the Minister responsible for the environment appoint a Interim Environmental Council.

MR COLLAERY (10.54): I rise to support the comments of Mr Jensen on the motion of Mr Moore. When the motion was first introduced into the house by Mr Moore, the Rally decided it should not support it because the motion was against our Rally policy. Now, having heard the speech in support of the motion by our former Rally member, Mr Moore, the Rally is even more convinced that the motion is against Rally policy - and I might add that I have had a speech prepared for me on this topic. Rally policy on planning states at its start:

These policies are based on the main premise that planning decisions in the ACT should be made in open forum.

The Moore proposal is, essentially, that a development application is made; it is considered by the council; the council makes a decision to advise the Minister and then publicises its decision. This procedure, in our view, effectively stifles the public consultation process. It takes the effective decision making out of the public arena. It is a permanent fast-tracking process, a developer's dream, and it leads to the token planting of a "conservationist" onto this junta. Let us not call it the Moore motion. Let us call it what it is, the Whalan-Moore

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motion. The Rally does not support this motion and you cannot expect the conservation movement to accept this proposal.

Mr Whalan: I rise on a point of order. Mr Collaery is obviously experiencing health difficulties as a result of the infection in his arm, Mr Speaker, and I think he should be assisted by having the facts pointed out to him. His rather bizarre behaviour is inconsistent with the manner in which you conduct the affairs of this Assembly. Telling untruths and reflecting upon the character and indeed good nature of members of this Assembly are totally inappropriate. If necessary, we should give him leave, if he can provide a medical certificate.

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

MR COLLAERY: Thank you, Mr Speaker. They were amazingly pious comments coming from the man opposite me. Let us not call it the Moore motion. Let us call it what it is, the Whalan-Moore motion. The Rally does not support this motion, and you cannot expect the conservation movement to accept this proposal. No doubt some of the reasons that will be advanced if this motion goes ahead are that all the appointments are made by the Minister. The Minister will be and is likely to be, in effect, Mr Whalan, and that is why I called it their motion. The conservationist, if indeed that would really be an accurate description of the person who would be appointed to wear that label, would be stifled by the Moore-Whalan development blanket, called, as we have heard already in this house, commercial-in-confidence.

Mr Moore: I rise on a point of order, Mr Speaker. This is absolute nonsense. Mr Collaery should remain relevant, Mr Speaker. He is not speaking about what is in the motion at all, but about his own concept of what he thinks ought to be in the motion. He should stick to detail.

MR SPEAKER: Please stick to the point, Mr Collaery.

MR COLLAERY: Thank you, Mr Speaker. Mr Moore says that penalties should be provided for any breach of commercial confidence, and that is the most amazing thing I have heard. Here was Mr Moore, coming from the Reid area, saying that penalties should be provided for a breach of commercial confidence. I cannot believe those words.

The other reason why we cannot support this motion is that there is far too much discretion left in the hands of the council. The requirements for an EIS or an EIA must be set out in such a way that there is a minimum residue of discretion left to determine whether or not an EIS should be required. These criteria are by no means settled, but the criteria should include, firstly, scheduled site or resource type, for example, any place which is on the ACT heritage register, any place which is within certain

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reserves or categories of open space, any stream, river, water body, or any Aboriginal site; secondly, scheduled activity, for example, quarrying, logging, alteration of run-off, any noisy or polluting industry, any development having potential for generation of certain traffic or parking volumes, and so on, based on some of the schedules in use elsewhere in proper legislation; thirdly, scheduled development size, in dollar value, say, \$100,000 or more; fourthly, scheduled extent of land affected, for example, more than a few hectares.

There must also be provisions making it mandatory for formal EIA procedures to be invoked, even if the above threshold conditions were not met, if the proposal involved development of a sensitive kind or in a sensitive area.

The advice proposed to be given to the Minister would be polluted by the compromise in its formulation. If the Minister wants environmental advice, then I am sure the conservation movement is in a position to provide this. The Minister should not be getting environmental advice from the development lobby, as this motion proposes.

The proposal - not mentioned in the motion, but mentioned in Mr Moore's speech - is that the community is advised of the decision not to go to an EIS and then has 30 days for members of the community to apply to a non-existent tribunal to change that decision.

The whole proposal could best be described as woolly and badly thought out. At its worst, it is a cynical attempt to subvert public participation in planning by a shallow attempt to buy off the conservation movement by involving - - -

Ms Follett: On a point of order, Mr Speaker; I draw your attention to standing order 55, which says:

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

I put it to you that Mr Collaery's imputations, that Mr Moore or Mr Whalan could be in some way bought off, are quite improper.

MR COLLAERY: Might I respond to that, Mr Speaker?

MR SPEAKER: I would ask you to withdraw that in the first instance, please, Mr Collaery.

MR COLLAERY: I will withdraw whatever the Chief Minister requests and remind her that it was her party that called Dr Kinloch "a silly old man" last night, one of the most disgraceful comments this house has ever heard.

MR SPEAKER: That is irrelevant, Mr Collaery.

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Mr Whalan: On a point of order; we will be talking further about Dr Kinloch and concealing election funds later.

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

MR COLLAERY: Thank you, Mr Speaker. I was going on to say that this "plastic environmentalist" would become involved in a secretive whitewash before anyone in the real conservation - - -

Mr Moore: On a point of order, Mr Speaker; I draw your attention to standing order 202(e), which says that, if any member has persistently and wilfully disregarded the authority of the Chair, that member may be named by the Speaker.

MR SPEAKER: Thank you for your direction on that, Mr Moore. Please keep it to yourself in future. The point is that that was not out of order. Please proceed, Mr Collaery.

Mr Whalan: On a point of order; I did not hear what your ruling was, Mr Speaker.

MR SPEAKER: I asked him to please proceed.

Mr Whalan: May I once again draw your attention to standing order 55, which states that all imputations of improper motives and all personal reflections on individuals shall be considered disorderly.

Mr Collaery: You made a gross one against Dr Kinloch.

Mr Whalan: This person here is continuing to impute improper motives and indulge in his personal reflections. I think he can be excused because of his illness and I think that we should make sufficient allowances there. But I do not think that you, as Speaker, should tolerate this sort of behaviour.

MR SPEAKER: Thank you, Deputy Chief Minister. Please proceed to the point, Mr Collaery.

MR COLLAERY: I was referring to the difficulties of bringing this proposal into reality for the conservation movement. I am sure that Mr Moore will get his answer from the conservation movement in a sound rejection of this proposal.

My advice to the Chief Minister, if she is really interested in proper planning procedures, is to get on with direct public consultation over the Government's draft planning legislation package. Why have we had this council brought in when there is a package before us to provide similar and effective guarantees to all the parties involved in development issues? Why does the Chief Minister not ignore the arm twisting of others who want to

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set up some interim bodies to delay the proper implementation of accountable mechanisms in this Territory?

Indeed, most members are aware that the Assembly has politically accountable environment and planning committees. These committees are able to obtain advice from wherever they wish. They are able to consider such projects and, as we have seen on the committee that Mr Humphries chairs, they are able to decide and to make recommendations when and in such manner as they see fit. The proposal implies that those committees are not, in effect, performing the role that is now sought for this committee. Indeed, one of the most important issues in this debate about this proposal is: where did it really come from, what is the motion, and is it again another discovery for the Rally? We did discover, of course, that Mr Moore and Mr Whalan met on 8 May 1989 to decide issues that were not brought to the Rally's attention, a secret meeting held by Mr Moore and Mr Whalan before this Assembly was convoked. Those are the issues of credibility that arise out of who is the originator of this motion.

Mr Moore: On a point of order, Mr Speaker; I again draw your attention to standing orders 55 and 202 and point out that this speaker has deliberately not followed the direction of the Chair. However, I take Mr Whalan's point. Since the person speaking has been not well and since we obviously work so closely together, I could perhaps forgive him under those circumstances.

MR SPEAKER: Thank you for that forgiveness, Mr Moore.

Mr Kaine: I seek leave to move that this matter be set down for cognate debate with the Chief Minister's proposals for planning when she brings them forward.

Leave not granted.

Suspension of Standing and Temporary Orders

MR KAINE (Leader of the Opposition) (11.05): I move:

That so much of the standing and temporary orders be suspended as would prevent the Leader of the Opposition moving that the debate be adjourned and the resumption of the debate being set down for a cognate debate with the Government's proposals for planning, when brought forward by the Chief Minister.

I have some sympathy for the view expressed by Mr Collaery, that there is a major proposal for reorganisation and restructuring of the planning system of this city long overdue and currently open for public debate. Presumably, as an integral part of those planning processes, when the Chief Minister brings forward her draft legislation on the

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matter there will be provision for committees such as this to advise the Government on the environmental issues and other issues that arise during the processing of proposals through the planning system leading to approval or rejection of such proposals.

To graft such a committee as this onto the existing unsatisfactory arrangements - admitted by the Government to be unsatisfactory because it is proposing to change them - would be an unusual step, to say the least, and I would think would merely confuse the issue rather than clarify it.

I believe that the proper course of action is for the Chief Minister to bring forward her planning proposals so that they can be considered by this Assembly, and that part of those proposals ought to be the proposition that such a committee or such a council, whatever it is to be called, should be integral to that process. To try to debate it in isolation now, in anticipation of what the ultimate planning process arrangements might be, is premature and pointless.

MR WHALAN (Deputy Chief Minister) (11.07): This blatant attempt to gag discussion on this important issue just cannot be tolerated by the chamber. Once again, we are in the middle of an important debate, and there are other speakers who wish to make their contribution after members opposite have had their opportunity. They have had their chance. So they give themselves a go, but then seek to adjourn the debate, apply the gag and prevent the opportunity for others to participate in the debate and to comment upon this proposal which is of fundamental importance for the future planning and development issues in this Territory. This is completely without any form of consultation with other members in the Assembly, and springing it on in this manner by applying the gag must be rejected. It is repugnant to free speech in the Assembly and must be rejected by the Assembly on this occasion.

MR HUMPHRIES (11.08): I think Mr Kaine's motion is entirely in order and appropriate, and I find it strange that the Government should be coming forward today and saying that it is not prepared to allow this matter to go over, to allow, in effect, further time for consultation of a kind which this Government constantly talks about and constantly implores the Assembly to provide for.

The fact is that Mr Moore's motion has had very little notice. Mr Moore has written, I understand, to a large number of organisations, including trade unions, employer organisations and other interest groups, asking them for response to his proposals. I have not yet even seen any of those responses and I have not heard Mr Moore explain to me that any of them in any substantive way have been set out before him. I think it is therefore appropriate that this Assembly have further time to examine those kinds of implications and to see what those people have to say.

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It is quite clear that the effect of Mr Kaine's motion will be that we are able to debate Mr Moore's motion in the context of the debate of the Government's own package of environmental, heritage and planning laws. That is entirely appropriate. I see no reason to bring this particular component forward and slot it into place now in a way which is simply not going to be compatible with a debate on the entire package in a proper fashion.

When we talk about the gag, let me say that Minister Berry was across on this side of the chamber only a few minutes ago suggesting that a gag might be applied to Mr Stevenson later this morning when we come to debate his proposal concerning the UN convention on the rights of the child. When is a gag applicable and when is it not, Minister Berry? Why is a gag right against Mr Stevenson but not against other members of the Assembly?

Mr Stevenson: A special case.

MR HUMPHRIES: A special case, apparently.

MR MOORE (11.10): In fact, I suggested to Mr Kaine that it might be appropriate for him to move an adjournment to this debate. The reason I suggested that was that Mr Humphries in his speech last week said that the Liberals had some problems. They agreed in principle with the concept, but they had some problems, particularly with an advisory council as opposed to an authority with teeth. I said, "Well, that is all right. We have a week to negotiate, it will be adjourned and therefore we can discuss it this week". The simple fact of the matter was that they did not get back to me on what their ideas were and we did not get a chance to discuss it. With that in mind, I suggested that the way to deal with it, because it has been a particularly busy week, was to allow the adjournment to go ahead, I presumed, for the next sitting. Then Mr Kaine springs on the additional bit, which is what we are now speaking to, suspending standing orders in order to make the debate cognate with the whole planning issue.

What has happened since then is that we have had this ridiculous tirade from Mr Collaery, in spite of the fact that I have spent a number of hours with Tony Fleming, who is of course a very prominent conservationist, and he assisted me in preparing this motion. So the sort of nonsense that Mr Collaery comes out with in his sort of weird interpretation of his own planning policy is highly questionable. Of course, now I do not have the chance of reply to those ridiculous notions.

However, the point I am trying to make is that to suspend this until the next sitting is one question, but to suspend it until the planning legislation comes in is an entirely different thing. It would be appropriate for a council like this to be tried. Perhaps it would be found to not work, but at least it would have had a chance. With that

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in mind, I prefer now to oppose any adjournment at all and allow the debate to continue today and then let the Assembly vote on it.

Question put.

The Assembly voted -

AYES, 11

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

NOES, 6

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

Question so resolved in the affirmative.

MR BERRY (Minister for Community Services and Health): I wish to make a personal explanation. A little while ago Mr Humphries made some wild accusations about some discussions, consultations indeed, which I had with Mr Kaine about the progress of the debate today. I regarded those consultations as confidential. I am not going to comment on the detail of them, but it seems to me that Mr Humphries has quite wrongfully misinterpreted my approach to Mr Kaine. It was a consultation about progress this morning, about the issue which appears as item No. 2 on the orders of the day. I would expect that his good sense in regarding consultation in the right sort of light should not be overtaken by the need to make points in a debate where he was having some difficulty in finding reasonable issues upon which to base his argument.

I expect, when I seek consultations with parties, that cheap political points should not be taken. That was a cheap political point, without going into the detail of it, because it was a genuine consultation, as were my consultations with you in relation to Government proposals for a hospital board, which were treated rather cheaply as well.

MR KAINE (Leader of the Opposition) (11.18): The standing orders have been suspended, and I thank the members of the house for agreeing to that suspension. I move:

That the debate on Mr Moore's motion be adjourned and that it be set down for cognate debate with the Government's proposals on planning when they are brought down by the Chief Minister.

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I was rather surprised that the Deputy Chief Minister refused leave for me to move this motion because I would have thought that he might have wanted to listen to what I had to say on the subject, planning being a very important and crucial issue and one which has had scant attention from this Government up until now.

Indeed, I had discussed with Mr Moore this proposal to adjourn the debate on his motion, and he agreed that there was some merit in that. He also suggested - and I do not think he will mind my saying this - that if the Government, in the meantime, until the planning proposals are in place, thought it desirable to set up an interim advisory body, it could do so. There is nothing to stop the Government doing it. But to embed another committee into the existing planning system currently under review as a permanent institution, when it quite simply could be disestablished in a few months' time when the final planning arrangements are put forward by the Government, if they are agreed by this Assembly, seems to me to be, as I said before, premature and pointless.

