



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

22 November 1990

**Thursday, 22 November 1990**

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

**COMMUNITY DEVELOPMENT FUND (REPEAL) BILL 1990**

**MR KAINE** (Chief Minister and Treasurer) (10.30): Mr Speaker, I present the Community Development Fund (Repeal) Bill 1990. I move:

That this Bill be agreed to in principle.

The Community Development Fund was established in late 1981 by the Commonwealth Government. The sources of revenue for the fund are levies on gaming revenues, including Lotto, Tattslotto, New South Wales and Victorian lotteries, Soccer Pools and gaming machine taxation. The purpose, method and manner by which payments can be made from the fund are set out in the Community Development Fund Act of 1981.

The fund was established at a time when there was no self-governing body in the ACT. It provided a mechanism whereby a proportion of funding for community groups was isolated from the Commonwealth's annual appropriation based budget process and retained in the local community. The arrangements also provided the community with the opportunity to participate in the process of determining the funding of community programs through advisory committees.

With the advent of self-government and the passing of financial control to the ACT, the Government can retain the best features of the current arrangements while recognising that there is no longer a reason for the fund to exist.

The Government is proposing new financial arrangements, while ensuring that community groups currently funded through the CDF will continue to receive assistance. That assistance will come in future from the Consolidated Revenue Fund. The Government has given a commitment that funding allocated to recurrent programs during 1989-90 will be maintained in real terms in 1990-91 and 1991-92. The major advantage of the new arrangements will be the freeing up of CDF-type revenue for distribution for a wider range of community purposes than is possible under current arrangements. The Government has agreed to additional recurrent expenditure of \$1.9m and additional capital expenditure of \$0.9m to community groups in 1990-91.

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The Government has further proposed that, in determining funding priorities and formulating budgets, Ministers will continue to liaise with advisory groups. The revised arrangements will bring the funding of community organisations into line with those of other ACT expenditure programs. It will also enable the Legislative Assembly to decide on community funding priorities through the direct approval of annual appropriations.

Mr Speaker, in order to give legal effect to the decision, it has been necessary to introduce legislation. In addition to this Bill, I will present to the Assembly today the Pool Betting (Amendment) Bill of 1990 and the Gaming Machine (Amendment) Bill (No. 2) of 1990. Together, the Bills are designed to close the CDF and to amend existing legislation to allow gambling levy revenues to be paid to the Consolidated Revenue Fund from 1 January 1991.

I turn briefly to the operation of this Bill. Mr Speaker, the Community Development Fund (Repeal) Bill of 1990 will, from 1 January 1991, repeal the sections of the principal Act dealing with the purpose, method and manner in which funds are advanced from the fund. The Bill, however, also includes transitional provisions. The provisions contained in subclauses 4(1) and 4(2) of the Bill provide that CDF funds which have been committed prior to 31 December 1990 but which remain unspent are transferred to the Consolidated Revenue Fund and that the entitlement of community groups to these funds is preserved.

Funds allocated to community groups from 1 January 1991 have been provided for in the 1990-91 Appropriation Act. Subclause 4(3) preserves the Minister's powers and the provisions in the principal Act which ensure that conditions applying to grants previously advanced from the CDF are met.

In summary, the change in the arrangements for funding community programs will not disadvantage community groups. Entitlements to CDF funds committed for programs before 31 December 1990 are protected by transitional provisions contained within this Bill. The Government has already given a commitment to maintain 1991-92 recurrent expenditure at the 1989-90 levels in real terms. Further, there will still be opportunity for community input to the grant allocation process. Mr Speaker, I now table the explanatory memorandum to all three of the Bills.

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

### **POOL BETTING (AMENDMENT) BILL 1990**

**MR KAINE** (Chief Minister and Treasurer) (10.35): Mr Speaker, I present the Pool Betting (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

This Bill is part of a package of three Bills to be presented to the Assembly today, which together are designed to give legislative effect to the Government's decision to abolish the Community Development Fund as at 1 January 1991. The Bill contains consequential amendments to the Pool Betting Act of 1964, which result from the closure of the Community Development Fund.

Clause 4 of the Bill amends section 13D of the principal Act to allow revenue arising from the levy on interstate pool betting competitions, previously remitted to the CDF, to be paid into the Consolidated Revenue Fund.

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

### **GAMING MACHINE (AMENDMENT) BILL (NO. 2) 1990**

**MR KAINE** (Chief Minister and Treasurer) (10.37): Mr Speaker, I present the Gaming Machine (Amendment) Bill (No. 2) 1990. I move:

That this Bill be agreed to in principle.

This Bill is part of a package of three Bills which together are designed to give legislative effect to the Government's decision to abolish the Community Development Fund as at 1 January 1991.

This Bill contains consequential amendments to the Gaming Machine Act of 1987, which result from the closure of the Community Development Fund. Clause 4 of the Bill amends section 58 of the principal Act. It allows revenue derived from the levy on the gross revenue of gaming machines operating in the ACT, previously remitted by the Gaming and Liquor Authority to the Community Development Fund, to be paid to the Consolidated Revenue Fund.

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

### **FINANCIAL INSTITUTIONS DUTY (AMENDMENT) BILL 1990**

**MR DUBY** (Minister for Finance and Urban Services) (10.38): Mr Speaker, I present the Financial Institutions Duty (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

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This Bill amends the Financial Institutions Duty Act 1987. The Financial Institutions Duty Act provides for the imposition of duty on financial institutions in the Australian Capital Territory. The Act is being amended to remove anomalies, improve operational efficiency and address avenues of potential tax avoidance. The avoidance measures being introduced will complement the higher level of financial institutions duty that will be imposed following the abolition of the Commonwealth debits tax.

This increase of 0.02 per cent in financial institutions duty to a level of 0.08 per cent is a consequence of the decision of the Commonwealth Government to abolish the Commonwealth debits tax, or BAD tax, as it is usually called, and reduce financial assistance grants to the States and Territories in proportion to estimated receipts from the tax. States and Territories are expected to take up the additional revenue capacity available to them after the Commonwealth vacates this field of taxation.

At this stage I understand that all other States and the Northern Territory are intending to introduce debits tax legislation to fill the gap. However, for the sake of simplicity, and after consultation with important industry groups and financial institutions of the ACT, the ACT has decided to increase financial institutions duty as an alternative to introducing a Territory debits tax. I announced the Government's intention to follow this course on 25 October of this year, and I am pleased to report that responses to the ACT's choice of alternatives has been very favourable.

To return to the Bill, there are three important amendments which require special comment. As residents of the ACT are aware, there are a significant number of Commonwealth, State and Territory departments and organisations operating in the ACT. Existing financial institutions duty legislation does not specifically bind the Crown or adequately limit exemptions to government departments and authorities engaged in commercial activity, in some instances in competition with ACT taxpayers.

The amending Bill binds the Crown, insofar as it can be bound by ACT laws, repeals existing Crown exemption provisions and replaces these with an exemption limited to departments and authorities that are solely funded from appropriations of the consolidated revenue funds of the ACT, Commonwealth, State or Territory. This will allow the imposition of duty on government organisations that operate on a commercial or semicommercial basis, other than Commonwealth departments and authorities established under Commonwealth legislation, providing them with exemption from State and Territory taxes. The amendments provide for a three-month transition period, to 28 February 1991, to allow government organisations to reapply for exemption, where appropriate.

Secondly, the amendments will tighten the exemption currently granted in relation to the transfer of money interstate to another FID jurisdiction. The exemption will now provide an exemption only where a person transfers money interstate through his or her financial institution when paid for by a personal cheque drawn on, or by debit of, that person's bank account with that financial institution. This will bring the ACT into line with New South Wales, South Australia and Tasmania.

Thirdly, the Bill will provide for the exemption of new accounts established as a consequence of the merger or reconstruction of financial institutions, where duty has already been paid on deposits transferred to the new accounts. This is particularly relevant, considering the number of mergers of financial institutions each year.

In addition, the Bill will provide clarification on the dutiability of rolled-over term deposits and commercial bills, limiting duty to interest earned on the term deposit or to the difference between the discounted amount and the face value of the bill. The amendments also provide for the exemption by regulation of specified accounts or classes of accounts, previously available only to specified persons and organisations. Exemption is also extended to all pensions, benefits and allowances payable under the Social Security Act 1947.

In conclusion, Mr Speaker, the proposed amendments will clarify the exemption provisions for the ACT and enhance revenue raising and collection measures. Such measures will complement the proposed increase in the rate of duty. I now present the explanatory memorandum for the Bill.

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

### **MOTOR TRAFFIC (AMENDMENT) BILL (NO. 8) 1990**

**MR DUBY** (Minister for Finance and Urban Services) (10.44): Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 8) of 1990. I move:

That this Bill be agreed to in principle.

The ACT Motor Traffic Act was introduced in 1936 and relates to the control of motor vehicles and the regulation of motor traffic. As a result of the concerns regarding fatalities involving heavy vehicles, the Federal Government, in its 10-point package of road safety initiatives, included measures aimed at reducing the number of fatal accidents involving semitrailers and coaches. These included stricter alcohol limits, a national licensing scheme for heavy vehicle drivers and the introduction of speed limiting devices.

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As part of this package, which was agreed to in principle by the Government, a new Australian Design Rule, known as ADR 65, will come into effect in Australia on 1 January 1991. The intent of the ADR is to limit the road speed of heavy vehicles by enforcing the fitment of devices, if necessary, to ensure that vehicles are incapable of exceeding 100 kilometres an hour. The ADR will apply to heavy vehicles, including trucks and buses, manufactured on or after 1 January 1991. Another measure in the package, Mr Speaker, relates to the fitting of speed limiting devices to vehicles which are already in service to ensure that they also are incapable of exceeding 100 kilometres per hour.

The Bill provides that certain heavy vehicles which were manufactured on or after 1 January 1988 will be required to have devices fitted to them to limit the maximum speed of the vehicle. The requirement does not apply to all vehicles manufactured on or after 1 January 1988. Vehicles which are unable to exceed 100 kilometres per hour will not be required to have devices fitted. The engine performance and gear ratios of some vehicles render fitment unnecessary.

Further, the Bill initially relates only to heavy goods vehicles over 20 tonnes gross vehicle mass and buses over 14.5 tonnes gross vehicle mass manufactured on or after 1 January 1988, although this will be extended to include heavy vehicles over 15 tonnes gross vehicle mass from 1 January 1992.

The Bill provides for a phase-in period, Mr Speaker. Owners of vehicles which fall within the requirements of the Bill will be required to comply with the Bill at the time of the next registration of the vehicle. This means that, depending on the date of manufacture of a vehicle and its date of next registration, owners could have up to two years in which to meet the requirements.

Provisions already exist within the Motor Traffic Act to exempt from compliance, by ministerial determination by notification in the *Gazette*, certain vehicles or classes of vehicle. It is proposed that, as in New South Wales, all vehicles which are being used wholly within a radius of 80 kilometres from a depot at which the vehicle is usually stationed will be exempted. It also ensures that our ACT operators are not disadvantaged against operators from New South Wales, particularly those living in the shadow of the ACT, such as Queanbeyan and Yass.

All States have agreed to the introduction of this measure with a commencement date of 1 January 1991. ACT Government vehicles will be required, through administrative arrangements, to comply with the provisions of the Bill in the same way as private operators of heavy vehicles.



This Bill is part of the Government's ongoing commitment to improve road safety and reduce the road toll in the ACT. It complements such measures as increased penalties for traffic infringements, increased enforcement of seat belt and child restraints, graduated licences for novice drivers and continuing road safety education programs in schools.

We in the ACT are fortunate that we do not have long stretches of highways and our heavy vehicle toll is small. However, I am confident that, with the introduction of this measure throughout Australia, the horrific consequences of heavy vehicle crashes will be reduced. I now present the explanatory memorandum for this Bill.

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

### **APPROPRIATION BILL 1990-91**

**[COGNATE PAPER:**

#### **PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE - REPORT ON NEW CAPITAL WORKS PROGRAM 1990-91] Detail Stage**

Debate resumed from 21 November 1990.

**MR SPEAKER:** I remind members that this is a cognate debate, and in debating executive business order of the day No. 1 they may also address their remarks to Assembly business order of the day No. 1.

#### **Schedule - Part II**

#### **Department of Justice and Community Services**

Proposed expenditure - Division 140 - Housing, \$28,079,500

**MRS GRASSBY (10.49):** Mr Speaker, when this was being discussed by the Estimates Committee one of the points that were made was that quite a lot of the money of the Housing Trust was going towards the Melba Flats demolition. This was part of the Labor Party policy when we were in government. It was a very large decision to make and is being carried on by this Government.

At the time I thought it was, and I still think it is, a very good decision. There were many problems with the Melba Flats and, although I, as Minister, looked at many, many ways of trying to resolve those problems without going to the most dramatic of all and demolishing the whole complex, there seemed to be no other way.

But, Mr Speaker, this demolition seems to be taking a tremendously long time. We did not seem to get from the Minister the exact time when there would be some housing or some people would be moving back into that area. We now

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find that the businesses in that area are suffering tremendously. Unfortunately, small grocery businesses, takeaways and chemist shops rely on large housing areas, such as the Melba Flats, although there were 100 flats empty at any time there. As I am being told from time to time by phone calls, the business section in that area is slowly going bankrupt.

I ask the Minister here today: can any date be given for when people will be moving back into that area? I sympathise with the fact that it is a large job that is to be done, but we need a time. We still seem not to have moved quite a few people out of this area to go ahead with it.

The other thing about which I would like to speak later is some of the money from the CHA, but I will allow other speakers, at the moment, to speak on other things.

**MR MOORE** (10.52): I will make some comments on the shared ownership proposal as it fits into this part of the Appropriation Bill. I think the most significant comment is that the proposal fails to meet its first stated objective; but, most importantly, the scheme is adversely targeted at those better-off tenants rather than those who could genuinely benefit from a shared ownership scheme.

In other words, full home purchase assistance should be extended as far as possible down the income scale by using indexed mortgages for the Commissioner for Housing loan scheme, and those eligible for such unsubsidised assistance should be excluded from the shared ownership scheme. Encouraging the slightly better-off tenants out of public rental housing just because the waiting list is long is, in the longer term, a false economy because those paying more than the cost of recovery rental are helping to subsidise those on rental rebates.

Given the high rate of admittance of those on pensions and benefits into public rental housing - I believe we can expect an even greater admittance over the next little while, considering the state of the economy in Federal terms - there is a desperate need to retain those who can afford to pay full market rents to maintain the longer-term viability of public rental housing. The longer-term consequences of this scheme will be the need to inject larger sums of ACT funds into public rental housing to maintain its viability.

I think there are questions to be raised about the scheme which is still open for discussion. I thought it would be appropriate to raise those issues in this context. I am aware, thanks to the approach of the Minister, that we will have further opportunities to discuss this in more detail because the decision is not yet final, but I thought it was worth raising at this point.

**MR COLLAERY** (Minister for Housing and Community Services) (10.55): Mr Speaker, I welcome the comments today. I share Mrs Grassby's concerns for the shopkeepers at Melba. I inform the house that the advice that is available to me today is that the demolition will be fully completed, hopefully, by 31 December. That, apparently, is the contracted date. But there is a three-year regrowth program, and I do not believe that there is any point in gilding the lily. That will be a difficult time for the shopkeepers at Melba.

The three-year regrowth program is essentially a program of which Mrs Grassby is largely aware. It includes the possible joint venture with the Uniting Church, at the western end of the development, for a rather large development of up to 50 aged persons units. There is a proposal at this stage for the release of land into the private market, and consideration is being given to a variety of developments in the area.

I believe that when the whole site is cleared and the extent of preservation of the very expensive hydraulic and other headworks is reassessed there can be a better basis for some further community consultation on the use of that very important and very valuable site.

Mr Moore's comments, if I take them properly, are meant to be upon the discussion paper that the Housing Trust released recently, on my authority, about the proposed progressive purchase scheme. The concerns raised by Mr Moore are part of the issues that the Government will need to weigh up before it decides to enter any such scheme to do with public housing.

Balanced against the views that are advanced that, since the majority of our tenants are rebated tenants, we need to keep as many full rent paying tenants as possible, simply to cross-subsidise them, is the very strong pressure on me as Minister from people who wish to acquire their homes. Since we released that discussion paper we have received a very large number of letters and approaches from longstanding tenants and shorter standing tenants of more than five years - that is the suggested threshold figure - who are very keen to acquire their homes.

As members are aware, and as I am sure Mrs Grassby knows, we have more than 750 homes in Kambah, for example. The reduction of stock in that suburb by 50 per cent would not mean that the social character of the suburb would alter. A quick survey of those homes indicates that they have been quite progressively improved by the tenants, with carports and other landscaping improvements. There may be some equity at this stage in returning the chance to them to get in on the ground with at least a progressive purchase scheme.

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There are some very good humanitarian arguments to allow those people to access home ownership; but, equally, as Mr Moore observes, if we cannot cross-subsidise the rebated tenants from some other area of rental income, we may have capital injection demands on the trust to keep the waiting list down. It is a very vexed issue, and I am sure that members of the Assembly will assist the Government when it finally comes to some decision on how we go about this issue. Again, there is other pressure in the community for us to review and upgrade large-scale public housing, such as we have taken on in large measure at Melba. That is another prospect facing the Government.

In future, all aged persons units and other unit-type structures that the trust builds or acquires will be strata titled or unit titled, for ease of dealing for the trust when it wants to leave an area because it no longer suits the circumstances - say, of those aged tenants, because of traffic or because other circumstances have changed. A new approach is being developed by the trust, and I am encouraged by comments across the floor that suggest that there will be a useful contribution and hopefully a maintenance of a level of bipartisan support on this issue.

Mr Speaker, I am sorry, but I advised the house that the demolition at Melba would be completed at the end of the year. It will be completed by the end of the current financial year, but all tenants will be out by 31 December. To summarise, the place will be tenantless from 31 December, and demolition to complete stage 3 will be finished by the end of the financial year.

**MRS GRASSBY (11.00):** I rise again on another subject which is similar to what Mr Moore spoke about. In November 1990 Mr Collaery put out the report on ownership and share equity, but the Opposition is worried whether he has taken into account the following example. Somebody may have lived in a house in Yarralumla for many, many years and may now be paying 85 per cent of the market rent. If that person decides that he or she really does not want to move and have a house at the coast, and decides to buy a 10 or 20 per cent share in this house, so that it no longer becomes available to the Housing Trust, will that then be counted as part of the Housing Trust stock?

Therefore, will you then be saying to the Commonwealth housing loan trust, the CHA, "We own a 70 per cent or 80 per cent share of that house", whereas the tenant will be paying for most of the upkeep of it? Will this be counted? Will this take up the money of the Housing Trust? If so, I think this is rather serious, and we should be looking at it at this stage.

