



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

20 February 1990

Tuesday, 20 February 1990

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

PETITION

The Clerk: The following petition has been lodged for presentation, and a copy will be referred to the appropriate Minister:

Birth Centre

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

The petition of certain residents of the ACT draw to the attention of the Assembly the lack of a Birth Centre in the ACT.

Your petitioners, therefore, request the Assembly to support the recommendation of ACT for Birth for the establishment in the ACT of a freestanding, autonomous Birth Centre that is managed, in conjunction with consumers, by a Community Board. This facility could be either purpose built or an existing renovated home within 10 minutes of a hospital.

It is essential that the Birth Centre be midwife operated, accessible to both private and public patients, and have defined emergency backup.

The Centre should include an ante-natal clinic.

by **Mr Humphries** (from 780 citizens).

Petition received.

QUESTIONS WITHOUT NOTICE

Zero-based Budgeting

MS FOLLETT: My question is to Mr Kaine in his capacity as Treasurer. Is Mr Kaine able to explain to the Assembly the principles of annual zero-based budgeting as it will be undertaken by his Government?

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MR KAINE: Yes; I do not mind giving the Leader of the Opposition an elementary lesson in budgeting in the slightest, Mr Speaker. There is only one principle of zero-based budgeting, and that is that in any given year a bid for any item of expenditure in the budget stands alone and it does not happen simply because it was there last year. I would go on and say that if the Leader of the Opposition had read our policy carefully, she would have noted that we had said that we would use the zero-based principle, not that we would use zero-based budgeting. It is a different concept altogether. If the Leader of the Opposition is going to start throwing rocks at me because we are moving into zero-based budgeting, her attack will be ill-founded.

MS FOLLETT: I ask a supplementary question. How does the zero-based principle relate to your Government's policy of introducing a five-year rolling financial plan from which annual budgets will be derived?

MR KAINE: Very simply. If we adopt a program, then that program will be extrapolated for at least five years in our budget. It may be that it will only go for one year, it may go for two or three years, it may go for five years and it may ultimately go beyond the five years, but it signifies an intention of the Government and is in no way inconsistent with the principles of zero-based budgeting.

Planning Leases

MR MOORE: My question is to the Chief Minister as Minister for Planning, and I refer to the Canberra Times this morning. Considering the current occupancy rate of hotels in the ACT - with particular reference to Philip Hobbs' article in the Canberra Times today - if block 2, section 52 is re-offered for auction, will the Chief Minister, as Minister for Planning, reassess the need for the site to be made available as a hotel. Will he consider other options, such as serviced apartments, and will he tell the Assembly when the decision to terminate the lease was or will be made?

MR KAINE: Mr Speaker, this Government has made no decision whatsoever in connection with block 2 of section 52. What is happening there is the result of decisions taken by earlier Governments and the process is simply continuing. There is some difficulty as the lessee has been seeking a change to the original arrangements under which the lease was granted. As I understand it, that change is in the nature of moving away from the idea of a hotel, either in full or in part, and replacing part of that project with office accommodation. The requests of the lessee are currently being considered by the ACT Administration. When the officers have come to a conclusion about what course of action is appropriate, they will come to me with a recommendation which I will consider. If necessary, it will be considered by the Cabinet; then we will make a

decision about what course of action to adopt in connection with that particular block and section.

MR MOORE: I have a supplementary question, Mr Speaker. Chief Minister, as well as planning, you are also Minister for the Environment. Can you give your assurance that irrespective of any planning agreement reached, the stand of casuarinas - which as coastal casuarinas I understand are unique in the centre of Canberra - will be left standing?

MR KAINE: Yes, I can give you that assurance, Mr Moore. The arrangements under which the original lease was granted were that they should remain undisturbed and this Government will not in any way change that arrangement.

Directives to Government Employees

MR WOOD: Mr Speaker, I direct a question to the Chief Minister. Will he tell the Assembly what directives he or his Government have given to employees at all levels concerning their right to participate in the democratic social and political debate within the ACT?

MR KAINE: That is an interesting question, Mr Speaker. I would not in any way give any of the ACT employees any direction in such matters. They are free citizens of this city, they are entitled to be involved in those matters and I have given no direction, nor will I.

MR WOOD: I ask a supplementary question. I do not know whether that is a criticism of what Dr Kinloch did last week, but do I take it that the Chief Minister is assuring the Assembly that Government employees have the right to express their views?

MR KAINE: As far as I am concerned, yes, they do. But since Mr Wood has now made clear what the basis of his question is, I think that one has to accept that if as public employees they have a difficulty with the directions that the Government is taking or a decision that the Government has taken, their first obligation is to discuss it with their responsible Minister. Once that has been done, if they believe that they have additional cause or reason to protest, then as citizens they have the right to exercise it. I think it is a common matter of employment that they should first discuss their problem with their employer and resolve the issue if they can. If they cannot do that then, certainly they have the same rights as any other citizen.

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Public Asset Sales

MR STEFANIAK: My question is to the Minister for Health. Is the Minister aware of the Opposition's attempts to involve elements of the Health Department in its campaign to undermine possible future government asset sales?

MR HUMPHRIES: Mr Speaker, this question is fairly fortuitous, given the previous question asked of Mr Kaine. I think Mr Kaine has already amply set out the circumstances under which citizens of the Territory can and should participate in the political process. He also indicated that there are limits on the way in which public servants might exercise that same free speech, particularly during hours of employment. This whole question took on a new complexion when it came to my attention, just in the last 24 hours, that the Leader of the Opposition has been writing to people within the ACT bureaucracy seeking their support for obvious and blatant political campaigns. It might assist members if I were to table this letter sent by Ms Follett to, in this case, one of the community health centres in the ACT. I present the following paper:

Public asset sales - Copy of letter from R. Follett, MLA, to Melba Community Health Centre, dated 14 February 1990.

As members are aware, the health centre is a facility run by the Department of Health. It is completely staffed by officers of my Department. The only non-departmental personnel at that particular centre is a visiting specialist who uses the centre for one session a week. The letter, as members will see, is a fairly shallow attack on so-called Government asset sales which, I might point out, are entirely hypothetical at this stage. It makes the comment, *inter alia*:

Why is Mr Kaine so anxious to rush headlong into selling parts of our hospital system, our schools, our swimming pools, our public transport system, our public housing -

and then it says at the end:

Accordingly I invite you and your organisation to consider joining a public campaign to stop the asset sales program of Mr Kaine.

Mr Speaker, that is in my view an entirely inappropriate thing to be asking public servants in this Territory to be doing. I call on the Leader of the Opposition to stand by her professed devotion to the Westminster system and to desist from trying to involve public servants in this very blatant attempt at politicisation.

Public Housing

MRS GRASSBY: My question is to Mr Kaine as the Treasurer. With respect to your stated policy as Treasurer on housing, which states that you will not reduce public housing stock in the ACT, does that mean that funds will only be available to maintain the housing stock at existing levels, or will funds only be available to maintain the relative proportion of public housing to the total of housing?

MR KAINE: I am not sure what the purpose of the question is, but, of course, Mrs Grassby would be aware, having been responsible for these matters herself, that we operate under the Commonwealth-State Housing Agreement. It states, quite explicitly, what we can do in terms of funds that become available, for example, from the sale of public housing. Under that agreement the funds must be put back into additional public housing. So we really do not have a great deal of flexibility in determining, for example - to quote the Leader of the Opposition - if we can have a "fire sale", if we can sell off some public housing. The only purpose to which that money can be put is to buy more public housing. So I do not know what the hue and cry is about.

Executive Deputies' Duties

MR WHALAN: Mr Speaker, I would like to ask a question of Trevor Kaine as the Treasurer and Minister responsible for allocating duties and resources to Executive Deputies. At a recent meeting of retailers to protest about the extension of trading hours, Mrs Nolan informed the meeting that she had written letters about the matter to 600 shopkeepers.

I refer you to the guidelines of the relationship between Ministers and Executive Deputies, particularly to that part which says that Executive Deputies may be responsible for signing correspondence on behalf of Ministers as directed. Did Mrs Nolan sign these letters to the 600 shopkeepers in her capacity as a backbencher or as an Executive Deputy? If the latter, was she directed to by Mr DUBY, and what was the cost?

MR KAINE: I do not know in what capacity Mrs Nolan signed those letters. I have not seen one, and I do not know whether there was any cost to the public or not. Mrs Nolan is entitled as a member of this Assembly to write to anybody that she chooses as a matter of constituency work, just as members of the Opposition did when they were in Government, and just as I am sure they do now. I can pursue the matter with Mrs Nolan, but if I am going to do that I might pursue the matter of some of the people that you write letters to as well and the circumstances under which you write them.

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MR WHALAN: Will the Government assure this Assembly that no Executive Government resources are used by Mrs Nolan in pursuit of her interests as a backbench member?

MR KAINE: All I can say in answer to that question is that I have made it quite clear to the members on this side of the house - and I am not sure whether it is clearly understood by members on the other side or whether they abide by it - that there is a clear distinction between the work of the Government and the work of a member as an elected member in terms of their constituency. I have made it quite clear that the distinction is to be carefully noted and that constituency work is not to be made a charge against the public purse. I hope that the members of the Opposition are mindful of that and are equally conscious of it, but I suspect that they are not.

Child Abuse Clinic

MS MAHER: My question is directed to the Minister for Health. Last year in the Canberra Times an article on 28 November commented that the child abuse clinic at Royal Canberra Hospital, which closed in June, would reopen early this year. Can the Minister advise the Assembly if the child abuse assessment clinic at Royal Canberra Hospital will reopen and, if so when?

MR HUMPHRIES: It is true, as Ms Maher has indicated, that the child abuse assessment clinic at Royal Canberra Hospital closed, or was substantially closed, in June last year. On coming to office this Government was concerned that the service should be re-established as soon as possible in order to provide that very valuable service to the people of Canberra. Child abuse in all its forms can have profound long-term effects on the child, the family and the community, and early intervention can both minimise the damage and facilitate the healing process.

I am pleased to advise the Assembly that the child abuse assessment clinic at Royal Canberra will shortly commence expanded operations. A paediatrician has been appointed on a part-time basis and specialist social workers are currently being recruited. The paediatrician, who is responsible for undertaking urgent and routine medical examinations, commenced on 1 February this year. Interviews for specialist social workers for the child abuse clinic will take place on Thursday of this week. It is anticipated that appointments will be made fairly shortly after that. However, some referrals for social assessment are being accepted by existing staff in the social work department. Special care has been taken to outfit the clinic with appropriate furniture and a suitable area in the hospital has been set aside which is both accessible and discrete.

I thank Ms Maher for her question and can assure her that the Government will place a high priority on children's health.

Planning Leases

MR MOORE: My question is to the Chief Minister as Minister for Planning, and I again refer to block 2 section 52. Chief Minister, can you tell us whether the Government considers that 8,000 metres of office space, as reported in the Canberra Times this morning, is an acceptable component of the hotel development.

MR KAINE: As far as I understand it the original proposal, and the one which the Government is working to, is a proposal for a hotel. There is no question of 8,000 metres of office space, as far as I am aware, but I will check that and take that part on notice, if you wish, Mr Moore.

MR MOORE: Yes, thank you.

Funding Priorities

MR BERRY: My question is directed to the Chief Minister in his capacity as Treasurer. Is the Government intending to construct a gaol for the ACT as indicated by the Deputy Chief Minister, Mr Collaery? Given your indication that \$30m funding for the VFT will be given priority, what funding priority will be given to the gaol, particularly in relation to the funding for hospital restructuring?

MR KAINE: Mr Berry does ask some curious questions. First of all, there is no commitment on the part of the ACT Government for the VFT, and I have made that quite clear. In case you did not hear, I will repeat it. The consultant's report talks about the possibility of the ACT having to incur a cost of \$30m. I have made it quite clear on several occasions that this does not refer to the ACT Government. If that cost eventually falls to the ACT, how it will be apportioned - whether all or any of it will fall to the ACT Government - remains to be negotiated. In connection with the gaol, if we ever have a gaol - - -

Mr Berry: Mr Collaery said you would have one. You have changed your mind.

MR KAINE: Mr Speaker, if Mr Berry wants to answer his own question, I am quite happy to sit down but, of course, he does not really want to hear the answer to the question. He just wants to hear his own voice asking it. The Government's policy is that in the longer term we may need to construct a gaol for low intensity and medium intensity security prisoners. There is no commitment to do it this year or next year. It is a long-term plan, based on the

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proposition which I thought that you would have supported, Mr Berry, that by sending these people into the New South Wales gaol system, first of all we expose them to personal danger - - -

Mr Berry: But there is a plan.

MR KAINE: As you would well know - do you want me to answer the question or not?

Mr Berry: Well, you said there was a plan. I just want you to clarify that.

MR KAINE: Firstly, there is a potential physical danger to people who go into the New South Wales system and, secondly, there is a need to have some regard for the families of these people who disappear into the New South Wales gaol system and may be located a long way geographically from Canberra. You, who talk about social justice so loudly and long, might have thought that they were compelling reasons for making some long-term provision for our own prisoners, rather than feeding them into the New South Wales system.

None of this, of course, has anything to do with the redevelopment of the Royal Canberra Hospital or the hospital system. We are grappling with that problem that you shirked - you just set it aside because it was all too hard. We are grappling with that problem and we are grappling with it in the short term. Both the VFT and the gaol are long-term commitments for which no financial provision has to be made this year or next year, but financial provision certainly has to be made this year or next year to deal with the hospital problem that you simply failed to address.

Borrowing Restrictions

MS FOLLETT: Again, my question is to Mr Kaine in his capacity as Treasurer. What financial principle underlies your policy of restricting borrowing for individual projects by public enterprise to 50 per cent of the cost? Could you inform the Assembly whether this is a policy in common use in the private sector.

MR KAINE: No, it is not a principle that is in common use anywhere, but we happen to be taking a very responsible position to the financing of this Territory - something that you did not understand, let alone put into practice - and this is a basic method of reducing our borrowings, thereby reducing the later burden to the taxpayer in connection with the interest on those borrowings. This is a very basic and simple principle that I do not need to borrow from anywhere. I believe that it is a matter of prudence to reduce our borrowings, as you attempted to do last year on your capital works program. We will attempt

to do the same thing. We will achieve it, but we will achieve it not only in the sense of the total borrowings program for capital works but also in respect of each individual project.

MS FOLLETT: In view of Mr Kaine's response on that, I would ask how the borrowings position as outlined relates to the policy that both capital and recurrent budgets be balanced.

MR KAINE: The restriction on borrowing relates to capital projects and relates only to the capital budget. The only effect of it is that it reduces the burden that has to be carried by your future recurrent budgets in terms of the interest on that borrowing. It is a very simple relationship. I know that you do not understand it, but we over here who are interested in responsible financial management understand it very well.

Ministerial Council Meetings

MR WOOD: Mr Speaker, I direct a further question to the Chief Minister. Will he advise the chamber of his policy, or his Government's policy, on ministerial council meetings and other high level meetings of Ministers between States. Will the ACT Government be represented by Ministers or by some other members of the Government? Is it likely that the ACT will be represented by a Minister and an Executive Deputy and, if so, what would be the anticipated cost of that added representation?

MR KAINE: First of all, let us address the cost. There will be no additional costs irrespective of who attends such meetings. Primarily, people who will attend ministerial meetings will be Ministers. They may, as all Ministers do, take a departmental adviser with them or in some cases, if it is considered to be more appropriate because of the specialist advice that is available, they may take their Executive Deputy as an adviser. They are perfectly entitled to do this. They can take their advice from anywhere that they see fit, but in no case will it cost any more - - -

Mr Wood: Will they take a departmental officer, too?

MR KAINE: They will take one or the other, but there will be no increased cost and the representation will always be at the ministerial level.

MR WOOD: Mr Kaine might tell us how it has been working then. There have been ministerial meetings, for example one on welfare recently, and there was a meeting of transport Ministers in Sydney yesterday. He might tell the house if Ministers or Executive Deputies or others have represented the ACT at those meetings or any others that he knows about.

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MR KAINÉ: As I understand it, the meeting in Sydney yesterday was a transport meeting and not a ministerial meeting. It was not even a meeting convened by government. It was a meeting which government representatives attended.

Mr Wood: I included that in my range of questions.

MR SPEAKER: Order. Please address your questions through the Chair.

MR KAINÉ: I can refer to that particular one because it is one of which I know the circumstances, so there is no question of whether it was a meeting that should have been represented at the ministerial level. I know of no other meeting where representation has not been at the appropriate level - that is, if it is a Minister's meeting, a Minister attends.

Borrowing Requirements

MRS GRASSBY: My question is to Mr Kaine as the Treasurer. What is your current estimate of the Government's borrowing requirements for this financial year?

MR KAINÉ: My estimate of the Government's borrowing requirements for this financial year are exactly those put forward by the previous Chief Minister. We have not changed the borrowing by one dollar.

MRS GRASSBY: I have a supplementary question. Is it true that due to the high profitability levels of the ACT Electricity and Water Authority, the authority's share of the borrowing program will no longer be required?

MR KAINÉ: It is quite possible that at the end of the day we will not have borrowed all the money that the previous Government set out to borrow. That depends on how projects develop and how business is conducted over the course of the year, but we certainly will not be borrowing one dollar more than the program set in place by the previous Government. It may well be less, and I hope that it is because to the extent that it is less, as I explained before in simple economic terms which, I repeat, I doubt that you understand, the less you borrow the less you have to repay in the future.

Women in the Public Service

MR MOORE: My question is directed to the Chief Minister. I direct the Chief Minister's attention to a letter in today's Canberra Times by Mr Enfield, when reference was made to the proportion of women represented in the Commonwealth SES. I quote:

... the important fact is that for some years now, women's share of promotions into the SES (currently 18 per cent), has matched their representation at the levels from which those promotions were made.

Can the Chief Minister indicate whether or not the same proportions apply to the ACT Administration and, if not, in what way do they differ and why?

MR KAINE: All I can say, without some research, is that the ACT public service is still simply an extension of the Australian Public Service, and whatever the percentages were when we inherited the ACT Government service from the Commonwealth, as far as I know, still apply. There certainly has not been any action on the part of my Government - and I doubt whether there was any on the part of the previous one - to reduce the proportions of women in the senior executive levels, and so they remain as they were. I would add that it is this Government's policy to ensure equal opportunity and equity for women in the work force and if there remains any inequity, over time we will move to eliminate it.

Bicycle Helmets

MRS NOLAN: Mr Speaker, my question is to Mr Duby as Minister for Urban Services. Mr Duby, in view of the increase in bicycle accidents resulting in head injuries - the most recent, I believe, causing the death of a young Canberran - is the Government considering making the wearing of bicycle helmets compulsory?

Members interjected.

MR DUBY: The incident to which Mrs Nolan refers is, of course, a very tragic one and highlights the size of this problem. A primary goal of this Government is to reduce the number of ACT road accidents including bicycle accidents. Injuries to cyclists can be reduced by users becoming more willing to wear a protective device such as an approved safety helmet; this includes children in safety seats on the back of bicycles. The Government's road safety unit is pursuing a long-term strategy of improving helmet wearing rates by providing bicycle and helmet safety programs to all ACT schools and encouraging schools to organise bulk helmet purchases for students.

Such Government initiatives have helped to increase the ACT wearing rate for school children to over 30 per cent, a very gratifying figure. It must be brought home to teenagers, in particular, that their heads are more important than their hairstyles. In addition, the Australian Transport Advisory Council has before it a proposal to introduce compulsory helmet wearing uniformly

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across Australia. The Alliance Government has included compulsory helmet legislation in its legislation program and would, if that national standard was agreed, implement moves to implement such action in the ACT.

ACT Government Employees

MR WHALAN: Mr Speaker, I would like to ask a question of Trevor Kaine. This is a question that follows on from the question that Bill Wood asked about the rights of employees participating in democratic social and political debate within the ACT. Is the Chief Minister, the person responsible for the administration of the public service, aware that yesterday evening an officer employed in the schools system, having previously agreed to participate in a discussion about the requirements of schools for a pool in Tuggeranong, was directed not to participate in a public meeting at the Tuggeranong College?

MR KAINE: No, Mr Speaker, I was not aware of any such event.

MR WHALAN: In view of the circumstances which have now been brought to the notice of the Chief Minister, will he undertake to inquire into the matter and to report back to the Assembly?

MR KAINE: I will undertake to inquire into the matter, Mr Speaker.