The Government's response through the Deputy Chief Minister is perhaps indicative of the fact that they are very sensitive about this planning issue. What we have had for some weeks now - for some months, in fact - is a discussion paper. At the time some of us said that the planning system was in such disarray that what we needed was not a discussion paper but some draft legislation. However, since that discussion paper was put forward many weeks have elapsed and we still have not had any indication from the Government as to what consultations it has had and what comment, if any, it has received on that discussion paper. We still have no program for when, if at all, we are going to get the draft legislation which the Government has promised to straighten out our planning arrangements so that everybody concerned knows what the procedure is, knows what he has to do to get a proposal through the system, and knows what the appeals process is.

So I submit that it is a sensible thing for the Government to get on with the business of defining what it sees as the potential planning processes and arrangements for the Territory, to put them before the Assembly so that they can be debated, to allow some public debate on the questions to allow those interested parties out there to make their input, and then, if the sort of committee that Mr Moore is proposing is seen to be a desirable and a useful thing, to incorporate it into the permanent arrangement. I do not see anything sinister about that. It is a fairly straightforward proposal. For the Government to take offence at it, I believe, merely reflects its sensitivity to the fact that it has made no progress on the planning problem whatsoever and that it sees this as some kind of criticism.

It is not intended in that fashion at all. It is intended to be a constructive proposal. I seek the endorsement

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of the Assembly for it so that we can get on with the real matter of dealing with the long-term planning problems of the Territory.

MR WHALAN (Deputy Chief Minister) (11.22): Mr Speaker, you and I will both be aware that the Leader of the Opposition was out of order in speaking to that motion, but I assume that you are not going to object to my speaking to the motion.

MR SPEAKER: Please proceed.

Mr Kaine: I will grant you leave, Paul.

MR WHALAN: I am not seeking your indulgence. I am seeking his indulgence, thanks, Trevor.

Mr Kaine: Well, I will grant it anyway. Since he would not grant it to me, I will be gracious.

MR WHALAN: But you did not even ask for it. You just talked without even seeking leave. The irony of the remarks which were made by the Leader of the Opposition in relation to this adjournment motion is that he suggested that the Deputy Chief Minister would be interested to hear what he had to say. That is precisely what I wanted to hear. Because of the application of the gag, which is the effect of this particular motion, we will not hear what the Leader of the Opposition has to say. That is the effect of it. We want to hear today what the Leader of the Opposition's views are on this excellent proposal by Mr Moore. It shows thoughtfulness on the part of Mr Moore and it shows a concern about and a commitment to the environment.

No amount of character assassination by the Residents Rally of Mr Moore will detract from the fact that Mr Moore has emerged as the environmental conscience of this Assembly. I respect his commitment and I respect the role that he wishes to play in that respect.

I would like to take up a comment made by the Leader of the Opposition, which was that, if the Government wanted to, it could proceed to set up some body such as this. If I had not been denied the opportunity to speak on this motion, I would have dealt at some length with what the Government feels about Mr Moore's motion and how we perceive that as an interim proposal, pending the completion and finalisation of the planning legislation. It is in that context that the Government would view this particular proposal.

Mr Moore never argued that it was going to be anything other than an interim proposal, as I understand it, because all the tasks which are set out here will ultimately be taken up by the legislation to be introduced, based on the planning proposals which are currently in distribution in the form of a draft discussion paper. That draft

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discussion is going on, and indeed this particular body which Mr Moore had in mind could have contributed significantly in a semi-formal or indeed a formal way to that discussion by bringing together a group of people for a particular purpose.

I take the opportunity, Mr Speaker, to draw to the attention of members of the house an advertisement in yesterday's paper - Tuesday, 21 November - about the integrated Territory planning proposals, advising of a series of public meetings for the process of community consultation. Those public meetings will be held in Lake Ginninderra College, Erindale College, Melrose High School at Pearce, and Deakin High School. They will be at times convenient to the community and will allow anybody in the community to participate in that process of consultation. In the meantime the interim proposal which was put forward by Mr Moore has considerable merit, and discussion of the proposal would have had considerable merit. But we will be denied the opportunity to discuss and the opportunity to vote on Mr Moore's proposal if this adjournment motion is carried.

MR SPEAKER: Order! I draw members' attention to standing order 63. It was with the indulgence of the chair that I allowed one speaker from each side just to clear the air slightly on this matter.

Question put.

The Assembly voted -

AYES, 11

NOES, 6

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

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

Question so resolved in the affirmative.

Debate adjourned.

SUSPENSION OF STANDING AND TEMPORARY ORDERS

MR JENSEN (11.29): Mr Speaker, I move:

That so much of the standing and temporary orders be suspended as would prevent Mr Whalan speaking

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for an unlimited time to fully and properly air his allegations about the alleged failure by Dr Kinloch to declare donations received during the election campaign.

Mr Whalan: We will not oppose that suspension.

Question resolved in the affirmative.

ELECTORAL DONATIONS

MR WHALAN (Deputy Chief Minister) (11.30): Mr Speaker, today at 7.55 am on ABC radio Dr Kinloch was interviewed by voice-over with that eloquent voice of his and he was talking about his surprise at a donation to the Australian Labor Party. He said - and I will quote him directly:

That was just really a shock. I was very surprised indeed that the ALP would have kept that under cover. I would have thought that the ALP would have wanted the public to know where the sources of their incomes were coming from.

I put it to the Assembly that prior to the election campaign Dr Kinloch received a very substantial sum of money from a private property developer in this town, who is also a prominent member of the Liberal Party, with the instructions that the sum of money be concealed. Dr Kinloch, by mistake, revealed the donor and revealed the sum of money that was involved, and in so doing has done exactly, Mr Speaker and members of this Assembly, what he accuses - falsely, I might say - others of doing today.

DR KINLOCH (11.32), by leave: I thank the delightful, middle-aged gentleman opposite for his comment and I am really amazed. I do ask that he and others look at the Canberra Times at an article by Andree Coelli in which she laid out what contributions were to members. That contribution is not only in the Canberra Times. It is in my own declaration. The amount was \$1,000 and I used that personally for the campaign. I put in at least many times that of my own. That donation was from a personal friend, not from a property developer.

Mr Whalan: He is a property developer, a major property developer.

DR KINLOCH: I beg your pardon, sir. I have had a close friendship with a person. We have worked on trying to prevent gambling casinos in this Territory for about 13 years. He and I have been on committees together and we have no connection whatever with property development, none whatever. The person being referred to is a personal friend of mine - - -

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Mr Whalan: And property developer. He's a property developer.

MR SPEAKER: Order!

DR KINLOCH: You charming, delightful, middle-aged man, may I ask you to note that my friend has an occupation. I, too, have an occupation. He did not give that thousand dollars to someone who is an expert on eighteenth century theology. He gave it to someone who was running for office for the Residents Rally, deeply committed to the idea of removing a gambling casino from this Territory. He and I have a mutual concern about that, and I have no doubt whatever that that money was properly given and properly spent.

Mr Collaery: And properly declared. Shame on you for that.

MR KAINE (Leader of the Opposition) (11.34), by leave: The Deputy Chief Minister represented this donation as having come from somebody who is a member of the Liberal Party. I think if he cares to check his facts he will find that the donor of that money is not a member of the Liberal Party.

DR KINLOCH (11.34): May I have leave to table my own declaration?

Leave granted.

DR KINLOCH: There it is, dated January 1989, with the exact amount. That was declared to the Electoral Commission. I am absolutely thrilled to have this chance to table that document.

UN CONVENTION ON THE RIGHTS OF THE CHILD

Debate resumed from 16 November 1989, on motion by **Mr Stevenson:**

That the ACT Legislative Assembly calls -

- (1) upon the Federal Government to defer signing or progressing the UN convention on the rights of the child;
- (2) for full public and parliamentary debate on all UN conventions; and
- (3) on the Chief Minister to convey to the Prime Minister the concern of this Assembly that laws purporting to be for the peace, welfare and good government of the citizens of Canberra are being proposed and made other than through debate and due parliamentary process of the ACT Assembly

upon which **Mr Collaery** had moved by way of amendment:

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That all words after "That" be omitted and the following substituted: "the Assembly notes that the Federal Government will not ratify the draft UN convention on the rights of the child until the terms of the convention are settled and further consultation with all State and territory governments takes place.

MR HUMPHRIES (11.35): This is a return to that contentious issue of the UN convention on the rights of the child, and I hope that we can conclude this today. It is not a matter in which I feel much comfort or confidence in speaking in this place because I have not been able to find a great deal of information and detail about this convention. This is a matter on which there is some controversy and it is not particularly clear to me or to my party in which way that ought to be resolved. I am well aware of the comments that Mr Stevenson has made and of the arguments that he has put forward. I have to say that there are some even within my own party who share at least some of the concerns that he has raised.

There is one particular aspect that I want to deal with, and that is the question of the power of the Federal Government to impose the terms of this convention on the Australian States. In the course of debate on this matter last week the Chief Minister made an assertion that it is not the normal practice for the Australian Federal Government to impose the terms of international conventions on the States, except with the States' agreement. Now that is, I am sure and I would hope, generally true, but it is not universally true. It has not universally been true, and there have certainly been celebrated cases in the past where the Federal Government has used the power conferred by the signing of an international convention to impose its view or the view expressed in that convention onto an unwilling State.

Mr Berry: But usually conservative ones.

MR HUMPHRIES: They were indeed, Mr Berry; they were conservative States. One such example was the Fraser Government imposing environmental safeguards on the Government of Queensland over the mining of sand on Fraser Island. I must say I am very proud of the fact that my Federal colleague, the then Prime Minister, was prepared to exercise those powers to deal decisively with an important environmental issue.

The second example that comes to mind - and there may be others - was where the Federal Labor Government prevented the damming of the Franklin and Gordon Rivers. In both those cases there were certainly arguments that the Federal Government ought to have exercised some power, but it is quite wrong to suggest, as the Chief Minister suggested, that those things were done with the agreement of the States concerned. They certainly were not done in that fashion.

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The question arises of whether or not the ACT should agree, if it is given the opportunity to agree, to circumstances where laws in respect of children are made by the Federal Government when hitherto such laws have been made by State or territorial governments. That is the question that springs to my mind, and I do not have a satisfactory answer to that question at this stage. It may be that the convention contains entirely laudable provisions dealing with children's rights - - -

Mrs Grassby: Well, why don't you read it, then?

MR HUMPHRIES: I have read it, Minister Grassby.

Mr Doby: Why say "may"? It does.

MR HUMPHRIES: All right, let us assume for the sake of argument that it does contain those provisions and that the Federal Government seeks to impose laws on the Australian States and territories dealing with those rights. I would have to say I would be in some doubt as to whether the Federal Government ought to do that, because the Federal Government traditionally does not regulate the rights of children. State governments and territorial governments do.

Mr Berry will be quick to defend the right of the Federal Government to do whatever it wants, but the fact of the matter is that there are circumstances where State governments ought to be making laws and there are circumstances where the Federal Government ought to be making new laws. I believe that we should not blur that distinction, and that is why I believe we ought to have a second and closer look at conventions of this kind.

I am in some difficulty because, as it happens, this very morning, my Federal colleagues at the meeting of the Federal shadow Cabinet are considering this very question, the UN convention on the rights of the child. I am as yet not aware what decision is being made by the Federal shadow Cabinet and I, for one, would like our ACT parliamentary Liberal Party to be in accord with our Federal colleagues. Therefore, I am not enthusiastic about supporting or opposing this motion of Mr Stevenson. However, I can indicate, as Mr Stefaniak indicated the other day, that the Liberal Party will be pleased to support Mr Collaery's amendment to this motion. If it emerges later that there are serious problems arising from this convention, then I believe that we should give fresh consideration to the motion that Mr Stevenson has put forward.

MR STEVENSON (11.40): In a media release on 15 November, the Chief Minister said that it was a matter of regret that Mr Stevenson was causing confusion and concern with his remarks about the draft United Nations convention on the rights of the child. Firstly, there is concern. I merely echo the concern. As for the confusion, the confusion

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is highlighted because there is not, and there has not been, full and open debate on this matter. As highlighted a moment ago by Mr Humphries, the matter has just been resolved unanimously in the United Nations on Monday and the Federal Liberal Party is looking at what it would do on the matter. So there is a great deal of confusion. It has not been caused by me, because what I present is not so much my own opinion - although my own opinions are the same - but evidence. I read articles, I make quotes and, unlike the claim by Mr Duby about obscure articles, et cetera, I have quoted a High Court judge, Justice Wilson. Mr Duby dismisses a High Court judge - - -

Mr Duby: Yes, I do.

MR STEVENSON: Just like that.

Mr Duby: It is as simple as that. He is wrong.

MR STEVENSON: I think I could handle any debate with Mr Duby on that matter; we would not need a High Court judge. So let us have a look at some of the concerns that were raised in this debate. Dr Kinloch mentioned that he was concerned about problems of parental control. Indeed, the truth of the matter is that some parents do not look after their children. Some parents abuse children; some parents physically abuse children. There are many things that are done on occasions by parents, people in general.

Ms Maher mentioned that children have rights. I, of course, agree with that, but there are also parents' rights. What this entire convention is about is only children's rights and the requirement that the state enforce those rights. The articles do not talk about valid parents' rights. They say what the child has the right to do. When I introduced the matter, I read out article 2, which said:

The States Parties ... shall respect and ensure the rights set forth irrespective of the child's parents' political or other opinion.

I hold exactly to what I said. I noticed there were various things introduced by people on the other side of the chamber, but I did not see the evidence, and this is not an unusual thing in this Assembly. We quite often have anecdotal statements made, wild, farcical accusations, but where is the evidence? Article 13 states that the child shall have the right to freedom of expression; and this right shall include freedom to seek, receive and impart information and ideas of all kinds through any other media of the child's choice. Do you state that that does not mean what I have just said it means, having read it out? I hear not a word, and that is the problem. What we get is accusations, innuendo and no valid debate. These things cannot be debated because what they say is what they say, and I have read out what they say.

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We are told by some people, particularly the Labor Party members in this Assembly, that these things are covered by laws; they are not all-encompassing. Well, article 13, paragraph 2, reads:

The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law ...

But it adds "and are necessary". What that says - and, if it does not, get a legal opinion and give it to me - is that the law is not necessarily valid unless it is held to be necessary. We have legal people in this Assembly - Bill, you are the only one I can turn to - who can say what these things mean.