I agree with Mr Moore: I think it is geared to the people who can afford it. I think the Housing Trust should not be gearing itself to selling shares or allowing people to buy Housing Trust houses when they can afford to borrow from a private bank or building society. Will the Housing Trust have a section which can counsel people about this?

Every day of the week I have phone calls from people who have virtually paid off their houses three times to banks, with high interest, but who are now being kicked out of the houses because they cannot meet the payments. They ring me and ask whether I can get them a house from the Housing Trust because they have nowhere to live. People need to be counselled; they honestly think they can afford a house; they get themselves into trouble and then cannot afford it. Should the Housing Trust really be getting into this field in which this could be happening? If so, will it provide a section for counselling? Will this come from some of the Housing Trust's budget?

I understand that the housing lists are getting longer. We sat in a very proud position, when I was Minister, of having the shortest housing lists in Australia. I understand they are now like the hospital lists - getting longer. If that is the case, Minister, I do not think we should be selling off housing stock; we should be hanging on to it. Maybe we should be considering building houses, doing a deal with a private financial area. This not only would create employment for people in Canberra and look after the building industry but also would not be decreasing the stock of houses that we already have.

**MR MOORE** (11.03): Mr Speaker, I would like to clarify a point on the issue that I raised before. I have no difficulty, under certain circumstances, with people in public housing being able to buy their homes; but there are other issues, to which I think Mr Collaery and I, by and large, at this stage anyway, appear to have a bipartisan approach.

**Mr Berry:** That must be a worry.

**MR MOORE:** It is a worry, is it not? The question is about how they are financed and the ramifications of the financing. There are also further ramifications in terms of retaining public housing in each of the areas of Canberra, particularly the older areas where, I believe, we should retain at least the proportion of public housing that we have.

**MR COLLAERY** (Minister for Housing and Community Services) (11.05): I think Mrs Grassby is really pumping hard to get a political point out of this debate. The Housing Trust waiting list, as Mrs Grassby well knows, has variables to it, which have nothing to do with who is in power. As Mrs Grassby well knows, this Government has done nothing to directly or indirectly reduce access to housing stock.

The whole proposal, which is all it is - a progressive purchase scheme - is to increase the affordability and accessibility of housing, which is part of the Labor Party's plank. Mrs Grassby has to work hard to reconcile that with her statements that are suggestive of the fact that somehow our policy has some ideological bent to favour - - -

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**Mr Berry:** Yes.

**MR COLLAERY:** Mr Berry says, "Yes". He always has to find some ideologies somewhere; Vladimir has to, Mr Speaker. There is no ideology in this, I assure the house. This is a very careful and long awaited proposal, as Mr Moore recognises, at this stage, which is open to comment, in this chamber as well, to give low income earners particularly access to more affordable housing.

The Housing Trust is attempting to develop access to affordable schemes for people who are stuck on high mortgages at the moment. There have been discussions with leading banks and finance houses in recent times to see whether such a scheme cannot extend to the Housing Trust being involved in encouraging a joint approach, not only for public housing tenants but also for the private market. I am happy to give details of that in a briefing to members, if they like.

Mr Speaker, the suggestions from Mrs Grassby, that the Housing Trust is somehow departing from recognising the need to provide public housing to those who are genuinely in need of supported housing, fail to recognise the fact that when this Government commissioned a review of public housing rents by a very well-known, respected and recognised valuer partnership in this town - Wilkinson Swinbourne Underwood Valuers - it found that many of our rents were close to market rents because of the drops in the market and fluctuations in suburbs.

Mrs Grassby gave an example of a person at Yarralumla paying 85 per cent of market rent. It would not be surprising if that is not close to the market rent now. The other concerns that Mrs Grassby has about the progressive scheme being milked by people who may have second houses somewhere else are known to the Housing Trust people who are developing this policy and will be addressed when and if the Government proceeds with the proposal.

Proposed expenditure agreed to.

Proposed expenditure - Division 150 - Community Services, \$48,447,500

**MR BERRY** (11.09): I must apologise to Mr Collaery in relation to his having taken an interjection on the issue of ideology. I did not intend that to apply to the Residents Rally party. We know that that party is opportunity driven, not driven by ideology.

**Mr Kaine:** Another cheap shot, Wayne. Why do you not get on with the debate?

**MR BERRY:** But it worked.

**MR SPEAKER:** Order! Please get on with it, Mr Berry.

**MR BERRY:** The issue of the provision of community services in the Territory, Mr Speaker, is a very serious one. Some of the matters which emerged from interrogation during the Estimates Committee sittings gave rise to further concern. One of the issues on which I was able to focus was that of performance indicators. I know that the Minister responsible is sensitive about this issue, but the performance indicators in relation to offenders dealt with in the community services program included the measurement of the rate of recidivism. During the course of interrogation it was discovered, rather surprisingly, that the Minister and his department could not measure it. I suppose that raises a question about the effectiveness of management in that area. There is no indication from the Minister that something is to be done about it. So that is an area of concern.

A lot of community money is being poured into the provision of community services. I suggest that the management of those services is not being carried out effectively, if those sorts of measurements cannot be made. I have to say, Mr Speaker, that the response from the bureaucrats in the course of the interrogation indicated that the best that the Minister and his department could come up with in terms of programs to measure that recidivism was that they were looking at options. Nevertheless, they had the gall to put in the budget papers that the rate and severity of recidivism of offenders was a key performance indicator. That is one issue which I think would cause some concern in the community about the management effectiveness of this Minister's department.

**Mr Collaery:** What a cheap shot.

**Mr Kaine:** You are a cheapskate, Wayne.

**Mr Collaery:** Why attack the public servants?

**MR SPEAKER:** Order!

**MR BERRY:** Thank you, Mr Speaker, for your protection.

**MR SPEAKER:** Mr Berry, please, you are over the top. You do this all the time yourself. Please proceed.

**MR BERRY:** I just thank you for your protection, Mr Speaker. The other side never thanks you for your protection.

**MR SPEAKER:** Thank you. Please proceed.

**MR BERRY:** They just expect it.

**Mr Kaine:** He does not give us any; that is the trouble.

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**MR BERRY:** Now that the Chief Minister has given you his undying support, as he did in question time, Mr Speaker, I am sure that you will give them the protection that they need.

This issue of recidivism is an important one and its measurement is important. I know the Minister is a little upset that this was exposed during the course of the hearings, but it really needs to be addressed. I think the Minister by now has taken on that issue.

As this is a cognate debate, in relation to the capital works program there was some discussion of the provision of the parliamentary zone child-care facility. That has been a longstanding matter, and the Labor Party and I are very happy that it will now go ahead because the provision of those services is important.

One area of concern was the provision of the community service building in the Tuggeranong Valley. That project has been long awaiting commencement. It is pleasing that construction will now go ahead, although it is rather disappointing that the Government was not able to spend the funds that were put aside in the Follett budget to deal with that matter. But the position has been the same in respect of many other projects which the Government stopped shortly after it came into office.

I include amongst those the provision of services for psychiatrically ill remandees at the Belconnen Remand Centre. The expenditure of funds to provide those facilities, for which there is an undoubted need, was blocked by this Government for political purposes. The delay has some impact on members of the community who might require those services, the need for which has been demonstrated by some tragic events in the community in recent times. I have said before in this place that it seems that on occasions it requires a tragedy to jolt this Government and, in particular, this Minister into action.

One other area of concern was the decision by the Government to close down the activities centre at the Belconnen Remand Centre and an admission that there were no real rehabilitation or vocational programs within our correction system at the Belconnen Remand Centre. I say again, Mr Speaker, that the best that the Minister or his department could come up with was that they were looking at options. It strikes me as rather odd that they would close down a vocational program and then decide to look at options. It seems to me that it is an admission of failure which is being covered up by the Minister and his department. I think that issue will require further investigation, and we will get it, because of the ill effects that it has on people who are remanded in our corrections system.



There has been some criticism about the Minister's handling of the arrangements with the New South Wales Government, which is under siege because of its handling of prisons. It is a Liberal government which is under siege, and rightly so, because the Minister has completely mishandled the prisons in New South Wales. But his partner in this issue is Mr Collaery, who has been very quiet on that issue and who has allowed those inhumane activities to go without strong public criticism. I think it is a requirement in this environment that the Minister strongly criticise the New South Wales Government, irrespective of his links with the Liberal Party.

**Mr Stefaniak:** Rubbish!

**MR BERRY:** I heard Mr Stefaniak say, "Rubbish!". He has long been a supporter of inhumane practices. I suspect that he supports what has been going on in the New South Wales system.

**Mr Humphries:** On a point of order, Mr Speaker: I think the reference to Mr Stefaniak's support of inhumane practices cannot be borne out by any evidence, and I think Mr Berry should withdraw it.

**MR BERRY:** I withdraw that.

**MR SPEAKER:** You withdraw that. Thank you, Mr Berry.

**MR BERRY:** I withdraw that. Mr Stefaniak seems to support, by his interjections, the inhumane practices which are going on in the New South Wales gaols.

**MR SPEAKER:** Order! That is a qualified withdrawal. Please withdraw the statement.

**MR BERRY:** I withdraw that. Mr Stefaniak supports the Liberal Minister's handling of the New South Wales gaols.

**Mr Stefaniak:** I do not know that I necessarily said anything about that one.

**MR BERRY:** Get up and say that you do not. That would make a good press release, too. I would prefer it if you got up and said that you do not support it.

**MR SPEAKER:** Mr Berry, please!

**MR BERRY:** I will finish on that note, Mr Speaker, but I may well respond further, later.

**MR SPEAKER:** Order! Members, just before we proceed, on behalf of all members, I would like to welcome to our chamber members of the Woden TAFE English as a second language course.

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**MR JENSEN** (11.18): Mr Speaker, I rise to comment briefly on a couple of statements made by Mr Berry in relation to this matter. During his comments about performance indicators in relation to recidivism in the ACT, I took the opportunity to look at last year's budget paper No. 5 in relation to the particular area. I found that after some months in government the previous Government - now the Opposition, where it deserves to stay for some time - had no performance indicators on this matter. I refer to page 287 of *Program Information and Estimates 1989-90* which is budget paper No. 5. Under "Key Performance Indicators" it states:

All areas within the program are in the process of preparing statements describing functions, defining objectives and listing indicators against which performance is to be assessed. These statements will be finalised this financial year.

Quite clearly, Mr Speaker, once the role of the Minister in that area was taken over by my colleague Mr Collaery, the department got on with the job. If one refers to pages 224 and 225 of budget paper No. 5 for this financial year, *Program Information and Estimates 1990-91*, one will see that a list of key performance indicators has been developed. I suggest that it is rather inappropriate for Mr Berry to seek to score cheap political points on this matter when once again there is a clear indication that, on the part of the Government, that matter is well in hand. I suggest that there will be further development of those key performance indicators, as one would expect, as time goes on.

**Mr Berry:** I got them all going.

**MR STEFANIAK** (11.20): Yes, you have, Mr Berry. I reiterate and support the comments made by my colleague Mr Jensen. Mr Berry could have properly spoken about a lot of areas, but he again went for the cheap political shots at Mr Collaery, about the New South Wales gaols.

New South Wales gaols have always been a problem, Mr Berry. I think one of your previous colleagues, a Labor Minister there, Rex Jackson, found out all about it because he ended up in one. There were problems there in the 1970s under Neville Wran and Askin, and it goes back to the time of the Rum Corps, Mr Berry. It is ridiculous to say that I support inhumane practices. I do not support inhumane practices anywhere, Mr Berry. Gaols are not meant to be holiday camps, but if there is anything inhumane going on in a gaol I certainly would not support it. I took a bit of offence at that, too.

**Mr Connolly:** What are your views on Mr Yabsley, Bill?

**Mr Berry:** Tell us your views on Mr Yabsley and how he is handling it.

**MR STEFANIAK:** Why should I say anything about Mr Yabsley? He is a very nice fellow. I have met him several times.

**MR COLLAERY** (Minister for Housing and Community Services) (11.22): Mr Speaker, I do not think there was anything in Mr Berry's speech that deserves any comment, other than that. I issue a challenge to Mr Berry to look you clearly in the face, Mr Speaker, and spell the word "recidivism" without glancing at his brief.

**MR SPEAKER:** Mr Berry?

**MR BERRY** (11.22): At least I can say it.

**Mr Kaine:** He obviously cannot spell it. He did not accept the challenge.

**MR BERRY:** No, but others opposite cannot even say it. I rise briefly to touch on another couple of areas, one of which was raised by Mr Jensen who rose to defend his colleague Mr Collaery. I think Mr Jensen missed the point in relation to the measurement of recidivism. The point was that the department put in a key performance indicator which could not be measured. It admitted that, and I think that really pointed up the usefulness of the Estimates Committee process because we were able to discover that everything was not well.

I also recall with some horror that there was some comment within the budget papers that a stated objective in relation to community programs, including programs of community agencies, youth and corrective services, was equitable, accessible and affordable corrective services. Does this guarantee access to the poor or the rich? It seemed to me a strange set of words to describe corrective services. Nevertheless, it is still an area of concern, because it demonstrated that there are some difficulties with the management of that program. I am sure that as a result of the constructive criticism about it there will be change.

Mr Speaker, there are problems at the Belconnen Remand Centre. There have always been, in recent memory, difficulties with the centre and the services that are being provided there. The Follett Labor Government moved to provide services, but this Government blocked it shortly after it came into office, until it was discovered that it had done the wrong thing, and now it has moved to do something about the provision of services in that centre. But more needs to be done, and the management of that program needs to be closely looked at in order that we can be assured that the community's money is being properly spent in a way which will benefit the community.

**MR JENSEN** (11.25): Mr Speaker, I rise to take up once again a couple of issues in relation to this matter, which have been raised by Mr Berry. I have taken the liberty of looking at pages 828 and 829 of the Estimates Committee

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transcripts. Now that Mr Berry has brought it up, I think it is probably appropriate that we look at some of the matters that were raised there.

Following a question from Mr Berry, Mr Chivers indicated:

Well, I think what was being said before was it is notoriously difficult to develop reasonable measures of recidivism, it is something that is - typically that has plagued the Institute of Criminology for many years. But the way we are tackling this is for every new corrections program we are setting up measures, a process of looking at the outcomes of involvement in those programs.

For example, in the attendance centre program, we will be looking at the rate of re-offending by everyone who comes through that program.

I think that is a factor, Mr Speaker, that Mr Berry has chosen, once again, to overlook in his attempt to make cheap political points. The final point that I wish to make in relation to this is that Mr Chivers did provide an estimation at page 829 of the Estimates Committee transcript where, once again in answer to a question from Mr Berry, he said:

We estimate that about 90 per cent of our CSO offenders -

"CSO" means community service orders -

do not come back before us within 12 months of completing their order.

I asked "That is an estimate?", and Mr Chivers said, "That is an estimate". He then went on to say:

That is the best estimate we can make. If they offend in other States -

I repeat, if they offend in other States -

we have no record, so it is the best measure we can come up with.

I think that is a very important point, Mr Speaker. Some of the people who are involved in these unfortunate situations move on to other States after they have experienced difficulties in the ACT. Once they get to these other areas, they may go down the rocky road that resulted in their being involved with community service orders in the ACT. It is a difficult area, and I think Mr Berry should seek to recognise the important fact that we are unable to measure effectively, to the nth degree, this aspect of it, because people in that unfortunate situation often leave town and may reoffend in another state and become part of the statistics of the other States.

**MR STEFANIAK** (11.28): Again harking back to Mr Berry's criticism of my colleague Mr Collaery, stating that this Government has not taken any initiatives in this area, I think he does not read the papers, and perhaps he was not listening during the budget debate. The Deputy Chief Minister then indicated a number of reforms in the criminal justice and adult corrections area.

In the context of the budget he stated that the Government had started the process of reform of juvenile justice and adult corrective services in Canberra. He announced then - if Mr Berry had been here and listening he might have taken some note of it, but he obviously did not - that the Government had decided to implement a broad range of changes and undertake a major review of corrections.

One of the steps was a ministerial advisory committee to be appointed to provide advice on future policy directions in adult corrections and juvenile justice. That committee will advise on the development of a five-year strategic plan for both juvenile justice and adult corrections in the ACT. Funds were set aside for that committee to commission reviews on major aspects of its charter. It will advise on strategies to further reduce reliance on New South Wales institutions, strategies for greater community involvement in the delivery of programs, and associated training and evaluation.

There are other measures in the budget, Mr Berry, and they include the construction of a \$1.4m building in Belconnen to house attendance centre programs. Those programs provide courts with a further range of sentencing options. Offenders are required to attend the centre and participate in programs designed to address the causes of offending behaviour.

Improvement in services for detainees with psychiatric disorders was also planned. Mr Berry, \$560,000 will be spent on constructing new cells at the Belconnen Remand Centre. Having visited that centre on a number of occasions, I think that is a long overdue measure. Forensic psychiatric report services for the courts are to be expanded.

The escort of offenders, once they have been sentenced to prison, will be transferred from the AFP to the ACT Government Custodial Office, so that the New South Wales prison officials are provided with briefing and files on prisoners' psychiatric circumstances. That certainly will help those authorities place our prisoners properly. Mr Berry, that also takes away a service from the police, which means that more police can be more actively used in the ACT, rather than transporting people backwards and forwards to New South Wales. It is a most appropriate initiative.

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Also, a survey of ACT prisoners in New South Wales gaols is nearing completion. This Government will be reviewing the 1971 agreement governing the placement of our prisoners in New South Wales. As well as that, Mr Berry, security is being improved at Quamby. Additional money is being provided in this budget to augment existing programs. The community service order and attendance centre programs will be expanded to reflect increasing demand from the courts for these services.

**Mr Berry:** But what about dodgy performance indicators?

**MR STEFANIAK:** What dodgy performances? Funds will be made available for the greater use of drug testing procedures at the Belconnen Remand Centre. There is a large number of initiatives, Mr Berry. It is hardly as if this Government is doing nothing in this area.

**MR CONNOLLY (11.31):** Mr Speaker, the trouble with the Alliance Government's policy on corrections is that one never quite knows what it is from day to day. The Minister may say one thing, but the Executive Deputy with the responsibility keeps bobbing up with other comments. In the last few months we have had endorsement for the 10 o'clock curfew for persons under 16 years of age; we have had plaintive cries that people are being granted bail and that young repeat offenders should be denied access to bail. On the one hand, we have Mr Collaery's statements along policy lines, which we generally support, about looking more at alternatives to imprisonment, more enlightened methods of correction. On the other hand, we have a regular cacophony of press releases from Mr Stefaniak who is rapidly earning a reputation around the town as "Lock 'em up Bill".