Hospital Planning

MR BERRY: My question is directed to the Chief Minister, Mr Kaine, in his capacity as Minister for Planning. Could Mr Kaine advise this Assembly of the cost of his plan - and I refer to the plan that was published in the Canberra Times - to create a 1,000-bed hospital in the ACT?

MR KAINE: Mr Speaker, I would have thought that Mr Berry might have addressed his question to the Minister for Health whose responsibility it is, but - - -

Mr Berry: It was your plan.

MR KAINE: Mr Speaker, it is not my plan. The Opposition member does not seem to understand that we have portfolios in our Government, just as he had in his, and health happens to fall to Mr Humphries. If there is a plan for developing the hospitals, it will fall in Mr Humphries' area of responsibility.

If we go back a little bit, the 1,000-bed hospital concept was put forward by a consultant to the Commonwealth Government through the Minister for Territories, Mr

Holding. Dr Kearney proposed that the ACT hospital system should be built around a principal hospital and it should be a system aimed at providing about 1,000 beds. It is not my plan, and to answer your question, no, I do not know what it will cost. You put a figure of \$210m on it, but you did not know where the money was coming from. I do not know where that sort of money would come from, and until I know how we can plan it and how we can schedule it to produce a hospital system along the lines proposed by Dr Kearney, I shall not speculate about it either.

Flooding in Theodore

MR MOORE: My question is directed to Mr DUBY as Minister for Urban Services. Is the Minister aware of the difficulties residents of Vonwiller Crescent in Theodore are having with recurrent flood waters? Can the Minister advise the Assembly what measures are being taken to remedy the problems they are experiencing with the inadequate and poorly planned drainage, the lack of ongoing site maintenance by builders, and what they claim is a lack of attention that departmental bodies are paying to the urgency of the problem?

MR DUBY: I am familiar with the problem associated with that particular address. I believe there has been an ongoing problem for some years associated with particular works in that area. I am not familiar with the site, but reports I have read indicate that there is a retaining wall of some kind which overflows onto the footpath and onto peoples' properties. The matter is in hand. I have been advised by my departmental officers that they are reviewing systems of overcoming the problems associated with water drainage and spillage in that street. I shall get back to the member privately, if he so wishes, with any detailed proposals.

MR MOORE: I wonder if the Minister intends compensating the residents for the damage that has occurred to their properties as a result of that poor urban planning?

MR DUBY: There are no plans in train at this stage for that action.

Status of Women

MR WHALAN: Mr Speaker, I would like to ask a question of Trevor Kaine. Is he aware that Ms Maher, who is his personal Executive Deputy and who has responsibilities in relation to the status of women, recently told a prominent interstate visitor that she had not been in Government long enough to think up some policies in relation to women. Is it correct that the Government has no policies in the area of status of women? If not, why not and, if so, what are they?

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MR SPEAKER: I just remind the member that questions on policy are not to be asked during question time.

MR KAINE: I do not mind answering the question, Mr Speaker. I am not aware of Ms Maher having made any such statement, but I am sure that Mr Whalan has his sources of information everywhere and so is well up to speed on what every member of the Government is saying on every issue at every minute of every day. I would have to assume that he has got pretty good intelligence but, as I said, I am totally unaware of it. Quite frankly, if Mr Whalan received that intelligence it is probably garbled, like a lot of the information that he gets, and it is certainly distorted in his presentation. If he cares to, I will introduce the question of his statements last night in connection with the Tuggeranong swimming pool. Either he could not read the documents that he tabled or he deliberately distorted and misrepresented them. Perhaps we can talk about just how accurate Mr Whalan's information is and how well and how accurately he presents it after he has got it.

MR WHALAN: I have a supplementary question. I would like to ask Trevor Kaine, how do you divide the responsibilities for policy development and public statements on the area of the status of women between yourself and Ms Maher?

MR KAINE: Mr Speaker, Ms Maher, as I have made clear many times, is my specialist in the area of the status of women. She is my adviser and she has no responsibility other than that. A comprehensive statement on the status of women is being developed and when I have agreed that it is an acceptable statement of our policy and a correct representation of it and not a distortion or a misrepresentation of it, I will make it available.

PROCEEDINGS - AUTHORITY TO RECORD, BROADCAST AND PHOTOGRAPH

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

That the Assembly authorises:

- (1) the recording on video tape without sound by 10 News Canberra of proceedings during question time on Wednesday, 21 February 1990;
- (2) the use by any television station of any part of the recorded proceedings in subsequent news, current affairs and documentary programs; and
- (3) the taking of still photographs during question time on Wednesday, 21 February 1990 and the use of such photographs in the print media generally.

PERSONAL EXPLANATIONS

MR WHALAN: Mr Speaker, I seek leave to make a personal explanation.

MR SPEAKER: Do you claim to have been misrepresented?

MR WHALAN: I most certainly have been. In response to a question during question time Trevor Kaine maliciously and cruelly - - -

Mr Kaine: You are opening it up and I am going to table the documents when you have finished.

MR SPEAKER: Order, Mr Kaine.

MR WHALAN: Mr Kaine maliciously and cruelly sought to impugn my character by saying that I had deliberately distorted facts. In so doing he held up a document which was distributed to the community of Tuggeranong at a public meeting in the theatre of the Lake Tuggeranong College last night. In the circumstances I would like to seek leave of the Assembly to table the document which was distributed there. A perusal of that will see that the allegations of Mr Kaine are absolutely false. I seek leave to present the following paper:

Labor's position on the Tuggeranong pool - Copy of statement by P. Whalan, MLA,
together with copies of -
Advertisement from The Canberra Times, 9 August 1986, calling for expressions of interest for the
Tuggeranong Recreation Complex.
Map of proposed pool site.
National and Cultural Resources - 1990-91 major capital works bids.
Proposed 1989-90 forward design program.

Leave granted.

MR KAINE: Mr Speaker, since Mr Whalan has raised the subject, I seek leave to make a statement on the matter that he has just introduced.

Mr Whalan: Can I raise a point of order?

MR SPEAKER: Just a moment. Is leave granted?

A member: Yes.

MR SPEAKER: Leave is granted.

Mr Whalan: No, not yet. I raise a point of order, Mr Speaker. In question time, and I raised the point in my personal explanation, Mr Kaine made certain allusions. He did not elaborate on what he was talking about. It is quite clear that he is going to embark on a debate, and in

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granting leave can we have an undertaking that I also will have an opportunity to respond to the remarks that he makes?

MR SPEAKER: That is always open to the Assembly to judge, Mr Whalan. If you seek leave and the Assembly wishes to grant it, that would be the order of the day.

MR WHALAN: We will not grant leave in this case, Mr Speaker.

Leave not granted.

MR BERRY: I claim to have been misrepresented, Mr Speaker. In answer to a question that I raised in question time Mr Kaine, the Chief Minister, viciously attacked me personally in relation to my activities as Minister for Health and he said, and I can quote, that I had shirked my responsibilities. Mr Kaine is obviously falling apart under the pressure that is being put on him by the Opposition. He is falling apart because he is obviously suffering from some sort of selective amnesia on the subject.

Quite clearly he misled the Assembly in suggesting what was, in my view, an untruth; that a duty had been shirked in relation to the public hospital system in the ACT. Mr Kaine knows, as everybody else here knows, that there was extensive consultation on the issue of the future of the - -

Mr Jensen: I raise a point of order, Mr Speaker; I wonder whether Mr Berry is making a statement and not a personal explanation. It sounds like a statement to me.

MR SPEAKER: I would ask you to look to that matter, Mr Berry.

MR BERRY: It was not a personal explanation that I asked to make, Mr Speaker. I claim to have been misrepresented, I want to put the facts on the record and I want the issue clearly understood. I do not expect that any member in this house needs to be badmouthed by somebody who is angry because he has had pressure put on him by opposition parties.

Mr Kaine: I raise a point of order, Mr Speaker. I was not angry and I was making a perfectly plain lucid statement. There was no anger involved at all. I am being misrepresented. He is badmouthing me.

Mr Jensen: I raise a point of order, Mr Speaker. I would like to draw your attention to standing order No. 47, which requires that a member in the capacity in which Mr Berry is now on his feet may not introduce any new matter.

MR SPEAKER: Yes, I uphold that objection, but I am not sure that Mr Berry was doing that. Please proceed.

Mr Jensen: He certainly was.

MR BERRY: I will get the opportunity to finish off the issue, Mr Speaker, then everybody will understand where I am coming from.

Mr Duby: We know where you have been, though.

MR BERRY: Well, it would not be anywhere that you have been, Mr Duby.

Mrs Grassby: They would never take you, Mr Duby.

MR SPEAKER: Order!

MR BERRY: There was, of course, extensive consultation and I mentioned earlier that Mr Kaine had some sort of selective amnesia on the issue because he himself was consulted on the issue of the hospital redevelopment plan. He was, therefore, involved in the process, as was the broader community, as well as, of course, all of the members of this Assembly. That resulted in a plan which was to span five to seven years and, without going into the detail of it, was going to cost about \$210m.

We knew exactly where we were going, Mr Kaine knew exactly where we were going and it is extremely negligent of him to say that just because they have grabbed government, nothing has happened in the past. What has happened is that they have grabbed government and done nothing with it on the hospital issue. There is a vacuum on the issue of hospital policy. To say that I shirked my duties in doing something about the issue of public hospitals is completely untrue. I have been misrepresented and I think the record will now show that.

ASBESTOS REMOVAL PROGRAM Ministerial Statement

MR DUBY (Minister for Finance and Urban Services), by leave: Mr Speaker, the existence of asbestos insulation in 1,060 Canberra homes represents a major public health problem and while it is not a problem of our making, it is nevertheless one that we must address and address urgently as a large number of Canberrans are affected. This problem shows every sign of getting more expensive the longer we take to remedy it. Since coming into government we have been carefully considering how best to tackle this public health problem. Soon after coming into office I met with the asbestos support group and discussed a wide range of concerns with them. In mid-December I announced that the Alliance Government was committed to removing asbestos from all Canberra homes within four years. I also said that any funding negotiations with the Commonwealth would not delay the program.

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I am pleased to announce that the Alliance Government has decided on its strategy, but before saying what it is I want to briefly refer to the background to this issue. While accepting no legal liability, the Commonwealth Government decided in October 1988 that, for public health reasons, asbestos in Canberra homes had to be removed. The Commonwealth imposed a funding formula under which the ACT was to be responsible for the first \$10m, fifty per cent of the next \$20m, and one-third of all costs over \$30m. Within weeks of that announcement the asbestos branch had been established and a survey commenced of 65,000 houses built prior to 1980.

At the time the extent of the problem was not known but it was believed that there could be upwards of 5,000 Canberra homes affected by asbestos. Ultimately, 1,060 houses were identified as having asbestos insulation. Under a program managed by the asbestos branch these houses have since had their living areas sealed from the roof spaces to make them safe for their occupants.

The problem faced in Canberra is unique. To our knowledge, Canberra is the only place in the world where one hundred per cent pure, loose, dangerous asbestos has been used in homes on such a scale. While Worksafe Australia's code of practice provided the necessary guidelines and principles for asbestos removal work, experience in the asbestos abatement field has generally involved bonded material containing some asbestos rather than pure, loose asbestos.

As a consequence, safe and effective removal techniques for work in the ACT homes that were affected had to be developed from first principles. The removal techniques which were finally included in the government specification were based on the widest possible consultation - including outside Australia - with experienced asbestos removalists, unions, householders and, of course, experts from Worksafe Australia.

Tenders called by the previous ACT Government and based on the specification closed on 12 July 1989. It was then that, in a manner of speaking, the wheels fell off the removal program. It took the previous Government until November 1989 to make a decision and then it was only to let a contract for 100 houses to BRS Asbestos Removal Pty Limited - 100 houses out of 1,060. This has caused additional trauma and anguish for those people who have asbestos in their homes. I believe this is unacceptable and so does the rest of this Government.

There has been constant criticism about the lack of action and commitment, many heart-rending stories forwarded to me, a very emotional public meeting, persistent media attention, an increase in the number of requests for priority removal and an erosion in the value of people's primary asset, their family home. This could have been avoided if the previous Government had been more decisive.

In developed countries throughout the world governments have been shocked at the price they have had to pay for asbestos removal. There is no cheap and safe solution. Where short cuts have been taken, it has usually been necessary to do the job again at even further expense. This Government has no intention of paying twice. Our Government has made a decision which I believe will put the asbestos removal program firmly back on the track and achieve our four-year objective. Most importantly, it will relieve the anguish of those unfortunate Canberra citizens who have asbestos in their homes.

Subject to finalising some contract details, we have decided to let a contract for 750 homes based on a proposal submitted by Gardner Perrott, a division of Brambles Holdings, a well-known major company in Australia. The company offered the lowest price for multiple contracts as a result of last year's public tender action and it has maintained the validity of its tender offer. When finalised this contract will be worth approximately \$43.8m. It represents an average house price in the order of \$58,000. Advice from Australian Construction Services and engineering consultants, Scott and Furphy, confirms that at that price and with the current specifications we are getting real value for money. Under this contract Gardner Perrott would have up to 23 removal teams operating simultaneously within Canberra. Together with the existing 100-house contract that has been let, this means that once in top gear the program will involve up to 30 teams operating at any one time, each team averaging one house every four weeks.

Approximately 200 jobs will be created with these contracts, 200 jobs that are going to go to local workers. This is especially important at this time when unemployment is at such a high rate in the ACT. We would expect Gardner Perrott to commence removal operations in April and to be in full operation by the end of June 1990. The existing 100-house contract commenced earlier this month.

While there remain details to be worked out in order to get the removal program into full swing, my department can now turn its attention to a number of important outstanding issues in the asbestos removal program. Without question, the most prominent issue is the need to determine arrangements for cleaning approximately 46 houses which have previously been cleaned under private contract but which do not meet the current standard of cleanliness. These houses will not simply be slotted into the program because the work varies from house to house and it varies from houses needing total cleaning.

In reaching this decision we were aware that there have been views expressed in some quarters that these removals could be done for a lot less than \$58,000 a house. These views are held, it would seem, partly because of the price of some of the individual removal contracts which have been

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undertaken and partly because people do not always appreciate the precise nature of the problem we face.

I want to say something about these views. We are not talking about asbestos-bonded building materials such as fibro or lagging. We are talking about 100 per cent pure loose dangerous asbestos fluff, asbestos in its most dangerous form. As I mentioned earlier, as far as we are aware Canberra is the only place in the world where 100 per cent loose asbestos home insulation has been used on such a scale.

It is a fact that small companies are undertaking individual removal contracts for around \$35,000 to \$46,000. However, there is a world of difference between a one-house contract and a large contract over an extended period involving the full range of house sizes and types. Contractors undertaking large contracts face very significant risk factors as well as major equipment and project management costs which do not exist in single house contracts.

In addition, while firms currently undertaking individual private removals have to meet the same standards of cleanliness as the government contractors, they are free to employ methods and arrangements which would not be appropriate in a government contract. It seems that firms recognised these facts of life when they tendered last year. Most prices offered for single 100-house contracts ranged around \$80,000 to \$86,000 per house. While there may be some criticism from firms which have missed out, my response is that they had their chance when public tenders were called.

In an effort to reduce costs an examination of possible alternative, less expensive removal techniques has been undertaken. My department has been unable to identify any alternative techniques which did not involve a reduction in either the cleanliness standard, the worker safety standard or public health protection. In fact, it has been unable to identify any alternatives for which it is safe to proceed to trial stage.

Removal of this very hazardous material by half-measures just will not do. Quite apart from the potential legal and financial implications a future government might face if a penny-pinching or half-measures approach was adopted now, the Alliance Government is not prepared to risk the health of the citizens of Canberra.

I said earlier that we are critical of the previous Government for its delay in making a decision. However, it is fair to say that the removal technique adopted by the previous Government in its tender specification represents the safest, cleanest and most effective means of extracting this most hazardous of materials.

It is our judgment that achieving total and effective removal within four years means that the removal strategy needs the substantial involvement of a major contractor rather than a plethora of smaller firms. However, I am pleased to say that there will continue to be opportunities for the smaller firms to participate in the program. With a total of 850 houses under government contract and approximately 30 either done or under private contract on an individual basis now, around 180 houses remain either for the small firms or for another major contractor.

For instance, the Government could consider extending the current contract with BRS Asbestos Removal Pty Limited subject to satisfactory performance and price negotiations.

The Government has decided to continue the reimbursement scheme for people who choose to contract directly with removal firms. The maximum reimbursement limit for private removals is to be increased from \$35,000 to \$40,000 effective from today. This increase recognises that although private removalists must meet the same cleanliness standards as the government contractors they do not face the same large-scale project risk factors or the equipment and project management overheads. There has been some criticism about perceived double standards between private and government removals and I would like now to remove any doubts in this regard. Inspections of all asbestos removal contracts will be carried out by asbestos branch inspectors.

With this strategy the Government has effectively removed the log jam holding up further progress. This was our top priority with the asbestos removal program and we have achieved it. Importantly, the involvement of such a major company in the field of hazardous materials handling as Gardner Perrott provides an assurance about quality and reliability. Householders will continue to be kept informed through regular asbestos branch newsletters and through consultation and liaison with their asbestos support group.

It is the Alliance Government's objective to do this job as quickly and as effectively as possible. We think the strategy I have outlined today will achieve this objective. Once the affected houses have been cleaned and any residual fibres physically bonded into place with sealants, they will pose no health hazard.

Those people who have been affected by this sad episode - which was not of their making, but, in my view, due to the incompetence of the Commonwealth Government - can then put it behind them and get on with their lives. Mr Speaker, I move:

That the Assembly takes note of the paper.

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

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SUSPENSION OF STANDING AND TEMPORARY ORDERS
Tuggeranong Swimming Complex

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

That so much of the standing and temporary orders be suspended as would prevent Mr Whalan tabling in the Assembly the formal Budget papers which he claims prove the Follett Government's alleged commitment of \$5.5m to the Tuggeranong pool proposal.

MR KAINE (Chief Minister) (3.28): Mr Whalan has tabled some documents in which he purports to show - - -

Mr Whalan: I raise a point of order, Mr Speaker. We have just had a motion which was carried and I am curious to know what Mr Kaine is now speaking to.

MR SPEAKER: Leave was granted to a motion and he is speaking to the motion.

Mr Whalan: The motion has now been completed.

MR KAINE: Mr Speaker, I seek leave to make a statement on the matter in connection with that previous motion.

MR SPEAKER: Order, Mr Whalan. Your point of order is upheld. Mr Kaine, would you seek leave to make a statement?

MR KAINE: I sought leave to - - -

MR SPEAKER: Well, we are halfway between things. Is leave granted?

Mr Whalan: I raise a point of order, Mr Speaker. We are quite happy to grant leave on condition that it is indicated there will be an opportunity for me to respond to the remarks which Mr Kaine is going to make.

Mr Kaine: You can seek leave, too.

Mr Whalan: In that case, if you are not prepared to give an undertaking, there was a meeting with our whips the other day - - -

MR SPEAKER: That is not a point of order. You are debating the issue.

Leave not granted.

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

That so much of the standing and temporary orders be suspended as would prevent the Chief Minister making a statement on the matter.

MR SPEAKER: The question is that the motion proposed by Mr Kaine be agreed to.

Mr Moore: Mr Speaker. I think - - -

MR SPEAKER: I think the ayes have it.

Mr Moore: I wanted to speak to the motion. I was on my feet.

MR SPEAKER: You were wishing to debate that motion, Mr Moore? Please proceed.

Mr Moore: It just seems to me, Mr Speaker, that what Mr Whalan requested was simply an opportunity to respond. I think it is a perfectly reasonable thing for the Government to give him - - -

Mr Humphries: He can seek a suspension of standing orders.

Mr Moore: The Government should make a commitment. You can use your numbers, I am aware of that.

Mr Humphries: No, we will not block him.

Mr Moore: In fact, I will be quite interested to hear it.

Mr Humphries: We will give him leave.

Mr Jensen: We said we would give him leave.

Mr Moore: That is fine by me.

Mr Whalan: I want it on the record that they did not say that they would grant leave. They said I could ask for leave. They interjected from that side to say that they would give leave. They never said that. They said that I could ask for leave. I am now speaking to the motion, Mr Speaker. It would be a fair way - - -

Mr Kaine: On a point of order, Mr Speaker; I moved suspension of so much of standing orders that would allow me to make a statement. That leave has been granted on the voices and I believe it is my right now to make that statement. It is not Mr Whalan's right to insert himself into that matter.