Mr Whalan: Ha, ha!

MR STEVENSON: I say that because it is obvious that Mr Whalan and other members of the Labor Party either have not the slightest understanding of what the law says and means, or they disregard what the law says and means. But these are matters of law and we should look to the law. When we look at what is necessary under article 13, we find that it says:

- (a) for respect of the rights of reputations of others; or
- (b) for the protection of national security or of public order, or of public health or morals.

That does not talk about the child. How about addressing the articles? Get back and talk to me about the legality of the thing. That was the article specifically, Chief Minister. Article 15, once again after saying that the child has the right to freedom of association - and that could be freedom to associate with drunks, drug addicts, prostitutes, et cetera - - -

Mr Berry: People from the League of Rights.

MR STEVENSON: Yes, and people from the Labor Party indeed. You can associate with anybody under these provisions. Whether that is necessarily a good idea for a child, Wayne, it does not matter. So, once again, no restrictions shall be placed on the exercise of these rights other than those imposed in conformity with the law. But it adds "and which are necessary" - I wish the lawyers were here - "in a democratic society and in the interests of national security". Then we have article 16 which says:

No child shall be subjected to arbitrary or unlawful interference with his or her privacy ...

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Once again, the word "arbitrary" can mean the choice. The choice of whom? The choice of the parent? Check the definition of "arbitrary" if you do not understand that.

Article 18 indicates that the parents or, as the case may be, legal guardians have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. Where are the best interests of the children laid out in the articles - under article 2, under article 15, under article 13 and under article 16? These are the best interests - to allow the child to freely associate, to freedom of expression, regardless of whether it is pornography, because it does not exclude that and that is not against the law. You do not address the issues; that is the problem.

Mr Moore said something about Dennis Stevenson not doing anything to abolish this Assembly. Well, he obviously forgets that on 4 July I did raise a matter to look at the constitutional legality, once again looking at the law. All I said was that there are valid, serious questions that need to be answered. Mr Moore was one of the 16 people who voted against that matter. Once again, if anybody wants to debate that matter, I would be happy to do so. The debate would be that there are not serious legal considerations regarding the constitutional validity of this Assembly. Mr Speaker, I request an extension of time.

Leave not granted.

Mr Stevenson: This is a classic case of not being prepared to look at the evidence and allow debate.

Question put:

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

The Assembly voted -

AYES, 7

Mr Collaery
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Mrs Nolan
Mr Stefaniak

NOES, 10

Mr Berry
Mr Duby
Ms Follett
Mrs Grassby
Ms Maher
Mr Moore
Mr Prowse
Mr Stevenson
Mr Whalan
Mr Wood

Question so resolved in the negative.

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Suspension of Standing Orders

MR STEVENSON: I move:

That so much of the standing orders be suspended as would prevent me from again addressing the Assembly.

Question resolved in the negative.

MR SPEAKER: The question now is that the motion be agreed to.

MR KAINE (11.56): I move that Mr Stevenson's motion be taken seriatim. To clarify my motion - apparently the term "seriatim" confuses people - I move:

That Mr Stevenson's motion be divided and voted on separately as parts 1, 2 and 3.

Question resolved in the affirmative.

Question put:

That paragraph (1) be agreed to.

The Assembly voted -

AYES, 1

Mr Stevenson

NOES, 16

Mr Berry
Mr Collaery
Mr Duby
Ms Follett
Mrs Grassby
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Whalan
Mr Wood

Question so resolved in the negative.

Question put:

That paragraph (2) be agreed to.

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The Assembly voted -

AYES, 9

Mr Collaery
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Stevenson

NOES, 8

Mr Berry
Mr Duby
Ms Follett
Mrs Grassby
Ms Maher
Mr Moore
Mr Whalan
Mr Wood

Question so resolved in the affirmative.

MR STEVENSON (12.03): Mr Speaker, I move to suspend so much of standing orders as would prevent me from continuing my speech on this matter.

MR SPEAKER: We have already voted on that issue, Mr Stevenson.

Question put:

That paragraph (3) be agreed to.

The Assembly voted -

AYES, 1

Mr Stevenson

NOES, 16

Mr Berry
Mr Collaery
Mr Duby
Ms Follett
Mrs Grassby
Mr Humphries
Mr Jensen
Mr Kaine
Dr Kinloch
Ms Maher
Mr Moore
Mrs Nolan
Mr Prowse
Mr Stefaniak
Mr Whalan
Mr Wood

Question so resolved in the negative.

MR WHALAN (12.05): Mr Speaker, I seek leave to move the following motion:

That, pursuant to the resolution that there be full public and parliamentary debate on all UN conventions, all UN conventions be referred to the

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Standing Committee on Conservation, Heritage and Environment for examination and report to the Assembly.

Leave not granted.

MANNER OF SPEECH IN CHAMBER AND MODES OF ADDRESS

MR SPEAKER: I would like to make a statement relating to the manner of speech being used by members in the Assembly and the forms of address used by members to other members. There is a need for the chamber to have an effective and orderly debating process and for certain standards to be maintained. It is the role of the Speaker to maintain control of the debate and, whilst allowing members their rights under the standing orders, to ensure that the dignity of the chamber is upheld.

There are two particular matters I wish to bring to the attention of members. Members are reminded of the provisions of standing order 42 which require members to direct their remarks through the Chair. Whilst in the cut and thrust of debate comments may occasionally be directed across the chamber, the proper form is that all remarks should be directed through the Chair. While a member is speaking no other member may intervene or make any move, including interjections, to interrupt a member speaking.

On the second matter, I bring to your attention the form in which members may refer to another member. This matter has been considered by the Standing Committee on Administration and Procedures. Until the Assembly otherwise directs, members should not use the member's Christian name, given name or versions thereof when referring to another member. A member may refer to a member by title, such as Minister, Chief Minister, or Leader of the Opposition, or may use the prefix Mr, Mrs or Ms. Where a member is entitled to use a substantive military, academic or professional title, this title will be used if the member so wishes.

Sitting suspended from 12.08 to 2.30 pm

QUESTIONS WITHOUT NOTICE

ACT Ambulance Service

MR HUMPHRIES: Mr Speaker, my question is to the Minister for Community Services and Health. I refer to the Government's response to the report of the Estimates Committee and in particular to the announcement that a refund would be sent to all current subscribers of the ambulance scheme once the ambulance levy legislation is in place. Is it not the case that, having received a refund, many subscribers - those not in health funds - will have to

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forward their subscription a second time to obtain ambulance cover? Has the Government costed the additional administrative expense of this cumbersome procedure?

MR BERRY: I think the best way to handle that question is to take it on notice and respond in due course.

Adult Video Industry

MR COLLAERY: My question is to the Treasurer. Is she aware of an offer by the adult video industry representative to pay a voluntary tax and to submit to a voluntary regulatory scheme? If so, is she going to accept the voluntary tax funds?

MS FOLLETT: I do not have formal advice of such an offer from the Adult Video Industry Association but I have heard, via some of the media representatives, that the association is planning to make available some funds. The story that I heard was not of a voluntary tax but, rather, a voluntary contribution to charities within the ACT. I think that is a very welcome contribution. There are indeed a great number of worthy causes in the ACT that could very well do with those funds.

But it has to be said that the Bill upon which the Assembly voted last night would have provided to the whole of the ACT community a very much larger sum of money, and that is what I would have regarded as a tax measure, a very good one, a simple one to administer and one which should have been supported.

The rumour that I have on the video industry's current proposal is that it is more or less a donation to charitable organisations. While that is welcome, it is certainly a long way short of what the Assembly knocked back last night.

Public Service Transfers

MR MOORE: My question to the Chief Minister follows a similar line. In view of the rejection by this Assembly of a vital element of the Government's budget proposals, some hard decisions will have to be made about alternative funding. Will the Government consider as one of its options returning \$5m worth of public service personnel to the Commonwealth and, if so, what are the ramifications of such an action for the proper management of this Territory?

MS FOLLETT: Well, the short answer is no, I will not consider returning \$5m worth of public service personnel to the Commonwealth. It might be worth while pointing out to the Assembly that there are, I believe, about 16,800 staff employed in total by the ACT Government agencies, but only

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about 8,300 of those staff are employed under the Commonwealth Public Service Act. The balance are employed under a variety of Acts and there is no responsibility by the Commonwealth towards that large majority of people.

I would like to point out also, Mr Speaker, that the Government greatly values its public servants. We have heard them denigrated by Mr Kaine during his response on the Appropriation Bill. I do not share his view that public servants, or "bureaucrats", as he calls them, do not deliver the goods - a view twice repeated. I believe that they perform an invaluable task and perform it very well indeed. I certainly value their services and their professionalism. I greatly value the spirit in which they have entered this very difficult time following the achievement of self-government.

I might also point out, Mr Speaker, that in the budget there have been substantial cuts already made across agencies. Unlike this Assembly, the public servants and the public service managers have accepted that there is not a money tree out there, that the funds available are finite, and that where cuts must be made they will be accommodated in a responsible manner. They have responded to the stringent financial circumstances in that responsible manner, and I think that is a very great credit to the public servants and to the public service managers. As I said, I will not be asking for the Commonwealth to take any of them back, let alone \$5m worth.

MR MOORE: Well, considering that response, Chief Minister, there are some hard decisions that will have to be made about the \$5m. Have you got any notion of how you are going to make extra charges for the \$5m?

MR SPEAKER: Order! That was not a supplementary question, Mr Moore.

Petrol

MR KAIN: I would like to address a question to the Chief Minister and Treasurer and ask whether she would give the Assembly a progress report on her discussions with people in the industry of supplying and distributing petrol in Canberra. How are those consultations going in terms of increasing the price of petrol by 3c a litre to bring us into line with New South Wales?

MS FOLLETT: I have not had such discussions, Mr Speaker.

Petrol

MR DUBY: My question is directed to the Minister for Industry, Employment and Education. I think it is directed

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to him. Anyway, he is the person responsible. It concerns the frequent and substantial fluctuations in the retail price of petrol in the ACT. Can the Minister provide any reason for these fluctuations and does he consider it remarkable that the prices always seem to peak around every public service payday?

MR WHALAN: Petrol pricing in the ACT has been a vexed question for many years and to a certain extent we have been made victims of the concentration of ownership and control of petrol distribution throughout Australia. There do not seem to be too many easy solutions. The Prices Surveillance Authority is responsible for setting the maximum wholesale price for petroleum products. It recently took a decision to reduce the maximum wholesale price of petrol by 1.5c per litre.

The chairman of the Prices Surveillance Authority announced on 14 June 1989 that the Federal Government had agreed to a public inquiry by the PSA into national petrol prices. The decision follows a series of price increases this year. The inquiry commenced on 25 July 1989. It is expected to be completed and a report submitted by the end of the year.

In the 1987 inquiry into petrol prices in Canberra the PSA highlighted location policy as a major component affecting petrol prices in the ACT. This issue was addressed by the former NCDC in its 1988 revised policy on service station sites. An effective investigation is also being undertaken by my department into the effects on ACT prices of freight differentials and the petroleum products freight subsidy scheme. These aspects are not being considered by the PSA in its inquiry.

In conclusion, Mr Speaker, I submit that the occasional price war which we see, which is relatively limited in its duration, is only a ploy on the part of the petroleum companies to reduce the possibility of firm action being taken by the Government to look after the interests of consumers. I expect that, once the final report of the PSA is handed down to the Commonwealth Government later this year, we will be in a better position to decide whether or not we, as a government, should take some more direct action in relation to this issue.

Mitchell Industrial Area

MR WOOD: Mr Speaker, I direct a question to the Minister for Industry, Employment and Education about the future role of the light industrial area of Mitchell, especially if the major work at Gungahlin proceeds. In the first instance, could the Minister advise us of the approximate work force at Mitchell now and how it may develop under existing planning approvals? Ahead of any development in Gungahlin, could he say what it might expand to?

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MR WHALAN: At the June 1986 census, the work force in Mitchell totalled 1,300. With recent development, it is likely that the work force now is about 1,550. The existing planned and serviced areas in Mitchell total 106 hectares of leasable land. At the end of September 1989, 59 hectares of land had been leased and occupied, with a further 19 hectares leased and either under development or awaiting building commencement.

When completed and occupied, existing leased land will support a work force of approximately 2,000. The remaining 28 hectares of serviced land have a work force capacity for a further 600 to 800. The Interim Territory Planning Authority has identified areas for possible expansion of Mitchell as an industrial site totalling 43 hectares and, when developed, this land could accommodate a work force increase of approximately 1,000.

The Office of Industry and Development monitors building construction progress and the occupation of commercial and industrial premises on a quarterly basis. Future planning and land release programs are developed on the basis of these reports. Reflecting the current levels of unoccupied land and premises in Mitchell, the future land release program allows for the release of only a further three hectares over the next two years.

This proposed release will be subject to continual review to respond to any identified markets. In the last few years, the amount of land sold in the Mitchell area has been relatively stable and has not shown increased demand in expectation of development in Gungahlin, although when Gungahlin's development is officially announced it is expected that demand in Mitchell will increase above the current level.

Housing Trust

MRS NOLAN: My question is to Mrs Grassby as Minister for Housing and Urban Services. I refer the Minister to mortgage loans from the ACT Housing Trust. Are mortgages reviewed annually and checks made to determine the identity of the occupants? How is that review done, and what special circumstances, other than medical reasons or temporary employment outside the ACT, allow people to sublet their homes?

MRS GRASSBY: I will have to get back to Mrs Nolan about mortgage relief on sublet homes. As for the mortgages, I announced the details of the new mortgage relief scheme recently. I am sorry, I have the wrong answer here. I will have to get back to Mrs Nolan on that too. I really am sorry.

MRS NOLAN: With respect, Mr Speaker, I did not mention the word "relief"; I was asking about mortgages.

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MRS GRASSBY: Yes, I know. I will have to get back to you with those figures.

ACT Budget

MR MOORE: My question is to the Treasurer. Considering that she has promised a balanced budget to the ACT, will she be looking to alternative funding, further cuts, reducing the Treasurer's advance, or does she have some other tactic in mind for replacing the \$5m that was lost from her budget?

MS FOLLETT: Mr Speaker, as I am sure all members of the Assembly are aware, the loss in terms of revenue brought about by the failure of the Business Franchise ("X" Videos) Bill is \$2m for this year and \$5m for a full year. The failure of that Bill yesterday does not affect the Government's resolve to achieve a balanced budget.