It is a rather schizophrenic government policy with, on the one hand, statements from Mr Collaery along the lines of an enlightened corrections policy that the Opposition can but support - the action to follow through when we have problems with Mr Yabsley perhaps is not there as we would like it, but we support the broad thrust of that policy - and, on the other hand, the Executive Deputy, who we can but presume speaks with some authority for the Government on these matters within his portfolio responsibility, continually pushing the line of the Michael Yabsley, redneck, "Lock 'em up and hang 'em high" approach. Mr Speaker, the quandary for the Opposition is: what is the Government's policy and who speaks for the Government on this issue?

**MR HUMPHRIES (Minister for Health, Education and the Arts) (11.33):** Mr Speaker, I was not going to take part in this debate, but some of the statements made by Mr Connolly, in particular, are so outrageous that one has to respond to them.

**Mr Kaine:** He has to get hot under the collar because the Leader of the Opposition is not here, as usual, to make any contribution to this debate.

**MR HUMPHRIES:** Indeed, Chief Minister. I know that Mr Connolly is doing the work for Ms Follett as well. But perhaps soon enough he will be in her shoes, so it will not matter; he can do it on a permanent basis.

Mr Speaker, it is pretty outrageous of those opposite to allege that the Alliance Government's corrective services policy changes from day to day because their record in that area is not particularly good. I might ask people to cast their minds back to last year, during the election campaign, when the Liberal Party announced that it was going to explore the idea of a prison for the ACT. At that time, the spokesperson for the Labor Party, who is not in this house at this time, came forward condemning the idea of a prison in the ACT. Apparently some time after that this person was told, in no uncertain terms, that the idea was not to be condemned in that fashion because there was some merit to the proposal. That person promptly went back to the media in the ACT during the campaign and said - - -

**Ms Follett:** Who was this? Are you going to tell us?

**MR HUMPHRIES:** This was a person called Julia Ford, in case you have forgotten, Ms Follett. She was a member of your team during the election campaign.

**Ms Follett:** Di Ford?

**MR HUMPHRIES:** It was Di Ford; I beg your pardon. Having originally said that she and her party would have no truck with the prison, she then announced, in the course of the campaign, that the Labor Party would consider the idea.

Clearly, the Labor Party had been sat upon by a few people involved in the administration of justice in the Territory and told that this idea is not one that needs to be dismissed out of hand, that it needs to be seriously considered. That was the position of the ALP.

**Mr Kaine:** If she had said that they were going to set up a gulag she would have been totally supported.

**MR HUMPHRIES:** Indeed, yes. A gulag would have been a great idea! The ALP in this town is well dominated by people who share the conviction that that kind of thing works, but that is for another debate.

The record in government, however, changed again. Once in government the ALP said that it was not going to consider a prison for the ACT at any point in the future, notwithstanding its promise during the election campaign. So, obviously, one flips and flops all over the place in the course of formulating ALP strategy or policy on corrective services, and no doubt that will continue again.

**Mr Berry:** What does this have to do with the budget?

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**MR HUMPHRIES:** It has as much to do with it as what you were saying, Mr Berry. I suggest that you sit down and listen to it.

Mr Speaker, this is a government of ideas and initiatives in the area of corrective services. We acknowledge that these issues are complex and deserve to be considered seriously from that point of view. We are conscious, in particular, of rising concerns on the part of the community about problems of law and order, problems of people not being able to walk in security along streets in Canberra or live in their homes in some security. We, as a community, need to be aware of that, and, as a government, we need to respond to that.

This Government's initiatives in the area of corrective services will continue to be developed through consultation with the wider community, in concert with views formed and presented by backbenchers of this Government. I think that, out of that synthesis of views, we will see developed over time a very effective corrective services policy.

**MR MOORE (11.37):** The irony of this debate, Mr Speaker, is that this Government is very interested in dealing with people after they offend and in ensuring that that is the approach that they take.

Not so long ago in this house the idea of a select committee to look into crime prevention was squashed by this Government. So, of course, it will have to spend more money. If you look at it from a straight economic point of view, even apart from a humanitarian point of view, the approach that it is taking to this whole issue is limited indeed.

Proposed expenditure agreed to.

Proposed expenditure - Division 160 - Agency Planning and Resource Management for the Department of Justice and Community Services, \$1,551,400 - agreed to.

### **Department of Urban Services**

Proposed expenditure - Division 170 - Tourism, \$4,654,000 - agreed to.

Proposed expenditure - Division 180 - Public Transport, \$66,965,900

**MRS GRASSBY (11.39):** Mr Speaker, I rise to make a point that was made in the Estimates Committee. I asked the General Manager of ACTION whether he thought there was enough money in the budget for ACTION to supply extra buses to bus children to government schools and the extra private schools that this Government has added to the list? I got the answer from the General Manager of ACTION, Mr Wadsworth, that it was not enough.



I would like to ask the Minister: are we to see fewer buses on weekends and public holidays or are we to see fewer buses bussing children to schools, or does the Minister not agree with the General Manager of ACTION, Mr Wadsworth? Who is correct - the Minister or the General Manager of ACTION, Mr Wadsworth?

**MR DUBY** (Minister for Finance and Urban Services) (11.40): Mr Speaker, I feel inclined to take this question on notice. I should point out that there is no confusion or disagreement between the General Manager of ACTION and the Government in terms of the provision of school bus services. We are continuing a program of reviewing the expenditure on, and provision of, school bus services, which, I might point out, was initiated by the previous Government in last year's budget. That program has been continued this year. In our view, the amount of money that has been provided for school bus services is adequate. A review of the arrangements which enable children to be provided with school bus services will ensure that all children who require school bus services will be provided with them.

In addition, as part of the school closures program or the school review program - - -

**Mr Humphries:** Reshaping.

**MR DUBY:** As part of the schools reshaping program, we have allocated an additional \$125,000 in this year's budget to cater for any children who may need to be bussed as a result of the schools reshaping program, in addition to the children who would require bussing if those schools had not either closed, amalgamated or been involved with joint administrative arrangements.

Naturally, like many other people, I would like to see the availability of more funds for a whole range of government services. The point that has to be remembered is that only a limited amount of funds is available for a whole range of services, and we have to apply priorities to them.

I am sure that the General Manager of ACTION, like the Director of the Transport and Engineering Division or the Director of ACT Public Works, would like to have an increased budget allocation for his area of expertise. As I said, there is no difference of opinion between ACTION management and the Government.

**MRS GRASSBY** (11.43): Also on the subject of public transport, when we were in government, under Ms Follett as Chief Minister, we at least had a plan on public transport, asking opinions and looking into the fact that Canberra is in a desperate state at the moment with cars being used more than public transport and parking becoming dearer and less available.

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I would like to ask the Minister: in this money that is being spent on public transport - I tried to get an answer in the Estimates Committee hearing, but I did not seem to be able to get it - what is happening in the way of a plan for public transport in Canberra? Is there money for it in this allocation of \$66,965,900 that is to be agreed to by us now? Is there any plan at all?

**MR DUBY** (Minister for Finance and Urban Services) (11.44): Once again, I note that this is hardly a debate but more like a series of questions. It is like a repeat of the Estimate Committee hearing. I am trying to remember precisely the terms of the answers that were given in the Estimates Committee hearing to these questions which Mrs Grassby is well aware were answered fully.

Currently a number of plans relating to a transport strategy within the ACT are in place, and they will be reporting shortly. We currently have a team of consultants who are reviewing traffic arrangements through and around the Civic area so that people who wish to travel from one side of Civic to the other may be able to do so without having to pass through the congested central city area, thus relieving congestion in that place. It relates not only to Civic but also to other town centres.

It really cannot be effective for the Civic area until the remedial works at the corner of Wakefield Avenue and Limestone Avenue have been finalised and the traffic around Civic reverts to its normal flow patterns. The work at that intersection was held up for some considerable time. It would have been finished by now if it had not been for industrial action taken by many of Mrs Grassby's comrades.

In addition to that, at the moment we are conducting a review of traffic flows which apply to ACTION buses and public transport within the ACT, to determine ways in which the quality of service in the provision of ACTION buses and bus transit times can be increased. That review is currently under way and will be completed early in the new year.

Finally, there is the general transport strategy that the Government released earlier this year. It is about transport generally within the ACT. All of these matters, as I said, are addressing the issue, and, in my view, all matters relating to transport are being handled quite responsibly.

I notice that Mrs Grassby does not seem to have any objection to the level of expenditure on this program. I take it that, by her omission, she supports those measures.

Proposed expenditure agreed to.

Proposed expenditure - Division 190 - Transport and Engineering, \$92,355,100

**MRS GRASSBY** (11.47): Although this will be passed in the budget, I would like a point made very clearly now about the fact that most of this area is to be privatised and people are to be sacked. I find the closing down of some of the areas very serious.

**Mr Jensen:** This is a scatter gun approach. Come on, put it on the table, Ellnor.

**MRS GRASSBY:** Mr Jensen is a man of many parts; it is a pity somebody did not assemble them better. The point that I am making is about the engineering area for the repair of buses and government cars, which has been moved from Kingston to Tuggeranong and splintered all around the area, with areas that are to be privatised, Mr Speaker. I object to it, and I want that said.

**MR DUBY** (Minister for Finance and Urban Services) (11.48): I am glad Mrs Grassby wanted to say that, because no-one else seems to know what she is talking about. I can assure Mrs Grassby and this Assembly that there are no plans to privatise the Transport and Engineering Division which has an expenditure of some \$92m. Mrs Grassby has referred to car pool depots being based at the Kingston depot. I assume that is the area that she is talking about. There is no plan to privatise that area. It has moved, or will be moving, from Kingston, as she has said, and is going to the Tuggeranong depot to service the vehicles there.

There are no plans to sack any workers, and I refute entirely that any workers will be sacked. The only area that I can imagine she can possibly be referring to is the proposed sale of the Trade Waste Service. As I said, guarantees have been given in that area that no person who does not want to take a retirement package will lose his or her job. Such a person should be redeployed within the service.

So, again, I refute Mrs Grassby's suggestions. As usual, it is a matter of running something up a flagpole and seeing whether she can get people concerned about it. Nothing could be further from the truth.

Proposed expenditure agreed to.

Proposed expenditure - Division 200 - Urban Fire Services, \$14,054,400 - agreed to.

Proposed expenditure - Division 210 - Government Services, \$210,332,500 - agreed to.

Proposed expenditure - Division 220 - Agency Planning and Resource Management for the Department of Urban Services, \$16,068,700 - agreed to.

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## **Finance Bureau**

Proposed expenditure - Division 230 - Finance, \$6,177,100 - agreed to.

## **Parks and Conservation Bureau**

Proposed expenditure - Division 240 - Environment and Conservation, \$46,084,900

**MR COLLAERY** (Attorney-General) (11.51): I stand simply to put on record the admiration in which I hold the Parks and Conservation Service in this city. I think most members would be aware of the enormous and wide-reaching work that the service does, from the outer regions of rural ACT to the city areas. I think it is an appropriate time for me to put on the record, considering my very strong views on the environment and the greening of Canberra, how committed that service is to the preservation of our hilltop areas, the city and environs, and our rural areas.

**MR JENSEN** (11.52): Mr Speaker, I wish to follow on from what Mr Collaery has said and once again support the comments that he has made in relation to this matter. I think it is also important to acknowledge that many members of the Parks and Conservation Service operate outside normal working hours, particularly on weekends in their dealings with community groups and organisations. I recall at the function that the people of Pialligo had recently there was a large number of those officers there with their families, and I think it was a very important aspect. I think we owe a debt of gratitude for the dedication of the many members of the Parks and Conservation Service in their approach to environmental issues and problems within the ACT.

**MR MOORE** (11.53): Mr Speaker, it is very nice to hear those views expressed, and in many ways I share them. But that does not stop me drawing attention to some of the problems. I think it is appropriate that, at a time like this, we draw attention to some of the associated attitudes and problems.

My attention was drawn to them through the Standing Committee on Conservation, Heritage and Environment, when we looked at the tracking stations at Honeysuckle Creek and Orroral Valley. Those tracking stations, which have great historical significance, were in such a state of disrepair that the committee decided that they could not be used in any of the normal ways that we would consider. It seems to me, though, that there was a problem about the fact that they had been so badly vandalised in the last five years. It also seems to me - I have taken advice on this - that it was not a particularly difficult matter to avoid having them vandalised. Next to the Orroral Valley tracking station is a currently operating high-technology facility which is protected and which is not vandalised.

The Parks and Conservation Service needs to look very carefully at the protection of anything within its areas, as is the case with the Namadgi park, to ensure that vandalism does not occur. I am given to understand, from somebody with great expertise and qualifications in this area, that just stopping vehicle access to such places has been proved throughout the world to be highly successful in stopping vandalism, because apparently the people who are likely to vandalise a place like those tracking stations are not likely to walk in for a kilometre or two kilometres.

There are many other areas of historical significance within the park that still require the same sort of protection. I think it is important that we learn a lesson from this and ensure that such vandalism does not occur again. It is an issue that the Parks and Conservation Service, in particular, should be looking at carefully to assess how it can avoid the same sort of thing happening again.

Except for that one minor point - I make the point that it is, in one sense, minor - which is out of character, it seems to me, with the way in which this service deals with Canberra, I accept and agree with the positive comments of Mr Collaery and Mr Jensen in this area, but I draw attention to the area in which there is room for improvement.

**MRS GRASSBY (11.56):** Mr Speaker, I too rise to commend the Parks and Conservation Service, particularly one group which, when I was a Minister, I found did an excellent job. That is not to say that they all did not, but I felt that one particular group was terribly dedicated to its work. It was the park rangers at Tidbinbilla who made such an effort to make visitors who came to this city feel so welcome and who went out of their way to show them everything in the Tidbinbilla park. They could tell you exactly what trees the koalas were in so that you would not miss them; they could tell you at exactly what time the birds were coming down to be fed and, if you missed out on it, they would make a large effort to try to find what you wanted to look at.

I was very impressed with this group of people when I was a Minister and felt that they were unsung heroes. Because we do not have any heavy industry and there is not a lot of light industry, we need lots of tourists. When I have travelled I have heard people all over Australia comment that the park rangers at Tidbinbilla were the most polite and helpful people they had ever met. So I congratulate these people. But, as with everything else, they are only as good as the person to whom they are responsible, so I commend the head of their department who has done a very good job in parks and conservation and helped to make this city one of the garden cities of Australia. With a bit of luck, we may end up having no fences so that we do not change it any further.

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**MR DUBY** (Minister for Finance and Urban Services) (11.58): Mr Speaker, I would like to welcome the support given by members of the Assembly to the recognition of the good and valuable work that the Parks and Conservation Bureau does throughout the community. It provides and maintains a large range of facilities within the community, which are used by a great number of people.

**Mr Jensen:** And education.

**MR DUBY:** It provides education, not just to schools but across the community as a whole, as to the need to look after our environment. I think that is something that we all support and endorse.

I would like to comment on one thing, though, in relation to the comments made by Mr Moore relating to the Orroral Valley and Honeysuckle Creek tracking stations. I think it should be pointed out that those buildings, whilst they had been badly vandalised, had been that way for many years.

Organisations really are only as good as the funding and control that they receive. The damage to those buildings occurred whilst they were in the control of the Commonwealth Government which, in my view, did not take sufficient interest in those properties. As a result, when they were handed over to the ACT Government they were already in a sorry state. I think it is only fair to point out to Mr Moore that the sorry state of disrepair is in no way due to lack of foresight or planning by either the previous ACT Government or this one.

In a lot of ways, organisations are only as good as their members. I endorse the comments made by Mrs Grassby about park rangers. If there were ever a group of people who must enjoy their jobs, it is them. I am told that the vast majority of park rangers spend their annual leave bushwalking and camping. The enjoyment of their jobs by these people certainly shows in the dedication and enthusiasm that they put into their work. It is appreciated by all of us, and by me as Minister in particular. I am pleased to hear one part of my portfolio receiving such bouquets from the rest of the Assembly.

**MR MOORE** (12.01): I would just like to clarify that position, Mr Speaker. The comment that I made drew on experience which I accept was before self-government. Nevertheless, I think it is incumbent upon us to look forward to how we can ensure that the same sorts of things do not happen to other historical places.

**MS FOLLETT** (Leader of the Opposition) (12.01): Now that Mr Duby has patted himself on the head over this, I want to raise with him a few problems within this area of the Appropriation Bill. I think there are a few issues that have not really been addressed in sufficient detail in the process of the budget or the Estimates Committee, but I would appreciate his comments on them.

Firstly, there is the question of endangered species in the ACT, and there are a few animal and plant species. It is difficult to gauge from the documents that we have before us what is being done about endangered species and what resources are being put towards their protection.

The ones in which I am particularly interested are the day moth, which, as you know, exists in an area of Belconnen that is being talked about for development, and the legless lizard which I believe is an exceptionally rare species. It is one with which I think Mr Duby might have some sympathy. He might like to let me know what is happening about that, as well.

Another issue that I want to raise is that of the Captains Flat runoff. Mr Speaker, I have raised this with Mr Duby on a number of occasions, both in this Assembly and in correspondence. I have to say that the last item of correspondence that I have from Mr Duby is just unmitigated gobbledegook. I have a letter from him, which I am amazed that he signed, so incompetent is it. It raises further my concerns about runoff from Captains Flat and its effect, not only on our natural environment but also on human health.

It is a fact that the table which Mr Duby has attached to the letter that he sent me bears absolutely no relation to the body of the letter. He has tabulated some of the contaminants in water from Captains Flat, and the tabulation is at complete variance with the body of the letter. So, again, I think there is the risk of a cover-up occurring, and I wish the Minister would take a much closer interest in it.

Another point that I would like to raise in relation to this division is that of the CDF funding for heritage and cultural groups. We heard the Treasurer introduce this morning a Bill to repeal the CDF Act. It is a fact, Mr Speaker, that heritage and cultural groups under this division receive, I think, about half a million dollars in CDF funding. I would like to know how those groups are to compete in future years for funding which is no longer earmarked for them. It is a fact, Mr Speaker, that that half a million dollars has always been spread very thinly amongst those groups. If there is a way in which it can be protected, I would like to hear about it from the Minister. I know that they have always had to compete for those funds in the past, even though the existence of the CDF guaranteed them at least a program that was identified for them.

Another point that is contained in the budget papers, but of which we have heard very little of late, is the question of heritage protection legislation. I know that the Government is running abominably late in the development of its planning legislation package and has now, in effect, abandoned an attempt to bring it all in on time. But I

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have not heard anything at all from the Government on the development of the heritage protection legislation. If the Minister has a comment in relation to when we might expect that, I would be very pleased to hear it.