MR SPEAKER: Chief Minister, the speaker jumped the gun. I should have allowed debate on your motion before I called the voices.

Mr Kaine: He is not debating the motion. He wants to debate - - -

MR SPEAKER: If you would grant leave for the members to proceed on that debate even though - - -

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Mr Whalan: No, I am not asking leave. I am asking for my rights. Mr Moore spoke to the motion and I am following Mr Moore in speaking to the motion.

MR SPEAKER: Yes, that is right.

Mr Whalan: This could have been handled in quite a normal way if the people on the other side had indicated their willingness to allow a response to the statement that Mr Kaine is going to make. That would be a normal situation. However, they refused and that is why we are now forced into making two suspensions of standing orders. It is unfortunate that that course of action has had to be adopted. Presumably, when Mr Kaine has made his statement I will seek leave. They have failed to give any indication that they support that, although there were some interjections earlier. What I am saying is that there are ways in which we can conduct the affairs of this Assembly without the acrimony which is being introduced by the Government. We saw a shemozzle last week. We were hoping that the Government had learnt from the shemozzle they created last week in the conduct of the affairs of the chamber. We know the shemozzle that the incompetent manager of business on the Government side created last week and we hope the Government has learnt from it. I understand that he has done a course over the weekend and has learnt a bit and we will see an improved performance this week. I regret that on this particular matter we have had to go through this nonsense of a couple of suspensions of standing orders. We will not vote against it.

Question resolved in the affirmative.

TUGGERANONG SWIMMING COMPLEX

MR KAINE (Chief Minister) (3.33): I have moved the suspension for Mr Whalan to present these formal budget documents because there is a great deal of doubt in people's minds. Mr Whalan has concentrated on giving the media a fair going over on this subject, but the simple fact is that he has no formal budget documents and that is why I want to give him the opportunity to present them. The documents that he has presented so far - and which I am sure that he has made sure that the media has - do not hold up to investigation if they are examined closely and they do not support the contention that Mr Whalan has put forward. Unless he has got something different - and that is why I want him to present them if he has - the documents that Mr Whalan presented yesterday do not in any way support Mr Whalan's contention, that is the statement made publicly yesterday that the previous Follett Government had included a provision in their budget for this pool and this Government removed it.

I refer to the two documents that he used yesterday in an attempt to justify his false assertion. The first

document, which is labelled "Labor program for November 1989" is, in fact, headed "1990-91: Major Capital Works Bids". They were proposals of items that might be included in next year's budget that were put forward by the department in November. There was never any provision in this year's budget; there was never any provision in this year's forward design program; there is no provision in next year's forward estimates, produced by the Labor Government. So for Mr Whalan to present this document to show that his Government had made a financial provision is a blatant lie and a distortion of the facts. The document with which he attempts - - -

Mr Whalan: I raise a point of order, Mr Speaker. I think it is obvious why I have risen.

MR KAINE: I will withdraw the statement, Mr Speaker, but "facts is facts". I will now proceed to the second document - - -

Mr Whalan: That is a qualified withdrawal, Mr Speaker.

MR KAINE: I withdraw the offending word, Mr Speaker. Having totally discredited the first paper on which Mr Whalan's argument is based, we then move to the second one, which he claims shows that this Government has removed this provision from his budget when it was never in the budget in the first place. The document that he produces to support that is headed "1989-90 Forward Design Program" - that is, this year's forward design program. It will use the money that he himself put in this year's budget for forward design work. It is not a budgetary provision and it in no way indicates that this Government has taken any money out of anything.

The two documents that he puts forward are not comparable. Neither of them supports his contention. Quite clearly he set out to mislead the public at yesterday's public meeting as to either his Government's intentions or mine. For that reason I would now like him - having suspended the standing orders to permit him to do so - to table the formal budget documents which substantiate his claims: firstly, that his Government made provision for \$5.5m in a budget for this purpose and, secondly, that the present Government took it out. I submit that he can do neither, but I would like to give him the opportunity to do so.

MR WHALAN (3.37), by leave: Mr Speaker, let me open my remarks by saying that I do not need a motion of suspension to seek leave to introduce any document into this chamber. If I want to introduce a document into this chamber, I can seek leave at any time. If it suits the purpose of the course that the Opposition is pursuing at a particular point of time, we will do that. I have already sought leave today to table this particular document which was distributed at the public meeting last night. This particular document - - -

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Mr Jensen: It is slightly different, Paul.

MR SPEAKER: Order!

MR WHALAN: If it suited my purpose to produce any other documents, I would so do. This sort of hollow challenge from Trevor Kaine shows how desperate these people are to conceal their true position as it relates to the Tuggeranong pool. What has happened is that in today's paper we have seen Mr Duby writing a letter off to the Canberra Times reporting Mr Collaery's motion of the other day. What he failed to do in his letter to the Canberra Times was to say that in moving the amendment to my motion Mr Collaery had removed the commitment to the construction of a pool in the immediate future. He had removed the commitment by the Government to the construction of a pool in the Tuggeranong town centre. He had removed the commitment to the construction of a pool near the bus interchange in the Tuggeranong town centre. He had removed the commitment to the construction of a range of facilities, which was based upon the process of consultation which had been initiated by myself with the relevant community groups in Tuggeranong when we were in Government last year; and he had removed the commitment to pursue the construction in terms of the enclosure of the pool to ensure that there would be all-year facilities available there.

That takes us then to the points that were raised in the document which was distributed to the community at last night's meeting. That particular document contains the historical background to the Follett Government's position as it related to the Tuggeranong pool. Although we had a long-term commitment before we came into Government to the construction of those facilities in Tuggeranong, when we took Government our hands were tied by the fact that there was running at that time an opportunity for the firm Decoin Pty Limited to come forward with a proposal for the development of a pool by the private sector. That particular proposal came about as a result of an advertisement in the Canberra Times in August 1986 when submissions and expressions of interest were sought in relation to a recreation complex in Tuggeranong. There were four expressions of interest and Decoin was selected for the exclusive negotiations with the then Department of Territories in relation to this particular matter.

By August 1989 Decoin had still failed to produce a proposal which was consistent with the original concept and which was acceptable to the ACT Government. However, it did ask for yet a further extension of time to allow it to come up with such a proposal and to demonstrate its capacity to proceed with the project. After some discussion with officers, I very reluctantly agreed to give Decoin an extension of three months at that point of time. After that I indicated to the officers concerned that while that process of the extension of time ran there would also be a period during which attention should be given to the

construction of a pool in Tuggeranong by the Government. I was personally skeptical about the capacity of that particular group to proceed on the basis of the project that they had in mind.

It was in that context that from September onwards there commenced a period of community consultation. Most of those consultations, in terms of the open consultation, took place at the Tuggeranong Rugby Union Club and included representatives of the schools, representatives of swimming clubs, representatives of water polo and a range of other community groups who had an interest in the provision of this type of facility. Those discussions led to the formation of a smaller steering committee which I think was under the chairmanship - - -

MR SPEAKER: Order, Mr Whalan. Please speak to the motion.

MR WHALAN: There is no motion, Mr Speaker.

MR SPEAKER: Sorry - to the point being addressed.

MR WHALAN: Yes, that is what I am doing. Those people went away and formed a group which came forward with the range of facilities that they thought appropriate. It was quite interesting at last night's meeting. A representative from Decoin was present and at that meeting he outlined what their hopes were. Its representative was subjected to very considerable questioning by the community representatives who were present and those community representatives made it very clear - patently clear - that they did not want a fun park; they did not want a theme park or the wave machines and things that Decoin had been talking about. They wanted a basic swimming complex which would provide competition and recreational facilities combined but without all the added on expensive stuff.

Mr Jensen: With a diving pool, too?

MR WHALAN: Yes, we have just had an interjection - - -

Mr Jensen: Different to what the community said they wanted, Mr Whalan.

MR WHALAN: There was an interjection just then from Mr Jensen when he said that the people of Tuggeranong did not want a diving pool. I can tell Mr Jensen that at last night's meeting a motion was carried unanimously by acclamation, and that motion included provision for a diving pool in the complex.

Mr Jensen: What about before that, Mr Whalan?

MR WHALAN: I can only say what happened at the meeting and that is precisely what happened. It is clear that Mr Jensen does not want a diving pool for the people of Tuggeranong. What was then clear was that because of a program of misinformation on the part of the Government -

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because it is embarrassed; it wants to squirm out of any sort of commitment to the construction of a pool in Tuggeranong - it was necessary to demonstrate that, in addition to the program which we had initiated in terms of consultation with the community to establish their needs and wishes, departmental officers were in the process of preparing budget documentation. As you know, Mr Speaker, the process of budget preparation commences many months in advance of when the budget is eventually brought down.

Mr Collaery: So you did not have a budget commitment?

MR SPEAKER: Order.

MR WHALAN: Mr Collaery has just interjected and said that the Government did not have a budget commitment. I explained, and it is in the second paragraph of the document which has been tabled in this chamber:

During the short period Labor was in office in government of the ACT in 1989, the question was considered on a number of occasions. It was complicated by the proposal for a privately developed water theme park and recreational complex. Negotiations then proceeding prevented the inclusion of a Government pool in the 1989-90 budget.

It stated this categorically; there is no question. Mr Collaery presents this statement and interjection of his like some magic rabbit out of his hat.

Mr Kaine: Which budget did you put it in then?

MR WHALAN: There is clearly an indication there. But the difference, Mr Speaker, was in the preparation for the budget of 1990-91. This is clearly evidenced by the document, which is marked A, which shows the list of proposed capital works for the year 1990-91. On that list there is a list of 20 capital works programs. Those 20 capital works programs indicate a clear commitment. That is the difference between the situation that prevailed in the 1989-90 budget and the position which we intended to introduce in the 1990-91 budget which was a firm commitment.

Mr Kaine: They are only bits. It is a shopping list.

MR WHALAN: In anticipation of Decoin's not proceeding; this was the list. I will indicate to those people and for Hansard, Mr Speaker, that the first item on the list is the Tuggeranong 50-metre enclosed pool for the big price of \$5.5m. It is clearly the number one item; number one in priority; number one in a list of 20. In addition to that there have been informal discussions. Once we had proceeded there was the prospect of using forward design to commence early work on the design of the Tuggeranong pool, so that immediately the financial year commenced the design

work would be in progress. At that time the resources were available within the design budget in our ACT public works, so that we could go in that direction and to commence the design work.

The position has changed dramatically. Mr Kaine has not denied the validity of the document, which is marked "B"; it is an attachment to the documents distributed last night. You will see that in relation to the forward design the first two items have been removed from that document. The first one was the Tuggeranong pool and the second one was the Olympic pool - "to refurbish and bubble" as it was described in the first document.

Mr Speaker, those are the facts. Clearly, the Labor Government under Rosemary Follett was moving - and there is evidence of that movement - towards a firm commitment for the construction of the pool in Tuggeranong in the 1990-91 budget year. On the other hand, there is evidence now before this chamber and before the Tuggeranong community that the Liberal Government in the ACT has abandoned Tuggeranong and has removed the Tuggeranong pool from its program.

MR JENSEN (3.51), by leave: Mr Speaker, it is interesting that Mr Whalan has not substantiated his assertions. What he has just done is provide a couple of documents to the house without any clear sourcing of them. They are just pages. There is no indication as to where these documents have come from. He has clearly misrepresented the positions of both the previous Follett Government and the Alliance Government. This is something that Mr Whalan has been doing with considerable panache in the last few weeks. It is incredible, Mr Speaker, and it is misrepresentation of the facts of the highest order.

It is submitted that he should be required to retract his statements publicly unless he is prepared to come up with the rest of the documents to substantiate the documents that he tabled last night at a public meeting. I suggest that the Alliance Government does have a commitment to the pool, a commitment that Mr Kaine has already stated. What we have is a commitment under local delegation to engage a consultant to undertake the necessary predesign and costing work - a consultant that Mr Whalan was quite happy to operate.

Let me comment on an assertion that Mr Whalan made to give an indication as to the validity of the sorts of statements that this man opposite makes. Mr Whalan said that at the meeting last night a proposal was carried for an Olympic-standard pool with diving. Let me quote from a letter from the chairman of the committee that Mr Whalan refers to. It is a letter signed Peter Muir, President, on behalf of the Tuggeranong Pool Consultative Committee and it refers to statements about Mr Whalan. I quote:

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Mr Whalan issued a press statement shortly thereafter (a copy of the resulting article as it appeared in the Tuggeranong Valley View is attached) which captured most of the essential points we as a community group raised. The press release, however, apparently went a little further than our agreed position -

"went a little further than our agreed position", gilding the lily, adding a little bit to it. Not the agreed position, but he is adding a bit to it for the political purposes that he is on about. I will continue -

as outlined below and hence there may be a need for a further community meeting to reaffirm our preferred position.

At this time Mr Whalan was going on about the position that was in the statement and he attempted to move a motion last week in the Assembly about adding all these facilities. He wanted to add all these extra facilities that the community at the time clearly understood were not possible under the budget arrangements that were going on. Therefore, they made no bid for these facilities. It was very interesting to see the chairman of this committee - the committee that Mr Whalan himself set up - come forward and distance himself from the statements by Mr Whalan on this issue. Clearly, this sort of action on the part of the member of the previous Labor Government shows just how much store we can put on the information that he puts before us.

Once again Mr Whalan has made these statements without being able to back them up, without being able to produce the rest of the evidence. Incidentally, the documents that he so carelessly flung around at a meeting last night are different, I might add, from the ones that he tabled today. There is a slight difference that Mr Whalan may not have noticed, but the document that Mr Whalan tabled today in the Assembly was slightly different from the one that he passed around at the meeting last night. It is such a small difference that it is probably not worth mentioning, but I thought I would toss it in to let the members of the Assembly and the people out there know how easy it is for this man opposite us to misrepresent the facts. I think it is quite clear, on behalf of the Alliance Government, that we are committed to the construction of a swimming facility in the Tuggeranong Valley. I think you will find that that will take place in the near future.

MR BERRY (3.56) by leave: Mr Speaker, I just wish to draw attention to the disgraceful behaviour of this house. In the last few minutes the standing orders have been virtually ignored, the daily program has been ignored, and issues which could have been raised by, say, a ministerial statement in respect of Mr Kaine's - - -

Mr Kaine: To prove that a member of your party misrepresents the truth, that is what it was about.

MR BERRY: Then we had a couple of outrageously mishandled motions in relation to the suspension of standing orders. The manager of Government business on the other side ought to be concerned about that. I know that there are some difficulties within their organisation because of the situation where they have three whips and a manager - - -

Mr Kaine: I raise a point of order, Mr Speaker. I have no objection to Mr Berry speaking to the matter that is being debated, but he is not speaking to that at all.

MR BERRY: Well, I heard the manager of Government business say "yes" when I sought leave to make a short statement.

Mr Kaine: On the matter before the house.

MR SPEAKER: The member sought leave to make a statement. He did not address the question he was going to speak on.

MR KAINE: We might withdraw the leave if he keeps it up.

Mr Moore: Be careful next time.

MR BERRY: Well, they will have to be more careful, because the way the whole process has been mishandled and abused today places this Assembly in disarray. I think it has been a most undignified performance by the members opposite. I seek the agreement of all the members here to a process whereby we just get on with the business on a business plane.

PERSONAL EXPLANATIONS

MR WHALAN: I wish to make a personal explanation.

MR SPEAKER: Do you claim to have been misrepresented?

MR WHALAN: Yes. During his comments Mr Jensen said that the document which I distributed to this Assembly today was different from the document which was distributed last night. That implies that in some way I had sought to deliberately mislead this house by presenting here a paper which was different in some respect from the document which was presented last night to the meeting. Let me assure the house that there was a pile of documents which were distributed at the meeting last night. There were a number left over and the document which was tabled here in the chamber was the top of that pile which was left over.

MR JENSEN: Mr Speaker, I seek leave to make a statement. I claim to have been misrepresented. If Mr Whalan had listened, he would have heard me say that there was a slight difference between the document that was tabled today and the one that was tabled at the meeting last night. I refer Mr Whalan to the copy of the document that

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he tabled in the house. If he refers to the top of it, under "Telephone", he will notice that there has been a change to the telephone number; he will also note that the fax information has been deleted. That is not a copy of the document that was handed out last night because it deviates in that small matter. Clearly Mr Whalan is very sensitive to this issue. I was just making this comment in passing, without any imputation at all.

SOCIAL JUSTICE ISSUES **Discussion of Matter of Public Importance**

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

The urgent need to develop a coordinated strategy to address the problems associated with social justice issues which have been identified in the community.

MR BERRY (4.01): This matter of public importance relates to the urgent need to develop a coordinated strategy to address the problems associated with social justice issues which have been identified in the community. The issue that I wish to confine my remarks to is access to essential services, which, of course, is one of the fundamentals of the delivery of socially just policies to the community. The first service that I would like to talk about is a birthing centre. A birthing centre can be described as a public facility which is separate from the mainstream of obstetrics wards in hospitals. There has been a strong need expressed by the community and I think that was evidenced by a large throng of mothers in the - - -

Mr Humphries: The pram parade it is called.

MR BERRY: The pram parade, as Mr Humphries has quite correctly described it. I think that there was a strong showing from that group, and in my view it needs to be supported by everyone. A petition was put before the Assembly earlier on, and that in itself indicates the level of support for a birthing centre.

There is a high rate of intervention in births in ACT hospitals - over 60 per cent of births are intervened in. In my view, that is unacceptable and it is this problem which has led women to exclude the medical profession from participation in the delivery of their children. That has created some tensions and it is important that those tensions are addressed, because it is the mothers and children in our community with which this Assembly ought to be concerned when developing socially just strategies.

I call on the Government to institute an independent public inquiry into the high rate of obstetric intervention in

births in the ACT. If the Government does that we might get to the bottom of the problem, all of the issues will be on the table and it might go some of the way towards sorting out the tensions in the community that are developing over this issue. The longer it is left, the longer it will fester.

The issue is the options for women - whether they take advantage of mainstream obstetric services or they make some other arrangements. Birthing centres are available in other States and it is unreasonable, in my view and the Labor team's view, that one is not available here. One of the main features of a birthing centre is that it recognises the fact that childbirth is not some sort of disease. It is a natural function and many millions of women give birth to children in circumstances which are not in what could be described as mainstream obstetric services. It has been argued that where there is no risk to woman and child other arrangements should be available.

It is important that all participate in a process to establish a centre so that any possible problems can be ironed out without unnecessary conflict. I think it is important that an inquiry would form part of that process. Some traditional demarcation lines will require adjustment. That is a sensitive issue in the community and would have to be carefully addressed because those in the medical profession have concerns about the delivery of traditional medical services to the community, and they endorse the position that they hold in the delivery of those services. There are others in the community who would argue that the demarcation line ought to be different. Although concerns have been voiced, I believe that in the interests of the best delivery services to women and children in the community we can work to overcome these problem. This is the sort of commitment that I would like to see from the Government benches opposite.

The next issue I would like to deal with relates to psychiatrically-ill offenders - a need identified by Mr Collaery during the budget consultative process under the Follett Labor Government. Mr Collaery rightfully expressed a view about that area of need and that view was accepted by Labor and a provision was included in the budget. The need is still urgent, and it is important to ensure that the money is spent wisely and those in need are provided with the facility as soon as possible. At the same time I think there needs to be a high level of care in addressing this issue because of the sensitive nature of delivery of services to the mentally ill. There needs to be compassion in the delivery of the facility as budgeted. Again I think what is required is a commitment from Government.

The next issue relates to mental health services. During the election Labor and other parties accepted that the delivery of mental health services had to be reviewed and, in particular, the Mental Health Act should be reviewed. Now, under Labor - and I would not say that any of the

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other parties would have taken a much different line - the process of a review was put in place. The Mental Health Advisory Committee was set up and one of its first tasks is to go through the process of a review of the Mental Health Act.

That there are difficulties in the Act has been recognised by service deliverers, by those in need of the services and by the carers of people who need services. With that sort of interest in the issue I think it is beholden on the Government that they consult very carefully with all of the people who would be involved in the process. If the Government does not do anything then political points should be scored, and will be, if no action is taken, but it should not be a political point scoring issue because it is a sensitive issue in the community that needs to be addressed with all haste.