So, given that, there are a number of options available to the Government to achieve a balanced budget. Those options, as members should be aware, are to introduce another new revenue measure - and I do not know of any other revenue measure that is as simple and as effective as the one that was defeated yesterday - to increase the Government's borrowings, which I do not support, or to reduce expenditure. There are those three options. I do not find any of them very attractive and I do indeed intend to meet our commitment to a balanced budget.

I do not intend to jeopardise the strategy that the Government has announced, which is to encourage economic development through policies which reflect our commitment to social justice. I certainly do not intend to increase the Government's borrowing program. I do not regard that as a desirable option at all and I believe that, with the possible exception of Mr DUBY and his party, that would be a widely held view within this Assembly.

Mr Speaker, I think the only answer that I can give at the moment is that I maintain the commitment to the balanced budget. That means that we will have to scrutinise all of our programs in an attempt to find the kinds of savings that the Assembly has imposed upon us. The Government will be considering all of the options and, in that consideration, we will be sticking to our policies of social justice and of maintaining levels of services.

I think it is appropriate to point out to the Assembly that the Appropriation Bill which is before us at the moment sets the level of expenditure under various programs, that those levels are maximum levels and, as I said, that we will be looking at all the programs to see how the loss of the \$2m in this budget can be offset.

Departmental Relocations

MR STEFANIAK: My question is to the Minister for Industry, Employment and Education. Several months ago he announced that he was relocating part of one of his departments to Tuggeranong - I think it was the Education Department. Does the Government have any plans to relocate any ACT public servants to any other areas of the ACT?

MR WHALAN: There is a general commitment on the part of the Government to the dispersal of employment opportunities across the ACT through the relocation of offices. Of course, there is the commitment to the provision of services to the community at convenient locations. With that in mind, one further commitment which will eventually come about will be the completion of the building being constructed by the Long Service Leave Board. There is a commitment to occupying that building.

YMCA Site, Civic

MR COLLAERY: My question is to the Minister for Industry, Employment and Education. I refer to proposals lodged for the YMCA site, which is behind the Australian Taxation Office building opposite this Assembly. Is it a fact that proposals have been received for that site from a variety of interests and is it a fact that the Minister has had discussions with the commissioner of taxation about extending the ATO building to accommodate taxation officials on that site? If so, does that mean there will be more public servants in the city area or is it to house the existing numbers of Taxation Office staff?

MR WHALAN: Mr Collaery asked whether I had had discussions with the commissioner of taxation in relation to section 10, which is the area referred to, the area behind the Amdahl building which takes up the YMCA site and the Olympic Bowl site. To clarify that point, I point out that I have had no discussions with the commissioner of taxation. There was, in fact, a submission received by the Government for a proposal to construct an office there by the consolidation of that site.

In line with the invariable practice, that was referred to the Interim Territory Planning Authority, and I understand that ITPA has, in turn, referred it to the National Capital Planning Authority because, as a result of one of those extraordinary accidents of drawing lines on a map, the area we are talking about falls within the Parliamentary Triangle and thus within the jurisdiction of the National Capital Planning Authority. There are those of us who do not agree that accidents of lines being drawn on the map should automatically mean reference of that responsibility to the NCPA.

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It is my personal view that the total city area of Canberra should be the responsibility of the ACT Government, and that site is an integral part of the total city area. Certainly, I hope that there would be a recognition by the Commonwealth Government that it has no role to play in relation to the issues that are relevant to that site. But at this point, the relevant authority is the National Capital Planning Authority and the relevant government is the Commonwealth Government. I could suggest that any further questions on that might be referred either to the NCPA or to the Commonwealth.

MR COLLAERY: I ask a supplementary question. So it is not the Residents Rally that is holding up that development? Yes or no?

MR WHALAN: Mr Speaker, I think I would have to admit that that is one of the few developments that is not being delayed by the Residents Rally.

Road Signs

MR JENSEN: My question is directed to Mrs Grassby, as Minister for Housing and Urban Services. I draw the Minister's attention to a set of traffic lights at the intersection of Stirling Avenue and Northbourne Avenue which have not been in operation since January 1989. Would the Minister advise the Assembly why these lights were in operation for only some two months? Is it intended that these lights be put back into operation or will they be relocated elsewhere?

MRS GRASSBY: Those lights that Mr Jensen is talking about are near the showground and are used only during peak-hour traffic when there is something on at the showground. Otherwise they are turned off because there is no need for them and they would hold up traffic.

MR JENSEN: I ask a supplementary question. Does the Minister have any indication as to how much those traffic lights cost to install and how much it costs just to have them switched off for 11 months of the year?

MRS GRASSBY: If the lights are turned off they are not costing us anything. The cost of putting lights at any intersection costs around \$100,000. A roundabout costs \$60,000. That will give you an idea of the difference. The lights were installed for use only when there is something on at the showground and traffic coming down Northbourne Avenue needs to be held up so that people can come out of the showground. At the time the lights were installed, they probably would not have cost \$100,000. Today, if I were to install traffic lights there, they would cost me \$100,000. As I keep them turned off most of the time, they do not cost me anything.

Pornography

DR KINLOCH: Mr Speaker, my question is to the Chief Minister. May I refer the Chief Minister to the existence of two commercial premises in the city area, Fantasy Lane near the Pizza Hut and Kentucky Fried Chicken in Lonsdale Street, and Club X in Northbourne Avenue, which some people refer to as pornography shops. Could the Chief Minister tell us the basis on which the approval for these shops was given? Is she aware of any further applications or approvals for similar businesses in local or city commercial areas, especially family accessible areas?

MS FOLLETT: The location of both of the premises to which Dr Kinloch has referred was a decision made before this Government came to office. On the second part of the question, I am not aware of any further applications, but I could make some inquiries about whether there are any in the pipeline. Certainly, none has come to my notice.

Telecom Vehicles

MRS NOLAN: My question is to the Minister for Housing and Urban Services. Why are parking infringement notices being issued to Telecom station wagons for parking on loading zones as non-commercial vehicles when the controller of technical standards at the ACT Motor Vehicle Registry has assessed them as goods vehicles after inspection of one such vehicle?

MRS GRASSBY: This follows the question from Mrs Nolan which I answered yesterday. If the owners of the vehicle in question have not paid the extra money to classify that vehicle to park on a loading zone for 15 minutes, they will get booked.

Mr Kaine: How does the parking attendant know that?

MRS GRASSBY: By the registration sticker. A special type of sticker is required.

MRS NOLAN: I ask a supplementary question. Given that this decision was addressed in writing to people at Telecom, could you tell me why there seems to be some conflict of view?

MRS GRASSBY: As I explained in the answer I gave yesterday, Telecom asked whether we would change their registration. They were told in a letter that we would not. If Telecom were going to operate station wagons they would have to pay the extra money to class them as goods vehicles which could be parked on loading zones for 15 minutes. Otherwise they would still be classed as station wagons and they would be booked.

Rail Services

MS MAHER: My question is directed to the Minister for Housing and Urban Services. I refer to an article in today's Canberra Times which refers to the New South Wales State Rail Authority's decision to terminate the XPT service between Sydney and the ACT. Also, I believe that the rail tankers carrying fuel to the ACT will be terminated. Does the Minister intend to take up the matter with the New South Wales State Government, especially in light of the forthcoming talks on a government-to-government basis, as the termination of these services will increase the hazards on our roads due to the increase in the number of fuel tanker trucks and buses required to compensate for these services.

MRS GRASSBY: Following the announcement by the State Rail Authority of New South Wales about the cessation of the XPT service on 10 February 1990, it is, unfortunately, open to the New South Wales Government to consider reducing any of its rail services. When the Commonwealth Government handed over responsibility to the State Rail Authority there was an agreement that there would be two rail services a day to the ACT. When I met with Mr Baird he told me that the SRA intended to keep to that agreement. We will have two rail services up until the XPT ceases. It is difficult to see how we will have two rail services after that. I have heard a whisper from a union that the SRA is going to take our freight services off also. We will then have between 40 and 50 petrol tankers on the road between Sydney and Canberra each week. I understand the mayor of Goulburn has also expressed concern, as he says there will be something like 100 heavy trucks carrying fuel on the highway.

The way that the New South Wales Government is going with its fire sale - selling off banks and everything else - I would not be a bit surprised at what we might lose next. I have warned my fire department that it could have a lot more business as a result of there being 100 oil tankers on the road each week. Unfortunately, there is very little we can do about it, but the Chief Minister will be seeing Mr Greiner on Friday and I have asked her to speak to him about the worrying fact that we could have 100 oil tankers a week on the road.

Master Builders Association

MR JENSEN: My question is directed to Mr Whalan, the Minister for Industry, Employment and Education. In the ACT Gazette of 25 October, there appeared information that the Office of Industry and Development, land development branch, had arranged for a 1989-90 subscription to the Master Builders Association of the ACT. Can the Minister advise what benefits the Office of Industry and Development receives from its \$2,000 expenditure on that subscription?

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MR WHALAN: The land development branch probably has some services which are provided by the Master Builders Association, as members would be aware. A body such as that is highly professional in its organisation and it provides a range of services. OI, as an employer or as an organisation involved in the building and construction industry, may so subscribe. At the same time, I would be encouraging it to join and subscribe to the Building Workers Industrial Union so that we are balanced. In any case, I will make some inquiries and find out the background to this matter.

MR JENSEN: I ask a supplementary question, Mr Speaker. Does the Minister consider it normal for such subscriptions to be made by Federal - I am sorry - ACT government departments?

MR WHALAN: Mr Jensen's reference to the Federal Government reminds me of the questions that he was asking yesterday. I seem to recall that the Master Builders Association of the ACT might have been one of those organisations that supported the pamphlet that was being brandished around the chamber yesterday. Yes, I would expect governments to subscribe to many organisations.

PAPER

MR BERRY (Minister for Community Services and Health): Pursuant to section 15 of the Children's Services Act 1986, I present the annual report of the Children's Services Council for the year 1989-89.

APPROPRIATION BILL 1989-90 **Detail Stage**

Consideration resumed from 28 September 1989.

MR SPEAKER: I understand it is the wish of the Assembly to debate this order of the day concurrently with Assembly business, order of the day No. 1.

Standing order 180 sets down the order in which this Bill will be considered; that is, in the detail stage the schedule must be considered before the clauses. Unless the Assembly otherwise orders, the schedule will be considered by proposed expenditure in order shown.

MR KAINE (Leader of the Opposition): I wonder whether I could seek some clarification before we get into the debate on this Bill. I am somewhat confused about the proposed mechanism for this debate. The Government moved to refer its works program to the Standing Committee on Planning, Development and Infrastructure, and a comprehensive report, which has been adopted by the Assembly, has come back from

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that committee. The Government also moved that the Appropriation Bill be referred to the Estimates Committee, and that committee has come back with a comprehensive report and considerable comment on the budget. How do we know the extent to which the Government intends to incorporate all or any of those comments in this budget if we proceed on a program by program debate in accordance with the schedule?

I am not quite clear on how we know what the Government's budget is now, since it has had two lots of recommendations, and we do not know the extent to which those recommendations have been adopted by the Government or the extent to which it has changed its Appropriation Bill as presented at this stage.

MS FOLLETT (Treasurer): Mr Speaker, I reported yesterday on the Government's response to the Estimates Committee report, and in that response I indicated that there were, in fact, three recommendations of the Estimates Committee that had a bearing on the Appropriation Bill. I responded on those three matters and tabled a much more lengthy report. Mr Kaine has also raised the matter of the review of the capital works program by the Assembly's Standing Committee on Planning, Development and Infrastructure. Again, I have responded on that and I think it has been debated in the Assembly. The Assembly's planning committee response does not, in fact, change the Appropriation Bill.

MR KAINE: That still does not clarify the issue, Mr Speaker. The Government has said that it intends to do certain things. We still have an Appropriation Bill before the Assembly. Presumably the Government is not going to propose any amendments to it. If it is, it has not yet put any amendments before us to indicate how it intends now to change the Bill. I am still unclear as to just what the Appropriation Bill consists of at this moment, given the debate, the consultative process, if you like, that has taken place. How does all of that affect the Appropriation Bill that we are now being asked to debate?

I am unclear about it and, if I am unclear, I am quite sure that everybody else sitting around this Assembly is as well. Perhaps the Government could clarify the position as we move along on an item by item basis. The Government should explain to us how the precise effects of everything that has happened over the last four or five months is now reflected in this document. I would certainly appreciate some clarification and advice as we move through the Bill.

MS FOLLETT: None of the comments that have been made in the debate in the Assembly in effect changes the Appropriation Bill, so I see no reason to make any changes to it. There were three matters in the Estimates Committee's report which had a bearing. The first was the proposal to fence around Stage 88. The Government agreed with the Estimates Committee's findings on that matter.

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The second was the provision of a report by the Government on design programs. To paraphrase what I said yesterday, our response was that we could not put forward a detailed proposal on that but took on board the spirit of the Estimates Committee's recommendation. The third matter was the refund of the ambulance levy, and that is covered in the longer report that I tabled in the Assembly yesterday on the question of the ambulance levy.

MR COLLAERY: Mr Speaker, I join with Mr Kaine. Although I was not in the house yesterday, I understand that the Government allowed the recommendations of the Estimates Committee to pass unaltered. I understand that there was a resolution or a vote, or that you put the matter to the vote - I do not have today's Hansard proof yet - and I am troubled about our procedural situation.

Whatever the Chief Minister's reservations, it appears to me on my advice that the Government allowed the Estimates Committee's recommendations to be accepted on the voices. That being the case, we have before us a situation where the Government has accepted recommendations which obviously must lead to a different Appropriation Bill.

Ms Follett: No, they do not.

MR COLLAERY: The Chief Minister says they do not. I would like that point to be clarified.

MS FOLLETT: Mr Speaker, I have just said the same thing twice and I said it yesterday as well. In the Estimates Committee's report three out of the 20 recommendations have a bearing on the budget. I have reported the Government's approach on those three matters. They do not change the Appropriation Bill, so in my opinion there is no reason to do anything other than deal with the Bill that is before us. If there is a lot of confusion, Mr Speaker, the Assembly might wish to consider a very brief adjournment while we clear up the procedural matters.

MR SPEAKER: Thank you for that suggestion. However, I believe it is possible to proceed at this time. I am looking for a nod from the members who raised the question.

MR COLLAERY: For my part, I would prefer a short adjournment so that we can have a round table discussion with the Treasurer and her advisers to determine the manner in which we are approaching this current debate.

MR KAINE: I think that this is a procedural matter and that is why I raised it. I am unclear about the mechanics of it and the Government's position. Perhaps a brief adjournment would be a sensible course of action.

MR SPEAKER: I suggest that the Assembly suspend until 3.30 pm.