The final point, Mr Speaker, is the question of dog control and animal welfare generally. Dog control continues to be one of the most popular issues in correspondence, at least in my office and I guess in all members' offices. There continues to be an extraordinarily high level of complaint about dog nuisance and dog attacks. It comes within the program that we have under discussion this morning. If resources are being allocated to improve that problem, I would like to hear it from the Minister.

On the question of animal welfare, Mr Speaker, I would like to hear from the Minister on what date we can expect the animal welfare legislation to be brought before the house. I know that we have had a working paper around for some time, and it is a matter of translating it into legislation. I would like to hear from the Minister when we will see that in the Assembly.

**MR DUBY** (Minister for Finance and Urban Services) (12.06): As I said before, it is almost like a wish list put up by the Leader of the Opposition on a number of issues. Frankly, quite a number of these issues have been dealt with, both in the Assembly and, I believe, in the Estimates Committee, a number of times.

She mentioned, for example, endangered species. I am well aware that only some months ago I answered a question in the Assembly about those particular species, namely, the legless lizard and the day moth. Yes, Larry the legless lizard. I am positive that if she cares to read the answer that was given then, she will find that it is just as adequate today as it was when I gave it some months ago.

With regard to the Captains Flat runoff, I frankly am amazed. Ms Follett has written me some letters regarding the monitoring of the quality of the water that has flowed from Captains Flat into the ACT. That water quality has been closely monitored, and the levels of pollutants and heavy metals in that water fall well within the safety levels.

**Ms Follett:** No, they do not. That is what your letter says. It is not what the table shows.

**MR DUBY:** They fall well within the safety levels, as indicated by the NHMRC, for those particular noxious chemicals and metals. I personally am not responsible for the stapling of attachments to my letters.

**Ms Follett:** You signed it.

**MR DUBY:** I signed the letter, not the attachment. If Ms Follett would care to either table the letter and the attachment or bring them to my attention to show me where



they are inconsistent, I will be only too pleased to make inquiries as to why the letter and the attachment do not seem to tally. I would be very surprised if they do not, given the fact that it is of a technical nature. Ms Follett has probably misread the chart, or something along those lines.

With regard to guarantees of funding for heritage and cultural groups from the CDF, I think we will see the furphy of this issue being raised again and again. In the Chief Minister's budget speech, budget paper No. 1, page 10, paragraph 1, he says that the Government is "well aware that community groups may be concerned by this move", that is, the move to abolish the CDF. He continued:

However, the Government guarantees that total community grants will be maintained in real terms for two years so that no category of users assisted by the Fund will be disadvantaged. The distribution of the grants will be reviewed in accordance with normal practice ...

**Mr Berry:** That is not true.

**MR DUBY:** Are you calling the Chief Minister a liar?

**Mr Berry:** No, you are.

**MR DUBY:** I would like to work that out. The statement is there in black and white. Ms Follett has heard it on a number of occasions. I can say that those groups which receive funding, like heritage and cultural groups, have their guarantees, so I do not need to push that line and give any further guarantees to the Leader of the Opposition. The heritage protection legislation is currently being prepared.

**Ms Follett:** Have you got a date?

**MR DUBY:** I am not able to give a date as to when I will be able to introduce that, although I anticipate that the legislation will be introduced in the early session of next year.

With regard to animal welfare, the working paper has been circulated through the various groups and organisations. I have already made a statement and tabled in the Assembly the policy on animal welfare. You have seen that. You are well aware of the actions that we have introduced concerning animal welfare. We have specified what that legislation will contain. In my view and in the view of the various animal welfare organisations - the RSPCA in particular - it is the most enlightened and best animal welfare legislation in Australia. It will contain a number of issues that will make the ACT a model for the rest of the country.

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It will define the animals to which new legislation is to apply - to all vertebrates, except humans. It will include fish and reptiles. Inspectors will be able to be appointed. It will establish an animal welfare advisory committee to provide expert advice on animal welfare matters. It will establish a system of enforced self-regulation to control and monitor the use of animals in research. It will require intensive poultry farming and other intensive animal husbandry organisations to operate in accordance with a code of practice. It will prohibit rodeos. It will allow circuses to visit the ACT, subject to control by a permit system. We will make it an offence to deliberately abandon an animal. We will prohibit the conduct of certain animal fighting events and make it an offence to be present at such things, prohibit the possession of jaw traps, fighting equipment, sharp spurs and spurs with fixed rowels. It is my anticipation that that legislation will be introduced to the Assembly in the early sitting days of 1991.

In relation to dog control we are following on from the comprehensive survey which was initiated in Mrs Grassby's days of monitoring this area. We have been having consultations with all the kennel associations and the various other groups around town, which have been involved in this. As I said, I have already delivered a ministerial statement on amendments to the Dog Control Act 1975.

**Mr Berry:** In question time.

**MR DUBY:** No, it was a very long and comprehensive statement, Mr Berry. If you like, I will repeat the whole lot for you. As I said, we have completed the full review of the State and Northern Territory dog control legislation. As a result of that, we will make significant changes to the Dog Control Act which currently applies in the ACT. We will allow for responsible dog owners to have access to discounted registration fees. Registration will be available to people who have conducted animal training courses, obedience classes, et cetera, with their animals. There will be large on-the-spot infringement fines for the owners of animals that foul public places. That matter will be introduced to the Assembly in the first sitting days of 1991.

I think it has been clearly demonstrated that all the matters that Ms Follett raised have been addressed. I am so pleased to hear that the Opposition is keen to get that legislation in place.

**Mr Jensen:** I presume that it will support it when it comes forward.

**MR DUBY:** I know that it will support it when it arrives. It will mean that the ACT will be the model legislative area in Australia for all these matters of concern.

**MR JENSEN** (12.14): Mr Speaker, I wish to make a couple of brief comments in relation to the cheap shots taken by the members opposite in relation to the planning legislation. Might I suggest that what we got from this shadow planning Minister opposite - - -

**Mr Connolly:** On a point of order: we debated this yesterday. He has announced what he is going to talk about, and it is yesterday's debate.

**MR SPEAKER:** Order! Mr Jensen, I assume that you are going to be relevant in your statement.

**MR JENSEN:** Of course, Mr Speaker, I am going to be relevant because I am talking about the arguments of Ms Follett in relation to the planning legislation. I think it is quite relevant.

**Mr Connolly:** On a point of order: he is indicating what he will be talking about - the planning legislation relevant to the debate yesterday.

**MR SPEAKER:** Thank you, Mr Connolly. I asked that he stick to the debate and be relevant, so I assume that he will do so.

**MR JENSEN:** Ms Follett made a cheap shot during her comments, Mr Speaker, and I am just taking the advantage of replying to that cheap shot. They put on the table a half-baked set of drafting instructions in relation to planning legislation, whereas we have put draft legislation on the table.

**Mrs Grassby:** On a point of order, Mr Speaker: It is not relevant to the point that we made.

**MR SPEAKER:** Order, Mr Jensen! I must admit that if he is following a comment that was made in a previous debate - - -

**Ms Follett:** He is not. He lied to you.

**Mr Jensen:** On a point of order, Mr Speaker: I ask that that be withdrawn.

**MR SPEAKER:** Please withdraw.

**Ms Follett:** I withdraw that, Mr Speaker. I was having you on.

Proposed expenditure agreed to.

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## **Ministry for Health, Education and the Arts**

Proposed expenditure - Division 250 - Higher Education Policy and Planning, \$410,800 - agreed to.

Proposed expenditure - Division 260 - Government Schooling, \$180,040,500

**MR WOOD** (12.17): Mr Speaker, I had expected that some amendments to this figure would be proposed. It may be that they are still to come. The figures that we have in front of us are based on the budget papers and on proposals to close nine schools. That is not happening. The Government is not closing nine schools. So one assumes that there will be changes to that figure, or is it that the Government is no more competent in its planning than it has been for the whole year in relation to education?

Mr Humphries cannot be accepting the Hudson figures because, while his attitude to the Hudson report is still vague, it seems that he has not accepted option C in its entirety. While he adopted the recommendation not to close three schools, other matters from option C have not been accepted, or certainly there has been no statement to that effect. Indeed, we wait for a considered statement relating to the Hudson report. Is it now no more than an exercise that is expensive in time and money?

We are looking at these figures which are based, in part, on supplementary budget paper No. 3. To the extent that we agree with Hudson, figures in that document are wrong. The Minister has not said that they are wrong, although he has in general terms supported the view of Hudson in that he says that the report supports the Government's view that savings can be made. To that extent, the Minister would appear to be accepting Hudson's comments on financial matters. So, on that ground again one would expect to see some changes coming through.

What will happen? It is clear that no consideration has been given to this. Let us expect that there will be no shrinking of the education budget, that other programs in the education budget will be required to find those funds. The Minister has said on many occasions that he chose not to go down the path of making savings in other areas of education, so we assume that these figures will have a shortfall. We cannot be quite sure of the amount. It is not the Hudson amount because Hudson has not been fully accepted or fully rejected, whichever term applies. The Minister may tell us where the gap is coming from.

Presumably there will be a shortfall, Minister, because you have not closed all the schools that you expected to close, and Hudson said that your figures were overestimated in some areas. So, there is a gap of some magnitude. I am not in a position to say whether it is half a million dollars or a million dollars. You should be in a position to indicate, but you clearly are not. You may give some

thought to this, like all your planning, rather belatedly. You have had some advice passed to you on it, so you may now be in a position to respond.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (12.20): Mr Speaker, Mr Wood is jousting at windmills again. The concern that he raises in respect of a budget program appropriating \$180m is hardly of great concern, given the small nature of the changes that we are considering. In the present context of the Government's decision to close four primary schools the figure, incidentally, is a bit misleading. Mr Wood referred to nine in our original decision, which I think was an admission of the fact that there is also a high school in that equation. In addition, there are two primary schools closing in one area and one primary school is opening. Nine may be an accurate figure for the original decision. If that is the case, six is the accurate figure for this decision.

**Mr Wood:** That only adds to my case.

**MR HUMPHRIES:** That is by the by. The estimated savings for this financial year are not significant in comparison with that figure of \$180m. They are really quite small. Mr Wood said on one occasion that he did not think there was any figure at all, so it is an admission on his part now that there is some small saving to be made this financial year.

**Mr Wood:** Do you not remember yesterday's debate and the thing that I read out to you?

**MR HUMPHRIES:** Yes. Mr Wood is not listening very hard because I am referring to some savings in this financial year. Mr Wood definitely said at one stage that he thought there were no savings to be made in this financial year. If he forgets, I will certainly be happy to find it in *Hansard* and remind him.

The effect on the budget of that decision of earlier this week is being evaluated at present. Any change to the figure that had been put forward would be met from the Treasurer's Advance. Significant savings in transition costs are quite possible. So I think in the circumstances Mr Wood need not be concerned.

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

**Sitting suspended from 12.24 to 2.30 pm**

## QUESTIONS WITHOUT NOTICE

### Chief Minister

**MS FOLLETT:** Mr Speaker, my question is to Mr Kaine, the Chief Minister. I would like to ask whether the reports that I have seen that he is going overseas for some time during the summer recess are true. I would like to ask Mr Kaine to inform the Assembly whether this is a private trip or whether it is of such a nature that he will remain on duty, when he will be absent, whether Mr Collaery will be acting as Chief Minister and, if so, whether Mr Collaery will be exercising the full range of powers and functions of the Chief Minister in his absence.

**MR KAINE:** Mr Speaker, I am going overseas. It is private business. As for the rest, it is a matter for me to determine before I leave.

**MS FOLLETT:** I have a supplementary question. Will Mr Kaine inform the Assembly what instructions he will be giving Mr Collaery about the exercise of the Chief Minister's powers during his absence?

**MR KAINE:** No, I will not, Mr Speaker. I will simply, as is normally the case, pass the responsibility to another Minister while I am away. The details of that will be that he will perform the normal duties of a Minister during my absence.

### Melba Health Centre

**MR BERRY:** My question is to the Minister for Health, Education and the Arts. Mr Humphries, I refer to a statement made at a public meeting on Wednesday, 7 November, by Mr DUBY in which Mr DUBY said that the Melba Health Centre would not close. Is this the Government's position and does the Minister stand by Mr DUBY's commitment?

**MR HUMPHRIES:** Mr Speaker, I have indicated before in this place - and I think Mr Berry will tire of repetition if I repeat it once more - that the Government has commissioned a paper which it is expecting to see in the next few weeks. That paper will form the basis of a period of public consultation with the Canberra community, particularly the community that uses and is affected by or works in health centres, and that consultation ultimately will lead to the Government's consideration of what decisions it will make in this area.

I am well aware of the debate which Mr Berry has generated on this question, attempting to pretend that there is a problem with the future of health centres. I am particularly aware of the fact that Mr Berry has made claims, positive claims, to people in health centres across

this town that their particular health centre is going to close. I consider those sorts of claims grossly irresponsible. I have to say that the reports reaching my ears on the way in which the public, particularly elderly users of those health centres, have responded to those kinds of claims indicate that Mr Berry is getting short shrift in those places. When that public consultation has ended the Government will be able to indicate what position it will be able to adopt in respect of those health centres.

### **Royal Canberra Hospital : Stationery**

**MR MOORE:** My question is to Mr Humphries, the Minister for Health. Minister, can you tell the Assembly what arrangements have been made to supply the new Royal Canberra Hospital South with their own headed stationery and how much the stationery is expected to cost? Can you also indicate whether it is the case that the last headed stationery for Woden Valley Hospital was actually ordered very recently with a run of around one million pieces of stationery?

**MR HUMPHRIES:** Obviously I cannot advise Mr Moore about what the stationery position is in respect of the Royal Canberra Hospital. He will not be surprised to hear me say that. However, I will undertake to find out what the position is. I might indicate that I think it is the general position in government in this Territory that, where changes in the designation of departments or statutory authorities occur, if at all possible one tends to want to use up the stationery printed for older purposes, or former purposes, before one starts to use commissioned stationery commensurate with the new purposes. I cannot say for certain that that is going to happen in this case, but certainly it would be my expectation that such a practice would be employed wherever possible.

### **School Consolidations**

**MRS NOLAN:** My question is also to Mr Humphries, in his capacity as Minister for Education. Can the Minister indicate what progress has been made in implementing the Government's decision on school consolidations?

**MR HUMPHRIES:** Mr Speaker, I thank Mrs Nolan for her question. We are determined to ensure, as a Government, that the consolidation of schools proceeds expeditiously and smoothly so that we can go into the 1991 school year with staffing resources available for schools. Yesterday I announced that three new primary school principals had been appointed. All level 1 classroom teachers should know shortly their 1991 placements. Teachers at schools not now closing were given an extension to indicate their placement

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preferences. Schools affected have issued to parents a confirmation of enrolment form so that we can take their choices into account in planning for 1991.

There has been consultation on the relocations of non-school occupants of required spaces. For example, the north side introductory English centre will be moving to North Ainslie Primary School and the south side centre to Hughes. Notwithstanding the fact that the Higgins Primary School is not closing, the community that uses that north side centre were strongly of the view that the move to North Ainslie would be an improvement in any case, even putting to one side the fact that Higgins primary will not close.

The Council of P & C Associations were moved from Majura to Evatt primary. The ACT Pre-School Association will move from Majura to Campbell. The junior assessment class and the learning centre will move from Curtin Primary School to the South Curtin site. Consultations are continuing on the needs of other tenants and I am assured that we are making good progress on that matter and I will be able to advise the Assembly in due course about those matters.

To aid the process of adjustment, the schools confirmed for closure and the schools nominated as receiving schools are to be allocated three and two pupil-free days respectively at the end of this year. I regret the fact that those pupil-free days do impose some difficulties on parents, as Mr Wood notes. However, I want to assure parents that help with child-care is available. I would want to put on record my appreciation for the efforts of all the principals of both the closing and receiving schools for their hard work and dedication during a very difficult period and to encourage the community to follow this lead so that we can ensure that we maintain a high quality of service in our public education system next year.

### **Preschools**

**MRS GRASSBY:** My question on preschools is to Mr Humphries. Which preschools chosen for collocation within primary schools will be ready to receive children on day one of the 1991 school year?

**MR HUMPHRIES:** I thank Mrs Grassby for her question. I cannot answer that question at this stage - not because I do not have any information in front of me, but because the information is not known. I certainly would hope that we can make arrangements that will be satisfactory to the preschools concerned, including arrangements for a particular settled date to be agreed to well in advance so that parents have a good idea well before the schools concerned are moved.



The process is a complicated one, as Mrs Grassby would appreciate. It does entail discussing with the preschool concerned what its needs are and what difficulties might arise with such a move to a new location thereabouts. I am confident that the process can be conducted with minimal disruption to the preschool communities concerned.

**MRS GRASSBY:** I have a supplementary question. When will the Minister know, and where will preschool children be accommodated if that school is not ready?

**MR HUMPHRIES:** There is no question, Mr Speaker, that a preschool which is not ready for relocation into an adjacent primary school or a nearby primary school will be closed before the new primary school is ready to receive it. We will keep preschools available until such time as a move can be made. There will be no stopgap measures in that regard. In terms of when I can advise Mrs Grassby, I would hope to be able to do so before the end of this sitting period, that is, before we rise for the summer recess.

### **Wills Legislation**

**MS MAHER:** My question is addressed to the Attorney-General. Could he outline to the house the package of reforms of the Wills Act 1968 which he recently announced?

**MR COLLAERY:** I thank Ms Maher for the question. Since this was announced on radio last night and this morning there has been astounding public interest in the matter. This is what question time is for, I believe, Mr Speaker, and I will briefly indicate to the public, prior to the formal launch of the proposals, what the Government's proposed reforms are.

They take into account some long sought-after reforms in the matter of will making. They provide for courts to be able to dispense with the need for strict compliance with all the technical requirements for making wills in certain circumstances, they allow people under the age of 18 years in certain circumstances to make a will, they provide that gifts in a will to a spouse will be automatically revoked upon dissolution of marriage, and they provide that witnesses to a will will also be able to be beneficiaries under the wills they have witnessed. The current rule is that if you witness a will you should not take under it, and that has had unintended results. Also, the courts will be given a discretion to modify the Commonwealth forfeiture rule - it is known as the killer beneficiary rule - where it considers that the rule has operated unjustly to deprive a person who has unlawfully killed the person who made the will from benefiting under that estate. That has been particularly evident in situations of domestic violence where a wife has finally retaliated and found that as the killer, though properly punished, she has been excluded

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from ownership of the home. Mr Berry found that very amusing, but I remind him that there is a great humanitarian push - - -

**Mr Berry:** I take a point of order. That is an outrageous imputation, and I would like that withdrawn.

**Mr Kaine:** Well, why did you laugh if you did not find it amusing?

**Mr Berry:** I did not laugh.

**MR SPEAKER:** Order! Mr Berry, I take your point. Mr Collaery, would you withdraw that, please?

**MR COLLAERY:** What do you want me to withdraw, Mr Speaker?

**MR SPEAKER:** The fact that Mr Berry found that outrageously laughable, or whatever you said.

**MR COLLAERY:** I acknowledge that Mr Berry did not find it humorous. I am pleased to note that he found it not humorous.