The issues to be addressed are to do with the easing of the suffering of the mentally ill and their families, and in some cases saving lives. They are serious issues which cannot be allowed to go without action. In my view it is not true that the \$150,000 budgeted for by Labor would not improve services. I think that it would be a disappointment to all in the community if the initiative were to be scrapped. The money is there and services can be improved if the Government has the will to do it. It has long been recognised that the ACT is underfunded in the delivery of mental health services and whilst \$150,000 is not the answer to the problem, it goes part of the way and gets the process under way. What we need is a commitment from the Government that they will do something and do something quickly. Sure \$150,000 is not the answer, but it is a good start.

The other issue that I would like to talk about is the review of the Children's Services Act. When the Act was introduced in 1986 it was envisaged that its effects would be reviewed after two years of operation. That time is long past and the pressure is on the Government to get on with that review. Although the review will have costs associated with it we cannot hope to improve the Act and overcome its problems without the review. It is important that the wider community shares in the ownership of the results of that review, otherwise it will not succeed. The review will have to be carefully planned and implemented. I hope that the planning process is something about which we can all agree. Once again, the issue need not be contentious but should ensure that the sector of the community in need is well satisfied by the outcome. I think the most important feature of the outcome is general community ownership of the decision.

The next issue that I would like to deal with is child-care, an important service delivery area in social justice terms. Child-care is important for all families, and in particular for women in society because too often women are held in poverty traps because of their lack of access to

these sorts of services. Lack of access to affordable child-care is one of the greatest social injustices which we see every day in society. Without affordable child-care women cannot hope to gain access to education and training, and this lack of access leaves women and children at the lower end of the social scale and in many cases they find themselves in poverty.

I was delighted to hear that Mr Collaery gave a commitment last week to ensure that the funding already provided will go to child-care in the Parliamentary Triangle. I live in hope that that project gets under way quickly because it will be an important facility for the people of Canberra - not just for the people who live near the Parliamentary Triangle but for people all over Canberra who travel and work in areas close to that area. The need was identified as urgent by workers in the area. Many of those workers are women in low paid employment. The Government's cooperation in delivering Labor's commitment to the centre is important since its viability has been questioned on a number of occasions. We need a commitment and we want to be able to deliver that facility.

The guidelines on emergency assistance have been an issue of concern for a long time - I think that the more common term is emergency relief. The first concern was that there were not any guidelines and then when the first draft appeared there were concerns about their application and the inconsistencies in them. That concern has been voiced by the ACT Council of Social Service and many groups who deal with people in need in our community. These guidelines are for the use of all staff of the Departments of Community Services and Health and need to be understood by all involved in welfare services in the ACT.

It is sad to see that after we have waited so long the guidelines are to be implemented without consultation. Consultation went on in the process of development but, as I understand it, there was no consultation about their implementation or about the final draft. Consultation is of great value in ensuring that policies to be implemented are consistent, comprehensive and understood and, as I said earlier, there is a feeling of ownership. Instead, we now have a situation where the guidelines contain serious flaws. I think it is a shame that Mr Collaery is not in the room now because - - -

Mr Collaery: I rise on a point of order, Mr Speaker; I am listening. I am in the chamber. I do not wish Hansard to record my absence when I am not absent.

MR BERRY: Mr Collaery had moved beyond my field of vision.

The instructions to be given to the workers contained instructions on the options available in the Department of Social Security and the Department of Veterans' Affairs. The guidelines give advice which will increase the suffering and hardship of bereaved families in need of

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help, when they should be seeking to alleviate that suffering and hardship. These guidelines need to be looked at quickly to rule out those flaws before more damage is done. If Mr Collaery would just sit still for a minute and listen he would probably comprehend this issue a little more closely rather than waiting till the transcript comes out and studying it there. It needs to be dealt with urgently, Bernard.

The community has made its concerns known. There have been newspaper articles, TV stories and a public meeting to bring to our attention the problems of the less well-off in our society. These problems relate not only to the fact that these people are underprivileged, but to the fact that they cannot get access to the services available and are unable to fight their way out of their disadvantaged positions. They are the weak in society. In a community which is for the most part well-off and well-educated, those without wealth, without income, without education find themselves without a voice, without services and excluded not only from the benefits of this society but even from basic comforts. What we need is a commitment from the Government to address these issues quickly.

MR KAINÉ (Chief Minister) (4.16): I am quite impressed that Labor is now suddenly imbued with urgency in this matter. During the several months that they were in government they clearly saw no urgency at all or the strategy of which they speak would already be in place.

Mr Berry: Why do you not put the Bible away and just get on with the job?

MR KAINÉ: You raised the subject and it is worthwhile noting that you raise it as a matter of urgency only after there is a new Government. You had seven months to do something about it and you did nothing, which is a marked contrast to the Alliance Government which is firmly committed to a socially responsible approach to our citizens, to the services that we provide and our budget priorities. Of course, Mr Berry avoided actually talking about a strategy. He talked about a number of issues which in many ways are not even related, but my colleagues will take those up and address each one specifically in terms of what this Government intends to do even though the Government that preceded us did not see any urgency about any one of them.

In terms of social programs the Alliance Government acknowledges the good work done in Victoria and South Australia and by Mr Mike Salvaris, who provided good advice and guidance to the previous Labor Government in the ACT, but they did not seem to take any notice of it. The work that we have been doing over the last three months has focused on taking the frameworks previously developed and developing our own social equity strategy. I emphasise that equity and justice are not synonymous. Justice is very often just but quite often inequitable. It is our

view that social equity goes far beyond social justice and is therefore a far better approach in resolving and addressing the problems of our community. Our strategy for equity will lead to a more comprehensive integrated fairer response to social need in the ACT.

The approach we are developing is, simply put, a means of making Canberra a better place to live. We want to allow the removal of barriers faced by some members of the community disadvantaged, for example, by gender, by age, by race, by limited self-determination, by income or for any other reasons. We want to give all members of the ACT community the opportunity to share in the economic and physical resources of the community and the decisions about how these resources are allocated.

I see a social equity strategy as being necessarily a long-term program which will involve setting particular targets to meet the needs of the most disadvantaged in our community first. We will set up rigorous processes to ensure that government services are provided efficiently to those most in need. The Alliance Government's social equity strategy is based on the very simple idea that we need to evaluate the performance of policies, programs and services against some objective measures. The Government sees this strategy as an essential step in achieving a leaner and more efficient public service and the Government is determined that such efficiencies will not be at the expense of the needs of Canberra's disadvantaged. In fact, the opposite is true. Any alterations to policies, programs or services must benefit Canberra, its citizens and or its environment.

I thank the Opposition for raising this matter of public importance today because it gives the Government the opportunity to outline some major directions which are currently being developed and which we have not yet had the opportunity to present. Because the Government has not talked about its social equity strategy does not mean that it does not exist, and I can assure the Opposition that our Government is very clear on the directions that it is taking. Social equity is integral to our planning and our budgeting. That is something that Mike Salvaris told the previous Government but it ignored it entirely.

I will now outline very briefly some of the initiatives that the Government is considering in the areas of needs of women, the ageing, families, youth, people with disabilities, veterans, and people of ethnic origins. All of these areas are seen as key target groups by this Government in pursuing an effective social equity strategy - and we are talking about a strategy, not some hit or miss minor programs that do not fit together in any sense to constitute a strategy.

In the high priority area of women's needs, I will shortly be releasing the Alliance Government's policy on the status of women in the ACT. The Government is committed to

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providing real opportunities for women rather than applying bandaid solutions to the most obvious problems. Our policy on the status of women will be a comprehensive and long-sighted vision for ACT's women's concerns. One of the areas which I can announce now is that a particular emphasis will be on opportunities for women to be economically independent. Within this context, of course, we will continue to provide the crisis and support services which offer immediate assistance to women in need.

In the area of the ageing, the Alliance Government will be guided by the report of the Social Policy Committee into the needs of the ageing. This is a report which I initiated as Leader of the Opposition and its findings represent the results of extensive consultations. I note that this inquiry was initiated over the objections of Labor, now in opposition. I will be releasing the Government's response to this report in the next sitting. It will be a comprehensive report addressing the needs of, amongst others, the frail aged and the self-managing ageing people. I can foreshadow now that we will be accepting nearly all of the recommendations and will be adding some important initiatives of our own. I acknowledge, without reservation, the work done by Mr Wood as chairman of that committee in producing such an excellent report.

Mr Wood: And the committee.

MR KAINE: And the committee, of course. Canberra's population is an increasingly ageing one. That is not news to anybody. I see action in this area as one of my Government's top priorities.

The Alliance Government is committed to the well-being of families and has already released its family policy. Many of our policies address viable families, and I will shortly be releasing a report on how our policies will be implemented. In particular we are concerned to address the causes of family breakdown and to identify the particular needs of families in the ACT. To this end the Government has joined a ministerial Commonwealth-State committee on the needs of children recently called by the Prime Minister.

My colleague Bernard Collaery will be releasing statements of substance in the near future about the youth sector. He is engaged in extensive consultation to determine what the real needs of the sector are, and I believe he is in a position to receive positive suggestions about realistic improvements in that particular area.

The Government supports the findings of the Burdekin report and the Government's submission to the Burdekin inquiry that sets out our implementation plans will be available shortly.

In relation to people with disabilities, the Alliance Government is developing a strategy that will ensure that

they are treated normally, as far as is possible, in their needs for accommodation, human rights, recreation, access to employment, transport, education and so on. The Government seeks an early conclusion to the development of a memorandum of understanding between the Commonwealth and the ACT Government, to define areas of responsibilities and types of services to be provided. This is an essential first step before identifying any gaps or deficiencies in service provision. The Government will also be consulting closely with service providers for people with disabilities and with umbrella bodies such as ACROD.

One of the most forgotten areas of our community is that of veterans, the people who have served their country so well. I have accepted responsibility for this group and I will be entering into consultations with veterans' representatives to see how their needs can be better met within our budgetary situation.

Another sector that has received inadequate attention in the past has been our ethnic community, in particular the area of needs of people from non-English speaking backgrounds. I am conscious of the increasing responsibility that the Commonwealth is transferring to the States and territories in these areas and I have requested the preparation of several key plans covering questions of access and equity and settlement needs for newly arrived migrant members of the community. In addition, my Government is participating in several national studies, for example on the needs of women from non-English speaking backgrounds, and is also starting to compile a body of literature and research so that we can more objectively monitor their needs.

Mr Speaker, the Alliance is determined to put in place a strategy to cover these issues to ensure social equity and I trust that Labor, in opposition, will join with us in that strategy.

MS FOLLETT (Leader of the Opposition) (4.25): I am very pleased to be speaking on this subject which has been raised by Mr Berry, although I must admit to some degree of disappointment in Mr Kaine's opening remarks. I do not believe that this is the sort of subject where we need a combative approach or the sort of mud-slinging in which Mr Kaine has indulged in the opening remarks of his speech. Quite clearly this has been put on the agenda today as a matter that the Opposition believes is a matter for concern for everybody in this Assembly and I, for one, would never accuse anybody opposite of not having a concern in this matter. Mr Kaine seems to think it is a suitable subject for political point scoring, and I do not.

It has been a traditional concern of the Labor Party, whether in government or in opposition, that those people in our community who suffer disadvantage should have special programs and special provisions made for them. The Labor Party is concerned for the battlers in our community,

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whether they are in that position because of low wages, because of unemployment or because of particular family circumstances. For whatever reasons people are battling, when they are victims of poverty then that is our concern and it is in that spirit that this matter of public importance has been put up today.

There is a view in some quarters that people who are suffering from poverty have in some way erred or committed some sin, they have either been careless in managing their resources or have made wrong decisions or are in some way trying to con governments and communities into looking after them. That is not a view that we subscribe to at all. I think that terms like "people in genuine need", which I know has been bandied about opposite, "the deserving poor" and so on, are terms which generally serve to deride those people who are living in poverty in our community.

We have heard a little bit from Mr Kaine about some of the programs that he is proposing. I think that it is incumbent upon all of us in this Assembly to actually get on with the job of devising the strategy, rather than just mouth platitudes about various sectors in the community who are in need of special programs. I think it is significant that Mr Kaine has not outlined such a strategy. He has merely touched upon the headings that might be contained within one.

I believe that the only effective measure for examining the success of reducing or eliminating poverty in our community is to have a proper look at people's circumstances and measure those circumstances against some sort of a standard. You will all be aware that during the 1970s the so-called Henderson poverty line was developed and was used quite extensively in debate on what we know as social justice issues. Since that time, of course, there have been other measures developed as well.

I think it is vital that we have a coordinated approach that looks at the needs of people who are in poverty, and in particular looks at those needs in full consultation with the people themselves. Obviously, wages and incomes are a matter that the Federal Government has control over as well as social security pensions, unemployment benefits and so on, but we as representatives of the people of Canberra are obliged and are responsible for taking action on poverty within our own community. I am sure that members will recall that in Mike Salvaris' report he has pointed out that there are significant levels of poverty in the ACT, perhaps 10 per cent of the population is living in poverty, and he has further pointed out that that 10 per cent may be worse off than people living in poverty in other cities because of our high living costs in the ACT.

I might also point out for Mr Kaine's benefit that Mr Salvaris' report was not to the Government which I led - the report is dated December 1988 and was a report

commissioned and presented to a Federal Minister for Territories. Nevertheless, it is an excellent report and serves as a very useful guideline for governments in their responsibility for taking action on poverty.

The most fundamental need for government - for the current Government as for the Government which I led - is to have a coherent and coordinated strategy which is aimed at helping people in our community to improve their lives in the ACT. It is of great concern to me that Mr Kaine has chosen to take an apparently combative approach over this matter. This was certainly not our intention in raising the issue. It is also of concern that as yet we do not have a very clear indication from Mr Kaine's Government of what sort of services people will be enjoying. We had an illustration in question time today when he said he did not know what a hospital service might cost. That has got to be a worry to people.

There has been some discussion at the federal level of a community agreement over these sorts of issues. In the federal arena that agreement was perceived as an action plan that would work between all tiers of government, the unions, businesses and the community. I think that the idea of a community agreement is one which should have a great deal of attraction in the ACT given our particular circumstances at the moment, as we are still in the very early days of self-government and we are still exploring the issues that most affect our community.

The sort of agreement that I believe might be appropriate for the ACT would be one that would look at issues like the nature and level of services that the community regards as the right of every citizen of the ACT. That would include, of course, essential services like health, education, housing and so on and many of the services that Mr Berry has spoken about today. I think that the agreement could also usefully look at the structures and processes for community participation in these issues in the ACT. As I said before, we are in the early days of self-government and it is not so long ago that Mr Salvaris reached the conclusion that generally the community in the ACT had very poor opportunities for participation in local affairs. I do not think we can take it for granted that the arrival of self-government has enormously increased opportunities for participation, because as yet some of the structures are still a hangover from the pre-self-government days. I think it would be very worthwhile reviewing them and ensuring that people do have a full and adequate opportunity.

I am sure that everybody in this Assembly knows that there is a need in the ACT to address people's needs. There are many Canberrans who are suffering from isolation and alienation and from disadvantage within our community. Many of these people, as Mr Kaine has pointed out, are elderly. Some of them are unemployed. Many of them are mothers at home with young children. There are also a

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large number of people working in low paid jobs where the opportunities for satisfaction in their work are very limited. I think that those people need to feel that they have an adequate opportunity to take part in the important decisions in our community.

I would put it to the Assembly that a community agreement should address all of these issues in a way that really makes a positive difference to the people of Canberra. We all know that Canberra is a great place to live in and I doubt if any of us would want to live anywhere else, but we must acknowledge that there are people who are disadvantaged and there are people who need particular services in the ACT. They are of concern. I think that the Government has outlined all of the categories that these people fall into, but has not outlined a coherent strategy for assisting these people. I put it to the Assembly that a community agreement might be of assistance. I have not been prescriptive in my idea for such an agreement and that has been deliberately so.

I believe that the Social Policy Committee could well be a useful vehicle for establishing appropriate terms of reference for such an agreement. I am aware of the generally high regard that all members of the Assembly hold for Mr Wood and for the work of that committee and I think that that would be an appropriate place for this sort of an idea to be developed.

Obviously in developing the terms of reference there would need to be very widespread community consultation, for instance, with the community service organisations and with specialist groups like ACTCOSS, the Council on the Ageing, ACROD, and so on. If we do consult generally on the development of such an agreement with these people, we will develop a useful strategy on social justice issues or social equity issues. I do not think the words matter a great deal but, as Mr Berry has said, it will be an agreement that is reached with general community ownership of the decision. It would therefore have the credibility of a strategy that the community believes in and has set up for itself. It should be widely endorsed by this Assembly.

MS MAHER (4.35): Mr Speaker, achieving social equity in the ACT community requires a commitment from government, business and the community itself - a commitment this Government has. It is a way of managing which takes into account the social outcomes of government and business decisions. Naturally, it is up to the Alliance Government to take the lead in this area by making sure that the services offered to the community are delivered in the most equitable way. It is up to business and the community to follow our lead.

As has been pointed out previously in this debate, social equity is not something that can be achieved overnight. The importance of a solid, well-thought-out strategy that would generate an equitable society cannot be over-

emphasised. For this reason the Alliance Government, as the Chief Minister has already mentioned, has begun the development of a detailed strategy for government services. To achieve this we will consult with the community and the business sector and encourage them to follow suit.

One of the most important tools of management in public administration is the budget process. This is where the Government can translate its goals and objectives for social reform into concrete funded targets and the relationship between competing goals can be examined. The budget process is one of the first targets of the social equity strategy. In the 1990-91 budget program, program managers will be asked to identify more fully the effects of their program on the quality and equity of the services provided. This will reduce the narrow emphasis on cost of programs alone.

An important point to note at this stage is that social equity can be achieved through better management and redistribution of resources. An increase in overall funding is not anticipated by this Government. To emphasise the importance of social management and the achievement of equality, it is planned that the Alliance Government will make a separate statement at the time of the budget detailing our contribution and objectives to social equity.

This budget is only one tool of public administration. The program management framework offers another opportunity to demonstrate the Government's commitment to social equity. For example, this may take the form of a measure that encompasses the closeness of the match between the community groups or individuals who would be expected to use a government service and those who are actually using the service. This will indicate if some segments of the community, such as the disabled, are being denied the opportunity to use services that they need to use. Another example would be the closeness of match between those members of the community affected by a decision and those consulted about decision. Another measure of social equity might be the number of families who do not have access to essential services such as energy, transport, housing, education and medical treatment. When these indicators are put into place, they should become part of the objectives and machinery of government. This leads to a long-term but inevitable achievement of the goals of social equity in the ACT Government services.

To speed up the process it will also be expected that specific areas of the ACT Government services will be reviewed to improve social equity in the short term. A review of concessions is a beginning of this process. An important aspect of this strategy for social equity will be education campaigns which inform public servants, business and the community about the meaning and practical objectives of social equity. If everyone understands the common goals we are working towards, then communication and

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assigning priorities will be easier and more effective. In the long term the Alliance Government will seek to encourage the business community to adopt the goals of social equity. It also is part of the community and as the current practices of offering discounts to disadvantaged groups shows, social equity is consistent with profitability in business.

An important part of any successful strategy to achieve social equity is to have a clear vision of the goals to which we are aiming. Without this we can expect to either miss the goal or achieve something entirely different. I would like to take some time to outline a few of the goals or outcomes that would be expected from a successful strategy.

In an equitable community no member is disadvantaged by their circumstances. The disadvantaged, the poor, the needy, should always have access to essential services which are provided by the community. Further, it is basic that every member of the community should have equal rights before the law in employment and under government and private procedures.

Another clear objective of social equity strategy is to produce more effective outcomes of government services and a better priority setting framework to provide a match between what the community needs and the resources allocated to the services. A subset of this is an improvement in the structures and processes of community participation and government in the ACT.

Lastly, an important goal is to move social equity from being solely a government initiative to one embracing all the community, including the business sector. It is crucial to the Alliance Government's vision that government, business and community work hand in hand.

Knowing where we are heading is one aspect, but how equitable is the ACT community at present? Information from the 1986 census casts some light on the situation. In 1986 there were about 64,000 families in the ACT, with some 4,000 living below the poverty line. It is estimated that overall there are about 6,800 householders living below the poverty line, nearly 9 per cent of community households. At any one time 21,600 residents are reported to be disabled, ill or frail.