Sitting suspended from 3.14 to 3.31 pm

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Schedule 1 - Part II

Proposed expenditure - ACT Legislative Assembly, \$4,430,200 - agreed to.

MR COLLAERY (3.32): I wanted to speak about support to the Legislative Assembly. It is too late?

MR SPEAKER: We can go back to that point, if you seek leave, Mr Collaery.

MR COLLAERY: I seek leave to make some brief remarks about support to the Legislative Assembly.

Leave granted.

MR COLLAERY: We understand that the funds to be appropriated, which the Rally will not oppose, relate partly to the rental or underleasing costs of this building, and we are awaiting a response from the Chief Minister as to whether there are contractual obligations relating to these premises over and above arrangements that may have been reached with the Commonwealth prior to self-government.

I wish to make clear the Rally's view about this building and the expenditure of funds on maintaining the Assembly in this building. I wish to point out that there are a number of deficiencies about this building, well known to all members. The Rally supports at an early stage an examination of proposals for a permanent abode for the Assembly.

Mrs Grassby: We haven't got the money, Bernard. You knocked it off last night.

MR COLLAERY: Mr Speaker, one of the Ministers just said that we have not got the money. I think we can appreciate those issues, but it should be on the record that this dwelling for the Assembly is not appropriate in a number of respects, not the least being that, in the Rally's view, it is not readily accessible to the people, readily marked out as a house of parliament. Were we to have been consulted, were we to have had a view and were we to have had an adequate purse, perhaps we should have moved into Beauchamp House, or, as it is now called, Potter House, if we had had the chance to own that house. It is a freestanding structure that would have properly reflected the nature of the government of the ACT.

I join others in endorsing the great efforts that the ACT Administration put into housing the Assembly, given the stop-start nature of self-government. I think we are all particularly grateful for that, particularly for the type of furniture, which I think was the personal decision of the head of Administration, Mr Harris. I like these old desks. There are a number of good aspects of all the

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decisions made, but I do stress that the Rally looks forward to the time when this Government and governments to come are housed in more appropriate quarters.

Mr Speaker, I referred to you a question which I propose to ask you tomorrow. I will allude to it now. I note that the Law Society has complained to the Attorney-General about the \$7.50 cost per page for the Hansard proof. The Law Society wrote to the Attorney-General in August seeking clarification of a number of points, one of which, of course, was the fact that these costs are passed onto clients and, in the case of the Legal Aid Office, passed back to us, the taxpayers. In many cases the funds are not recovered. At \$7.50 a page, the society was asking whether the matter should, in effect, go out to private tender to see whether we could get some competitive costing.

As no doubt all members would agree, we are eternally grateful to the Commonwealth Reporting Service for the work it does for the Assembly, but at \$7.50 a page it does raise a question about a large daily expenditure when the Assembly and its committees are operating. It is of interest to the Rally to determine the nature of our continuing expenditure, but I will not ask that question now.

MR HUMPHRIES (3.36), by leave: Mr Speaker, my views on accommodation for the Assembly are well known and I will not traverse them again today in this debate. I will say, however, that as a member of the Administration and Procedures Committee, I spent some time with my colleagues, Mr Jensen, Mr Wood and you, discussing the implications of the Assembly's budget and in particular assessing the appropriate bids to be made to the Government for the Assembly's running. It was then and remains now a matter of concern to me that the Assembly was not able to obtain appropriate expenditure.

One of the important things within that particular item of the budget is the committees of this Assembly. We are all quick to acknowledge that they do a terribly important job, but it has not been possible to obtain what I would consider to be a proper level of funding for them. We will not oppose this item - indeed, we cannot, because it has already been passed - because we believe it is important to get that amount approved in any case. However, I indicate that I hope the battles that will be fought in future over appropriate funding for the resources needed for this Assembly are not battles that go to the wire, that we have to fight down to the last square inch of committee turf or whatever.

I hope that we will end up with an appropriate result next year, and that will be a reflection of the needs of this Assembly and the importance of the work it does in the whole range of issues that come before this Assembly.

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MR JENSEN (3.38), by leave: I heard Minister Grassby make some comments about our not having any money for the construction of a building for the ACT Assembly. I seem to recall that, during the debates that went on prior to the establishment of self-government for the ACT, a certain number of promises were made by the Federal Government, promises that have already been broken in relation to the withdrawal of \$22m, the money that was set aside to enable the ACT Government to restructure its financial situation in the interim period.

I understand that one of those promises was the provision of funds for a permanent home for the Legislative Assembly for the ACT. My understanding also is that the Federal Government made a similar allocation to the new State Government of the Northern Territory to enable it to construct and establish its own Assembly. Unless we are going to continue to see the sorts of empty rhetoric and promises from the Federal Government on the hill - and the way things are going that seems to be a clear possibility - I think it is time that the Federal Government decided to honour its promises to the people of the ACT.

I know that the Chief Minister has asked the Federal Government about this. The Federal Government should make a clear and unequivocal statement on what it proposes to do about meeting the promises that it gave to the people of the ACT in the lead-up to self-government, which, as we all know, was forced upon us without any proper and appropriate discussion or consideration.

MS MAHER (3.40), by leave: As chairman of the Scrutiny of Bills and Subordinate Legislation Committee, I would just like to say that when the committee was formed - it was after the budget - the Government gave me a commitment to provide a secretary for that committee. I thank the Government and I just hope that it will follow that through.

Proposed expenditure - Chief Minister's Department, \$23,989,200

MR JENSEN (3.41): I guess it is appropriate at this time to raise an issue that is very dear to my heart and which would appear to have been a major error, or at least an error, in the budget papers related to program No. 2. On page 22 of budget paper No. 5 we see an error which has been acknowledged by the Government. The Government suggests there that an amount of \$2m has been allocated from the community development fund for the construction of the Tuggeranong Community Centre in 1989-90, and this funding was carried over from 1988-89. In fact, this particular facility has been carried over from 1987 to 1989. The money was allocated - \$4.21m, I believe it was, which is identified in budget paper No. 6, under the capital works budget - and was supposed to be provided for the people of the Tuggeranong Valley to enable them to establish a town hall or proper community centre.

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I have a question on notice on this issue and I am still waiting for an answer. It would seem to me that there is something incredibly wrong when \$4.21m or \$4.12m was allocated back in the 1987-89 budget era for the provision of this facility. What we now find this year in budget paper No. 6 is that no money is to be allocated to this.

In August last year the community group that was involved with the planning of Tuggeranong Town Hall agreed with the nature of the facility that should be provided. We now find that it went back into the bureaucracy and disappeared in there. When it came out, it bore no resemblance to the agreement that was made by the committee that looked at it back in 1988.

I understand that there were some changes made to the structure of community consultation in that area and that the group that was involved agreed to allow two members of that committee to continue the negotiations. But I have it on good authority and good advice that what has ended up in relation to this area is nowhere near the facility that was agreed to by the community in accordance with the costs. We find, as I understand it, Mr Speaker, that, as every month goes by, what can be produced and provided for the people of Tuggeranong reduces at an estimated cost of \$28,000 per month. It is about time the Government came clean on this issue and provided a clear answer to the people of Tuggeranong as to what is proposed to be done and when we are likely to see a facility that was started back in 1987-88.

MR HUMPHRIES (3.44): Mr Speaker, I cannot let this item of the budget pass by without commenting on one aspect of the arts and heritage program, in particular a promise made during the election campaign by the then spokesman on the arts, now the Chief Minister, concerning the funding of a special expanded arts festival surrounding Floriade. I believe the sum was in the order of \$200,000, but I would stand to be corrected on that; it may have been \$400,000.

Ms Follett: It was \$200,000.

MR HUMPHRIES: It was \$200,000. I thank the Chief Minister for her recognition of the promise that was not delivered. The fact is that that was an important promise made to the arts community and this budget does not contain that promise. There is no allocation in this budget for that promise to be fulfilled.

I have made comments in this place already about the way in which the electorate should treat politicians who make promises that they really make very little attempt to deliver. It is a message which I hope the electorate as a whole has already digested and will be acting on accordingly if they are concerned about things of that kind, but I think that it is worth making that comment in passing in discussing this item. I know that the arts area

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is a complex one, it requires careful planning, and I appreciate the fact that the Government is now looking at a five-year allocation under what used to be the community development fund-type grants to certain arts organisations. That will be a help, but I do not think any of them would gladly exchange that kind of certainty for broken promises of the kind that I have just alluded to.

MR MOORE (3.45): I think it is an appropriate time to state quite clearly that there are a number of things about this budget that I disagree with and that I do not accept. However, as a general concept, by allowing a minority to govern, I believe it is appropriate to allow that minority government to have its budget. I see it as its budget and I will vote in order to approve the budget as its budget. I believe that most members of the opposition have taken that stance and in no way adopt this as our budget.

MS FOLLETT (Chief Minister) (3.46): I might just respond to the points that have been made in the debate on this program. Mr Jensen again raised the question of the Tuggeranong Community Centre, and it is the case that there is a mistake in the budget papers. I think I have made it clear on a number of occasions previously that, yes, there is a mistake. The Tuggeranong Community Centre project was announced in the 1987-88 budget, so it is fairly old news now. A community based steering committee was established early in 1988 to advise on the community's requirement to work towards a design brief for that centre. The advice that I have is that it became clear that not all of the features that were entailed in early drafts of the design brief could be achieved within the available budget.

There has been continuing consultation with that steering committee to try to find ways of ensuring that the community gets maximum benefit from this facility. My colleague the Minister for Community Services and Health met with members of the steering committee late in October, and he has undertaken to examine all of the options as a priority and to get back to the steering committee as soon as is practical. I would certainly like to see an early resolution of this matter. I take Mr Jensen's point that it has dragged on far too long, and I look forward to an agreed outcome for the Tuggeranong Community Centre absolutely as quickly as we possibly can.

Mr Humphries raised the question of the possibility of an expanded arts festival to coincide with the Floriade. That was an election commitment that was given. Unfortunately, in these straitened times it was not possible in this year's budget to put up the \$200,000 that that would have required, and I think it is the only election commitment that we have not delivered on in some way. I regret that, I regret it very much, but it was a matter of judgment whether we went ahead and spent that money, given the restraint that is placed upon the Government. I think now, particularly, that the decision not to proceed was the correct one, although I very much regret it.

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Within this program members might recall that the Estimates Committee in its examination of the Government's budget made a recommendation concerning the proposal to fence Stage 88 to allow hirers to charge admission fees. The Government accepts the Estimates Committee's recommendation on that matter. So we will be looking at other options, but not including the one that was put forward in the budget.

MR SPEAKER: I might just remind Ministers that when we are addressing each section that comes under their jurisdiction they can speak as many times as they wish, so Ministers do not have to try to remember the points raised by individual speakers on the other side.

MR STEFANIAK (3.50): Mr Speaker, in relation to the Chief Minister's Department, I move:

That the proposed expenditure under division 30.1.01 be reduced by \$250,000.

In relation to this - and we are all feeling our way here - I would refer members to budget paper No. 5, in relation to which I seek to reduce expenditure by \$250,000. On page 34 of budget paper No. 5 we have consolidated fund expenditure, division 30, recurrent costs and agency costs totalling \$20,532,000. I believe this would be taken up in other operating costs of \$7,549,000.

I would refer members to page 11 of budget paper No. 9, which deals with highlights for women and sets out a number of items there. There are three items there which, I submit to the Assembly, can either be reduced substantially or done away with in toto to enable us to deduct a quarter of a million dollars from the Chief Minister's Department expenditure in division 30.

Mr Wood: That is a no-confidence motion.

MR STEFANIAK: It is certainly not a no-confidence motion. It is a reduction in expenditure.

Mrs Grassby: It is a no-confidence motion.

MR STEFANIAK: It is nothing of the kind. There are three items there anyway: antidiscrimination activities, \$100,000; women's enterprise service, \$150,000; and women's employment strategy, \$50,000. I understand, in regard to the antidiscrimination activities, that some of that money is in relation to the ACT providing antidiscrimination activities and the rest is in relation to the Commonwealth antidiscrimination activities concerning the Human Rights Commission. Accordingly, I would think that, although the figure has not, I am told, been finalised and the exact division known, \$50,000 could be saved there.

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In relation to the women's enterprise service and the women's employment strategy, I believe both those are unnecessary items of expenditure and that \$200,000 can be saved there, totalling a quarter of a million dollars. Those are the areas, I submit to the Assembly, in the Chief Minister's Department where money can be saved and the amount of expenditure reduced accordingly.

In relation to the women's enterprise services, this would seem to be an expenditure to artificially assist businesses. Such schemes in the past have been monumental failures, and I cannot see why this one would be any different. My colleague Mrs Nolan is able to speak further on this because she has been contacted by a number of women in business and a number of women's groups who have expressed concern in relation to this. So we have had some comments from the public. Also, I would submit that the \$50,000 for the women's employment strategy is unnecessary and, indeed, that the same situation could be arrived at by use of the current funds within the departmental structure available to the Chief Minister.

MR MOORE (3.55): Mr Speaker, in a statement I made briefly before, I said that, whilst I disagreed with a number of things in this budget, I was prepared to support the Government's right to pursue its own budget and to pursue certain areas within it. My colleague and friend Mr Stefaniak has taken a particular stance to reduce money provided specifically for women. This does not come as a great surprise, with his very right-wing attitude to a number of things, whether it is move-on powers or whatever. I suppose that he would perceive these as "lefty" issues.

MR SPEAKER: Order! Please stick to the point, Mr Moore.

Mrs Grassby: That is exactly the point.

MR SPEAKER: We are debating a reduction in funds, not Mr Moore's personal point of view.

MR MOORE: Mr Speaker, the reduction of funds is aimed specifically at antidiscrimination activities. Mr Stefaniak has mentioned the women's enterprise service and the women's employment strategy. I think that Mr Stefaniak should recognise that, whilst the women's movement has had an incredible impact on job opportunities and work over the last 10 to 15 years, the situation is still such that half of our society, women, are in a disadvantaged position. That particularly applies to women who have taken time off to look after their family. Each one of these areas looks at finding ways to right that discrimination or to right that wrong.

It is questionable to look at reducing funds in a situation where the money is aimed at righting what has been a clear, overall wrong. I think Mr Stefaniak should reconsider the motion that he has put and realise that, whilst this may not be his own preferred method of going about that sort of

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thing, at least it is an attempt to right a wrong and it should be supported in that frame of mind. I certainly support these particular issues, let me state that categorically. But, if he has suggestions for better ways to go about righting those wrongs, then let us hear him come up with some positive suggestions as well, because that is exactly what this is about; it is about righting discrimination.