**Ms Follett:** Withdraw your statement.

**MR SPEAKER:** Order! Yes, Mr Collaery.

**MR COLLAERY:** Please clarify what you wish me to do, Mr Speaker.

**MR SPEAKER:** I am afraid I cannot remember the exact words that you said, but if you withdraw the imputation - - -

**Mr Berry:** That I found it amusing.

**MR COLLAERY:** I withdraw the words, "I see Mr Berry finds it amusing".

**MR SPEAKER:** Thank you.

**MR COLLAERY:** Certainly, Mr Speaker. These amendments, when enacted, will put the ACT at the leading edge of will reform in Australia. They will go a long way towards reducing legal uncertainty that often surrounds a deceased estate. I should say that I acknowledge a great deal of assistance received from academia. Mr Berry continues to interject, Mr Speaker. Does he want me to withdraw the suggestion that he interjects?

**MR SPEAKER:** Please, Mr Collaery, get on with it.

**Mr Kaine:** They are getting very sensitive, are not they?

**MR COLLAERY:** Yes, they sure are. The Government is delighted to announce these reforms. They will make it much easier for persons who have something to leave.

### Education Budget

**MR WOOD:** I direct a question to the Chief Minister, as Treasurer. I refer to the changes imposed on the education budget following decisions not to close certain schools. Do you agree with your Education Minister, who said this morning - these are not his words, but it was his attitude - that apparently near enough is good enough? He is not concerned to adjust what are incorrect budget figures.

**MR KAINE:** First of all, the Minister did not say that, Mr Speaker.

**Mr Wood:** I said that.

**MR KAINE:** Well, how can you ask me to comment on something that the Minister did not say?

**Mr Wood:** That was his attitude.

**MR KAINE:** You impute something to the Minister and then ask me to comment on it.

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

**MR KAINE:** I am not going to comment on the Minister's attitude, or yours.

**MR WOOD:** I have a supplementary question. The Minister did say that any extra funds would come from the Treasurer's Advance. That is what he said. Do you agree with that?

**MR KAINE:** Yes, Mr Speaker, I do.

### Corporations Law

**MR JENSEN:** My question is directed to Mr Collaery in his capacity as Attorney-General. I refer the Minister to a report in the *Canberra Times* of 21 November this year which quotes the Leader of the Opposition, Ms Follett, who claimed that you are responsible for the failure of the Commonwealth to consult with the ACT Government over the use of the ACT as a primary jurisdiction for the national corporations law. Is this statement correct? If not, can you advise the Assembly of the true position?

**MR COLLAERY:** The statement, of course, is entirely incorrect and deceptive. Mr Speaker, the ACT Government wrote twice to the Federal Government, to the Federal Attorney, once in February and again in April - I have some of that correspondence here - asking for information on the Commonwealth's proposals for the national corporations law.

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Only one reply was received from the Federal Labor open consultative Government. It was in the nature of a holding reply, pending further consideration. But lo and behold, Mr Speaker, and despite Ms Follett's allegations that we have not taken up the issue to consult the Federal Government, her Federal Labor colleagues, with whom she had seven months to consult on this topic, the Federal Attorney-General made a heads of agreement with other States and the Northern Territory setting up a national scheme which excluded the ACT. I pointed out that day and the following day that that deal had been made behind closed doors in Alice Springs. I was publicly critical of the event, and the Government is taking all steps at its disposal to see whether this law will pass through the Federal Parliament.

### **School Closures**

**MR CONNOLLY:** My question is to the Minister for Education. I am concerned that option C of the Hudson report indicates that a number of schools with current enrolments of between two and three hundred have "a threatened future". The schools named are Campbell, Hughes, Mawson and Melrose. Can you assure those school communities that they are under no threat of closure or reduced staffing levels?

**MR HUMPHRIES:** If the ALP is returned to government, as they seem so certain that they will be in February 1992, I certainly cannot provide any guarantees in respect of what that government might do. On its past record I think we could all expect to see some attention given to school closures. However, I can - - -

**Mr Kaine:** If they get back all of those schools will close for sure.

**MR HUMPHRIES:** I think that is pretty likely, Mr Chief Minister. I can assure Mr Connolly that as far as this Government is concerned there will be no further school closures.

### **Street Barriers**

**MR STEVENSON:** My question is to Mr DUBY. At the intersection of Wakefield Avenue and Doorring Street, Ainslie, there is a barrier that has been there for some considerable time. It is set up to allow vehicles to pass through if they are local vehicles. That barrier has been run into consistently over many months. Is there a legal requirement for lamps to be displayed on such barriers? If not, would it be a good idea to do so anyway?

**MR DUBY:** I thank Mr Stevenson for the question. Even though a lot of people have chuckled at it, it sounds to me like a very sensible question. To tell you the truth, I do not know the legal requirement as to whether lamps should be placed on barriers across roads. The reason the barrier is there, of course, is to prevent traffic from going down to the intersection of Wakefield Avenue and Limestone-Majura Avenue, which, of course, has been under the process of reconstruction for some time. I am pleased to announce that the work, which was held up for some time, has now resumed. It is anticipated that that particular intersection will be open to traffic again within a matter of some weeks.

However, about the major problem of the barrier at Wakefield and Dooring, I am not familiar with the law and whether lamps should be there. If there have been a number of accidents or incidents involving those barriers I shall certainly take steps to see whether it is practical or impractical to install lamps on them.

### **Backyard Swimming Pools**

**MR STEFANIAK:** My question is to the Minister for Finance and Urban Services. Would the Minister please tell the Assembly what measures the Government is taking in relation to backyard swimming pools?

**MR DUBY:** I thank Mr Stefaniak for the question. Members will be aware that as of 1 November this year the Australian Design Rules in relation to the isolation fencing of backyard pools for new swimming pools has been in place in the ACT. Actually, off the top of my head I believe it was from Monday, 5 November. That means that all prospective builders seeking approval to build a pool in their yard are required, as of that date, to provide isolation fencing around that pool in compliance with the Australian Design Rules.

In relation to the provision of isolation fencing around swimming pools generally - this is a matter of quite a deal of interest throughout the community - I am aware that in September New South Wales introduced legislation to that effect. All existing pools have to be isolation fenced, compulsorily, within a period of, I believe, two years. There are certain provisions for exemption. I also believe that similar legislation will shortly be introduced in Queensland and Victoria.

The Government is looking at the position of isolation fencing for existing pools. We are analysing the position and seeing whether there is some way that that legislation may be brought forward. Indeed, I am currently getting information together and I am in the process of putting to Government a proposal to introduce into the ACT legislation which may well follow the New South Wales legislation in relation to existing pools.

At this stage, though, existing pools are not required to be isolation fenced. I would highly recommend it to people who currently have pools, particularly those which are not adequately protected. A child drowning is a terrible tragedy. In the last five years some 600 children under the age of five have drowned in Australia. The majority of those have been in inland cities. Of course, that does not take into account the number of children who have suffered brain damage from immersion in water for periods of little more than 30 seconds. So it is a grave social problem. In the ACT in the last 10 years we have had four children under the age of five drown in pools. I think it is something which, for a small expense, can be remedied. But the Government at this stage has no proposals to introduce legislation in the coming months. As I said, I will be putting something to Government shortly about that measure.

### **Ambulance Service**

**DR KINLOCH:** My question is to Mr Humphries as Minister for Health. Can the Minister inform the Assembly what progress there has been in resolving the question of industrial bans placed by the Transport Workers Union on the ACT Ambulance Service?

**MR HUMPHRIES:** Mr Speaker, yes, I can. I thank Dr Kinloch for the question. I am pleased to advise the Assembly that as a consequence of my request representatives from the ACT Board of Health, which included the Ambulance Service and the Transport Workers Union, met yesterday afternoon to discuss the areas of concern in this dispute. As a result of that meeting the parties made positive progress and have identified the accumulation of backlog leave entitlements between 1983 and 1988 as the main problem. It is worth noting, Mr Speaker, that that period of backlog leave predates self-government and is just another example of the problems that this Territory inherited from a Commonwealth Government which was less than judicious and assiduous in protecting the interests of the ACT. In addition, the parties have further agreed to develop a joint party staffing paper identifying a management strategy to resolve the matter. The paper, as soon as it can be completed, will be presented to me for my consideration.

The general spirit of cooperation and active preparedness between all parties to resolve the matter has led to the union agreeing to remove all industrial bans which have been placed on the operation of the Ambulance Service pending the results of the ongoing negotiations. I should indicate, Mr Speaker, that this was not a dispute which really had the support of either side. Earlier this week I met with a number of ambulance officers, who indicated to me that they were concerned about claims made that the

service was in crisis. In their view there had been some considerable exaggeration about the nature of the dispute and of the questions which gave rise to it and they felt that it was appropriate that the Government and the union return immediately to the negotiating table.

I might also indicate, Mr Speaker, that some of the bans placed by the union were defied by some ambulance officers in the course of that dispute. I will advise the Assembly of the outcome of the joint staffing paper after its consideration by Government, but I do believe that we have now reached a formula which will see an end to ongoing problems in the Ambulance Service.

### **Minister for Education**

**MS FOLLETT:** Mr Speaker, my question is again to the Chief Minister. I would, firstly, ask him to confirm a media statement or a media comment that the Minister for Education will be taking a fairly lengthy break and will be away from the ACT for quite a long period during the summer recess. I would ask Mr Kaine whether he can tell us for what period the Minister for Education will be absent and who will be acting as the Minister for Education. Particularly given that it will be a period in which schools are closing and people are starting at new schools, how will Mr Kaine ensure that parents and school communities have access to the Government during that time?

**MR KAINE:** I have not asked Mr Humphries what his plans are for the Christmas break yet. At the appropriate time I will determine what the movements of the other Ministers are during the recess of the Assembly. In accordance with the Australian Capital Territory (Self-Government) Act the Deputy Chief Minister will assume responsibility for the Chief Minister's responsibilities and I will make other determinations as to the responsibility of any other absent Minister.

It is within the power of the Chief Minister to require that any Minister perform the duties of any other Minister. Appropriate arrangements will be set in place. The business of the Government will continue. It is not going to stop just because I am out of the country for a few days, any more than it stops when I go interstate to attend Ministers' councils. Appropriate arrangements will be set in place to ensure that the business of the Government goes on.

**MS FOLLETT:** I have a supplementary question. Mr Speaker, I would ask the Chief Minister whether he can inform the Assembly whether there will be a period during which both he and Mr Humphries will be absent from Australia. Will he advise whether he is prepared to leave the administration of the ACT in the hands of Mr Collaery and Mr DUBY?

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**MR KAINE:** Mr Speaker, I thought I had already said that I had not consulted with Mr Humphries to know when he was going to be absent, if at all. I repeat that, whatever the movements of Ministers, appropriate and adequate arrangements will be made.

### **Education Policy and School Closures**

**MR MOORE:** My question is directed to Mr Humphries as Minister for Education. Mr Humphries, I do not know whether you are aware that the Belconnen region boards' meeting on 15 November 1990 passed the following motion:

That, in view of the findings of the Hudson Review, and the widely reported experience of school communities, that the Ministry of Education's medium-term planning processes and the accuracy of the information provided by the Ministry are both deficient, this meeting of the Belconnen Region Boards believes the Minister should:

- (a) recognise the gravity of these proven inadequacies, and determine to address them urgently and forthrightly;
- (b) not now proceed with any school closures until the inadequacies are made good and a consistent long term policy for smaller schools is approved; and
- (c) cause a thorough review to be undertaken of the structure, senior management and administrative arrangements in the Ministry.

The first part of the question is: how do you respond to it, coming from such a senior section of the education area? Secondly, how do you respond to part (b) - that you ought not proceed with any school closures until these inadequacies are made good?

**MR HUMPHRIES:** Yes, I have received a copy of the motion that the Belconnen region passed not very long ago and I will be replying directly to the group in due course. I have to say that I note again with interest that there are more than a few people in this place and in the community who are prepared to accept some things that Mr Hudson says and to reject others. Mr Hudson clearly indicated that there were some figures which he did not believe were acceptable, or that he thought should be modified, and that procedures should be changed as a result of his inquiry. He also indicated, however, in light of that information, that a certain number of school closures could occur.

It is not possible for the Belconnen region group or anybody else to say, "We accept the bit of the report where he says that there needs to be more work done, or there needs to be some tightening of procedures in future years, or there needs to be a shake-up in this particular area",



and then reject the very clear recommendation that it was entirely possible and open to Government to proceed to close some schools at the end of this school year.

That is the position of the Government, in essence. We take the issues raised in the Hudson report. We intend to act on those issues and we intend to address problems as they have been identified; but we also intend to proceed with a course of action which Mr Hudson himself recommends, and that is the closure of a certain number of schools and the putting in place of other mechanisms that will see certain savings made in the longer term.

**MR MOORE:** I have a supplementary question, Mr Speaker. Consider that this is a motion of the Belconnen regional boards. It is a very major part of the education community that previously has not been involved in the school closure issues and they are drawing attention to advice that was deficient and so forth. Are you not prepared to consider that perhaps it is appropriate to extend the time of any of the schools, particularly, perhaps, the Cook school? Could it be given a similar opportunity to Lyons because of the difficulties in that particular situation of moving into the Macquarie school, with the Independent Living Centre?

**MR HUMPHRIES:** The fact is, Mr Speaker, that the Belconnen regional boards have been involved in this process. They have been a part of the ongoing debate between the community and the Government and the school sector, in particular. It is quite wrong to suggest that they have not had some role to play already in this matter. I think, with respect, however, that a comment on the Hudson report at this stage of that kind is not fully based on the evidence put forward in the report. It relies selectively on some information that comes from that report and ignores other information.

I should make it clear, when Mr Moore refers to Lyons being given an opportunity, that the opportunity is not generated by a desire to sit back and leave the Lyons school on tenterhooks for a long period. The opportunity, as Mr Moore puts it, is in fact a period allowed for by Government to accommodate the possibility that the school at South Curtin will not be ready to receive students from Lyons. There is no similar reason why that should need to be the case in respect of Cook and Macquarie schools. I fully expect that at the beginning of term 1 of 1991 Macquarie school will be ready to receive those extra pupils. So, to characterise it as some kind of opportunity for Lyons is not the case. It is not an opportunity; it is an adjustment to the reality of the timeframe available in this case.

### Community Attitudes to Policing

**MRS NOLAN:** My question is to Mr Collaery, the Attorney-General, and it is in relation to policing in the ACT. What steps has the Government taken to ascertain community attitudes to policing?

**MR COLLAERY:** I thank Mrs Nolan for the question. This came up in Estimates debates last night and I believe that members would have heard Mr Moore on the radio this morning referring to closed door deals about policing. I remind members that I informed the house some two months ago about a two-year survey being conducted in the ACT by a research company, Frank Small and Associates. They are major surveys being conducted to ascertain community attitudes to policing. It is called "Project community survey". It involves a 10-page questionnaire that the company is asking.

**Mr Moore:** It is an excellent idea.

**MR COLLAERY:** They ask such questions as, "What are your problems in your suburb?". Whilst Mr Moore figured highly in this response, the questions, for example, ask about rubbish, loud parties, people ignoring rules about parking, speeding or careless driving - - -

**Mr Moore:** I raise a point of order, Mr Speaker. Amongst other things in his irrelevant reply to the issue, Mr Collaery has drawn an imputation associating me with such things as speeding and so forth. Noisy parties I accept.

**MR SPEAKER:** That is a frivolous point of order. Please proceed, Mr Collaery.

**MR COLLAERY:** They ask about people being attacked or robbed, theft from outside your home, sale and use of drugs by juveniles, rape and sexual attacks, and so on. Mr Speaker, this is a very wide and expensive survey being conducted by - - -

**Mr Moore:** I take a point of order. That was not a frivolous point of order. Mr Collaery - and the *Hansard* will reveal it - clearly drew - - -

**MR SPEAKER:** Mr Moore, would you please ask to make a personal explanation at the end of question time.

**Mr Moore:** I want him to withdraw any imputation.

**MR SPEAKER:** I am afraid I did not recognise any imputation.

**MR COLLAERY:** Mr Speaker, there is no imputation about Mr Moore in this other than that he went on the air this morning - - -

**Mr Connolly:** I take a point of order, Mr Speaker. Mr Collaery identified social problems in suburbs including Mr Moore. Identifying Mr Moore as a social problem is a rather juvenile statement that perhaps should be better withdrawn.

**MR SPEAKER:** Order! Is that what you said, Mr Collaery?

**MR COLLAERY:** Mr Speaker, I made a jocular comment which, of course, Mr Moore did not appreciate. If it has hurt his feelings - - -

**MR SPEAKER:** Well, please withdraw.

**MR COLLAERY:** If it has hurt his feelings, I withdraw any suggestion that Mr Moore figures in any of these statistics. I assure the house that he does not. We heard Mr Moore last night in the chamber; but the press did not, or most of the media did not. So he went on the air this morning and said that the deal in community policing was being arranged behind closed doors.

I have informed the house and there has already been a major media release about the results of the first survey. They showed, for example, Mr Speaker, that only 53 per cent of the respondents rated the police favourably on preventing crime and 54 per cent on controlling drink driving. Another large percentage, 48 per cent, were happy with police assistance to them as victims of crime, and so on and so forth.

Mr Speaker, once again we hear on the radio and we see by press release facts which were made clear in the Assembly last night being sold on the media, because they were not present to hear it, as some new discovery by Mr Moore.

### **Weston Creek Community Service**

**MR BERRY:** That was a bit over the top. I thought that was a standing order 46 matter. My question is directed to the Minister for Health, Education and the Arts, Mr Speaker. Mr Humphries, under version 2, which you may recall, of your school closures plans, the Weston Creek Community Service was notified of its eviction from Weston Creek Health Centre and relocation at Rivett Primary School. Under version 3 of your school closures plan, Rivett will stay open. What will now happen to the Weston Creek Community Service?

**MR HUMPHRIES:** Mr Speaker, I think Mr Berry was not listening earlier today. Earlier in this question time I indicated that there were ongoing discussions with affected tenants and parties.