The situation of single parents provides one of the clearest examples of inequity in our community. Of the estimated 6,000 single parents in the ACT in 1986, 2,000 were below the poverty line and only 60 per cent were employed in any way. These statistics, while highlighting the need for a social equity strategy, also provide an example of another crucial component. For success we need to develop social indicators and a more detailed knowledge of the make-up of our community. This Alliance Government is committed to working towards developing an equitable society in the ACT.

MR WOOD (4.43): I think we all agree on this issue. There is no dispute about the aims we want to adopt when we talk about social justice strategies. Indeed, while I may be putting the term down a little, it is one of those motherhood statements with which no-one would want to disagree. It is a much used term, but I have not heard anyone today elaborate on what it means in philosophical terms, though we have had expressions of what it means at the day-to-day level. There is a great deal more behind that concept of social justice than the generous sentiments we might express about a caring for those who are less privileged. I believe it is important to understand what we mean by the term if we are to understand what we have to do in order to implement a social justice strategy, otherwise our responses will be entirely inadequate.

First of all, I believe I should explain that social justice in itself is a process as well as an outcome. I do not believe that Mr Kaine understood this when he criticised the Follett Government, as I think he said that some seven months down the track we had not had something he thought was discernible and up and running. It is a process - and because it is a process it is also a deliberate process, in the view of some, perhaps, a slow process, and certainly a steady process.

We are not going to reach desirable social justice outcomes by remote decision making. That could not occur, whether that decision making is by governments or bureaucrats or task forces established to do the work. Our strategy must begin with the process of consultation and that is predominantly one of listening. Therefore, I am very impressed with the Labor leader's proposals about a community agreement because that is really where it has to happen. We have to go out to the community and talk to the people out there. We have to enlist their support. We have to enable them to take over the running so that we do no more in the end than listen. Then the determination of what the needs are and where the gaps are will be made in the community. That is where the determination of priorities needs to begin. Following upon that we can lead to the major objectives of a program. I will not quote the work that Mr Salvaris has done. It has been mentioned enough today.

Subsequently, after those processes - which do not stop but continue at all times - we can develop the outcomes. This is where the work of government and this parliament is important because this is where the outcomes are substantially determined - on where there is a need for programs to be funded. Of course, there is that need. The social welfare program and related programs absorb a very substantial part of the ACT budget. I want to make it clear though, that at the same time the social justice strategies that we must seek place great importance on activity beyond that of government. The importance of government cannot be underestimated, but if we think only

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governments can do things we are not going to go very far towards achieving social justice strategies.

The strategies that this Government, or the subsequent Follett Government, obviously will be implementing will look at the extent of poverty, a subject which has been so much mentioned today. People I talk to from out of Canberra - and that includes a good number of the politicians who inhabit the hill up the road - do not appreciate that there is a problem of poverty in Canberra. It is not widely understood outside this community. Visitors to Canberra see our good roads, they see our relatively new housing, they see that there are no obvious slums in Canberra, and they believe that there is no problem behind that impressive facade, but indeed there is. Canberra is an expensive place to live in. Heating alone in winter, as we all know, is a very major consumer of money. The cost of living in the ACT is not cheap.

We have had mention of the other aspects that are particularly significant in Canberra - for example, the high levels of youth unemployment. We have not heard today of the factor that compounds that problem, and that is that the high level of unemployment is somewhat diminished, as it is in country areas in Australia, by the forced movement of many people away from Canberra at young ages to take up employment elsewhere. The lack of an industry base is a very significant contributing factor. Ms Maher touched on the family break-up syndrome which here, as elsewhere, contributes to social disadvantage. The solutions that the Government eventually produces - and I say "eventually" because I do not expect that this is going to be done rapidly - will focus on these areas and maybe on other areas which we at the moment do not fully understand, because we have not been listening well enough and do not know what other measures need to be taken.

There is another area I want to mention that I think is too often neglected, if even understood at all; and that is the relative power that people in this community are able to exert. We do not have a just society. There are significant differences in the ability that different people have to influence the course of events. If some people are more powerful than others, then ours is not a just society. Can we say that each citizen in the ACT has the same ability to have a significant role as has every other citizen? Of course, we cannot. That is why Salvaris made such an emphasis on participation. It really is important. Therefore, again, I support the suggestion by Rosemary Follett for a community agreement. That is one effective means of ensuring that all people in the community have an equal right to express a view to influence decision making. In her speech Ms Follett said that she proposed to approach each of the party leaders in this Assembly on her proposals for a community agreement, but she ran out of time to indicate this to Mr Collaery and others. She was going to suggest to each of the party leaders that the terms of reference for the process that we

may now follow could be taken up by the Social Policy Committee. So, Mr Collaery, as you respond, as I expect you will do in a moment, you might bear this in mind and leave the future open for consultation between you and your colleagues on that side of the house and Rosemary Follett on this side of the house.

I believe the proposal she has made is very sensible and sincere. Judging by the sentiments that people on your side have expressed today, I am sure that you agree with the thoughts in the proposal. Therefore, you may also go down the path of agreeing with her proposal. So, I ask after today, talk to Rosemary Follett and I think this parliament will then embark on a very sensible exercise.

MR COLLAERY (Attorney-General) (4.53): In the few moments available to me I would like to rise to the challenge on behalf of the Alliance Government, and challenge it is. I also welcome the degree of consensus in this area and it is needed, but to go with consensus must go the moderation of viewpoints that will produce it. I accept that the Leader of the Opposition is genuine in her wish to secure a community agreement or consensus and that she proposes to approach each of the party leaders. But let me say, and I have to be absolutely honest - I have a lifestyle of calling a spade a spade - that I am dealing at the moment with a number of community groups, all working in areas dealing with social justice and social equity and the concepts thereon. All these groups have recently received a letter, dated 14 February 1990, from the Leader of the Opposition. Among other things, it asks them to join a public campaign to stop the asset sales program of Mr Kaine and it says that Mr Kaine is:

... anxious to rush headlong into selling parts of our hospital system, our schools, our swimming pools, our public transport system -

Then she goes on, regrettably, because I did make a call for moderation on this point only a week or two ago, to mention public housing. The letter is signed, "Rosemary Follett" and it says:

P.S. Please contact Grant Hehir ... in my office to organise a suitable time as soon as convenient.

I will rise to the challenge of accepting a community consensus arrangement across the party leaders, but I also ask the Leader of the Opposition to desist from cynical exercises that result in a great number of anxious phone calls to my office, and no doubt the offices of some of my colleagues, by people who believe the public housing that they occupy is to be sold out from underneath them. I must say I accept the offerings of the Opposition here today but I return the challenge. I tell Opposition members that we will come to consensus if they will come to moderation. They must realise that if they are genuine about this move to centralise the socially just instincts of this Assembly

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under the very capable chairmanship of Mr Bill Wood, then I say to them that in society, having grown up in Wollongong myself, one cannot combine the uncombinable; one must come to the table with clean hands.

I think my colleague Mr Humphries has tabled one of these letters; I did not know he had one himself. This type of letter is antithetical and inconsistent with the somewhat pious offerings made today. I call upon the Opposition to publicly withdraw that divisive letter and to reassure community agencies that we are not going to do what that letter claims we are going to do. The Opposition has heard Liberal, independent and Rally members of this Government all give these assurances and I do call upon them to do it.

Nevertheless, I agree with the need to achieve a level debate on this issue and I thank the Opposition, as much as I like to answer questions without notice, for not pressing us too greatly on the welfare issue.

Opposition members are aware of the sensitivities of the current situation where we are looking, hopefully conjointly, at some significant restructuring of priorities and responses. In that regard I endorse what Mr Berry said about the need to review the Children's Services Act. Of course, he is referring in particular to such provisions as determining what the overall role and the level of intervention should be by the Director of Welfare. Time does not permit me to go on about that, but certainly if we can work cooperatively I would deeply appreciate that on behalf of all the sectoral interests.

Let me turn to the birthing centre. There has been a marvellous centre in Wollongong, at Wollongong Hospital, for some years now. I am sure that my colleague Mr Humphries has already in his public utterances indicated that the Government is going to consider that aspect seriously in his overall review. I will leave comments to him.

I have had no time to consult my leader, the leader in whom I am having increasing confidence on issues such as social equity and justice, on the child-care side, but we agreed in Cabinet yesterday to advise the Commonwealth that we would agree to an international labour organisation convention that calls upon the state to provide for child-care and to acknowledge family responsibilities of employees. That is a significant move that the new fledgling Canberra Government has taken and no doubt the Minister responsible, Mr DUBY, will make some public utterances on that. I have just brought that forward; no doubt I will be caned for doing it.

A socially just Government is not simply one which bows to electoral realities. I think my colleague Mr Kaine has said, "We won't be afraid to make the hard decisions". We will make the hard decisions because truly there is a funding gap; there is a social and economic limit to the

welfare state. We need to find the socially levelling instrument in this city that will enable us to put into effect that marvellous statement by Michael Salvaris, in a document my leader referred to, where he said:

A just society has distinct practical advantages which go beyond political boundaries. A community without poverty and unemployment is not only fairer, but more productive because it uses human resources better.

We are continuing to see a suggestion from those on the other side that because there is a Liberal leadership of the Alliance Government there is going to be an ideological shift away, a fire sale and so on. I call upon Opposition members to acknowledge what they preach and to accept that we are truly looking for a consensus arrangement in the vitally important welfare concerns of the Territory. We are committed to that area right across the board in our portfolios. The Chief Minister has continued the social policy division of his department and that is a mute recognition of our commitment to continue the review of all of our policies against those important beliefs.

Mr Speaker, there is one thing that I have always found in life - and those of us who were at "Politics in the Pub" last Thursday heard Jack Mundy say it. The fact is that the straight ideology of the left does not always achieve lasting change. You might get into power for a while on the left, but you will always be turned out because of the implementation of policies that have not achieved consensus acceptance in society. I do trust that the left faction of the Opposition will appreciate the fact that while we are in Government in the ACT, we will look towards putting into effect lasting reforms that will be continued by the governments that follow us - left wing, right wing, or what have you.

MR SPEAKER: Order, Mr Collaery. Time for this debate has expired.

TENANCY OF COMMERCIAL PREMISES - SELECT COMMITTEE REPORT

MRS NOLAN (5.01): Mr Speaker, I present the report of the Select Committee on the Tenancy of Commercial Premises, together with copies of the minutes of proceedings of the committee. I move:

That the recommendations be agreed to.

Today I am pleased to be able to table this report which has arisen from the work of the select committee on this subject that was formed last year in July. The terms of reference were as follows:

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On 26 July 1989 the ACT Legislative Assembly established a Select Committee on the Tenancy of Commercial Premises to:

- (1) examine difficulties currently being encountered by tenants of privately subleased commercial premises so far as those difficulties arise out of the contractual relationship between landlord and tenant;
- (2) consider whether the commercial tenancy relationship should be regulated by legislation and if so, in what manner; and
- (3) consider whether the Business Leases Review Board should be established along the lines of the draft Business Leases Review Ordinance, 1984.

At the outset I would like to thank the other members of the committee, the committee staff, Hansard staff, and all who placed submissions before us, also both New South Wales and Victorian landlord and tenant organisations and the governments which ensured that our deliberations in both States were first class.

This committee has had not one but three committee secretaries to the inquiry. I would like to say how much more difficult it is for any committee to work with not one but three different committee secretaries. I hope that this procedure will not be ongoing in the future. I understand that plans are well in place to address the issue. However, the commitment of each of these people was first class and may I extend to each of them my very special thanks. I wish to thank Cameron Kent who was with us until 30 November, John Cummins, and Cheryl Scarlett, who came to us more recently and acquitted herself admirably in the putting together of this report.

As you are aware, Mr Speaker, the perceived problem has been around for some considerable time. In fact, legislation to regulate commercial tenancy relationships in the ACT was first mooted in 1975, but lapsed with the change of government at the Federal election that year. Again, in 1983, as a result from complaints from lessees, the then Federal Minister for Territories and Local Government proposed that a Business Leases Review Board be developed and the Business Leases Review Ordinance 1984 was drafted. With the establishment of the ACT Legislative Assembly, there was renewed interest in addressing the issues relating to commercial tenancy practices. This led to the establishment of a select committee to investigate a range of issues.

The committee conducted four public and three in camera hearings, received 27 submissions and took evidence from only 35 witnesses. Procedures were put in place to conceal the identity of people who gave evidence in closed session,

not only to encourage small retailers with problems to come forward, but also to protect them. All information received in closed session was treated in the strictest confidence. The various procedures that were implemented received wide publicity. However, despite these precautions the response from retailers in the number of submissions was disappointing.

The committee also held informal discussions, as I have already mentioned, with representatives of government and landlord and tenant groups in Melbourne and Sydney. The committee visited these States as two differing situations exist. Commercial tenancy relationships are subject to legislation in Victoria, while New South Wales has prepared a code of conduct negotiated between parties and backed by fair trading legislation.

The submissions to the inquiry focused on retail space. Throughout the report the term "commercial" was used to refer to office space to distinguish it from retail space. I believe I must mention that most of the tenant submissions the committee received came from very small retail groups and local centres. Submissions were received from traders in Civic, Aranda and Manuka, with few from major shopping centres. There was only one from Westfield, two from former traders at Woden Plaza and none from tenants at the Tuggeranong Hyperdome.

On the basis of these submissions it appears that the perceived problem is essentially, although by no means exclusively, one between smaller tenants and their landlords and it exists mainly in local and group shopping centres. This reflects the experience in Victoria, for example, where about 95 per cent of arbitrations to disputes are for local and group shops. The smaller the shopping centre or outlet seemingly the greater need for mediation and or arbitration. The problem is not as great in the larger shopping centres because they generally act to maximise competition. The committee heard from the Westfield group that the more competitive the retail environment, the more customers will be drawn into the shopping centre and the greater the benefit for each retailer.

The committee considered that the majority of complaints fell into two broad categories, complaints against centre management and lease-specific complaints. The committee's view was that complaints and grievances in themselves do not represent examples of harsh and unconscionable practice. Fundamentally, the committee rejects the notion that the survey of about 30 tenants out of the 2,790 individual businesses in the ACT proves that the problem exists in the proportion it is claimed, or that the parties themselves are incapable of resolving problems. The committee itself received, as I said before, such a small number of submissions.

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The committee was told that there were people who were reluctant to appear before it because they believed that such an appearance might adversely affect the nature of their lease. The various matters raised in the submissions are perhaps more properly examples of grievances and complaints than they are issues. They are not issues because the tenants never established that they exist on the scale and intensity that might necessitate measures such as legislation. The committee accepts that there is a requirement for reform however, and found that landlords also accept and want this to happen. The committee concludes that the need for detailed tenancy legislation, while believed essential by some, is not justified on the basis of the evidence received by the inquiry.

To the extent that the problems do occur the committee found that there is a need for a dispute settlement mechanism. This can best be served by the twin processes of mediation and arbitration. The best practical solution appears to be the development of a model based on the NSW code of conduct. That code provides for the existence of clear procedures for the settlement of disputes, and standards for the behaviour of the industry. Among the various options the committee considered the code is unique in that it is acceptable to both parties because it is something that they formulate themselves.

Accordingly, the committee recommends that the relevant Minister invite the principal industry associations acting on behalf of the landlord and tenant groups to enter into negotiations to formulate a code of practice relating to tenancies, including an appropriate disputes settlement mechanism.

The committee also recognised the difficulty in relation to developing a code within a reasonable period of time. It is not only because of the reluctance of some parties, but also because retailers in the ACT do not have an association which covers the majority of tenants. It is the committee's view that the current tenant association, CARTA, should be encouraged to expand its membership to a greater diversity of tenants. However, if general agreement on a code cannot be reached within a period of six months after tabling this report, the Government should itself prepare a code for discussion within the industry.

It is the committee's view that this code should be supported by fair trading legislation. At present no such legislation exists in the ACT. The NSW Act and the Commonwealth Trade Practices Act provide good models for such legislation and I understand this matter is in the Government's legislative program. The Commonwealth Trade Practices Act, for instance, not only prohibits misleading and deceptive and fraudulent commercial conduct but also includes remedies for conduct that is so unfair it is unconscionable. The application of this general term is guided by statutory criteria which relate to the manner in which goods and services are traded.

The committee also considers that the fair trading legislation should not only deal with tenancy agreements but also include aspects relating to the relationships between retailers and their customers. Accordingly, the committee recommends fair trading legislation be enacted to support the code of practice.

The committee does not propose to provide detailed recommendations on the matters which should be included in the code. This would pre-empt the discussions which will take place on what is hoped will be a mutually acceptable agreement between landlord and tenants. The committee would suggest, however, that the code should address matters such as an appropriate disputes settlement mechanism, rent review, compensation for relocations, outgoings, minimum lease terms with the option for renewal, standard leases and disclosure statements. While the committee firmly believes that a lease should be available to tenants prior to occupancy, it is clearly the responsibility of both parties to ensure that this takes place.

The committee concludes that there are definite limits to legislative controls. These include rents and the basic rights in connection with the ownership of property. The committee doubts that prescriptive legislation could ever restore a relationship that has reached the point where inconceivable differences exist. The committee also believes, however, that its proposals, if implemented, will enable a dual system of mediation in arbitration which will assist landlords and tenants to reconcile their differences.

In conclusion, Mr Speaker, I would like to urge all parties to accept reform in the spirit in which it is given and set about achieving a mutually acceptable code to all involved. I offer my best wishes in what the committee hopes will be a very speedy achievement.

Sitting suspended from 5.13 pm to 8.00 pm

TENANCY OF COMMERCIAL PREMISES - SELECT COMMITTEE REPORT

Debate resumed, on motion by **Mrs Nolan**:

That the recommendations be agreed to.

MR JENSEN (8.00): Mr Speaker, before I commence, I think it is appropriate that I should welcome members of the 13th Canberra Cub Pack to the gallery this evening. I welcome them to the proceedings, and I trust that they will find them interesting and innovating. I was never a cub, but I was certainly involved in the Boy Scouts. I know how important a role an organisation like the cubs and their leaders play in community involvement of our young people. I welcome them to the house.

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Mr Duby: You're always prepared.

MR JENSEN: Of course, I am always prepared. Mr Speaker, before commencing my comments on the report on the tenancy of commercial premises, I would like to refer to the support provided by the committee staff in assisting the members of the select committee to get the report to this final stage. My fellow committee member and committee chairman, Robyn Nolan, has already made some specific comments on this issue and the degree of support provided to us.

I start by mentioning the first secretary to the inquiry, Cameron Kent, who returned to his job with the ACT Administration when a permanent opportunity was offered to him late last year. Cameron did much of the early work of the inquiry and ensured that we were able to beat the strike that was not a strike to allow us to discuss this important issue with representatives from tenants, landlords and governments within New South Wales and Victoria. It is unfortunate that Cameron was unable personally to see this report through to its finality.

When he left us his role was taken on by committee secretary, John Cummins. Many of us who have worked on committees in these early days of our Assembly are well aware of the time and effort that he has given to his role as Senior Secretary of committees. His work on this report is no exception. John was followed by Miss Cheryl Scarlett who spent many hours outside what we would consider to be normal public service hours to help complete this report. I know that my colleague Mrs Nolan has already mentioned Cheryl. Thank you, Cheryl, for your efforts in the final stage of preparation.

My comments on the excellent support from the committee staff would not be complete without reference to Melinda Stirling, who also has since left us, and Kim Blackburn, both of whom assisted with the clerical and keyboard support for the inquiry. Thank you, one and all, for a job well done.

I now turn to my comments on the report. I took the opportunity to look over the original debate, led by me, which resulted in this committee being formed. I note with interest that the then Chief Minister, in the debates of 26 July, indicated that there was broad agreement on the thrust of the proposal. It was unfortunate that the then Government's sole committee person was unable to participate in the committee. However, I accept that his workload was already very great at the time. It was clear that all groups in the Assembly accepted that there were problems in the commercial and retail industry and that we needed to examine these problems and suggest possible means of resolving them. Solutions had been considered in the past, but it seemed that when action was finally proposed either a Federal election intervened or the Federal

government of the day was unable to bring itself to implement the recommendations of the 1984 working party. However, in this case I believe that there is now a will to implement the recommendations of this report.

While I acknowledge that some groups will not agree with the committee's recommendations in total, I believe that it is now time to consider carefully these recommendations, thus commencing a process that will go a long way to reforming the relationship between the retail tenants and their landlords. The committee took evidence from all sectors of the industry and made a point of assuring tenants, who felt that they risked their livelihoods by appearing before the committee, that their identities would be protected, but I will speak on that later.