MR STEFANIAK: May I make a point of clarification?

Ms Follett: No; there is no such thing.

MR SPEAKER: Order! Each member may speak twice to each issue.

MR STEFANIAK: I seek to move an amendment to my original motion, Mr Speaker, if that is in order.

MR SPEAKER: If Mr Stefaniak wishes to move an amendment, then he can speak to that.

MR STEFANIAK: Yes; I seek to move an amendment, as a result of several points that have been put to me. I seek to delete "\$250,000" and insert "\$200,000", thereby not touching any of the antidiscrimination activities. There is no exact sum as to who pays what there. I think, in retrospect, that is best left intact. So I would now just reiterate my remarks in relation to the other two.

Ms Follett: On a point of order, Mr Speaker; is Mr Stefaniak able to amend his own amendment?

MR SPEAKER: By leave, he is entitled to do that. He has not sought leave yet.

MR STEFANIAK: I seek leave to do that.

Leave not granted.

MR WOOD (3.59): I rise to give time for Mr Stefaniak to think about what he is doing. I think Mr Stefaniak ought to clear with himself what he is doing and clear with his colleagues what he is doing so that the Assembly, along with those people, are very clear about what is happening.

Mr Stefaniak is certainly making some moves to reduce expenditure on a number of important matters, but there is a further intention or further result that I do not know whether he is aware of. In other places, the traditional means of seeking to reject budgets is to move for a reduction in expenditure, and he is doing that. He is entitled to do so, but I think he is moving into an area that he does not intend to. Perhaps he should talk to his leader and his colleagues and call a quick caucus just to make sure that he and they know exactly what they are on about.

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MS FOLLETT (Chief Minister) (4.00): Mr Speaker, I would just like to point out quickly that it is my understanding that in fact Mr Stefaniak cannot move to amend particular items within the program, but only the total overall figure for that program. It is quite out of order for him to move to reduce expenditure, as he has so horrifically proposed, under antidiscrimination, women's enterprise service and women's employment strategy. The question is on the total amount, and he can only move to reduce that total amount. He will have to leave his prejudices out of it, I am afraid.

MR SPEAKER: That is correct. I believe he was moving the amount and directed his attentions to his follow-up wording to support that.

MR COLLAERY (4.01): Mr Speaker, of course, members of the Assembly are well aware of section 65 of the ACT (Self-Government) Act and standing orders 200 and 201, and that is the area that I think Mr Wood and the Chief Minister are alluding to. The Rally does not support the proposed amendment. I do not think more needs to be said.

Mrs Grassby: Smart, very smart.

MR COLLAERY: I have got Mrs Grassby opposite me. This is an important task this afternoon and I would be grateful if you could tone her down. It is years since I was in a classroom, and I am not used to chattering infants opposite me.

MS MAHER (4.02): The No Self Government Party will not be supporting this motion. I would just like to put that on record.

MR COLLAERY (4.02): I will adopt my right to speak twice. Mr Speaker, my colleague Mr Berry has asked me about these provisions. There may be traditions in another house that the Chief Minister alluded to, but the fact of the law is that section 65 of the Act does permit a reduction without imperilling the Government.

MR SPEAKER: That is correct.

MR JENSEN (4.03): Mr Speaker, I rise to indicate that while I appreciate Mr Stefaniak's feelings and ideas, I am afraid that I am not in a position to vote with him on this reduction that he is proposing. I have some concern about his proposal to reduce the sum of \$50,000 from women's employment strategies. In questions in this Assembly and also during the Estimates Committee, I have already alluded to some concerns I had about the reduction of programs in the TAFE area which may not have made it easy for women in disadvantaged situations to make themselves available for TAFE courses so that they could improve their position in life.

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I think this item is important for women in the outer areas of the city of Canberra who, in common with some of the women who live in the outer suburbs of western Sydney, live considerable distances away from their opportunities to work. They also have some problems with getting to places of entertainment and they have problems because they are tied down with young children. They have particular concerns about their ability to either return to the work force or increase their self-esteem.

Therefore, I and the Rally support strongly any considered proposals. I do not mean just throwing money out the window for money's sake, but considered proposals to provide assistance to enable women to re-enter the paid work force, particularly in these days of increasing budgetary constraint within the family. I think it is highly appropriate for this figure of \$50,000 to be provided for that service, and the Rally encourages it. On that basis we are unable to support Mr Stefaniak's amendment.

MS FOLLETT (Chief Minister) (4.05): Mr Speaker, I will be very brief. I am absolutely appalled at this proposed amendment. Earlier this week I announced the membership of the Women's Consultative Council and at the same time I released a booklet on the economic position of women in the ACT. It is called *Getting the Picture*, and I would recommend it thoroughly to all members in this Assembly. The information contained in the booklet provides a very clear picture of the economic status of women in the ACT, and it is not all that flattering to the ACT, let me tell you. It shows that, as for women everywhere in Australia, they earn less, they have fewer opportunities for training and fewer options available to them to enter or re-enter the paid work force. In short, we have a very great deal of work to do, and in many areas we are well behind the national average in looking after the economic position of women in the ACT.

Any party that can propose these kinds of amendments that target women, and women's employment in particular, I believe, has to have a very serious look at its own priorities and its own motives for so doing. There is absolutely no doubt in my mind that the proposals that are contained in the budget here are the very minimum that any responsible and fair-minded government could do to assist women in the ACT to take a full place in the economic life of this Territory. It is to my regret that we did not have the funds available to do a very great deal more than this.

I note that Mr Stefaniak appears to have weakened slightly on his proposed cuts to the antidiscrimination activities. I would like to point out that the experience in other States is that antidiscrimination activities largely revolve around women and that complaints of discrimination very heavily tend to be from women, from women from non-English speaking backgrounds, and tend to be work force related. So again I regard those antidiscrimination

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activities and appropriate funding for them as an integral part of this Government's social justice strategy. I will not countenance any reduction in the expenditure on that or the other programs.

MR DUBY (4.07): Mr Speaker, I find this motion by Mr Stefaniak to be quite remarkable, given the level of debate we had yesterday, when the Liberal Party expressed great concern at the status of women and actually prevented the Government from raising funds which could presumably be spent on programs for the benefit of women. But now we have this situation where they are going to try to cut funding for a quite worthwhile cause.

The views that have been expressed, frankly, have come out of the 1950s. We are living in the 1980s and we are going into the 1990s. In this day and age it is quite appropriate and very necessary that funding be spent on women's employment strategies and women's enterprise and antidiscrimination activities. We cannot support the amendment.

MR HUMPHRIES (4.08): Mr Speaker, other speakers have criticised the Liberal Party on the basis that an attempt to reduce an amount allocated in the budget which is devoted to so-called women's antidiscrimination measures or women's expenditure is in some way a retrograde step and reflects badly on our attitude towards women. Has it occurred, I wonder, to those opposite that we might be of the view that women do deserve the special attention of government and ought to have endeavours made on their behalf by government but we do not see the particular sorts of expenditure to be entailed by this Government as the most appropriate way to achieve that? I am sorry to say that I see in what the Government has put forward in this instance a very clear indication of its view that the most appropriate way to deal with the problem is to throw money into administration, into the establishment of women's bureaus, women's offices and things of that kind, sections of the public service devoted in some way to the attention of women.

I do not, as I said, have any problem with addressing women's needs but I do believe that, if we are going to spend money in this area, it ought to be spent a little bit more directly than is the Government's proposal. I know that the criticisms I make here are not isolated to the Liberal Party. They have been made by respectable feminists and others involved for a long period of time in the women's movement about the thrust of the Hawke Government's expenditure on women's issues. It is not a cry of the rabid right, it is a cry that others have emitted, and I really do think the Government ought to give a little bit more attention than it has to these sorts of issues and consider whether there are better ways of spending equivalent amounts of money.

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MR MOORE (4.10): Taking money away from women's enterprise services is hardly about administration. We are talking about assistance aimed at helping women to obtain private finance and to undertake business enterprises; in other words, encouraging them by providing opportunities so that they can get started and help themselves. So the sort of thing you are talking about is absolute nonsense. If you are talking about reducing the sum by \$200,000 or \$250,000 - I am not quite sure whether you are moving your amendments or not, but I will go with the \$200,000 - why did you not make suggestions about how it should be spent, instead of trying to reduce it?

I cannot remember this matter coming up at all in the Estimates Committee, and I do not remember it being pursued in that committee, which was the appropriate forum for doing so. We are finally seeing a very clear indication of where the Liberals actually stand on women. It was all right last night to mouth platitudes about your attitude to women and about degrading women, but when it comes to ensuring that there is not enough money to assist them to be seen as equal, to be given a chance to be equal, to be recognised as equal, that is when we are starting to see the real attitudes coming out.

As for my good friend here, Mr Duby, saying what he did, it just horrifies me that I have got such a misguided friend, and I will try to straighten him out. What we have here is a situation where we are really now seeing the Liberals for what they are in their attitude towards women. Be sensible, withdraw your amendment.

MR STEFANIAK (4.12): Not because of what my good friend the NIMBY has said, but because of the confusion in the chamber, I do intend withdrawing my amendment. Mr Humphries has got another amendment which clarifies it to make it \$200,000. I am mindful, of course, of the lack of break-up of the \$100,000 for the discrimination, and I think effectively that really cannot be touched. I reiterate what I have said in relation to the other two points. I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

MR HUMPHRIES (4.13): I move:

That the proposed expenditure under division 30.1.01 be reduced by \$200,000.

Amendment negatived.

MR COLLAERY (4.13): Mr Speaker, as a matter of procedure, we have done arts and heritage and we have passed into ACT corporate management. It is not clear on this side of the house when we go from one to the other. I take it that, when the Chief Minister rose to speak, she was taking her first opportunity to address the item of arts and heritage.

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MR SPEAKER: Mr Collaery, if it is the wish of the Assembly, we can take this through division by division, but at this stage what we are looking at is the whole of that section as one.

MR COLLAERY: That is the problem, because I thought we were doing it division by division.

MR SPEAKER: Is it the wish of the Assembly to take these by division?

MR COLLAERY: Mr Speaker, I do not care, as long as we know again what the rules are. I would prefer to take it division by division so that we know what is going on.

MR SPEAKER: Do you wish to so move, Mr Collaery?

MR COLLAERY: I move:

That we deal with parts I and II of the schedule to the Appropriation Bill 1989-90 by divisions.

Question resolved in the affirmative.

Division 20.1, \$503,900, agreed to.

Division 20.2, \$353,500, agreed to.

Division 30.1, \$20,531,800

MR COLLAERY (4.16): I have some comments to make on this expenditure. It is now some months since the question of the Government's policy with respect to superannuation for public servants was raised. It has been mentioned from time to time, but I do place on the record the fact that we are still awaiting some clarification of the view the Treasury will adopt in relation to the ACT Government's employer contribution for the Commonwealth superannuation scheme, the question of the general revenue grant - which was reduced and, I believe, replaced - and other matters relating to employer contributions.

There are wider concerns, as to whether there will be an ACT superannuation fund and whether the other superannuation funds will be coordinated in relation to the existing statutory authorities, some of which are recommended by the Estimates Committee to become part of the general bureaucracy.

We have not had a definitive statement from the Government. I would have thought, with respect to the Treasurer, that perhaps the Assembly could have had a response by now on this very important issue involving employer contributions in 1988-89 of \$60m. In terms of financial transition, that will go on for several years in the ACT, but clearly the big question is whether the ACT superannuation fund will be established or whether we will continue to use the superannuation fund investment trust.

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There have been comments from time to time in the other house as to whether the Federal Government can exert the control it apparently wishes to exert. I refer particularly to comments by Senator Button on the investment policies and practices of the superannuation fund investment trust. There have been comments and speculation as to whether overseas investments and a range of portfolio investments are those which a centrally managed economy can deal with when you come to terms with the enormous size of the superannuation fund investment trust, a very well managed and dynamic trust, and a trust that has been returning, for example, over the last five years an average performance rate of 19 per cent per annum. That is a brilliant percentage return, reduced net in the hands of superannuants and other public servants to a figure of somewhere between 11 and 16 per cent over the years.

There have been comparisons made, and I recall being shouted down at the time in asking that we look carefully at this situation. It has very important financial implications for the ACT economy. It provides the Treasurer with the capacity to, at the very least, coordinate through the good offices of SFIT a range of investments in the ACT itself matching, hopefully, the level of equity that notionally ACT public servants have acquired, will acquire and will contribute to.

I believe that, from a business management point of view, the Government needs to link this issue with proposals to have approved annuity schemes - particularly in this public service city, declining though it is, but still with a very large public sector - so that superannuants and retirees leave their funds in the Territory and achieve taxation savings as a result.

Further, and more importantly, as Professor Warren Hogan of the University of Sydney has long requested, Ms Treasurer, we have the opportunity of working with the Federal Government for once in ensuring that there is less of a demand on social security age pension requirements when superannuants have blown their retirement funds. There could be tax incentives for superannuants not to blow their nest egg, but simply to have a tax system that gives them more than the pension would and therefore they would have the incentive to retain their funds and go on with it.

There are other interests the Rally has in the ACT corporate management area, particularly in relation to the level of the public service in the ACT, but again that is an extremely difficult subject. There has not been a full audit or statement as to the staffing situation, the appointments that are going on, the areas of enterprise, particularly areas such as parks and gardens, where there may be some interaction, as we have noted recently, with the private sector. The Rally looks forward to a definitive statement at an early stage from the Treasurer

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on the directions in which the ACT is going to go in the short term at least on those topics.

MR JENSEN (4.22): There are a couple of issues I wish to raise in relation to program 3, ACT corporate management. Members may recall that during Estimates Committee hearings the issue of the Human Rights and Equal Opportunity Commission's location and place in the ACT was discussed. While no recommendation was made by the Estimates Committee in that particular area, I think we were concerned at the possible duplication of functions and obligations if the ACT Legislative Assembly enacts its own antidiscrimination legislation in the future. I guess we were just flagging the issue for future consideration by the Government. I want to get on record that, because of the problems associated with the move of that commission to Sydney out of the ACT, if we establish our own there may be some duplication of services within the ACT.

The other area that I wish to comment on in regard to program 3 is an item that was once again raised by the Estimates Committee. It related to the method by which the people of the ACT could ascertain how much the running of the Assembly would cost them. Clearly, the figure that we have already voted, involving support to the Legislative Assembly of \$4.430m, is for only one part of the operation of the Assembly.

There is one other section which, I think, is probably important, is quite expensive and should be clearly identified. I refer to the cost associated with the running of the Executive. I am pleased to see that the Government has accepted the recommendation by the Estimates Committee on that matter and that in future this area will be clearly identified in the budget papers.