**Ms Follett:** You do not know.

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**MR HUMPHRIES:** Mr Speaker, obviously those opposite wish to set up a situation where it is impossible to win. If I march in and say, "I have made a decision which is going to affect the Weston Creek Community Service and incidentally I have not had time to speak to them about it", they are going to cry foul and say, "You have not consulted with the community". When I come in and say that I am going to consult with the community before I make a decision, they say, "Why is not the decision made?". It is absolutely impossible to win with this lot opposite. I have to indicate to them that they will have to be patient. I will talk with the communities concerned and decide, on the basis of those consultations, what the most appropriate movements are.

However, for Mr Berry's benefit, I will indicate that the staying open of Rivett school need not necessarily mean that it is impossible for some activities to be conducted out of that school. For example, the Rivett school itself made reference in the course of their discussions with the Government to surplus space in their school building which they would be very happy to see used for purposes other than educational ones. I personally think it is more than possible that surplus space in the Rivett school could still be used as the location for the Weston Creek Community Service. However, the answer to that question will have to await the discussions which I believe ought to be conducted, even if those opposite do not.

### **Closure of Plywood Mill**

**MS MAHER:** My question is directed to the Minister for Finance and Urban Services. I understand that Brown and Dureau Building Materials Pty Ltd, a building products company which purchases timber from the ACT Government plantations, has announced closure of its plywood mill at Hume. Can the Minister confirm this and provide any details?

**MR DUBY:** I thank Ms Maher for the question. Brown and Dureau, a wholly owned subsidiary of Amcor Limited, has operated a plymill/sawmill complex at Hume since 1972. Total employment at the mill at full production levels is around 190 employees. Pine timber from ACT plantations is sold to the mill under a memorandum of agreement which sets out the terms and conditions under which the timber is made available.

The mill produces industrial plywood and sawn timber, the majority of which is sold to the building industry in New South Wales and Queensland in competition with other large interstate pine producers. The depressed state of the building industry during 1990 has affected all the major producers and price discounting is prevalent within the

industry. Brown and Dureau has reduced its staff by some 45 people over the last six months in an effort to reduce financial losses and to produce the ply at a competitive rate.

Today, regrettably, the company announced its decision to close the plymill permanently and to concentrate its efforts on the sawmill which, with the injection of further capital, should be better able to compete in the interstate market. Whilst the closure will result in the loss of approximately 60 full-time jobs, the planned expansion of the sawmill is expected to provide increased job opportunities when the economy picks up.

The closure of the plymill results from the depressed state of the economy and is a demonstration, Mr Speaker, that the ACT is not immune from economic realities being faced throughout Australia. From an ACT Government viewpoint, the loss of jobs in the local region is obviously regretted. The company's plans to upgrade its sawmill, which in the longer term will improve competitiveness and lead to new jobs, are an indication of the company's continued commitment to the ACT and the region. Negotiations with the company in relation to our ACT forests contract to supply timber to them are currently under way now that the plymill is closing.

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

#### **Planning - Leases**

**MR KAINE:** Mr Speaker, I would like to provide an answer to a question which I took on notice yesterday from Mr Moore in connection with section 52 in Civic Centre. It is a fairly lengthy answer. I think the best thing is that I table it and Mr Moore can follow it up with me later if he wishes.

**MR SPEAKER:** Yes. Are you seeking leave to incorporate it in *Hansard*, Chief Minister?

**MR KAINE:** Yes, Mr Speaker.

**MR SPEAKER:** Is leave granted? There being no objection, leave is granted.

*Document incorporated at appendix 3*

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## PERSONAL EXPLANATIONS

**MR MOORE:** Mr Speaker, under standing order 46, I wish to make a personal explanation.

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

**MR MOORE:** Yes, I do.

**MR SPEAKER:** Please proceed.

**MR MOORE:** Thank you, Mr Speaker. The Deputy Chief Minister, in his answer to a question from Mrs Nolan, associated me with a document about community policing. The commentary that I have been making on the radio and have been making to the media today has nothing to do with that community policing survey. It has to do with the deals that have been made behind closed doors in negotiating for the next stage of how we are going to fund and take over the Federal Police. That is the area of concern. I believe that Mr Collaery has attempted to misrepresent - - -

**Mr Collaery:** Did you say that there was no consultation?

**MR MOORE:** I have an interjection from Mr Collaery: Did I say that there was no consultation? There has been no consultation about the issue that we are talking about - the transfer of police across to the ACT - and the deals are being done behind closed doors in the way Mr Collaery likes to do things. Mr Speaker, I request that the document that Mr Collaery read from be tabled. I presume that we just have to make a request. Would you mind tabling that document?

**MR COLLAERY (Attorney-General):** Yes, Mr Speaker, I table a media release dated 3 August 1990 that Mr Moore obviously did not see before he alleged that we were going about this without any consultation with the community. I table the following paper:

Research results, including graphs (11), dated 3 August 1990.

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

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

**MR BERRY:** I do, sir.

**MR SPEAKER:** Please proceed.

**MR BERRY:** Mr Speaker, during question time, in response to a question about the Melba Health Centre, Mr Humphries implied that I was in some way behind the threatened closures of community health centres. Mr Speaker, for the record, the following series of events occurred. In

relation to Kippax Health Centre, it was the Government that withdrew the normal five-year leases from general practitioners and limited them to 90 days.

**Mr Humphries:** On a point of order, Mr Speaker: the premise on which Mr Berry has asked for the right to make a personal explanation is flawed. I have never said that Mr Berry was behind any health centre closures. I have said that Mr Berry has always told people that the health centre was going to close. However, I have not said at any stage that Mr Berry was responsible for any health centre closures. I think Mr Berry is using his speech to make a further contribution to a debate which is not going on now.

**MR SPEAKER:** Thank you. Mr Berry, I would ask you to address that particular aspect rather than a point by point blow of different aspects.

**MR BERRY:** Mr Humphries implied that I was in some way behind the - - -

**Mr Humphries:** No, I did not.

**MR SPEAKER:** Order!

**Mr Humphries:** Mr Speaker, I raise a point of order. There is no question of anything of that kind being said or implied in my answer to the question, and I suggest that if Mr Berry wants to abuse the privilege of personal explanations he should produce the Hansard record which he says shows that such a statement or implication was made. In fact, that is not the case.

**MR SPEAKER:** Mr Berry, I would ask you to stick to the personal aspect of the question rather than the background.

**MR BERRY:** I have been misrepresented because Mr Humphries said that by my public utterances I had in some way whipped up doubt about the future of community health centres in the ACT.

**Mr Jensen:** On a point of order, Mr Speaker: standing order 46 quite clearly says that such matters may not be debated in relation to personal explanations. I would suggest that Mr Berry is seeking to debate this issue, and not make a personal explanation.

**MR SPEAKER:** Yes, I uphold your objection, Mr Jensen. Would you just get to the point, Mr Berry.

**MR BERRY:** Mr Jensen interrupted before I had concluded. I said that I had been misrepresented because Mr Humphries said that I had whipped up some undue concerns about the future of health centres, namely, Kippax, Weston Creek and Melba health centres. I am happy that the Minister has now clarified that I am not implicated in that respect and that it is a Government responsibility and it is the Government's actions which have led to public concern about the issue.

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**MR COLLAERY** (Attorney-General): Mr Speaker, I tabled a media release in response to Mr Moore a few moments ago. In fact, I read from two media releases. I now table the second one, namely:

Police survey to monitor community needs, including copy of survey, dated 27 April 1990.

**SKIN CANCER AWARENESS WEEK**  
**Ministerial Statement**

**MR HUMPHRIES** (Minister for Health, Education and the Arts), by leave: Mr Speaker, I am sure that no-one would dispute the fact that skin cancer is a major health problem in Australia, and is undoubtedly a growing one in the ACT. I am strongly committed to comprehensive action to prevent skin cancer in the ACT, particularly because the causative factors are well known and the preventative strategies are quite simple and inexpensive.

Skin Cancer Awareness Week provides a timely opportunity just before the summer holidays for a major effort in coming to grips with this threat to health. This week, from 19 to 25 November, has been sponsored by the Australian Cancer Society with support from the Australasian College of Dermatologists as Skin Cancer Awareness Week. This year the emphasis will be on the early detection of skin cancers. People will be encouraged to speak to their doctors about any skin conditions that are worrying them.

If there are any doubts about the importance of skin cancer as a public health problem, perhaps some information will convince people that it is indeed a health problem. Australia has the highest incidence of skin cancer in the world. It is estimated that about 120,000 Australians have skin cancer at any one time, although many would not be aware of it. About 1,000 Australians die each year from skin cancer, and 800 of those die from malignant melanomas. In 1988 eight Canberrans died from malignant melanomas. The estimated cost for treatment of all skin cancers is between \$100m and \$400m annually. The additional cost in human suffering and lost productivity is inestimable. Most Australians will require treatment for at least one skin cancer in the course of their lives. The rate of occurrence of non-melanocytic skin cancer is more than three times that of all other cancers combined.

Melanoma is the most common cause of cancer deaths in 30- to 40-year-olds, and the rate of melanoma cases is estimated to be rising at 3 to 5 per cent per year. The effect of the depletion of the ozone layer is a completely new and unquantified factor in the equation. Skin damage from sunlight is not obvious until people reach their forties, but excessive exposure usually occurs in childhood



and adolescence. The number of skin cancers amongst Canberrans is not accurately known, but we can expect an increasing incidence as people are tending now to spend longer periods of their lives in the ACT. Canberrans are exposed to longer periods of sunlight than people living in most other Australian cities. Only Perth and Adelaide exceed Canberra's mean daily hours of sunshine in the summer months. In winter, only Darwin, Brisbane and Sydney exceed Canberra's mean daily hours of sunlight. It is a mistake to believe that protection is not needed in the winter, especially with our clear air and high altitude.

While these facts do present a very gloomy picture, they are only a part of the story. Over 99 per cent of skin cancers can be cured if detected at an early stage. In 85 per cent of cases, people who have been treated will survive for more than five years. We also know which people are most at risk of developing skin cancer. They are fair-skinned people, people who do not protect themselves when in the sun and people whose jobs and recreational activities take them into the sun for extended periods of time. Obviously, MLAs are not included in that latter category.

Sunlight is the predominant known cause of skin cancer, and the sun's rays are most harmful between 11 am and 3 pm, eastern summertime. Logically, reduction of exposure to sunlight is the preferable preventative strategy. There are three approaches to the primary prevention of skin cancer: promotion of natural shade, the use of protective clothing and the use of sunscreens. The community also needs to be educated about secondary prevention activities, such as regular checking of the skin for changes in skin spots, freckles and moles, and the early treatment of diagnosed skin cancers.

The Alliance Government is well aware of the need for initiatives on a range of fronts to combat this problem. I am very pleased to announce that the health promotion fund to date has provided sponsorship to three sporting and recreation groups which will be conducting SunSmart campaigns this summer. The groups are: the ACT Volley Ball Association for \$18,559; the ACT yachting team for \$10,000; and the Walking for Pleasure group for \$23,448. These groups will use material such as facts sheets, posters and television advertising to promote the SunSmart message. The ACT Cancer Society has also been provided with some moneys to support these organisations and to promote the sponsorships. It is expected that other sporting and recreational groups will use the SunSmart message to infer the sponsorship.

The ACT Board of Health is currently conducting a campaign to encourage all health workers to wear a hat whenever they need to go outdoors for work and for breaks. As part of Skin Cancer Awareness Week, staff of the ACT Board of Health will run Aussie Hat Day in their workplace. That is tomorrow, Mr Speaker. This will draw attention to this

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simple protective measure of wearing a hat. I might indicate that it is not just health workers who need to be taking this important initiative. I would invite all members of this Assembly as they move about the Territory, especially tomorrow, on Aussie Hat Day, to make the effort to wear a hat and set a good example, particularly to children. In addition, Mr Speaker, the health advancement section of the ACT Ministry for Health will be conducting public sun awareness campaigns again this summer.

I am also very happy to be supporting the work of the ACT Cancer Society in their efforts to provide educational opportunities to medical practitioners. I note that Mrs Judith Dalton, the education officer for the ACT Cancer Society, is present in the gallery today. I think we should commend the work done by the Cancer Society, and Mrs Dalton in particular.

It was a pleasure to open recently the "Doctor on the Spot" seminar that was held at the National Convention Centre at the end of October. Sixty-five general practitioners attended the seminar, which was addressed by dermatologists, surgeons and general practitioners and dealt with the diagnosis and management of early skin cancers, many of which can be treated in the GP's own surgery. Keeping doctors up to date with the latest information is a key element of a comprehensive preventative strategy. The ACT Cancer Society is conducting a spot check clinic this coming Saturday, 24 November, from 10.00 am to 4.00 pm. However, appointments will be necessary because of the expected high demand for the service.

The society has a wide range of educational information kits which are specifically aimed at particular groups, such as carers of preschool children, primary age children, high school students and adults. I am especially concerned that the wearing of hats is actively promoted in schools. To this end educational officers will work in conjunction with schools and the Cancer Society to develop policy and guidelines that school boards may then use to formulate their own policies in relation to protection from exposure to sunlight. I want to ensure that all children are encouraged to wear hats this summer while they are in the open in school hours. It is important to establish the wearing of a hat in summer as a lifetime habit. I have been greatly encouraged by the efforts of many schools to date. Hats have become an important part of a school uniform, with support from school boards and P and C associations in such schools as Fadden, Flynn, Red Hill, Telopea and Florey primary schools.

At Holder Primary School students have access to legionnaires hats, complete with school logo, that can be bought from the school canteen. At Flynn Primary School a variety of hats are sold through the clothing pool. Flynn Primary School is providing a wonderful example by examining the option of a longer, earlier, morning break

and a shorter lunchtime break to reduce time spent outdoors in the middle of the day. Perhaps we could change our practices for lunch here in the Assembly as well, Mr Speaker, to avoid going out between the hours of 11 and 3 - or not have lunch at all - an even healthier practice. I am pleased that in many schools students eat their lunch in school before going out to play. Also most schools insist on hats and sunscreens for all excursions.

Another vital area of concern in the prevention of skin cancer is the protection of outdoor workers from ultraviolet radiation in sunlight. Outdoor workers are at greater risk from excessive exposure than most other people. The Occupational Health and Safety Unit of the Chief Minister's Department is currently examining guidelines to minimise the exposure of outdoor workers in both the public and private sectors of the ACT.

There are a range of issues that need to be considered when addressing exposure of outdoor workers. These include the actual tasks which involve exposure to solar radiation, time of day when tasks are required to be performed, the extent of shade available, the nature of reflective surfaces involved and the use of photosensitive chemicals in the workplace. Engineers need to consider control strategies which include use of natural or artificial shade, administrative procedures to reduce exposure to ultraviolet radiation and promotion of personal protection by workers. It is also important that workers are given access to clear information about self-screening for skin cancers. Training opportunities need to be provided to demonstrate appropriate techniques and to provide information about the importance of early treatment.

Clearly, there is a strong commitment by this Government to take steps to prevent skin cancers in Canberrans. I am pleased to have had the opportunity to inform the Assembly about the range of activities which are being undertaken in the ACT. The National Skin Cancer Awareness Week is an important campaign which must be supported - I hope by all of us. I commend all members and the public to avail themselves of the information that is made available this week. I also urge members to consider the wearing of hats in the course of tomorrow. I see Mr Connolly is setting an excellent example by bringing his hat to the chamber. Mr Speaker, I present the following paper:

Skin Cancer Awareness Week 1990 - Ministerial statement, 22 November 1990.

I move:

That the Assembly takes note of the paper.

**MR BERRY** (3.29): Mr Speaker, there is no doubt that skin cancer and the effects on one's skin from ultraviolet rays are matters of great concern in the community. They are issues which will affect most Australian families in one way or another forever because of the nature of the climate

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in this country. They are, of course, important for the people of the ACT, as has been mentioned by the health Minister, because of the impact of the illnesses that occur as a result of ultraviolet exposure and which need to be dealt with within our hospital system.

It is, first of all, more important that preventative measures are implemented, and I am happy to see that the Government is promoting awareness in the education system. I hope it promotes the same awareness and acceptance of the danger to workers in the workplace. It is, of course, a matter that most employers now endorse, and most unions now pursue protection for workers who work in the danger of open sunlight.

Some employers have a different approach from that of others. Some take the view that they provide the protection for workers while they are in the workplace and that that protection should not be worn outside the workplace. I think that is a fairly narrow-minded view, because after all the effects of exposure to ultraviolet light end up resulting in some form of illness which, statistically anyway, results in time lost at work. I think employers at government and private sector levels ought to promote and contribute to the provision of safety equipment for the prevention of those sorts of illnesses and encourage its use whether or not it is worn at work or afterwards.

One of the things that result from exposure to ultraviolet rays is surgery, and in the few moments that I want to spend on this matter I want to take the Minister back to his hospital waiting lists again. I want to point to the waiting list for plastic surgery. We know that skin cancers have a disfiguring effect and often require plastic surgery. The Government's atrocious handling of the hospital system has resulted in the highest waiting lists for plastic surgery since 1986, according to the figures handed out by the Government. It is a scandalous position when people who have been disfigured because of ultraviolet exposure may have to wait a long period of time for treatment in relation to any disfigurement that occurs. I will conclude on that note, but I will also - - -

**Mr Jensen:** How many cases, Wayne?

**MR BERRY:** If you want it read into the record you should have got it from the Minister.

**Mr Jensen:** No, for that particular problem.

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

**MR BERRY:** There are 221 people waiting for plastic surgery of all varieties.

**Mr Jensen:** You did not answer my question.

**MR SPEAKER:** Order!

**Mr Humphries:** How many was it in 1986?

**MR BERRY:** In 1986 there were 332, and that was when the strike was on. But since then the lowest figure was in the period when I was Minister, and it was then 170.

**Mr Stefaniak:** Pure coincidence, I think. How many were there then, Wayne?

**MR BERRY:** The figure was 170. It has grown by almost 40 per cent since this member took over as Minister - - -

**MR SPEAKER:** Order! Members, please address your questions through the Chair.

**MR BERRY:** Nevertheless, the issue is one of concern for the people of the ACT. I am encouraged by the support that the Minister shows for preventative measures, and I would further encourage the Government to do as much as is possible to prevent - particularly amongst the young - undue exposure to ultraviolet rays. Of course, we have a culture which is sun loving and we have to advise and educate people on the dangers of persisting with that culture; but we also have to ensure that, where we have failed in the past to educate the community and people have been subjected to ultraviolet exposure and have suffered the disfigurement of sun cancer, we also have a government which is compassionate enough to provide proper hospital services to deal with those disfigurements.