Before I proceed to my additional comments, I would like to comment briefly on the three recommendations of the report. The first is that the responsible Minister invite representatives from the principal industry associations to commence negotiations to establish a code of conduct as a means of self-regulation of this important landlord-tenant relationship. Clearly, such a code needs a dispute settling mechanism. Once again both parties should agree on this process as part of the code. Some may consider that this recommendation does not really acknowledge the extent of what they consider is a major problem for small business in Canberra. Unfortunately, while evidence was given of the problems between landlords and tenants, it was not sufficient to support the sort of prescriptive legislation proposed by the 1984 inquiry or as advocated by some who appeared before us.

If we are to have a code of practice how are we to ensure that the code, once developed, can be made to stick? In the ACT we do not have fair trading legislation, another legacy from a long period of neglect on the part of Federal Labor and Liberal governments which really saw the problems of Canberra as being important only when there was an election, not unlike what is happening at the moment. This report recommends that legislation now be drafted as quickly as possible to ensure that when the code is agreed to between the various groups involved it can be put into place quickly. This, then, is a legislative base for what is essentially a form of co-regulation. We must remember that both sectors in this debate consider that business is already over-regulated. The option that we have proposed allows for some control without excessive regulation.

The report holds out an olive branch to both main players in the industry - that is, those who control our commercial and retail tenancies and those who seek to operate a business in a marketplace, such as in town centres, group centres, local centres and other commercial centres like Fyshwick and Mitchell. However, the carrot that we have provided is balanced by a stick which we, as members of the Alliance Government, will ensure is used if a code of conduct cannot be agreed to within six months of today. If

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those concerned cannot agree amongst themselves, as has happened in New South Wales, we will consider that the problem still exists and the Government must take the hard decisions. The answer in this case rests with all players in this important industry. It is time for them to stop, take stock and get on with the job of creating a much fairer, more cooperative environment in which to operate.

Mr Speaker, although I am sympathetic to many of the difficulties experienced by commercial tenants in Canberra, I believe the tenants need to be well aware of business realities and must accept that the owner of a building has a right of ownership of that property and a right to make a fair profit for the owner or the shareholders as well as a legitimate right to conduct a business. It is the way in which some landlords have conducted their businesses that has caused some of the problems identified by the Residents Rally prior to the publication of this report and acknowledged in the report. However, withdrawal to the trenches will not solve the difficulties.

The recommendations in this report provide an attempt to solve a major problem and help improve the relationship between landlords and tenants. Where there is a will there is a way, so let the work begin. The Government does not want to have to start knocking heads together, and I certainly do not want to be involved in that if it is not absolutely necessary.

By now members who have read the report will have realised that I was not in full agreement with my colleagues on all aspects of it. I decided that it would be unhelpful to submit a dissenting report, especially as I had assisted in its preparation and support its general thrust and content. However, I felt that it was necessary to make some additional comments on some of the aspects of the report in which I considered it was not strong enough, or in relation to which I was unable to convince my colleagues that a different conclusion could be reached from the evidence and submissions that we received. Notwithstanding this, I am not convinced that prescriptive legislation would necessarily solve the problems either.

It is my view that we should provide one last opportunity for both sides to establish a working relationship which, quite frankly, should be in the interests of both parties. We should never forget that without people who are prepared to put up the capital to build and manage shopping centres there would be limited opportunities for retail tenants. Conversely, the owners and managers must never forget that without the small tenants their centres would not have the diversity of selling outlets that backs up the main operators and gives the centres their character.

Let me now come to those areas in relation to which I felt it necessary to make these additional comments. The landlord and tenant relationship is important, as I have already indicated. However, there are times when it is

just a touch uneven, and it is particularly so in large centres in which a number of major tenants are complemented by a mix of smaller operators and chains. Unfortunately, I was unable to convince my colleagues of the need to comment further on the problem of the smaller operators in the centres regarding their bargaining position. While I acknowledge that both groups depend on each other to a certain extent and that one would not be able to operate without the other, the problem is really one of supply and demand.

Major prospective tenants for a shopping centre, and specialist tenants such as banks and building societies, are sought after by the centre management with incentives to establish the initial attraction to shoppers. However, without some smaller retailers to balance this favoured sector, the centre would become dull and boring, and customers would soon take their custom elsewhere.

Unfortunately for the small tenant, there are many budding business people just itching to spend their hard-earned superannuation money on finally becoming their own boss, and the centre management really has only to sort out the wheat from the chaff to fill these spaces. This means that, while they are needed by the centre management, the smaller tenants are more numerous and the management can afford to be a bit more choosy and does not need to provide incentives by way of special rent packages. Often the smaller tenant ends up subsidising the conditions or incentives given by the centre management to the institutional tenant. For example, major tenants do not pay the legal fees of the landlord while this responsibility becomes a very expensive part of the overheads for the smaller tenant on a basis of "Take it or leave it; there are plenty more where you came from".

It is this difference in supply and demand between the two types of tenants in shopping centres that also leads to other problems as owners seek to change their centre by making it difficult for an old tenant to renew a lease, by increasing the rent to an uneconomical figure for the tenant or by insisting on a forced relocation or refurbishment or a new shop front. This is a clear case of the rules of supply and demand being used to aid a redevelopment with some of the smaller tenants falling by the wayside.

While one will argue that the landlord or building owner has a right to run his or her centre as he or she sees fit, some of the methods used show clearly how unequal the situation often is. While acknowledging these factors, the report does not in my opinion place sufficient importance on the development of unfair or unbalanced landlord-tenant relationships. That often occurs in the circumstances that I have already outlined. One could almost argue that the majority of problems have arisen because of this attitude on the part of some landlords that they are doing the tenants a favour by allowing them to set up a shop or business.

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In my additional comments on the need for disclosure statements I am concerned that some of the landlords have an attitude that the tenant does not have a right to know what the future could be for a centre before the tenant signs a new lease or renews an old one. Obviously, the tenant should and does have a legitimate right to this sort of information if it is known by the landlord. I accept that there will be times when the landlord is not aware of this information. Such information may be just the detail that stops a prospective tenant from committing himself or herself to an impossible situation because the projected sales figures or business plan could be seriously jeopardised by a change in plans for a centre. Failure to divulge this information because the landlord wants to keep the space filled regardless is morally wrong and reprehensible. My comments on this issue take the acknowledgement of this problem in the report in paragraph 2.11 one step further and suggest that the use of disclosure statements must be one of the issues to be included in the code, as it is fundamental to the development of the landlord-tenant relationship.

My comments on paragraph 2.13 acknowledge that some leases may not be appropriate for a fixed five-year term. Any proposal to vary this term or lease, or lease with an option for renewal from five years, should have the agreement of both parties. Naturally, Mr Speaker, this applies if both parties agree to a longer period than the five years to ensure that agreement for a variation from an accepted standard is formally acknowledged by both parties. This is really here to allow the smaller tenants to amortise their costs over a reasonable time.

A matter of considerable concern to me was the evidence that some tenants were not prepared to come forward to speak to the committee, despite the protection of parliamentary privilege, because they were concerned for their future. In some respects this problem identifies how much the relationship between some tenants and their landlords has broken down. Such tenants may have either experienced this sort of standover activity personally or seen others lose their livelihood and often their homes because of such activity. While acknowledging that the sort of evidence provided could not win in a court room, even one case, to me, is too many, and action must be taken to stop it. I believe and expect that the code that we will see developed will go a long way towards that.

In my closing remarks on this report, I indicate my full support for the recommendations and trust that both groups of players in the debate will now get on with the job of establishing a code of practice with which they both can work. I have no doubt that it will not fully meet the requirements of either party. However, this work must be done if we are to go any way towards improving a relationship. (Extension of time granted) The ball is now in the court of these two main groups, and they should get on

with the job without any further ado. Enough time has been lost. Failure to reach agreement will result in the Government stepping in to prepare the code - something that I am sure neither party really wants.

Before I close today, Mr Speaker, I would like to thank my colleagues on the committee for their efforts in bringing this report to a satisfactory conclusion, notwithstanding the problems caused by having three committee secretaries. The process has been completed, and I am pleased to commend it to you.

MS MAHER (8.16): Mr Speaker, I would like to thank the other members of the committee, Mrs Nolan and Mr Jensen, for their support during the inquiry. I would also like to thank all those who have been involved in writing and presenting this report.

During the course of our inquiry into tenancy of commercial premises it became evident that, like anything else, there are always two sides to a story. The stories that I heard ranged from where the tenants at one end of the spectrum were considered to be in the wrong to the other end of the spectrum where the landlords were at fault.

I believe that for any code of conduct or legislation to work in this particular instance it must be agreed upon by both parties - that is, the landlords and the tenants. Both groups of people rely heavily on one another and therefore must work closely together. I support the committee's recommendations that a code of practice, backed by fair trading legislation, be put in place. I consider that a code of practice would be fair to both parties, especially if it is they who have negotiated it. A code of practice would be more flexible and would respond to the changes in industry. As it would also be self-regulating and have its own disputes mechanism, it would make commercial good sense by not relying heavily on expensive administration.

The committee considered that total legislation would be cumbersome and expensive to enforce. It would not be flexible to meet the needs of an ever-changing industry nor would it be flexible enough to cater for a wide variety of agreements which is required in the various situations between landlords, tenants and their businesses.

I agree with the Building Owners and Managers Association and other groups that a relationship between landlord and tenant can never be balanced and will always slightly favour the landlord. This is due to the fact that landlords have an ongoing interest in the property that they own whereas tenants have an interest for only the term of their leases. Tenants have the responsibility to ensure that they fully understand what the lease requires of them before signing it and before moving into the premises. Otherwise, it is generally too late, and capital will have already been invested in the business and the premises.

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It became apparent during the inquiry that tenants must consider the term of the lease when they are borrowing capital to move into a business or establish one because once the term of a lease expires and there is no option for renewal the landlord is under no moral or legal obligation to renew the lease. If it is not renewed the tenant, if overcommitted, could be left in a financially difficult situation.

As Mrs Nolan has already mentioned, the committee has not made recommendations as to what the code of practice should include, as this must be agreed upon by the participating organisations. However, in paragraph 4.9 of the report the committee has made some suggestions because there were issues which were repeatedly brought to the committee's attention.

The first issue is providing for an appropriate disputes settlement mechanism. As I mentioned earlier, a code of practice would provide for a more appropriate and flexible disputes mechanism. At present the Australian Institute of Valuers and Land Administrators in the ACT offers an independent disputes mechanism. However, as the institute is considered to have interests which lean towards landlords, this mechanism is not widely used by tenants.

Another issue which was brought to the committee's attention was rent reviews. This was a major grievance for many tenants. Generally, rent can be calculated in three different ways - midterm reviews, reviews to a current market level by regular increases, or rent can be set as a percentage of turnover - or a combination of any of the three.

A number of submissions indicated that increase in rent can sometimes outstrip the profit that a business is making in turnover, leaving a tenant in a financially difficult position and on some occasions having to retrench staff. At present rent disputes are heard by a qualified member of the Australian Institute of Valuers and Land Administrators.

The next issue was compensation and relocation. Although the committee accepted that the owner has the right to redevelop or renovate the premises, it did have concerns as to who should pay for the renovations of the premises or relocation of a business. The committee was told of instances in which tenants were required not only to relocate their premises but also pay for renovations of a capital nature which are not removable once a lease is terminated. If a tenant is forced to relocate a business, the new premises should be as economically viable as the previous location, otherwise the tenant should be compensated. However, claims for compensation can be offset by other benefits - for example, longer leases.

It was also suggested to the committee that landlords can "force" tenants to pay for renovations as part of a lease renewal. I use the word "force", even though I know landlords cannot really force tenants to do anything that they do not want to do. However, it is very difficult for tenants if their life's work and financial interests are tied up in a business. These issues need to be considered very carefully in the context of a code of practice.

Another issue is outgoings and disclosure statements, as Mr Jensen has already mentioned. As the report states, outgoings are "the occupancy costs which tenants pay above and in addition to base rent" - for example, management fees and air-conditioning. These fees can be as much as 20 per cent of the base rent. The owner of a building has a right to recover increased costs over which he has limited or no control, but they must be fair and realistic when handed down to the tenants.

The committee was told of occasions on which tenants did not find out what the extra costs were until they had moved into premises, nor were they given a statement of the breakdown of costs, and sometimes the services which had been paid for were not even forthcoming. Before tenants sign leases or move into premises they should receive a disclosure statement showing the extra costs of outgoings. I believe that these should be audited annually and a copy should be forwarded to the tenants.

Terms of a lease and options for renewal is another issue that should be discussed when negotiating a code of practice. The majority of submissions from tenants suggested that the term of a lease should be a minimum of at least five years because they considered this was the time required before a business actually became financially viable. This could be a full five years or, say, three years with a two-year option. Some tenants argued that they should have an infinite option of renewal, whereas the landlords considered, and rightly so, that the tenants have a legal agreement for only the term of the lease and should not automatically expect a renewal.

Another issue was a standard lease. Many witnesses commented on the benefits of a standard lease. Victoria and New South Wales encourage the use of a standard lease and find that it works successfully. It is standard only in that it can be adapted and changed to suit particular situations.

Another issue which was brought to the attention of the committee, although it is not listed in paragraph 4.9, was the lack of business management training which is essential for manager-owners if their businesses are to be successful. It was suggested that many people enter into small businesses without full knowledge of business practices or what the business will require of them. On the other hand, the committee was told that courses are available to assist business people but that due to

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pressures of family and business it is not always possible for these people to attend.

To sum up, and in view of my previous comments, I consider that the drawing up of a code of practice by both landlord and tenant organisations is of utmost importance to the industry. The committee has allowed six months for the industry to achieve this, and I believe that considering that New South Wales has already negotiated a draft code of practice, which I believe is awaiting the ratification of the New South Wales Government, this should make it somewhat easier for ACT organisations. (Extension of time granted)

As I stated at the outset, I believe it would be beneficial to landlords and tenants if a code of practice is negotiated and agreed upon between the parties, as they are the ones who must use it on a daily basis. New South Wales has shown that it is possible, and I hope that the ACT can follow its lead. Mr Speaker, I commend the report to the Assembly.

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

PRIORITIES REVIEW BOARD Ministerial Statement and Paper

Debate resumed from 15 February, on motion by **Mr Kaine**:

That the Assembly takes note of the following paper:
Priorities Review Board - Ministerial statement, 13 February 1990.

MR COLLAERY (Attorney-General) (8.27): Mr Speaker, I will direct my comments to those already made in this chamber on this important topic. Before I refer to the various comments made by other members, I should like to say firstly that based on the years that I have lived in Canberra, I think there is nothing new in there being a Priorities Review Board or something of that nature, howsoever named.

One of the principal criticisms of that report has been that it is unrepresentative because on the board are persons who are principally skilled in finance, public administration and economic and commercial affairs. I think that is unreasonable criticism. When I look through the reviews - and I have done that casually this evening - I think of, for example, the Block report on the future of the National Capital Development Commission. That was a one-man exercise carried out by a person whose views and attitudes on a variety of processes were already known because that gentleman had already headed the Block review in the public administration area.

Then we saw, for example, the Neutze report on the leasehold system. We have seen a variety of other documents such as the Craig report which is an excellent report on self-government. There are quite a number of precedents in terms of high value reports being prepared and, of course, a much greater number of lesser reports in terms of their public profile in the manner of consultants' reports and internal reports, such as the review of property management that was carried out by a consultant from the Federal Department of Administrative Services.

We on this side of the house see nothing different in the fact that this Chief Minister has gathered together a group of experts with practical experience to give their view on the priorities that this Government should set in its forward planning in the vital finance and commerce and civil administration areas of the Government.

Mr Speaker, having read through those reports, I think the Priorities Review Board really is part of an evolutionary process. It is a review from another perspective. What is wrong with that? It is an excellent idea, in my view. On the committee are one or two persons who have expounded their views in the past on certain issues, particularly views to do with public administration, the size of the public service and the like. There is nothing wrong with that.

All those other people whom I have mentioned, who were agreeable and acceptable to past Federal Labor governments, have previously expounded their views on the important topics that they were asked to review. So there is nothing that predetermines the viewpoints and suggests that that very high-level body could possibly be seen to take its orders from this Government or be reflective of what it might perceive to be our policies. That is an eminent Priorities Review Board. It will give eminent advice to this Government which will weigh all that advice through the proper and usual processes of government.

Mr Speaker, some of the principal statements were made on behalf of the Opposition by Ms Follett. In her introduction, she referred to a sham of a Chief Minister. She said:

... he has no idea or concept of how the economy of the ACT functions nor, indeed, how Government finances operate.

I found that a most regrettable comment. I was surprised at the Chief Minister's composure in allowing that to happen. Mr Kaine is known to all of us as a person who is skilled in financial affairs. Incidentally - and I would like to read this into the record - he is a Fellow of the Australian Society of Accountants; he has a diploma in accountancy, a degree in commerce and a masters degree in science in terms of military logistics. How Ms Follett could use such a mealy-mouthed and sour grapes way to describe a fellow member of the Assembly beats me.

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The Leader of the Opposition went on to make a number of other points. She said that when the Chief Minister mentioned the potential \$100m overfunding of the Territory after June 1991, this was scaremongering. The Leader of the Opposition said:

I think that it is time that the people of Canberra know the truth about your so-called justification for imposing a \$100m cost cutting on them. The truth is that you are conning the people of Canberra by distorting the facts. You say that the Grants Commission and the Commonwealth Government have predetermined that we will receive \$100m less in funding from June 1991 and, Mr Kaine, you know this is not true.

Let me remind the Leader of the Opposition of the comments made by one of her Labor colleagues, Senator Walsh, the Minister for Finance in the Federal Labor Government, which is now facing the polls, when he said that it is the belief of his Department of Finance that the level of overfunding has now reached \$100m. Who is telling the truth? I would put my money on Senator Walsh's reported comments and the analysis of them by the Chief Minister, Mr Kaine. I would put my money on the fact that, given that high-level bureaucracies - and I trust that all the public servants listening will not be offended - often survive the vicissitudes of political office, the Department of Finance is hardly likely to change its view. It will sustain the view that there is a level of overfunding in identifiable Grants Commission terms of \$100m now, and that it will be visited upon us when the two-year guarantee period runs out in June 1991. That is a wholly prudent and reasonable observation for the Chief Minister to make. For the leader of the Opposition to describe that as scaremongering is simply not true and plainly incorrect; it is rhetoric. Really, we cannot run this town on ideological rhetoric.

Mr Speaker, there were some other comments, there were references to a process of indiscriminate sackings and the fact that the proposal that we have an inventory of assets is all a leader and a smokescreen to the greinerisation of the Territory. I think we in this chamber have grown used to a certain degree of rhetoric from the Australian Labor Party. It has very often been used by the deputy leader of that party in this house. Now it has moved on to the Leader of the Opposition. The only reasoned debate on that issue came from another member.

Mr Speaker, I looked just a moment ago at the Australian Labor Party's policies for a fairer Canberra. In the 18 entries in the index there is not an entry for finance. I cannot find a clear finance statement in its policies; there is nothing very clear there.

The Leader of the Opposition is on notice that she needs to have ready a very reasoned response to the claims that she

has made and my rebuttal of them, so that we know that at least she has a reasonable approach to the parlous financial condition that this Territory will face after June 1991, if we face an unsympathetic Federal Department of Finance analysis and a Grants Commission that still will go about its business in the way it has in the past. There is no indication that we will be treated on any concessional basis after 1991.

I remind members that it was the Federal Government that did not produce the guaranteed \$20m odd only last year. So what faith can we have, whatever the outcome of the Federal election? The fact is that the Grants Commission formulae make it plain that we face this situation. Surely it is better that we seek views, face the issues and resolve them in the proper context in this Assembly and elsewhere now, rather than later.

Why is there something wrong with doing an inventory of assets? That was an election commitment by the Liberal Party and the Residents Rally, and I am sure that it is a reasonable proposition. Mr Speaker, I believe that the Priorities Review Board will add to the knowledge that we have of the Territory, it will set a pace for the future, and it will further implant the Alliance Government in the role it is now assuming in this Territory, which is of stable, capable, reasonable and courageous government which we will need.