While we take the point that the money that is provided for the Speaker of the Assembly directly for the Assembly is under the direct control of the Speaker, the proposal to continue with the program for the Executive at least will ensure that that money is under the control of the Chief Minister, as it quite rightly should be. The people of the ACT will be able to clearly identify the cost associated with running this Assembly. I suggest it is up to us to make sure that we give them value for the not inconsiderable dollars spent in the running of the Assembly.

Division agreed to.

Division 30.2, \$2,600,000, agreed to.

Proposed expenditures - ACT Treasury -
Division 40.1, \$108,141,700

MR JENSEN (4.27): Mr Speaker, this matter was again raised by the Estimates Committee and it relates to the requirement for accountability for the \$10m Treasurer's

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advance, which, I suspect, we will also be voting on later in this debate. However, what we are talking about here is the issue of accountability for the spending of funds associated with the Treasurer's advance. The committee recommended at the time that "the Treasurer table on a monthly basis a statement outlining use of the Treasurer's advance".

The Government response to that was that the Public Accounts Committee was currently conducting an inquiry into the principles relating to the future financial administrations and audit legislation for the ACT and the Government chose to refer that to the Public Accounts Committee. However, while that may be so, I think it is important that the members of the Assembly receive from the Government a clear indication on a regular basis as to how this \$10m is being allocated and what it is being allocated for.

It would be very easy for the money to be accounted for after a 12 months period and the Assembly would, unless something came to its attention, not be made aware of how this money had been spent. So all I am asking, Mr Speaker, is that the Government take it on notice that the recommendations of the Estimates Committee were accepted by the Assembly on the voices. I think it is not inappropriate for the ACT minority Labor Government to ensure that the Assembly is given a full account of the spending of any aspect of that \$10m.

MR MOORE (4.29): I refer to page 51, program 5, where we have a sum for debt servicing of \$91m. It is of great concern to me that in micro-economic terms we should already be spending such a significant amount of money on debt servicing. I think that, as a very new government, it is valid to make a comparison with a household. We already have our capital areas, we already have our house, we look at improvements and we ought to be looking to reduce what we actually spend on debt servicing. I think that needs to be said because the figure is \$91m.

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 MOORE: As I was saying, it seems to me that a sum of \$91m is a rather excessive amount for us to be spending in terms of debt servicing because it is money that, as far as I am concerned, has us going backwards. It is the problem that we see in Third World countries, in the banana republics. I accept that some debt servicing may be necessary, but it is of great concern to me that it is such an extreme amount.

MR COLLAERY (4.31): Mr Speaker, this issue has been debated on occasion. I share Mr Moore's concerns about our borrowing levels. We have seen the position the States got into, and of course the States are now selling off their silver. The sales of government assets, the sales of statutory authorities, are rated by the International Monetary Fund and the OECD as negative aspects of a budget. They are rated as forms of deficit financing and they go on the minus side of the slate. They do not really balance a budget. They are really part of borrowings.

There are two items of that nature in the program for the so-called "dividends" paid by the ACT Electricity and Water authority of \$5m and the Gaming and Liquor Authority of \$2m. Those dividends - which is a euphemism for getting a phone call from the Treasury or the under treasurer to pay up - are really enforced payments. There is a statutory provision for payments by ACTEW and GALA, but some aspects of that require further examination and elucidation.

These are book entry dividends because they add nothing net to the worth of the capital assets of the Territory. They are, in effect, changed over into the broad budget, as I call it, to help balance the books. We are interested to know, and will be pressing it in the short term, how the audited accounts of GALA are going and just exactly how that whole process is working. We are interested in the separate ACTEW budget and the separate commissioner for housing budget.

Mrs Grassby: It is a statutory body.

MR COLLAERY: One should recall that there are very large sums of money being dealt with outside of this elected budget, the budget that the electors of this Capital Territory look at.

Mrs Grassby: It is a statutory body.

MR COLLAERY: There is a chatterbox that says to me constantly that it is a statutory authority. That is the very issue that I am addressing, Minister. The fact is that the question of statutory authorities was addressed by the Estimates Committee in recommendation 4, and that was to bring at least some of them into the general departmental response.

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ACTEW is trading as a government commercial body, and questions of that nature require a lot further research and consideration. Be that as it may, there is a budget capacity there - a very large expenditure item - which at times is \$30m but which is not covered by the general examination, expenditure and estimates capacities of this Assembly. Of course, the Rally is looking carefully at that aspect. The Rally is very interested in when we will see a full, independent audit of the ACT Housing Trust completed and reported upon. The Grants Commission assistance sums are brought on and off the slate. Again, the Rally is interested to determine precise details in relation to some of the reasoning behind grants for the public sector that are received.

The Rally will, of course, support this divisional expenditure, but serves notice again in debate that we are still waiting for further elucidation on the precise situation of the ACT Housing Trust. We have seen ACTEW cop substantial criticism lately on issues such as the common trenching problems, perceived problems, and we are not sure yet as to the correctness of some of the submissions made to the capital works program committee's review when it was proposed by elements from private industry that there were significant problems in reaching common trenching agreements with ACTEW and that this was putting extra costs onto a number of program areas, in both the private and public sectors.

Mr Speaker, the passage of this section of the Bill should not signify to the Government that the Rally is in any way satisfied as to the level of disclosure that we want to see or the level of discussion and debate in relation to those two very large statutory authorities in the ACT.

Division agreed to.

Division 40.2, \$8,826,000, agreed to.

Proposed expenditure - Government Law Office -

Division 50, \$13,011,000

MR COLLAERY (4.37): I believe I will be joining with my colleague Mr Stefaniak in referring to the recommendation of the Estimates Committee concerning the Legal Aid Office. There was a recommendation of the Estimates Committee that the Legal Aid Office be changed from a statutory authority to the general mainstream of departments. I do not support that recommendation in relation to the Legal Aid Office.

I appreciate the concerns raised by the Government in its response and I endorse the Government's response on that issue. I believe the Legal Aid Office should remain separate from the mainstream for a number of reasons and other reasons that were indicated. Due to sheer pressure of work, this recommendation that was made by the Estimates Committee escaped my attention.

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To date, to my knowledge, the ACT Law Office has given competent, prompt advice to the Government. Certainly there were one or two occasions prior to the formation of the Government when I sought advice from the head of the Government Law Office. My request was received promptly and I was given very effective advice.

The running costs in this item no doubt include the law libraries. It has been one of my pet issues for a long time that there are too many law libraries; they are all over the place. Their tentacles are spreading all over this country as we lawyerise ourselves gradually. I will bet there are 10 law libraries within 200 or 300 metres of this place if you draw a circle. There is the Supreme Court law library, there is the Ombudsman's law library, there is the law library of the Administrative Appeals Tribunal on the third or fourth floor of the AMP Building; there is a law library across the road in Electricity House; there are law libraries all around London Circuit. That sort of fantasy library trip that you can go on in the ACT means that there is great duplication.

There is probably necessary duplication. There is a very excellent law library over at the DPP's office that occasionally one can use on a collegiate basis. The best law library perhaps in the country with law archives is across the lake over at the Robert Garran offices. That is a marvellous library. But, as I have mentioned before, I really feel that the Government needs to look at some system of joint sharing of those law libraries. The subscriptions alone are horrendously expensive for some of the practice manuals and the loose-leaf services. It is only due to the sheer frustration of not being in government that we have not had this thing worked over by the Rally already. I do enjoin the Chief Minister to look at that item. That is money that could be used on preschools and other areas. The law libraries should be collected together and made accessible, and that should be done as a matter of priority.

I also believe that the Law Office of the ACT needs to be given some recognition in relation to the profound issues that this fledgling new Law Office faces in terms of self-government. I am aware that from time to time the Law Office seeks the advice of counsel, but nevertheless there will be profound legal issues arising. I endorse the continued support for the Law Office, but the drafting office may need to be watched very closely to determine whether there is overload at any time in terms of drafting requirements. In view of the Government's legislative program and the program that will be proposed on this side of the house, I foresee the prospect of acute strains developing there. It is the Rally's view that, if that is to be the case, then we need to look at the prospect of access to consultant draftspersons or the relevant proposals for establishment changes at an early date.

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The Government is also going to move to take over the court system after 30 June. Soon, one hopes, there will be appointed some type of bipartisan committee of the Assembly to commence looking at a whole range of issues, including the question of parole and other work that has been done by the Federal Attorney-General's Department for a long time. There will be necessary liaison with the New South Wales Department of Corrective Services. As an incidental function of that liaison, we will need to determine whether we accept the programs and the activities of the New South Wales Department of Corrective Services in terms of incarceration, retribution, punishment and all those issues that involve prisoner exchange between the Territory and other areas.

Certainly the Chief Minister is yet to make a considered statement to the justices of the Supreme Court in relation to concerns that have been aired, discreetly, as to tenure after 1 July 1989. The Rally has said previously that we believe there should be a statement at the earliest possible time indicating the prospective interest of this Government in ensuring that the judges are not made removable by this chamber but by some other process to ensure that the closeness with which we live to that judiciary never results in imperilling its necessarily complete independence from executive and legislative interference.

MR STEFANIAK (4.44): Just briefly, I would like to support a number of comments my colleague Mr Collaery made in relation to the Legal Aid Office and also the question of law libraries, which, as he said, are horrendously expensive. Indeed, the bound volumes are often \$100 per book, and I think his comments were most appropriate.

During the course of the estimates I asked several questions of the Chief Minister in relation to certain things that are going to have to happen by June and July next year. They include consideration of just what type of prosecution service, for a start, we are going to have when we take over the criminal courts and the magistrates courts in July of next year and also the question of the additional funding involved and the additional people and resources which will have to be available to the ACT at that time. That is more appropriate for next year, but the Government will have to involve itself in a lot of planning in the next six months.

MR HUMPHRIES (4.45): Mr Speaker, on the same point, I raised the issue of duplication within the legal services of the Administration some time ago and in particular with respect to the separate legal section which has been established within the department of Mr Berry. It is still a matter of concern to the Liberal Party, and I know that the Government has been looking at this matter for about four or five months. I hope it will not need to look at the question for much longer before it makes a decision on this.

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Mr Berry: What legal service?

MR HUMPHRIES: I am talking about the legal section within the Health Authority, Minister. These kinds of issues are not very large in the scale of the \$1.2 billion budget that the Administration has at its disposal but they are important in terms of reducing what we see as important areas of overexpenditure. I hope that issues of this kind are not thrust to the bottom of the Government's list of priorities. They are important because they do facilitate, if properly addressed, changes in priorities and the capacity of the Government to meet new demands. In any of these areas we are considering today it is possible that governments may find that new needs arise and have to be addressed. If needless overexpenditure occurs in other places it is hard to meet those new needs by reallocating resources. As I said before, and I say it again, I do hope the Government is not ignoring this and is reaching some view on this matter.

Division agreed to.

Proposed expenditure - Territory Planning Office -

Division 60, \$4,096,500

MR JENSEN (4.47): Mr Speaker, I will not speak too long on this particular topic, although I am sure there is much that I could say. Much has already been said in other forums and in other debates about the issue of planning and the lack of planning legislation. However, I would like to make one or two comments in relation to the failure by the Government to make proper provision in this regard during a period of some six months. Some extensive community consultation took place over a period of almost two years in the ACT, prior to the demise of the NCDC, when the issue of planning and the future of planning in the ACT was discussed at length and at many seminars and programs.

I accept the fact that the Government may wish to put its own imprimatur on the planning system within the ACT. So be it. That is quite acceptable. However, might I suggest that during the period in the lead-up to the issue and in preparation for the election campaign the Government should have come up with a program for the introduction of planning legislation within the ACT, as the Rally did in its extensive policy on planning.

Over the last six months, the Minister for Industry, Employment and Education has indicated at times that it is the Rally that is responsible for the holding up of development in the ACT. I put it to you, Mr Speaker and members of the Assembly, that it is not the Rally that has been holding up development in the ACT but it is the lack of any clear direction from this Government in relation to planning. It was only after considerable pushing by the Rally that the Chief Minister indicated at one stage that

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she was prepared to give an undertaking to the Assembly that by October we would have planning legislation. We ended up with a white paper and then finally, towards the end of October, drafting instructions for the legislation. Even those drafting instructions did not include probably one of the most important aspects of the planning process within the ACT: the provision of a reasonable, accessible, affordable appeals system for all people of the ACT, not just the people who are concerned about changes in their suburb but the people who wish to develop areas within the ACT.

It is just as appropriate for developers to have a right of appeal if they wish to come into the ACT and they find that the Government is making decisions that they do not agree with. There is probably not one person in this house at this point in time who would agree that the Supreme Court is the appropriate location for appeal on planning matters. However, the Supreme Court was chosen because it was in the previous legislation.

For two years the people of the ACT were saying, "Give us something that we can all use and we can all have access to. Make sure that the planning legislation and the appeals legislation provide for open, consultative government". That was one of the key planks the Rally ran on. All I am saying is that I regret that, when I asked this question during the Estimates Committee, we were told that the reason why there was no money being allocated under this budget to a planning appeals process was that it would not be ready to be set up by the end of the financial year.

We have had a government in this place, responsible for the running of the ACT, since 11 May 1989, and it will be more than 12 months before the people of the ACT are given an accessible appeals system. It is an indictment of a government which prides itself on being an open, consultative government that it was not able to get its act together in this very important area. Even now we still do not have the drafting instructions in the planning area because, as I recall, they have got some more work to do.

I have got a cupboard full of discussions on the planning appeals system for the ACT, and I am sure the Government could have come up with something a little more appropriate than what the Assembly has before it at the moment.

MR COLLAERY (4.52): I endorse Mr Jensen's comments but go further and say that we have asked the Chief Minister from time to time whether and when she will be appointing a permanent Territory planner and whether that position will be advertised nationally or internationally, as we put it. We are as interested as probably any fair-minded citizens in this Territory to break the log jam in planning approvals which clearly exists in the Territory.

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On the weekend I ran into two major developers. I confess that I met those people. One of them I met near the statue of Ethos because he was participating in a function there relating to some industry matters. He told me that he is dying to pay betterment and get on with some developments. The developments he mentioned off the top of his head did not, when bounced off me, appear to have any relevance to any of the Rally's concerns. Many other developers are saying the same thing.

One takes all of those comments with a grain of salt. Nevertheless, there are significant developments proposed that do not appear to have extensive community objection. There are developments proposed in inner Canberra that would return millions of dollars in betterment and, to my knowledge, the developers are willing to pay that money. The big question is: why have we not got a proper regime developed for the development sector by now? That is an ominous sign. We are not going to look suspiciously for the reasons, but clearly there is a substantial problem in the planning area in the Territory at the moment.