**MR MOORE (3.34):** I also would like to take just a couple of minutes to comment on this particular issue. As far as skin cancer goes, I am delighted to see the Minister making such an effort to "ensure all children are encouraged to wear hats this summer while they are in the open in school hours". I am going to make a positive suggestion to the Minister that, considering he is both the Minister for Education and the Minister for Health, it would be appropriate for him to write to each of the school boards setting out some of the examples that he has set out in this paper. He could suggest to the school boards that they respond, stating how they either are encouraging or intending to encourage children to wear hats.

I bring this up because just this morning I asked my son whether he had his hat in his bag - he does not have it on the way to school because he has a helmet on when he is on the bike with me - and he said that he does not like wearing it when he is playing soccer, which, of course, is the very time that he is outside. The peer pressure there is quite significant and I think that if the school has a policy, encouraged through the board, of encouraging students to wear hats, then they will tend to do so. I think this is not a case of trying to force but a case of encouraging. That is the word the Minister has used, and I would just like to say how supportive I am of that and make this positive suggestion to improve that.

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I do note the irony of a comment he made, though. He said, "At Holder Primary School students have access to legionnaires hats complete with school logo which can be bought through the school canteen". Shortly they will have their hats with the school logo, but no school.

Question resolved in the affirmative.

**MOTOR VEHICLE REGULATIONS**  
**Discussion of Matter of Public Importance**

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

There are certain practices and regulations to do with operating a motor vehicle in the ACT which do not benefit the community and place motorists in a disadvantaged and unfair position.

**MR STEVENSON (3.37):** I should say, at the outset, that there are, indeed, certainly a lot of regulations and practices that do benefit motorists. However, today I would like to bring attention to some that have been brought to my notice by constituents. These involve problems that are fairly easy to understand and should be resolved.

Perhaps I could start by saying that in Bunda Street, just north of Petrie Plaza, there is a loading zone. It is a 24-hour, 365 days a year loading zone. It never ends. For example, at 3 o'clock on a Monday morning - or whenever - technically, any vehicle can be booked for being on that loading zone too long or for being there at all.

A simple way to rectify that is to restrict that loading zone time, for example, to Monday to Friday, or to Saturday morning, or whatever. That is the first point. That is in the area of Garema Place, and the Canberra Centre, which is a very busy business area. There are some major parking problems that affect business operators in the Canberra Centre.

As an example, on a Friday evening the car park, where a lot of them park, closes at 10 o'clock. At 10 o'clock on a Friday evening the Canberra Centre is closed. This is the time when many business people within that centre, and perhaps other areas, go about loading their vehicles, be they commercial vehicles or otherwise. They need to get as close to the Canberra Centre as they can for a number of reasons. One reason is security. I am told that recently a lady was stabbed in the face in that area. Another reason is that some people are not able to carry heavy parcels for very long distances at all.

There have been many bookings, late at night, outside the Canberra Centre on the loading zone and also on the no-standing area. This is between 10 o'clock and midnight on a Friday night. That is unreasonable. That does not serve the business community of Canberra. I do not know how widespread that particular problem is. What should be done, I would suggest, is that that "no standing" sign directly outside the Canberra Centre could, perhaps, have a time restriction on it after the time the Canberra Centre has closed. Perhaps, it could be used for standard parking, et cetera.

Another case that has been brought to my notice, once again, concerns someone trying to operate a business in this very difficult economic climate. The gentleman has a 1988 Nissan Nomad van. I have seen the van. Everyone who looks at it would no doubt say, "Yes, it is a commercial vehicle". However when you purchase these vehicles, they have seats in the back. These seats can be taken out. Indeed, for most of the week - certainly all through the business week - he has those seats down or taken out and uses the vehicle as a commercial vehicle. He is involved in running a restaurant, and also another business. He, quite often, needs to carry things backwards and forwards.

The gentleman approached the Motor Registry a long time ago and made the point that he used the vehicle for commercial purposes. And, more importantly, he is prepared to pay the extra registration fee. Unfortunately, he says that he was told that, as the vehicle comes within their definition of a passenger vehicle, that could not be done.

Over a period of time, he has been booked repeatedly. Apparently, the fines run into some thousands of dollars. He has not paid these fines because he feels that this is not a fair and just situation. On the evidence that I have seen, I tend to come to the same conclusion.

If someone has a vehicle that they wish to use commercially, can we not, as public servants, work out a way to allow them to do that, particularly if they are prepared to pay the commercial rate? It might require an affidavit stating that, indeed, the person is a businessman and uses the vehicle. Perhaps we should be a little bit more trusting of members of the public. In this case, as I have said, I have seen the vehicle and I have actually seen the vehicle loaded. There is no doubt whatsoever that he uses it basically as a commercial vehicle. On the weekend, when he gets the opportunity, he will certainly take the kids out in it as well.

There are many other people, particularly within the Canberra Centre, who cannot afford to have a separate commercial vehicle. They cannot afford to pay that money. They have to use their existing vehicle - their passenger car, if you like - for commercial purposes. From a logical point of view, once again, would it not be sensible if we worked towards serving the public and not to create problems for them?

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Another case is obtaining a permit to move an unregistered vehicle to the ACT Motor Vehicle Registry. Let us say that someone has a vehicle that is not registered. I see a couple of people smiling, and I cannot imagine why. If you want to move that vehicle, you need a permit, which is perfectly acceptable and agreeable. You go along to the registry, pay \$13 and get a permit. That permit allows you two hours to get the vehicle into the registry. That is okay. Let us say that you get the vehicle in there, it goes over the pit and they say that you need to have some mechanical repair carried out that takes longer than two hours. At that time you have to pay another \$11 to enable you to have that work done, and you then receive a seven-day permit. That is revenue-raising. What should be done is that, if the person needs to go and get something done to the vehicle, that two-hour permit should be extended to a seven-day permit. He should not have to pay another \$11 to get that.

Another case, that I find quite remarkable, concerns someone who received a parking ticket. He was returning to his vehicle with the coin in his hand after going into a shop, and the lady had started to write the ticket. That was perfectly understandable. He said that she was only doing her job and was quite reasonable about the situation, and she made a note of what he had said. He wrote to the Parking Operations Section of the Department of Urban Services and mentioned the particular case.

The important thing here is that it is said that if you wish to have the matter heard in court you must set out your grounds for appeal in writing prior to the cancellation date. I did not know that the court's responsibility to look at whether or not someone can bring a matter before courts had been abrogated by the Department of Urban Services.

I thought it was the right of all Australians that they can have their day in court. Whether they have grounds or not should have absolutely nothing to do with it. I find it unreasonable that a letter is sent to the person telling them that they must - and the key word is "must" - set out their grounds for appeal in writing prior to the cancellation date.

If someone wants to go to court, by all means, he should let them know. He should say, "Look, I am going to take this to court and have my say". All that is required at that time is, "Thank you, sir; that is your right"; not that he must give grounds prior to that.

Another case is, perhaps, one that might interest some people more than the others that I have mentioned. It concerns people facing the possibility, or the actuality, of having their vehicle registration, or their licence, cancelled without knowing about it.



First of all, let me look at a hypothetical situation. I will then look at a real life situation. The hypothetical situation could be, let us say, that someone parks in a loading zone at midnight in Bunda Street and gets booked. Someone else comes along after that and removes the ticket. The person then drives the vehicle home. Just before Christmas that person leaves on a couple of months tour around Australia. While the person is away, a letter arrives reminding them that they have received a parking infringement notice that they have not paid. It sits in the letter box. Sometime later they receive a notification stating that if they do not pay that - and another \$20 - within so many days their vehicle registration is going to be cancelled.

Meanwhile, they are happily touring around Australia, and do not know that either of these letters has arrived. Unfortunately, while driving up towards the Gold Coast, it starts to rain, and they skid on an oily patch and run into a Rolls Royce, which is tipped over a cliff. The Rolls Royce is written off. It is worth \$150,000. They think, "Well, that is a terrible thing to happen but, luckily, no-one was injured and the damage is, of course, covered because we are insured". When they get back to Canberra they find out that their vehicle registration has been cancelled and, indeed, their property liability insurance is invalidated because they were driving, unknowingly, a vehicle that had its registration cancelled. Certainly, when the vehicle registration is cancelled it does not cancel the personal liability; injury to someone is still covered, but property damage from your own insurance is not covered. That is one major anomaly that has been created by what we have done, and that needs to be corrected, and corrected soon, before all these people leave for their Christmas holidays.

There are any number of scenarios where that situation could happen. Last weekend, someone in Sydney told me that he went along to renew his licence and was told that it had been cancelled six months previously. He said, "Well, I did not know anything about that". He has had an address for years. They had the right address, but he simply did not get any mail. He said that he does remember seeing a report which acknowledged that quite a lot of mail does go astray. I think we certainly understand that that is a possibility, no matter how common.

We need to do something. We need to make sure that the person gets notice. Perhaps, it could be by certified mail, or it should be in person, unless there is any other method. Certainly, it should be one or the other. At the very least, it should be certified mail. This brings me onto another matter that was of great concern to me when I initially found out that I had lost half my life. It had actually been, I thought at the time, taken away by the Motor Vehicle Registry. For 44 years I had been under the false impression that I was born in 1946. I discovered my

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error when recently changing my New South Wales licence over to an ACT licence. I now realise that I was born in 1966, as it states on my licence.

You can imagine my concern when I heard that I had lost 20 years of my life. Someone pretending to be from the Motor Registry contacted me and said that a mistake had been made. Of course, I realised it was not someone from the Motor Registry because they do not make mistakes. I found this out when I wrote the various propositions to them regarding my recent registration cancellation without my knowing about it, although I have a PO box that I always use. I suppose I have to accept that, if I am 24, I am 24. There was some suggestion that I get another licence. Recently I told my mum that she was 20 years younger than she thought she was, and she said, "That is great". She is going to have a party. If anyone thinks I am going to upset my mum, they have another think coming.

**MR DUBY** (Minister for Finance and Urban Services) (3.53): Mr Speaker, that was certainly an interesting debate. I must admit that it was a very hard matter of public importance to prepare for and on which to get all the facts together. The wording of Mr Stevenson's MPI states:

There are certain practices and regulations to do with operating a motor vehicle in the ACT which do not benefit the community and place motorists in a disadvantaged and unfair position.

I know that MPIs are usually matters of public importance. I have a funny feeling that this is a matter of private importance for Mr Stevenson.

**Mr Stevenson:** Mr Speaker, on a point of order: how on earth could Mr Duby say such a thing? I am sure that he would not do any such thing. It would be the last thing you would do as a matter of private importance.

**MR DUBY:** I imagine that losing 20 years of growth rings would have been a matter of private importance to me, anyway. Mr Stevenson, to start with, has raised a number of issues about, for example, parking restrictions. He has mentioned that there are some loading zones which operate on a 24-hour basis. That, certainly, is true. Loading zones on a 24-hour basis are provided for lessees and people who wish to operate a business from that area. Generally they are provided on that basis because it has been done at the request of the people who operate businesses in that area. Nevertheless, 24-hour zones are provided at the request of lessees for delivery of goods, et cetera, and for carting of goods required for sale. They are usually required for places providing services at that time of night. The 24-hour zones also allow operators to park closer to their premises, perhaps, early in the morning to get ready for early morning trade.

I think it should also be pointed out that people who receive parking tickets at 2 am, or midnight, or whatever time in the morning, are receiving tickets that are issued by the police and not by Urban Services parking inspectors. The other thing to be pointed out is, frankly, that I do not have all that much sympathy for someone who receives a parking ticket for parking in a loading zone which is clearly marked "24-hour loading zone", or someone who parks against a red kerb, or in a no-standing area at that time of night because, invariably, there are parking spaces around at that time of night. The loading zone, in particular, I can understand. The other ones are often marked that way for safety reasons.

As I said, no-standing zones are often marked that way for safety reasons, and not just for the fun of putting up a sign to inhibit the parking of vehicles at any time of the day or night. Mr Stevenson also raised the issue of a passenger vehicle - a van - which is being used as a commercial vehicle, and the inability of the owner of that vehicle to obtain registration on a commercial basis. I believe that is the basis of it. It should be pointed out that commercial vehicles do attract a higher fee. There is no disputing that. Mr Stevenson says that the proprietor of that business is quite prepared to pay the commercial fee. Many people around town appreciate the fact that paying the higher rate is much cheaper than paying parking fees, and, by having a commercial vehicle sticker, they can take advantage of parking in commercial-only parking spaces at a lot cheaper per annum rate than someone who has to pay parking fees for whatever period of time per day. The simple fact is that these vehicles are registered as passenger vehicles because they are fitted with seats. The compliance plates show that they have been imported into this country as passenger vehicles.

Different design rules apply to passenger vehicles and commercial vehicles. For that matter, the compliance plate also, I believe, affects the level of duty that is payable on an imported vehicle. I am also not too sure about the situation of sales tax that applies to a sedan passenger vehicle and a commercial vehicle. People who wish to purchase a vehicle which the compliance plate and all the design rules specify is a passenger vehicle, and then wish to use it as a commercial vehicle, must understand that that is simply not the basis on which the vehicles are registered in the first place.

Vehicles are registered on their prime design use. The particular style of vehicle that was mentioned, I believe, was a Nomad van. That is considered to be a passenger vehicle. If this gentleman chooses to take seats out of it and do all sorts of things with it Monday to Friday, and then put seats back in so that he can drive his kids around on the weekend, that is his business. The bottom line is that he is not about to receive registration of it as a commercial vehicle.

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**Mr Stevenson:** He has been told that he can if he pays \$200.

**MR DUBY:** I do not believe that he will, because the compliance plate will specify that it is a passenger vehicle.

**Mr Stevenson:** That is not what he was told.

**MR DUBY:** Well, if that is the case, why does he not do so, instead of collecting thousands of dollars worth of fines? It seems to me that he is not a very bright businessman. Anyway, if the owner wants to use loading zones, he needs to obtain a C label, a commercial label. To do that the vehicle must be a passenger vehicle.

Mr Stevenson also mentioned the fact of requiring a permit to move an unregistered vehicle in order to take it over the pit. I believe, basically, that is what we are talking about.

**Mr Kaine:** It is only \$5.50 an hour.

**MR DUBY:** Exactly. There are two hours allowed where the vehicle has not been inspected. If the vehicle has been inspected, a temporary licence for up to seven days may be issued, depending on the extent of the faults that have been detected in the vehicle. A temporary licence is a permit to move an unregistered vehicle to have repairs effected. If covered by Third Party, a temporary licence is not required to return the vehicle to the Motor Registry. Frankly, I guess the bottom line is that most people are going to require only a two-hour permit to move the vehicle. I can see no real problems.

In relation to going to court, I think Mr Stevenson may well be misquoting from a document, or taking - - -

**Mr Stevenson:** Misquoting?

**MR DUBY:** No, "taking it out of context" is what I was going to say. I have seen copies of the notice, and I believe that the notice that goes out to people was one that was issued when this debate was entered into on 2 November last year. That was when debates were entered into as to whether people should lose their licence for not paying parking fees. I am sure there were examples of what the particular wording of that notice would be. If I remember correctly, the previous Minister worked that out. I notice, also, that Mr Stevenson voted in favour of the arrangements; voted in favour of the extensions, and voted in favour of the second notice going out to people. We now have the situation where it is not just one notice, as was originally proposed; it is now two notices that go out. Mr Stevenson at the time, actually, with a certain sense of - - -

**Mr Stevenson:** I have never voted that people should set out their grounds prior to the court proceedings.

**MR DUBY:** There were some interesting lines, and Mr Stevenson was in good form that day. He says that he has admitted to having received a parking infringement notice or two, which I think all of us have. He says that he has given a few and has got a few back, which is probably a fair exchange. The bottom line is that Mr Stevenson spoke in favour of the legislation, and he spoke in favour of the amended extension of time to provide for people to receive proper notice of the fact that their licence may well be about to be cancelled.

What this legislation did, basically, was to remove parking matters from the criminal jurisdiction and ensure that imprisonment would no longer be the ultimate penalty for unpaid parking fines. I am sure everyone here still supports that notion. Whilst there was vigorous debate over some details of the legislation, there was no disagreement with the basic principle behind it.

The Assembly agreed, overwhelmingly, that it was appropriate for unpaid parking fines not to be punished by imprisonment. I have some notes on this. Given the recent history of Mr Stevenson's experience of some of his constituents in this matter, I thought people losing their driver's licence, or their motor vehicle registration, might well be a topic today.

There are notices that go out. Section 162A of the Motor Traffic Act requires that a final notice be served personally or by post, or that it be left at the last known place of residence or business.

Section 162E of the Motor Traffic Act is even more specific. It requires that a notice advising that a licence or registration has actually been cancelled shall be served by post on the person at his or her last known place of residence or business. There is no provision in the Act for notices to be posted to a post office box.

This is not an unusual or novel provision. It is also a requirement of the Magistrates Court Act. Under the previous legislation, summonses were also posted to residential addresses. It is also consistent with the Acts Interpretation Act that deals with the service of documents.

I think Mr Stevenson would agree that a post office box is not normally regarded as a place of residence. Even if the Act did permit the service of notices to postal boxes, there is of course no guarantee that the box would be cleared by the first - - -

**Mr Stevenson:** They will accept it for renewal, but not for notification.

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**Mrs Grassby:** You are talking about the Residents Rally again.

**MR SPEAKER:** Order!

**MR DUBY:** No, that is a telephone box. These procedures are quite explicit, and they have been correctly followed by the Department of Urban Services on this occasion. For example, take a hypothetical motorist who receives a parking infringement notice in the middle of July. If our hypothetical motorist did not pay his parking fine within 28 days, a final notice would have been sent to his last known residential or business address in mid August. The final notice would allow that person an additional 14 days to pay, but would impose a charge of \$25 to cover administration costs. If the fine and the administration charge were not paid within that extra 14 days, then our hypothetical motorist's licence, or their car registration if they did not hold an ACT driver's licence, would become subject to immediate cancellation without further notice. Fortunately for our hypothetical motorist, the Department of Urban Services does not cancel licences or registrations without further notice. Though there is no legal requirement to do so, the department, in fact, sends out a letter warning the motorist that cancellation is going to take place if the fine is not paid, and giving them a last chance to do so.

This letter, giving that motorist another seven days to pay, will be sent out again to the same residential or business address as the final notice was posted to. If the motorist then does not pay within those seven days, the registration will be cancelled, if they do not hold an ACT licence. Of course, our hypothetical motorist, if he is a bona fide resident of the ACT, would hold an ACT driver's licence in accordance with the provisions of the Motor Traffic Act. It is illegal to reside in the ACT and to continue to hold an interstate driver's licence, just as it is illegal to display a registration label which is more than three days out of date. Our hypothetical motorist should take note of that.