MR STEFANIAK (8.38): I, too, rise to commend the Chief Minister and the Government on the establishment of this Priorities Review Board. A number of members last Thursday spoke of the need to increase the board membership, to put various other types of persons on it. I think it was my colleague Mr DUBY who said in relation to it that one can go on ad infinitum doing that. There are five members of the board, who bring a broad range of experience and capabilities to their task. I think they have been very well selected and are all very capable people who will approach their task diligently in the interests of the Territory.

A number of members, especially members of the Opposition, have spoken in relation to the number of jobs that will go, using scare tactics - words such as "sackings", "retrenchments", and "people being thrown out of work". I think it has been made quite clear, Mr Speaker, that we are not talking about 3,000 people being sacked; we are talking about a natural attrition and cutting back on 3,000 jobs over a period. This is a typical tactic used by the Australian Labor Party. It was used fairly effectively in Canberra during the Federal elections in July 1987, when it attempted to make a lot of mileage out of the proposition that 3,000 Federal public service jobs would go if a Liberal-National party coalition was elected.

I was a Senate candidate - No. 2 on the Liberal ticket behind Margaret Reid - and I found out on the Thursday that

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the Federal Labor Government was proposing to get rid of 9,000 Federal positions. It was amazing that in the media no-one except, I think, radio 2SSS believed that. Yet three days later, after its re-election, the Federal Labor Government indicated that it would get rid of, I believe it was, 9,000 Federal public service positions. I find it somewhat hypocritical when the members opposite complain about the figure of 3,000 that is being bandied about here.

I think it is painfully obvious that this Government cannot spend money that it does not have. A \$100m shortfall in a budget of approximately \$1.5 billion is being talked about. That is a very considerable amount of money. We certainly do not want to get into deficit budgeting. If we do not have it, any responsible government - and this is a responsible government - has to look at ways of making cuts, making our limited budget go further. This Priorities Review Board is, I think, one of the most cost-effective and reasonable ways of ensuring that that happens.

Some speakers have touched on Federal government funding. We are not in the lucky position of the Northern Territory which, when it attained self-government, had five years of funding. We have only some 16 months left. Since May last year we have seen evidence of the Federal Government's attitude towards providing funds for this Territory. When the former Chief Minister went to the Premiers Conference she was robbed of, I think, \$22m or \$23m, which was to be placed in trust. We certainly have not seen any of that. Are we ever likely to see that again?

Mr Berry: They wouldn't trust you with it, Bill.

MR STEFANIAK: They did not trust you lot with it either, Wayne. In relation to the asbestos problem we have also seen evidence of the Federal Government's attitude. The Minister for Finance and Urban Services today spoke to a paper indicating what we would be paying and what contribution the Federal Government would make. Mr Speaker, asbestos was put into houses in the ACT when the Commonwealth ran the Territory. Clearly, the Commonwealth Government - the Federal Labor Government which is the current Government - is responsible for paying for the removal of all of that asbestos. But has it done that? No.

The last Government asked the Commonwealth Government nicely. I can recall Mrs Grassby, when she was Minister for Housing and Urban Services, in answer to some questions that I asked her, saying, "Oh, yes, we'll ask nicely and maybe then we'll get tough". But that certainly did not have any effect at all. There is not much likelihood of its paying up now. Certain people have even been threatening legal action, but still we do not get any response from it on that issue. We are paying for a lot of the cost of the removal of asbestos. I think that just goes to indicate what level of support we are likely to get from the Federal Government.

Mr Speaker, it is essential for this Assembly and this Government to maximise the efficient use of the limited funds that we have available to us. This Priorities Review Board is a very significant step towards achieving that.

MS MAHER (8.43): Mr Speaker, this debate goes to the heart of possibly the most important issue to face Canberra in the first year of self-government. The Chief Minister indicated in a speech to the Legislative Assembly early in December that the Alliance Government intended to improve the efficiency of the government services and ensure that the ACT public sector is efficient and cost effective. The Chief Minister's announcement reflected the critical need for early action to bring the cost of ACT services within the limits of the ACT community's ability to pay. There is currently a shortfall of \$100m in the cost of providing ACT government services and the revenue available to pay for those services after the phasing out of the Commonwealth financial guarantees in 1991-92. In short, the ACT is living beyond its means.

The Opposition does not deny this but, as usual, it cannot come up with a better alternative. The Alliance Government, therefore, has to make some difficult decisions on behalf of the ACT community. Either revenues must be raised or the cost of government services must be reduced. Regardless of the result of the Federal election, it is extremely unlikely that the Commonwealth Government will agree to provide additional financial assistance to the ACT. The only prudent assumption that we can make is that Commonwealth assistance to the ACT will, in future, be determined in accordance with the recommendations of the Commonwealth Grants Commission.

This brings us back to the forecast of a \$100m revenue shortfall. It is not acceptable to this Government that we should attempt to cover the shortfall by raising taxes and charges. To do so would make the ACT a high tax location for the private sector and work against the Government's economic development strategies. It would also put an unacceptable burden on ACT householders.

The only available option is therefore to find ways to reduce expenditure without putting at risk key government programs. Unlike the previous Government, this Government is unwilling to make ad hoc and uncoordinated cuts in government expenditure. We will not have a razor gang approach in the ACT. The establishment of a Priorities Review Board will allow the Government to approach this task in a systematic and careful way.

This review will set the pattern for the actions being taken to streamline the public sector expenditure. It is the Government's intention that the review should not only identify ways to increase efficiency and reduce costs but also lay the foundation for an ACT government service which will serve Canberra residents well in future years.

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It is very important that a review of this nature be conducted by people with proven management skills and independence from the present public sector. This will ensure that the Government receives the benefit of impartial opinions and the experience of other States and the private sector. The Government is therefore particularly pleased that Mr Bob White has agreed to chair the review board. He was the Chief Executive of Westpac for 10 years and is on the boards of a number of major companies. The other members of the review board also bring extensive and balanced experience to the work of the board. Their experience includes management consulting, the academic study of public administration, and direct management experience in both the private and public sectors. I am particularly pleased to see the presence of a distinguished Australian woman, Professor Di Yerbury, Vice-Chancellor of Macquarie University, who has been involved in other public sector reviews - a woman whose opinions are highly valued.

As well as advising the Government on how to close the ACT's \$100m budget gap, the review board will, as I have already said, develop proposals to improve the overall management performance of the ACT Government Service. This includes recommending measures which should be taken to ensure that the emphasis given to public sector reform does not reduce once the review board has completed its report. The Government has therefore asked the review board members to assess periodically the progress which is being made with implementation of its recommendations. This is a somewhat novel, but very worthwhile change from the way in which such reviews are normally approached.

In conclusion, I emphasise again that the Alliance Government has no option but to embark upon this review. We cannot responsibly ignore the fact that the Commonwealth Government is moving to cut funding to the ACT and that, unless expenditure can also be reduced in a planned way, the ACT community will, within a few years, have to accept the consequences of ad hoc reductions in services.

The Government is determined that the community should not have to pay increased costs or suffer such unplanned disruption to services. The establishment of the Priorities Review Board is our best chance to develop a plan to manage our way out of the financial problems which we have inherited from the Commonwealth. Mr Speaker, I and other responsible members of the Canberra community look forward to the report of the Priorities Review Board as it means a new dawn for the ACT.

MR KAINE (Chief Minister) (8.49), in reply: If there are no further speakers, I would like to tie off the debate with a couple of comments. I have to say, Mr Speaker, that I am rather disappointed that the Opposition took such a peculiar line on this debate and made no contribution whatsoever to the solution of our problems. It is

interesting that it did not attempt to contradict the facts. It made no proposal whatsoever as to how the problem might be addressed. It failed even to recognise that we face a significant reduction in revenues by reduction in Commonwealth inputs by June of next year, and it just seemed to assume that a personal attack on my credentials was the answer to the problem.

I am very disappointed in that because I had expected more from the Opposition. I do not mind a bit of personal attack. I can handle that, Mr Speaker. When it is deserved I can certainly handle it, and it is of no concern to me at all when it is not deserved. But the personal attack that the members opposite made on the members of the board was quite offensive. These people are offering their services to this community at no cost; they are highly qualified people; they are people of integrity, both personal and professional. For the Leader of the Opposition to label them as mere lackeys is to be offensive, in my view, to the highest degree. I quote statements such as, "They have their instructions". These people are not going to take on this job with any instructions of the kind implied by the Leader of the Opposition. They are not people of that kind. They are people of high calibre. As I said I took that to be quite offensive, as I am sure the members of the board will. Quite frankly, Mr Speaker, I would have expected better from the Opposition.

Question resolved in the affirmative.

MOTOR VEHICLES (DIMENSIONS AND MASS) BILL 1990

Debate resumed from 13 February 1990, on motion by **Mr DUBY**:

That this Bill be agreed to in principle.

MRS GRASSBY (8.52): I rise to indicate that the Labor Party will support the general terms of the Motor Traffic (Dimension and Mass) Bill. As Mr DUBY kindly indicated when he introduced the Bill last Tuesday, it represents the outcome of work which started prior to self-government and on which I did a lot of work as a Minister in the Labor Government. I thank Mr DUBY for recognising that.

In Mr DUBY's speech he gave some very basic information about what the Bill will do. I would like to go back a step and explain to the Assembly why this Bill is a good idea and why I put considerable energy into working on the Bill and consulting with the community while doing so.

There are two reasons why we should control the weight of heavy vehicles. The first and the most important one is safety. Clearly trucks and other heavy vehicles such as buses can carry very different types and sizes of loads at different times. In some cases a heavy vehicle can carry a

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load that is well in excess of the weight for which it is designed. It is not hard to imagine that the braking system for a truck might be unable to cope with a load that is far beyond that for which it was designed. As I am sure members are aware, the results of heavy vehicle accidents, such as we have seen recently on the roads, can be quite traumatic. We would not like to see any of those sorts of accidents in the wonderful Territory in which we live.

The second reason for a weight limit for heavy vehicles is to do with the damage that they do to our road system. Quite simply, Mr Speaker, the community cannot afford to pay for constant repairs to roads which do not last as long as they should because overloaded vehicles cause too much damage. Research shows that a 20 per cent excess load on a heavy vehicle axle will result in a 100 per cent increase in the damage caused to the road. That is enough to reduce the expected life of a new road from 20 years to 10 years. Members may be surprised to learn of the estimate that we have about \$2,500m worth of roads in the ACT. This is a big investment that we need to protect. As we now have self-government and we have defined the money for these roads, we need to protect that investment.

Controlling the load of heavy vehicles should help to minimise future increases to registration charges for trucks and other road users. This, too, is important. These people need to earn a living.

Apart from controlling weights, this Bill is also designed to control the dimensions of a vehicle. As members can imagine, the size of heavy vehicles can cause problems for other road users or be difficult to manage on some of our narrow bridges, the repair of which would cost us a lot of money.

Perhaps the final point which should be made about the need for this Bill is that the ACT has been the only part of Australia without a law controlling vehicle loads and sizes. Like so many other matters, it has taken the introduction of self-government - I hope Mr DUBY is listening, seeing that he was so against self-government - to enable sufficient priority to be given to these issues which are important to those of us who live in the ACT but maybe not to anyone else in Australia.

This Bill will bring the ACT into line with the other States and the Northern Territory. The Bill provides for size limits but gives the Minister power to determine limits on weight. In this respect it is important to note that the proposed weight limits are those adopted by the Australian Transport Advisory Council. That is very important because other States have not done this. These limits are substantially higher than those in other States, but we have taken this on because this is one of the things that the Prime Minister has been asking all States to do. We have made a move, and the other States are expected, over time, to move their limits closer to ours.

The Minister indicated in his speech that consultation had taken place with a large range of groups. As the former Minister, I was involved in a number of these discussions because I was most concerned to make sure that this legislation would be introduced in a way which would not disrupt the transport industry and the many people who make a living from it. My discussions with groups such as the Transport Workers Union of Australia and the ACT Tippers Association drew attention to a number of problems with the proposed legislation which I was developing at the time.

The first major problem which I would like to mention today is that the ACT has become a dumping ground for vehicles which were outlawed in other States by similar legislation. While it would be very easy for us to simply ban those vehicles here as well, we must recognise the fact that those vehicles have been legally registered and in many cases legally operated in the ACT for some years.

As Minister, I indicated that two things could be done to deal with this problem. I agreed that a phasing-in period would occur, when only the worst offenders would be prosecuted; other people would receive warnings so that they could become used to the new legislation and would have time to do something about it. I also agreed that the system of permits under the legislation would be used to allow existing registered vehicles to continue in operation for a reasonable period while they were modified or replaced. As you would understand, Mr Speaker, this is important because it would allow owner-drivers with trucks that do not meet the new rules a reasonable time to make them comply. I will come back to those problems later.

The second problem which was raised with me relates to situations where the truck driver has little or no control over the loading of his truck. This can occur where, for example, a supermarket delivery involves the loading of the truck in the order in which the items will be unloaded at different destinations, saving time for the truck driver who is paid for his time. It can also involve a situation on a building site where a mud carting vehicle is loaded with rocks, clay and earth which might be either wet or dry. That could make a very big difference in the weight of the truck.

The problem shown to me by the industry and the TWU involves the fact that an owner-driver might be at risk of losing business if the driver protests about the incorrect loading or overloading of his truck. As members would understand, trucking is a very cutthroat business. It is difficult for drivers to resist the pressure of the people who hire them when it comes to taking just a little more in a load, or where following the digging out of a swimming pool in a yard drivers have to work out the number of truckloads it will take to remove that dirt. Of course, if the dirt is loaded when wet, they may find out they need more trucks than they at first thought. Some people say,

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"Will you put half a bucket more on the truck?" and immediately the truck becomes overloaded.

After agreeing to fix these matters when I was the Minister, I was disappointed to see when the Bill finally appeared last week that they had not been fixed. When I contacted the Transport Workers Union last Friday, I was surprised to find out that this was the first it had seen of the Bill. Mr Speaker, this is a very good indication of the difference between the Labor Government and the current Government. We went out of our way to make sure that everybody was consulted on all major issues. Mr Duby, however, did not talk to the TWU or the owner-drivers or the industry body about this Bill until I arranged a meeting with him today. I must say that he was very happy to give us an appointment and talk to us about it.

I find it very surprising because I understand from the TWU that Mr Duby was spoken to at a drinks function that was put on by the Chief Minister in January, and Mr Duby had said that he would talk to the TWU about this Bill coming into the house. I do not want to make too much of this point - - -

Mr Jensen: I should hope not.

MRS GRASSBY: I am sorry, but I did not catch that interjection.

Mr Jensen: I said, "I should hope not", Mrs Grassby.

MRS GRASSBY: Right, sergeant major. Mr Duby agreed to see me and a small delegation this morning. That discussion led to Mr Duby agreeing to include in his remarks later in this debate some guarantees about the way the Bill will operate, including a phase-in period and the use of permits to allow currently registered vehicles to comply with the new rules. I thank him for that. Mr Duby has also agreed to give an undertaking about the role of the police in relation to the new law. I thank him for that as well. As the union explained, the police already have powers to pull a truck over at any time and the union and the industry did not feel that the police should be given any more powers and that it should be left to the department, in the way in which this Bill has been drawn up.

Finally, in relation to the problem about overloading being outside the driver's control, I wish to indicate that I will be moving an amendment at the detail stage to place some responsibility on the people responsible for loading the vehicle so that two parties will be responsible - the owner-driver and the people loading the vehicle.

Mr Speaker, I repeat that this Bill is a good one because it will make our roads safer and it will save on the wear and tear for which we all have to pay. The Labor Party supports the Bill and also supports the related Motor Traffic (Amendment) Bill.

MR SPEAKER: Is it the wish of the Assembly to debate this order of the day concurrently with order of the day No. 3, the Motor Traffic (Amendment) Bill 1990? There being no objection, that course will be followed. I remind members that in relation to order of the day No. 2 they may also address their remarks to order of the day No. 3. Just before we proceed, I draw Mr Whalan's attention to standing order 40, the only one that he seems to have neglected to read.

MRS NOLAN (9.04): Mr Speaker, I would like to add my support for the Motor Vehicles (Dimensions and Mass) Bill. Although new to the ACT, legislation imposing dimensions and mass limitations on heavy vehicle transport operations has been in force throughout Australia for many years. There is now a strong expectation in the local freight and passenger transport industry that the new limits will be implemented in the near future. As a result of consultation and discussions with the industry, many operators are already looking to reorganise their operational arrangements and alter their vehicle requirements. Consequently, it is important for local operators that uncertainties over the introduction of this new legislation are resolved quickly so that they can plan for the future.

I appreciate that the transport industry has concerns with this legislation because it is something new for the Territory. In particular, operators want to know what the new limits will be and how they will be enforced. The Motor Vehicles (Dimensions and Mass) Bill adopts national standards for limiting the width, length, height and, most importantly, the weight of vehicles and the loads that they carry.

The Bill anticipates moves towards national uniformity by embracing nationally agreed maximum limits without compelling operators to obtain expensive permits to achieve those limits, as has occurred in some other jurisdictions. Proposed standards are consistent with those in New South Wales and Victoria and those imposed under the Federal interstate registration scheme. Consequently, interstate and other regional operators are already familiar with the proposed ACT requirements, and the majority of local operators would have some broad knowledge of them.

Extensive consultations have been held with different sectors of the industry, including the Transport Workers Union of Australia and the Confederation of Australian Industry, to advise them of the proposed standards, to seek their views on problems and solutions and to assist in establishing enforcement procedures that everyone will easily understand. This process will continue during the implementation phase not only to ensure that all sectors of the transport industry understand their obligations but also to allow inspectors enforcing the limits to correct any difficulties with implementation procedures.

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As a result of the consultative process, a number of changes were made to draft legislation, which recognised industry concerns but which did not undermine the principles of the legislation or introduce provisions that would be inconsistent with practices elsewhere. For example, there was concern that a driver or owner of a vehicle could be liable for an offence when the loading of the vehicle was outside his or her control. Provision has now been made to ensure that persons intentionally overloading vehicles are held responsible.

In regard to enforcement of the new legislation, I make the following points. There will be a moratorium of several months, during which time only flagrant breaches will be prosecuted. At the same time, inspectors will visit as many establishments as possible to give all users advice on what is required. An announcement will be made before full-scale enforcement is introduced.

A consultant has been involved in discussions with the industry on such issues as the use of volumetric assessment as a means of identifying obvious offenders; seeking the cooperation of quarry operators and others who have weighing equipment on site to prevent excess loading; looking at specialised sectors of the industry, such as waste collectors, in order to resolve any specific difficulties that they may have; putting in place a permit system to cope with vehicles such as mobile cranes and concrete pumps, and setting out the procedures and practices that will be used in weighing vehicles on the road.

An understandable concern has been about who will enforce the legislation and how severely. Enforcement will be by authorised inspectors appointed under the legislation. They will use approved portable weighing devices to minimise inconvenience and lost time to vehicle operators. They will work to an established manual of procedures which will ensure equity and consistency. While police officers will also have enforcement powers, these are likely to be rarely invoked, authorised inspectors will need to attend with weighing equipment to prove non-compliance.

The procedures and the legislation will contain a number of safeguards to ensure that enforcement is fair. In cases where overloading has occurred, gross breaches will be summonsed through the court where normal defence procedures can be used. Minor breaches will incur on-the-spot fines. These may be challenged in the court, and penalties will be guaranteed to reflect the seriousness of the offence. Great care has been taken to enable the new limits on dimensions and mass to be implemented efficiently and effectively, with minimal disruption to the transport industry. I am pleased to support the Bill on that basis.

MR STEFANIAK (9.09): I support the Bill and commend it to the Assembly. It will serve the interests of the community

by avoiding unnecessary expenditure and improving the safety of ACT roads. Primarily because the ACT has had no restrictions, there are many vehicles currently carrying loads which exceed design limits for our roads. This results in high maintenance costs and necessitates much earlier capital expenditure on road construction.

A road pavement is designed to last for a certain period before it reaches an unserviceable condition and has to be replaced. The standard of design takes into account the weight and quantity of vehicles that will use the road. A major new road transport link, such as the Eastern Parkway, could normally be expected to last some 25 years in a serviceable condition. However, with overloading this period could be reduced to as little as seven or eight years, so it would have to be replaced much sooner. Therefore it is clear that the principal benefit of preventing overloading of vehicles is to reduce the need to provide major capital expenditure many years earlier than would otherwise be necessary.