Mr Rod Driver from the BWIU appears to be the originator of the Canberra Tradesmen's Club newsletter. The last one to go in people's letterboxes refers to the club's \$30m shopping centre, office block, service department and car parking complex being on the back burner thanks to the Residents Rally. It goes on to say - and I hope this does not worry Mr Berry - "We should all join the Rally to tell them what to do".

The fact is that there were 40-odd comments about that large Dickson town centre proposal and, as I understand it, there was a comment that went from the executive of the Rally asking a number of questions. One asked a rather prophetic question when you think it was made last June, namely, what would be the interaction with the National Capital Planning Authority. It is absolutely fatuous, destructive in the community, and divisive for that type of newsletter to go around.

But if even the BWIU cannot get an answer on its proposal made many months ago when the invitations to respond closed in June and we are now towards the end of the year, what is going on in the planning area? What is the problem? What is holding it up? Is it fear of betterment on some of the more notorious projects, or what? What is the log jam that is preventing us from getting the systems that my colleague Mr Jensen mentioned? And, more to the point, why has the white paper got the ominous ring, again, of the Mant proposals that the community rejected over the last two years, making access and locus standi for review open only to neighbours?

Mr Speaker, there are significant problems in the pipeline for this Government if it cannot get its Territory planning office working. To our knowledge, there are significant work pressure issues arising out of the transitional

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changes, significant time has been spent on necessary liaison with the National Capital Planning Authority, and we have seen clearly a breakdown in relations between the Minister and the National Capital Planning Authority in recent days.

That breakdown, is related to perceptions of roles. I am not referring to personalities. Clearly, this Government is seeking funds from us to continue this debacle, and it will lead to a sort of debris of government if the Government is not careful. We will vote the Government its funds so that it can keep trying, but our patience in the community is running out.

Division agreed to.

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Proposed Environmental Advisory Council

MR MOORE (4.57): Mr Speaker, I would like to take this opportunity to respond to a couple of wild accusations that were made by the Rally today, since I am not going to have the normal right of reply in a debate on the motion that I put forward. Some of those accusations had to do with my attitude to planning and to public comment, and the accusations were absolutely ridiculous. The motion that I put forward on the advisory council allows for public comment. It very clearly and categorically stated that this was something to do with the very early stages while a development was to be considered. In fact, this particular development - any development proposal - would have a chance to go ahead without one having the feeling that it would suffer from political posturing.

The real reason why the Rally is concerned that such a motion does not go ahead is that it would deny the Rally the chance for political posturing. That is really what the Rally's objection to the motion is about. That it is inconsistent with planning policies of the Rally is absolute nonsense.

The Rally then went on to say that I had spent no time consulting with environmentalists and that, overwhelmingly, environmentalists would come out and speak against it. Their own Mr Donohue could well do that. He perceives himself as an environmentalist. Let me say that I respect him as an environmentalist, but he may take the Rally's

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perspective on this matter. The truth of the matter is that I spent significantly over two hours with Mr Tony Fleming when I was preparing the motion. He made a large number of comments. I think that everybody in this Assembly would recognise the calibre of Mr Fleming as an environmentalist.

The motion sought to find a way to give certainty to developers and to environmentalists in an attempt to find a reasonable way to solve this long-term problem in the ACT. That was recognised by Mr Larry King in the Canberra Times a week or so ago, after I had discussed the matter with him. Mr King represents the Federation of Australian Construction Contractors.

I want it noted in Hansard that the Residents Rally cannot take the heat in the kitchen, to quote the Minister for Housing and Urban Services, so they have left in order not to hear this. They then went on to say that the Minister would appoint as an environmentalist one of his own nominees, who would just respond to what he wanted.

A member: A sycophant?

MR MOORE: Yes, the inference was that he would be a sycophant. Of course, that is absolute nonsense. What I suggested was that either the Conservation Council of Canberra and South-East Region or the Australian Conservation Foundation would be the body appointing them. If that is inadequate as far as the Rally is concerned in finding an appropriate conservationist, then I do not know what its demands could possibly be.

I think that what we have here is not a case of Rally members objecting to the motion at all, looking at its true face value and weighing it up, but a case of their feeling very peeved that someone they probably term their "defector" was able to come up with that motion. I feel that they did not consider it on its merits. A careful look at their contribution to the debate shows that they were looking for ways to oppose it for other reasons. I am pleased to see that Mr Collaery is now back in the chamber and I hope he has heard some of the words that I have spoken at this point. If not, I am sure he will read them in Hansard.

Canberra New Business Centre

MR HUMPHRIES (5.02): Mr Speaker, I would like to address a slightly more serious subject in my five minutes in this adjournment debate. Members will be aware that this is Canberra Business Week. I had the good fortune recently to visit the Canberra New Business Centre in Downer. I want to say a few words about that and commend it to members. I recommend that, in the next few months, they make the effort to take the trip up to Downer to have a look at it.

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I was grateful to Mr Igor Savitsky, the general manager of the centre, and John Schooneveldt, who is the chairman, I think, of LEDI, the local employment development initiative, for the time they took to show me around the centre. I am sure, as I said, that they would be happy to show other members around as well.

The centre is essentially a facility designed for increasing the chances of success for enterprising new small businesses which show promise but which otherwise might fall by the wayside in the hurly-burly of our commercial environment in this Territory.

It is a sad fact, Mr Speaker, that some 80 per cent of all new businesses, in particular small businesses, in this country fail. In recent days we have seen even some very big businesses fail as well. But the fact is that small businesses are really very hard put to start out. The experience of centres such as this - and there are other such centres in Australia - is that businesses which start and go through such a centre have something like an 80 per cent success rate. For that reason alone, I strongly support the concept of such a place.

The idea is that organisations or businesses that are seen to be viable, in the sense that they have an idea which is worth while and a market that is worth serving, are allowed to come into the centre at a fairly minimal rent. They are not subject to long leases, so they have the flexibility of getting out if they cannot sustain their business. Some of the facilities which all new businesses need, such as telephone services, photocopiers and things of that kind, are supplied on a share basis at the centre. As a result, it is possible for new businesses to keep those kinds of overheads at a minimum. Heavy overheads are some of the biggest things that prevent new businesses from being a success. Those overheads start from day one, but of course the profits do not always start from day one.

The other things available at such a place are skills and advice of a kind which often is not available to new businesses. The sort of expertise that it is possible to get in a place like that is very important and very useful for new businesses.

There is a range of such enterprises presently at the Canberra New Business Centre - a game meat processor, a design consultant, a cartographer and a potter. There is a whole range of new businesses, each with a different concept of how they are going to make their businesses succeed. I think all of them have the get-up-and-go that our community as a whole ought to be supporting. I think the Canberra New Business Centre is right to pick those sorts of businesses and help them along.

Mr Speaker, as I said, the benefits of such a place are that it has those resources; it is in a good location,

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being not very far from the city centre; it has the advantages of ample parking, easy access, and things of that kind. It is something that people should bear in mind when they are thinking of starting new businesses. Members of this Assembly may know people who would appreciate the kind of break that this place can offer them, and they should bear that in mind. So I say finally, Mr Speaker, that it is a very worthwhile enterprise. I fully support it. I hope members will take the time to see what it offers at Downer.

Anniversary of Death of President Kennedy

MR DUBY (5.07): I will be very brief. I rise just to remind the house that today is a sad anniversary. The date is 22 November, and it is the twenty-sixth anniversary of the death of John Fitzgerald Kennedy who was assassinated in Dallas in 1963. I rise to bring this to the attention of the house in relation to the debate that we were having last week about the closure of the Berlin Wall. What a shame it is that President Kennedy is not alive today to see the closure of that edifice. I am sure we all remember that speech he gave in Berlin. I do not remember the exact year, but we will always remember the line in which he declared himself and all free people in the world to be citizens of Berlin, "Ich bin ein Berliner".

I just thought I would remind members of the house that today is the anniversary of President Kennedy's death and express the wish that it had never occurred.

Under-age Drinking

MR COLLAERY (5.08): Mr Speaker, I did not hear exactly what Mr Moore said, and I will not comment other than to say that it probably provides further proof as to why I went grey so quickly in the three months he was in my party room.

The matter I wish to address is the very sad and tragic letter I received a few minutes ago. I had left the chamber, but I thought I should draw the attention of the house to a letter which is from a concerned mother of a student whose son attends a college in the ACT. She says her son is, or may be, attending an end of year function tonight. He is 17. Most of the others are under age. The function is to be held somewhere near here, afterwards at a nightclub somewhere near here, and later at a nightclub somewhere closer to where I live. I will not mention any of those establishments.

But this is a very sad letter. The mother will not give her name or the name of her child. She goes on to say that she has no way of preventing these students going out

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drinking this evening. We are all aware that every end of school session brings its share of tragedy - driving accidents and problems associated with introduction to under-age drinking and the rest. Under-age drinking is a serious concern in society, and it is a matter of great concern to me that well organised educational institutions allow this type of extensive venue visiting that can have nothing but the ineluctable deduction that there is going to be boozing going on.

These young boys and girls are probably ill prepared, after an arduous academic year, for the sheer physical demands of boozing for those hours. I am sure my legal colleagues in the chamber well know the sorts of problems that emerge, and have emerged in recent years, from a lot of these functions.

Those of us, like me, who have had three daughters grow into adulthood and some leave home would be well aware of the agonies we face constantly when our children are out into the early hours. Of course, one does not want to pontificate and talk about controlling our children, but the fact is that I have received a letter this evening from a mother who wants to know what I, as an Assembly person, can do about dealing with this large social problem, encouraged by the sort of mentality that proposes three different, good boozing venues for these kids. I believe we in this Assembly need to face up to that in the near future, perhaps in the Standing Committee on Social Policy.

Question resolved in the affirmative.

Assembly adjourned at 5.12 pm

ANSWERS TO QUESTIONS

The following answers to questions were provided:

Hospitals

Ms Follett: On 21 November 1989 **Mr Kaine** asked:

I would like to direct a question to the Chief Minister and Treasurer. I refer to the Hansard of last Wednesday when we were debating the hospitals and the blow-out of costs. The Chief Minister, in explaining that \$2.5m overrun, said that current expenditure is abnormally inflated by workers compensation payments which will be refunded under new arrangements with COMCARE - and the amount we were talking about was \$2.2m. Chief Minister, was this \$2.2m an amount that was actually budgeted for an expected payment that was then made? Secondly, is it not true that this is not a refundable amount but a prepayment, and under no circumstances would the money ever be refunded? If that supposition is incorrect, when would you expect it to be refunded and under what conditions?

My answer is as follows: on Wednesday, 15 October, I provided some preliminary information to members from the Treasury review team which is currently investigating hospital finances. In the course of my speech I indicated that current expenditure was abnormally inflated by workers compensation payments which will be refunded under the new arrangements with COMCARE. I can confirm that the payments to which I referred are indeed refundable by COMCARE and do not represent an item allowed for in the budget.

I believe Mr Kaine's confusion arises from an incomplete understanding of the arrangements in place since 1 July 1989 between COMCARE and the ACT Department of Community Services and Health. Under these arrangements, hospitals pay an annual premium to COMCARE for workers compensation coverage. The premium has been set at \$3.112m in 1989-90. I believe it is this premium to which Mr Kaine is referring. This amount is included in the budget figurings and it is not a refundable amount.

For agencies on the Commonwealth Department of Finance payroll, workers compensation payments are coded to COMCARE and payment is made directly by COMCARE. Since the ACT Government is not on the Department of Finance payroll, direct payment by COMCARE is not possible. Consequently, workers compensation payments continue to be made by the hospital to its employees and these actual payments are subsequently refunded by COMCARE. It is these payments which are abnormally inflating expenditure for the first quarter, as the refund has not yet been received.

Naturally, the size of the payments depends on the number of people currently being paid workers compensation, and the estimate of \$2.2m for the year is a conservative amount, based on last year's expenditure and current trends. This estimate differs from the amount of the premium because the premium represents the amount determined by an actuary as necessary to fully fund the cost of all compensable work related injuries occurring during 1989-90. The level of the premium will be reviewed by COMCARE, based on actual claims made.

Bus Service

Mrs Grassby: On 21 November **Mrs Nolan** asked the following question:

What is the Government doing to ensure a bus service to the suburb of Greenway on the shores of Lake Tuggeranong to enable residents of that suburb access to the Government's social justice strategy on transport?

My answer to the member's question is as follows: the roads in this suburb which were planned by NCDC well before self-government were not designed for bus services. The roads were not constructed to standards to withstand a regular bus service. This together with the width of roads and small-radius turns makes it impractical to provide services. Public transport services are available in the adjacent suburbs of Oxley and Kambah.

Asbestos Removal

Mrs Grassby: Yesterday **Mr Humphries** and **Mr Collaery** asked questions relating to the health risks of asbestos sheeting. My answer to the members' questions is as follows: the evidence that health problems arise from the continued breathing of airborne asbestos fibre is well documented. There is a clear relation between breathing asbestos fibres and the resulting health problems, whether the fibres came from asbestos cement sheeting, loose asbestos or another asbestos source. I believe Australia has a significantly higher incidence of some asbestos related diseases than other countries where such products were not so widely used. The Government would be avoiding its responsibilities if it were not to recognise these sources of hazards within the building industry.

Asbestos cement sheeting may contain up to 20 per cent asbestos and in some very early roofing materials even up to 50 per cent asbestos. Usually, if left undisturbed, even when weathered, the fibres are not released into the atmosphere in dangerous quantities and have not been shown to cause problems. Asbestos fibres weathered from the surface of the sheeting are washed into roof gutters and accumulate there with other dust and debris. If removal is

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necessary the risk of fibre release is real, particularly from weathered sheeting. It is in these circumstances that the building controller requires the stringent procedures documented in the National Occupational Health and Safety Commission guidelines on asbestos removal which ensures respiratory protection to the workers is provided.

While my department is reviewing the need to restrict the removal of unweathered sheeting within houses to only appropriately licensed contractors, there is no intention of allowing roof sheeting to be removed by other than licensed asbestos removalists. My department is monitoring Western Australia's evaluation of their asbestos cement sheeting problem. I might say the asbestos cement sheeting has been much more widely used in exposed conditions such as fencing and roofing in Western Australia than in the ACT. My department is not aware of the Western Australian Department of Mines evaluation of a new encapsulation process but I have asked that this report be obtained and evaluated for its applicability in the ACT as soon as possible.