Across the whole of the ACT's road transport infrastructure, expenditure reduction in the longer term will amount to many millions of dollars. Any increased transport costs to the building industry are estimated to be marginal in terms of total costs. In the longer term, restructuring and cheaper, less powerful vehicles should temper effects on transport costs, and the ACT community as a whole should no longer have to bear the costs of road damage caused by overloaded vehicles.

I turn to the road safety implications of this legislation. It is apparent that other road users face potential risks from vehicles carrying excess loads; vehicle control and braking can be impaired and road surfaces can be damaged. At a time when there is an increasingly national focus on the safety of heavy freight vehicles and passenger buses, it is important that the ACT moves to introduce appropriate measures for the Territory's transport operations. A range of initiatives is currently being considered by Federal, State and Territory transport Ministers, and these will be discussed further at the Australian Transport Advisory Council meeting in March this year. I believe that these initiatives add impetus to the need to implement a measure as fundamental as dimensions and mass limits.

Finally, I am encouraged by the response of those in the heavy vehicle industry, who will be most affected by this Bill. There is general recognition that these new limits are necessary and reasonable. Contrary to what Mrs Grassby said, Mr Duby tells me that there has been a great deal of consultation in relation to these Bills. I believe that an amendment aimed at tightening up the method of enforcement is to be moved. In no way does it vary the thrust or intent of the Bills, and we on the Government side will support that amendment.

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MR DUBY (Minister for Finance and Urban Services) (9.12): Mr Speaker, it gives me great pleasure to hear the responses from the various members of the Assembly tonight in relation to the Motor Vehicles (Dimensions and Mass) Bill. As has been stated, the ACT is the only State or Territory where there are no such limitations on the weight or size of loads to be carried on our roads. A number of speakers have mentioned the great cost that the community is currently bearing without this legislation.

As has been stressed by Mrs Grassby, this legislation was originally implemented by the Commonwealth Government, and the Follett Government, under the direction of Mrs Grassby, was in the process of introducing this. It has now been taken up forthwith by the new Kaine Government. We support the general thrust of all the implementation that was due to come into effect under those previous areas.

I think enough speakers have mentioned the thrust of the Bill and what it aims to achieve. Nevertheless, the transport industry has had some concerns with the administration of the proposed Bill. As a result I have met with Mrs Grassby and representatives of the Transport Workers Union of Australia, the TWU, to discuss these concerns. At the meeting I agreed to certain undertakings in relation to the administration of this legislation on behalf of the Government, and I have confirmed these undertakings in writing to the TWU. It is appropriate that I advise the Assembly of these undertakings which I believe have the support of not only the Opposition but also the Government as a whole.

I have stated that there will be a phasing-in period for implementation of the Bill, during which time only flagrant and obvious offences will be prosecuted. This will give the industry time to adjust to the new regulations and introduce the concept of self-regulation. This period will extend for six months - for no more than six months, I point out - from the date of commencement of the new Act, and will enable the industry to become familiar with its requirements.

Secondly, Mr Speaker - this is an interesting point - a standard size body for that section of the industry known as mud carters will be agreed on with the Pavement Management Section, Department of Urban Services. Bodies of the size to be agreed on in consultation with the industry will be stamped and checked each year at registration time to ensure continued compliance. A truck with this stamped body will be deemed to comply with the requirements of the Act. This has been referred to in discussions as "no spill, no bill". If we put it in a simple phrase and everyone understands it, everyone is happy. This does not mean that a vehicle will not be checked to determine its weight in such situations as a vehicle carrying a load of galena or rather obvious overloadings - lead ingots, for example. Nevertheless, it relieves the legitimate concerns - - -

Mr Kaine: The real ones.

MR DUBY: The real concerns of the members of the carting industry in the ACT. Thirdly, Mr Speaker, existing registered vehicles will be issued with a permit annually to operate in accordance with the terms of their current registration. A permit under clause 28 of the Bill applies to vehicles which are not in accordance with Part II of the Bill dealing with dimensions and design of vehicles.

Vehicles which have high tare weights and which are associated with "no spill, no bill" will be handled individually, with terms and conditions specific to each permit. It is envisaged that this practice would continue for a limited time, which would vary according to such matters as the age of the vehicle. My department will negotiate details of this arrangement with the industry.

For those members of the house who are looking at me open-mouthed wondering what that means in plain English, let me explain that we have not had this legislation in the ACT, and some vehicles which clearly do not comply with the spirit of legislation which exists in other parts of Australia have been imported into the Territory, often at bargain basement prices, and are currently registered. For us to introduce this legislation without giving those proprietors the opportunity to protect their investment would clearly be in breach of the rules of natural justice, and we have given an undertaking that such a case will not occur.

Fourthly, when police enforcement becomes a part of the ACT Government it is my intention that the ACT police should conduct no weights test associated with this legislation. I think this is a very important matter, Mr Speaker. It is a matter of great concern to unionists and concerned ratepayers alike. Weight tests will be carried out by the Pavement Management Section, Department of Urban Services and by it alone. Naturally, the normal police powers relating to traffic regulations and obvious clear cases of blatant breaches of overloads will continue to apply, but the weight tests will be conducted by no-one but departmental inspectors.

The legislation has been developed in consultation with the industry, and this Government will continue to be responsive to legitimate concerns that the industry may have. Officers of my department will maintain a close working relationship with those affected by this legislation in its implementation.

Mr Speaker, later in this debate when we discuss the detail stage Mrs Grassby will be circulating an amendment to clause 38 of the Bill, which would create an offence in relation to the loading of a vehicle in contravention of clause 32 or 33. I foreshadow that the Government will agree to this amendment.

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All in all I am very pleased to see that such an important piece of legislation, without which the ACT has been left completely on its own in relation to the rest of Australia, will now finally be tightened up. We all know the parlous state of our economy, as I think was pointed out very well and adequately in an earlier debate. Naturally, the ratepayers and citizens of the ACT will be pleased to know that the future of their road system is being well-protected and not being subjected to unnecessary stresses and expense. With that, I welcome the support of the house, and I look forward to - - -

Mr Kaine: No spill, no bill.

MR DUBY: To the "no spill, no bill" Bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1 (Short title)

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

ADJOURNMENT

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

That the Assembly do now adjourn.

Federal Labor Government

MR BERRY (9.20): I rise to congratulate the Hawke Labor Government on a record three terms in office and on its delivery of a social wage to the ordinary working people of Australia and all the benefits that flow from it. In the short time that I have I would also like to draw some comparisons with the vandalism which is suggested by the Liberal Opposition. Mr Speaker, 1.6 million jobs were created by the Hawke Labor Government - that is the best employment growth in any of the OECD countries.

Mr Duby: And 1.9 million were lost!

MR BERRY: We have already heard that 3,000 ACT jobs will be thrown on the scrap heap and not a word from this mob opposite about how they are to be replaced. It means that there will be 3,000 more unemployed people in the ACT.

The Hawke Labor Government has delivered one of the most solidly growing economies in the OECD. That is a matter of grave concern to the Liberals opposite and to the Liberals who now seek to gain power in the Federal Parliament.

One other important issue in the social wage is Medicare - universal and quality health care for all Australians, quite different from that which is proposed by the Liberals under which again the poor would lose out and their wealthy mates would be looked after. Forty thousand child-care places were made available by the Hawke Government - this will be something that will irk the Liberals opposite - all in an accord with the trade union movement which ensured, firstly, the delivery of a social wage and, secondly, the Hawke Labor Government which will never be paralleled by the conservatives opposite.

Mr Kaine: And no child is living in poverty!

Mrs Grassby: Don't ever make a statement, Trevor, that you cannot keep. You are in trouble, mate.

Mr Kaine: I just wanted him to get his facts right.

MR BERRY: Mr Kaine is quite aware that the proposals by the Federal Liberal Opposition hit hardest at the single parents, the long-term unemployed, disabled and ill people, people looking for work, especially older women seeking to re-enter the work force, people from non-English speaking backgrounds and Aborigines. What that Opposition is on about is a cut of \$205m in education, \$289m in employment and \$100m from Aboriginal affairs, just to name a few.

One other important issue that the Hawke Labor Government delivered to the people of Australia in accordance with its platform was self-government for the ACT. Self-government was butchered somewhat by the Liberals and the Democrats in the Senate. We were lumbered with an electoral system which was butchered by the Liberals and the Democrats.

A Member: There's only one butcher here - the butcher of daylight saving.

MR BERRY: I forgot the butcher of daylight saving over here.

Mr Kaine: I would rather butcher daylight saving than the whole hospital system.

MR BERRY: They are getting edgy now because they are all in a little clique. The interesting thing about the whole electoral system was the fraud that was delivered upon us by a - - -

Mr Kaine: I raise a point of order, Mr Speaker. If I may interrupt this tirade, I thought we were talking about the Hawke Government. Mr Berry does digress a bit, the poor old chap.

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MR SPEAKER: Thank you, Mr Kaine. Please proceed, Mr Berry.

MR BERRY: They are getting a bit toey on the other side. Anyway, I have only 20 seconds to go. There have been three terms of the Hawke Labor Government, and there will be a fourth. We will have a better system of self-government next time because we will be free, I am sure, of the No Self Government Party people - we will not see them again - we will not see the Abolish Self Government Coalition people again, and we will not see half of the Residents Rally people either.

Federal Election

MR MOORE (9.25): I rise to respond before the Liberal Party and its cohorts do so. I thought I would take an opportunity to express some concerns about those of us who hold the middle ground. One of the things that comes out of this Federal election, from which people in the ACT can draw a lesson, is the impact of single-member electorates. When we try to decide exactly how we should vote now, one of the things that is drawn to my attention, particularly in Fraser - and I will use that as an example - is that if we had single-member electorates we would be looking for two candidates who would serve the community best. Two people who have served our community for some time are John Langmore and Margaret Reid. They are in the Federal campaign, and both have served Canberra and their constituents extremely well. So if we were looking at single-member electorates and making the decision on the grounds that single-member electorate advocates suggest we do, the logical way to vote would be for both people. I believe they have done a very reasonable job.

Mrs Nolan: Michael, I will bring you in a Margy Reid poster tomorrow.

MR MOORE: Thank you. I hope I get one for John Langmore as well. The paradox here is that people do not vote that way, because they take into account much broader issues. The point that I am trying to make is that when it comes to the decision on what sort of electoral system we need for Canberra, should it come to a referendum, people in Canberra should be very aware. They should use this election as a way of trying their minds to see just how they would vote if we had single-member electorates and to appreciate the difficulty of the decision that they are to make. It puts people in a bind in deciding between the policies of the whole government or the whole party and the particular member whom they would like to have representing them. There can be a conflict there, as indeed would be the case if that were the only ground upon which I were voting. That, I think, very neatly explains the position without looking at the various independent members,

Democrats and so forth, all of whom also have something particular to offer to the electorate. So not having committed myself to anybody, but having pointed to the difficulty - - -

Mrs Grassby: It is called two bob each way, Mr Speaker.

MR MOORE: I have yet to make my decision. Having presented that, I think there is a good lesson to be learnt from the Federal election for people in the ACT when they come to vote for representatives in the Legislative Assembly. Mr Berry made some comments about the wonderful job the Hawke Government had done and the terrible job the Liberals would do. I am quite happy to allow the Liberals to handle that, but the fact is that the normal salary earners, independent of the statistics that governments like to bring up, know that they are a hell of a lot worse off than they were a few years ago.

MR STEFANIAK (9.29): Indeed, as Mr Moore quite rightly said, the average salary earner is much worse off than he or she was years ago. One of the slogans that has won a few elections in the past, both here and in other democratic countries is: just ask yourself how well off you were in February 1983 and how well off you will be in March 1990. So many people out there in ordinary, everyday Australia are worse off that it will ensure that the Hawke Government does not get its fourth term and that it will go down in history as having had only three terms, historic though they may have been.

One of the most disgraceful things about the Hawke Government was the Prime Minister's proud boast in the 1987 elections that no Australian child will be living in poverty by 1990. Here we are in 1990, and we see every day increasing instances of child poverty. What a mockery the reality of that makes of the Prime Minister's boast of 1987.

It will be interesting to see what happens in the ACT, because there are a number of candidates for the two Federal seats. As I think the Chief Minister indicated, Mr Langmore is being challenged by Sandie Brooke for our party in Fraser. She is a single parent who knows what it is like to struggle to bring up children on a very small wage. In the seat of Canberra we have battling Kenny Koala. He and his wife have to work, and they work from week to week. They are opposed by the sitting member, Mrs Kelly, on her fat ministerial salary, with her husband on a very good wage as well. She lives in Red Hill - - -

Mrs Nolan: The member for North Sydney?

MR STEFANIAK: I have heard that might be the case. She lives in Red Hill, and Kenny Koala or Bill Mackey lives in Tuggeranong. He is a battler. How the times have changed!

Mr Duby: A battler, a little Aussie battler!

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MR STEFANIAK: He is a little Aussie battler who really represents the interests of ordinary working Australians. It will be interesting to see the result. In the rest of the community in Australia, outside the ACT, people in the mortgage belt are hurting. Both husband and wife have to go out to work. Sometimes people have to have two jobs just to make ends meet, just to ensure that they can bring up their families, that they can keep the mortgage that is on their homes. Mortgage rates have gone through the roof. What a wonderful job the Hawke Government has done with the economy! We have not only gone down the Argentinean road, but we have also surpassed Argentina.

Mr DUBY: What's wrong with Argentina?

MR STEFANIAK: It is doing much better than us. We are so much in debt that it is unreal. In the ACT we have talked recently about saving \$100m, and we have the Priorities Review Board to do that. What has been done federally? There is a deficit budget and borrowing. We simply cannot pay for ourselves any more because of the incompetence of this Hawke Government. I think that people of Australia realise that; they are hurting. At the next election they will toss out the Hawke Government and elect the Liberal-National Party coalition.

Adjournment Debates

MR DUBY (Minister for Finance and Urban Services) (9.32): Mr Speaker, I rise on behalf of the Canberra citizens in the gallery of this Assembly to say how disgusted I am with the efforts of Mr Berry and the other members on the other side who, in the last week of sitting, have tried to generate, in this Assembly of the ACT, election fever in connection with the Federal election. We do not come here to discuss the economic policies of the Federal Government or the New South Wales Government or the Tasmanian Government. We come here to talk about the matters that really are of concern to normal people in the ACT.

We have noticed in the last week, ever since there has been election fever on the hill, that obviously the days of Labor Party people getting their instructions from Moscow have gone; obviously they get instructions from the bunkers in the hill. The word goes out, "Let's get an election fever going. Let's start getting issues going so that we can praise Ros Kelly, Bob McMullan and John Langmore". In the right forum undoubtedly praise can be heaped on those folk and other representatives, such as Margaret Reid, but this is not the place for it.

In this Assembly we are supposed to be representing the interests of Canberra citizens. We are not here to try to generate election fever, to make it look good so that they can go to party meetings with copies of Hansard and say,

"Look what I said about you. I'm right in the faction", left in the faction, centre in the faction, or whatever it may be. Mr Speaker, I think people in the Assembly tonight would agree with me when I say: let us put an end to this sort of discussion here and now; let us confine ourselves to issues that are of concern to Canberra, not the nation.

Mr Berry: Like no self-government.

MR DUBY: That is right. It has nothing to do with Tasmania, Mr Berry. Let us confine ourselves here to issues to do with Canberra and stop trying to generate election fever to score points on behalf of Federal members of the ACT, no matter what side of the house and what side of politics they might come from. The issues are local. Let us keep them that way. I hope this is the last adjournment debate that we have of this nature, Mr Berry.

Mr Berry: On a point of order, Mr Speaker; I draw Mr Duby's attention to the standing orders. He might read them and find out that we can debate anything we like in the adjournment debate.

MR SPEAKER: Thank you, Mr Berry. There is no point of order.

MR DUBY: It is not a point of order, but it epitomises the sort of thing I am talking about, Mr Berry. We can talk about anything we like here in the adjournment debates, but what is the point of raising matters which are not of concern to the ACT community? Come election day, people are intelligent enough to be able to make their decisions about who they want to vote for and who they do not want to vote for in the Federal scene. I do not think they need to pour over the Hansard and decide, "Oh, well, that's a good point, Wayne. You've convinced me". Let us leave it at that. Let us keep to the issues that we should be raising in the ACT Assembly.

Health Services

MR HUMPHRIES (Minister for Health, Education and the Arts) (9.36): Mr Speaker, I want to speak about certain Canberra matters, such as a birthing centre, high intervention rates and a 24-hour mental health crisis service. I have taken the advice of Mr Duby in localising issues that might be debated during this period. Unfortunately, because of lack of time, I was not able to contribute to the debate this afternoon on the matter of public importance. Therefore, I thought I might comment now on some of the suggestions that came from the other side of the house during that debate.

Mr Berry in particular commented on some ideas. He mentioned that a birthing centre was an idea that ought to be explored seriously by the Government. I have looked at this issue, and I accept that what he says has some

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validity to it. As he is well aware, I am in touch with the ACT for Birth association to consider its claim for such a centre. I will be opening its seminar on the 24th of this month. I am very much apprised of its arguments for a birthing centre and will be considering them positively in the context of the ongoing budget debates.

Mr Berry also called for an inquiry into the high intervention rates in obstetric services in the ACT. That idea is one which I will also consider. I think it obviously cannot be ignored. There may already be explanations as to why that occurs. You do not have an inquiry when you already know the answer, or at least that is not my view of what you should do with an inquiry. Therefore, it is my intention to explore whether that idea for an inquiry has any merit.

Finally, Mr Berry mentioned the idea of a 24-hour mental health crisis service for Canberra and extolled its virtues. I share that concern and aspiration, and I would very much like to see that happen.

However, I have to depart from Mr Berry's views when he said that the previous minority ALP Government, in putting aside \$150,000 for that service, was kicking off the ball in that regard and that we ought to have acknowledged its contribution to the start of that process. The fact is that, notwithstanding what Mr Berry said today, \$150,000 is not sufficient to start a proper 24-hour mental health crisis service. Mr Berry might not like to admit it, but obviously when he put up that figure in the budget, he was perhaps improperly advised about the amount that such a service would require in order to get under way.

Having spoken to people in the area, within my department and the mental health lobby, I am certainly convinced that the amount is grossly insufficient. If Mr Berry does not accept my word, I refer him to a letter in the Canberra Times of 5 February this year, in which Libby Steeper, the convenor of the Mental Health Task Force, wrote about this issue. She said:

\$150,000 was allocated in the ACT Budget for just such a service. The Minister for Health, Mr Gary Humphries, has rightly said that it is insufficient to provide a decent service.

With respect, I think that person is in a position to know. I could indicate, Mr Speaker, that it would be possible for us to put some money towards such a service getting under way - for example, as Libby Steeper suggests, planning the extended-hour service or training workers in the skills that they will need. The problem with that is that it is not a proper 24-hour crisis service; it is merely preparation for one. I, for one, would not go down the path of spending money on a service until I was sure that we were able to find the money to provide properly and adequately for the people of Canberra.

This is a sensitive issue. I hope that in future we do not have issues being raised in an insensitive fashion, as we have had in recent days, and that we work together, if that is what Ms Follett believes we should do on social justice issues, towards finding solutions to these difficult long-term problems.

Human Rights Violations in Vietnam

MR COLLAERY (Attorney-General) (9.40): Mr Speaker, I had intended to speak about human rights in Vietnam, until my colleague Mr Duby stood up. At one minute past midnight tonight Amnesty International will be releasing a notable report on human rights abuses and violations in Vietnam. I have a copy of that embargoed report, which I propose to make available to the Assembly library tomorrow.

I think that this subject is of direct relevance to the Territory. We have a Vietnamese community which is still overcoming the traumas of the events in Vietnam in the last 30 years, and those people are still attempting family reunification and the like. I draw members' attention to an editorial in the Australian two days ago which contained an extraordinary attack on the immigration policies, procedures and approach of the Federal Minister for Immigration, Senator Ray.

I conclude by suggesting to members that they find a few minutes to look at this report tomorrow in the Assembly library. They will realise that the struggle for the achievement of human rights is not finished. It is very much alive in our region, and it touches our citizens - Canberra residents - and we should be involved in it. I believe that it is right and proper in this Assembly for us also, particularly during a caretaker period of government, to be conscious of these wider concerns and to spread the news and the knowledge that we need to support our citizens in their family interests.

Question resolved in the affirmative.

Assembly adjourned at 9.43 pm