Mr Stevenson was briefed on the legislation, as were other members of the Assembly. He was in the Assembly when the Bill was debated. In fact, he spoke to it in the debate, as I said. Mr Stevenson had the same opportunity as other members to propose changes and move any amendments to the Bill. Members will, no doubt, recall that the most important feature of the fine default legislation, apart from decriminalising parking matters, was that it introduced the principle of user pays - or, more accurately, infringer pays - into the administration of unpaid fines. It was clearly not fair that ACT taxpayers, and the ACT community generally, should continue to bear the burden placed on the territorial budget by unpaid parking fines and the cost of chasing them up.

Not only is the infringer pays approach, introduced by this legislation, fairer to the community as a whole; it is also more effective. It has ended the enormous waste of scarce court and police resources which were formally tied up in parking fine enforcement. It has resulted in a much greater percentage of parking fines being paid more promptly. Since fine default was introduced in February, 70,000 infringement notices have been issued and, already, 64,000 have been paid. It is a payment rate of over 90 per cent. In fact the payment rate for the earlier months was more like 95 per cent. It is also interesting to note that 66 per cent of infringers now pay within the initial 28-day period - more than double the percentage of people under the old system.

Between February and November in excess of 31,000 summonses were issued to parking infringers who failed to pay their fines. As of 14 November this year, 920 licences and 480 registrations had been sanctioned under the new procedures; 60 licences had been reissued after payment of fines, and 24 registrations had been reissued.

**MR SPEAKER:** It appears that the discussion is now concluded.

### **APPROPRIATION BILL 1990-91**

**[COGNATE PAPER:**

#### **PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE - REPORT ON NEW CAPITAL WORKS PROGRAM 1990-91] Detail Stage**

Debate resumed.

#### **Schedule - Part II**

#### **Ministry for Health, Education and the Arts**

Proposed expenditure - Division 260 - Government schooling, \$180,040,500

**MR MOORE (4.09):** Indeed, the matter of government schooling, and the money associated with government schooling is, of course, a very vexed issue in our community. It is, of course, education that is suffering the brunt of the restraint that the Chief Minister talks about. To get an overview, if we look at budget paper No. 2 we can see, on page 46, that the 5 per cent increase over last year is, of course, a cut in real terms. The only other area to take that cut, in real terms, is the area above it, namely, technical and further education.

It is interesting that this Government argues, again and again, that this is a necessary and hard decision that its members must take with reference to schools. They have softened their decision somewhat by allowing three of the

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schools originally targeted to remain open. I must say that I am delighted about that, and I am very pleased that they have finally seen sense.

The trouble is that in the process they have lost sight of the goal they originally started with. The goal they originally started with was to save money. In fact, they could have capitalised on the process. By the time we got to respond to Mr Hudson's report, I recall that the P and C council had put out a further suggestion, option E, which was methods of saving which they put out - - -

**Mr Humphries:** At the last minute.

**MR MOORE:** At the last minute, granted. Option E related to the compromises that they were prepared to make to save money. At that point, I believe, there could have been great capital made of the exercise. Instead of it being left as a totally negative exercise, the Government had the opportunity to turn around and say that this exercise was really about saving money. If the Government had said, "Look, how are we going to save money?", the Government would never have got them to compromise to say, "We are prepared to give a bit of land" - that is true - but it could have said, "Here is the opportunity; we will let you keep your schools open provided we can see other ways of saving the money". There have been a myriad of suggestions on how that could have been achieved; but, instead, we had a bloody-minded approach from a Government that has taken the education issue out of context and did not retain the planning context of the decision. Having taken what has clearly been shown to be bad advice, they continued on, in spite of the demonstrations and in spite of the fact that Mr Hudson, of course, relied on many of the same people for his advice as, indeed, had the Government.

As I pointed out the other day, that advice lacks credibility and it is the credibility, unfortunately, of the education ministry itself. It is likely that it is going to take them a long time to recover from that lack of credibility.

I mentioned to the Minister earlier that I would raise this matter. On 21 September I wrote to the Minister, asking him for a copy of his reply to one Mr Jim Weston, who had put in a submission on the school closures. The particular submission is not the issue in point. However, it raises the matter that Mr Weston has never had a reply, in spite of his request and in spite of a number of requests from me.

The real concern is: how many people who put in submissions received any kind of response? How much attention was paid to the submissions that were put in by the community right through the whole process of consultation and negotiation? Clearly, the information that has been received through the Estimates Committee and other areas indicates that the original set of submissions



on the reshaping criteria were never even presented in any summarised form; nor were they presented, in whole, to members of the Government, who made their decision without even reading them. It is a matter that, I believe, further adds to that question of credibility. It is the case that the credibility of the education department has come into severe question, in spite of what the Minister is likely to say in its defence.

Of course, part of that problem of credibility comes from the fact that we have moved, in a very short time, from a highly successful, innovative, parental education system to one that is now a bureaucratic education system. That has all happened under the guidance of Mr Eric Willmot. The question of dollars that was raised by Mr Wood is also of great interest here. We now have a budget figure of \$180m that is being proposed as part of the appropriation. That figure has not been changed, of course, since the announcement that three of the schools we were going to close are now not going to close. The arguments that have been presented to us about where the savings are now make for a very different set of savings and will require, of course, in the long term, a different appropriation.

Of course I accept that this is an estimate, and, as has been mentioned already, the Treasurer's Advance is available. I will get to the matter of the Treasurer's Advance later. I foreshadow having some comments to make on that. The restraint that has been shown is not a restraint about a budget. It is, in fact, an attack on education in this Territory. It can be presented in no other way.

Mr Humphries' portfolio is the only one that is accepting real cuts. Of course, most of us are left in a quandary as to whether to think, "Well, that is a good thing" or "That is a bad thing". If those cuts were made right across the budget, and other areas were receiving the real cuts as well, we might be much more inclined to accept that we are in hard times and that is what is happening. Focusing your attention on a couple of small areas or, in fact, a couple of large areas - because I accept that the education budget is one of the largest amounts that we deal with - is, of course, likely to bring about a further reaction.

People can see you for what you are doing. What you are doing is attacking education, which is one of the most valued commodities in this community. You will receive the results of taking this approach, and you will be seen for what you are doing.

**MR KAINE** (Chief Minister and Treasurer) (4.17): Mr Speaker, I continue to be confounded by the assertion of Mr Moore and others that "education is suffering the brunt". Mr Moore is very careful to quote figures that he has either deduced or calculated on the basis of what is actually in the budget documents.

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**Mr Moore:** Read page 46.

**MR KAINÉ:** I suggest that Mr Moore read page 49, which shows, in the first paragraph, that funding for this function will be \$247.6m this year and that it was \$234.9m last year. Where is the reduction?

**Mr Moore:** That is not the first paragraph on page 49.

**MR SPEAKER:** Order!

**MR KAINÉ:** Page 49, under "Education and the Arts". I know that you are pretty dumb sometimes, but read the page. It then goes on, and it says:

After making adjustments for transferring functions -

that is functions transferred in and out of this particular element of the Budget -

the same real funding will be provided to Government schools in 1990-1991 as in 1989-1990.

Can you read that, Mr Moore?

**Mr Moore:** Yes.

**MR KAINÉ:** Then, on what do you base your assertion that education is suffering the brunt? It is totally untrue. It is more of the distortion, more of the misrepresentation that is constantly being presented in this debate. If you read on further you will discover that there is an additional \$1.5m being provided this year for the full year effect of schools opened in 1989-1990. There is a further \$450,000 that has been included for new schools which will open next year.

Where can you deduce from that fact, which is presented to you, that education is bearing the brunt of cost reductions? It is totally untrue, Mr Moore. I wish you would read the figures before you instead of making them up on the run. Further down page 49, it is noted that the bus subsidy is being transferred to ACTION. That is \$7.9m. That is not a reduction in the amount of money being spent on education. It is merely a transfer out of the education vote to the urban services vote so that the buses can continue to operate.

If you are going to quote that as a reduction in the expenditure on education, it is a misrepresentation. All I ask is that people read the budget papers that they have; that they draw on what was said to them in amplification of this in the Estimates Committee; that they stop just making it up; and that they do not come here and make these wild, unsubstantiated, untrue statements that education is suffering the brunt. It fits alongside the other allegations by other members of the Opposition that we are

destroying the fabric of society, that we are ripping the guts out of our public schools system. It also fits alongside other statements that are continually being made, none of which have any basis in fact. As I have said, people should look at the facts, look at all the information that is provided in the budget papers, and not stop at the table on page 46 and then proceed to make unfounded and ill-informed deductions. They should read all that is contained in the budget papers. If you did that, I am sure you would have to agree that education is not bearing the brunt, as you imply that it is.

**MR CONNOLLY (4.21):** Mr Speaker, what the budget papers tell us, of course, is that schools are being closed; that education is in disarray; that the community is outraged; that we are assured the funding, in real terms, is the same as in previous years; that there is a \$12m increase on a \$240m expenditure base, and that we have about a 5 per cent increase in money terms, which is a fairly optimistic view of the inflation rate. However, we will take the Chief Minister's view that funding is being maintained in real terms.

The concern, of course, is that it is not sufficient to maintain expenditure on recurrent terms as new schools are being opened as the population of the Territory grows. You would have to maintain expenditure, not only in real dollar terms on a recurrent base, but in terms of the steadily growing Territory population.

It is the education component of the budget in which the Opposition can have no confidence. It is the education part of the budget that the Opposition must particularly be critical of in the appropriation debate. I had occasion to be flicking through an atlas the other day and I noticed that there is a sheep station in the far north of Western Australia that has been named after this Government's education policy. It is the only sheep station in Australia named after a government policy. It is Bungle Bungle Station. When I saw that in the index I looked more closely and it is even more apposite because the atlas tells us that Bungle Bungle Station is in ruins. That is about where the credibility of the Government's education policy and school closures policy stands.

The approach to school closures stands condemned because of the backdown by the Government, the acknowledgment that they were not going to proceed with the seven schools, and the fact that they have moved to a closure policy now of four schools with a projected saving - on Mr Hudson's view - of only slightly less than the original projected saving. This is the origin of the so-called option E.

Mr Hudson found that the Government's preferred option, the seven schools option, would save some \$2.5m. The budget papers that the Chief Minister told us to read - and to

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ensure that we read them very perspicaciously - says \$3m in a full year and \$1m this year. So, we are out by a factor of six. We are out by half a million dollars on \$3m, one-sixth of \$1m. On the Government's own view, the very basis of this estimate must be incorrect. They have acknowledged that. They have acknowledged that there will be a shortfall. They do not know what it will be. Why should we expect a Government producing an appropriation Bill to know what that will be? They are the Government after all.

The important point to arise from the Hudson finding that the savings from the seven-school option will be \$2.5m, instead of the \$3m, was his subsequent finding that the four-school model could produce a saving of \$2.4m through looking at savings in other areas. It is this option E that we are all calling on the Government to devote some resources to. It would seem to follow from Hudson's process that there may well be significant savings that can be made in the system. We are all concerned to make savings in Government expenditure wherever possible.

There may well be significant savings to be made which will allow the schools to remain open, which will allow Lyons and the other schools to continue to provide the sound educational service that they do, and still make a saving to the overall budget. Unless those questions can be answered, the Opposition can have no confidence in voting for this appropriation. It is flawed on its own analysis because it is based on savings that will not be made. It is flawed in its methodology because we think savings can be made without cuts to service.

**MR WOOD** (4.25): I want to add my voice again and make it quite clear that the Opposition does not support this part of the Appropriation Bill. Our position is quite consistent. We have long thought about it, and we have long opposed the closure of any schools. We will not be supporting this.

I want to make some comment about the Hudson report. I had proposed to do so. It may be that the Minister has answered my comments because in question time in response to a question from Mr Moore he said more about the Hudson report than he said all week. The Hudson report took a lot of the Government's time and a lot of the Government's money, and the Government, during the time of Mr Hudson's deliberations, was placing great store on the outcomes of that report. Consequently, I would have thought that the Minister would have made some fairly detailed statement about the Government response to that report. Yet it was only in the answer to Mr Moore's question that we heard any real elaboration of the Government view of that report. Indeed, an answer to a question in two or three minutes is not much, in any case.

Other than that, the only comment that I have seen is the Alliance Government's statement on 20 November when it announced that a further three schools would not be closed.

The Minister may respond and indicate whether the Hudson report will be given any greater consideration than it has been given, and whether the expenditure of that money and time will bring some more detailed response in this Assembly.

The Minister has often criticised people in this house for picking and choosing from the Hudson report. That is something he has done himself, of course. That is inevitably the case with any report, but I think that there is a great deal in that report that requires further consideration. Mr Hudson has raised some very good points.

**Mr Collaery:** Hence the task force.

**MR WOOD:** The task force does not cover the whole range of what Mr Hudson was talking about.

**Mr Kaine:** You have not seen the terms of reference. How can you say that?

**MR WOOD:** I have seen what you Ministers put out, and it does not say a great deal. Mr Humphries, I think that you owe it to Mr Hudson to come back into this chamber and give a fairly detailed Government response to that report and to have some further debate in this chamber about that report.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (4.28): I am happy to answer the questions that have been posed. First of all, let me go back to Mr Moore's comments. He made reference to the submission from Mr Jim Weston. That might be a bad example. I do not know. The fact is that I have had something like 4,000 pieces of correspondence on the question of schools, either submissions or letters. That probably does not include the telephone calls. There have been 4,000 written pieces of correspondence. I am afraid I do not think it indicates a lack of efficiency on the part of my office if one of those pieces of correspondence cannot be identified and located.

I do not have a record of Mr Weston's submission. I did meet with Mr Weston on at least one occasion. I had a meeting with him and another constituent, I think, on a Saturday afternoon, for about half an hour. We talked about the issues affecting his school and the system generally. It is not fair to say that I have not given Mr Weston a reasonable portion of my time and effort, or of the department's time and effort. I do apologise to Mr Weston if I have not responded to his submission as yet. I can assure him that an enormous amount of manpower has been employed in the department in responding to letters, submissions, telephone calls and, of course, public meetings, and the various ways in which the community has debated this issue.

Mr Moore also made the accusation that we now have a bureaucratic education system. I want to reject that assertion quite emphatically. This system remains a highly

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decentralised one. It retains all the elements of decentralised decision making - of community-based decision making - which make it such a valuable system. Obviously, on this issue, as I have indicated many times before, it is not possible to expect communities to accept the closure of their particular schools. No community anywhere has ever accepted the closure of its own school.

The question is whether the system, as a whole, remains decentralised and non-bureaucratic. If any system in this country could be described as decentralised and non-bureaucratic, it is the ACT system. We retain a high level of autonomy at school level. We are very proud of that. In fact, this Government intends to enhance that through the process of pursuing the school-based management model to allow schools to make decision making on financial matters at school level. So the system is becoming less bureaucratic, not more so.

Debate interrupted.

### **ADJOURNMENT**

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

That the Assembly do now adjourn.

**Mr Humphries:** Mr Speaker, I require the question to be put forthwith without debate.

Question resolved in the negative.

### **APPROPRIATION BILL 1990-91**

#### **[COGNATE PAPER**

#### **PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE - REPORT ON NEW CAPITAL WORKS PROGRAM 1990-91]**

#### **Detail Stage**

Debate resumed.

#### **Schedule - Part II**

#### **Ministry for Health, Education and the Arts**

Proposed expenditure - Division 260 - Government schooling, \$180,040,500

**MR HUMPHRIES:** Mr Moore and, I think, Mr Wood and Mr Connolly have now all made reference to the fact that the figure that comes forward in this Appropriation Bill is not an accurate representation of what the Government expects to actually spend on education in this financial year. As I have indicated, and those people have said, I certainly concede that point.

The Bill was prepared and presented in this house some weeks ago. The figure, of course, is being revised as circumstances have changed, particularly in light of the Government's decision earlier this week. It is obvious that that figure will not represent the figure that the Government ultimately plans to spend on education.

However, those opposite, while rather unfairly criticising this fact, do not suggest any solution to the problem. It is not our fault.

**Mr Wood:** Give us an amendment.

**MR HUMPHRIES:** What are we supposed to do? First of all, Mr Wood says that we should have an amendment. Having an amendment assumes that it is possible to identify alternative savings measures instantly from events that have occurred in the course of the last few days. Mr Wood, for the last few months, has been most critical in this debate of the Government making decisions in haste. It is not possible to make adjustments amounting, perhaps, to a million dollars in the education budget just like that. You simply cannot do it. None of you would have done so in government, and you should not expect us to do so either. It is just not responsible. The alternative, I suppose, that they would put forward is not to make any school closures. I have to tell you that if we did not close any schools at all the figure would have to be revised even more dramatically than it is going to be. It would have to be, because you are not going to close as many schools and, therefore, you are not going to make as large a saving as Hudson indicates. Therefore, logically, you cannot rely on the same figure.

**Mr Kaine:** You would have to find \$2.4m then.

**MR HUMPHRIES:** Exactly. You would have to find \$2.4m. What the Opposition is saying is not logical. It is this pie in the sky fantasy that all those people opposite seem to indulge in, and an indication - - -

**Mr Kaine:** It is their cargo cult culture, you see; that the money just appears.

**MR HUMPHRIES:** Cargo cult, perhaps, but an indication of the kind of fantasy world they live in, and the kind of luxurious attitude that one develops in opposition of being able to say, "The Government should do this; the Government should do that", but not - - -

**Mr Kaine:** They had it when they were in government. It was just the same then.

**MR HUMPHRIES:** The Chief Minister corrects me. Of course, this fantasy world was not unknown to them when in government, which is quite true. None the less, there really are not any options open to the Government. We either, in haste, prepare alternative savings measures

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which are certainly going to be without consultation with those affected and going to make a great deal of difficulty for the school community, or we proceed with the original number of school closures - which I am sure those opposite would not wish us to do - or we take a stab in the dark about what the figure might be. That is also irresponsible.

**Ms Follett:** You know this one is wrong. That is not very responsible.

**MR HUMPHRIES:** What am I supposed to do about it, Ms Follett?

**Ms Follett:** Fix it.

**MR HUMPHRIES:** What do you suggest? How do you fix it? Do you spin a roulette wheel and throw the ball in and see what the number is? The stupidity of those opposite is really hard to comprehend on occasions.

Another totally unrealistic suggestion has come forward in respect of option E, the option put to me by the Parents and Citizens' council. Option E, as it has been described, was put before me on Saturday afternoon of last week. The people opposite expect the Government to have made a decision on all the ramifications of option E, which is a 10-point plan, in 48 hours; over a weekend. It is just utterly stupid and unrealistic. Of course, I accept the fact that the P and C are more than entitled to make such a submission, but I have to reject the assertion that they should be given time to develop such a submission when it is presented to government less than 48 hours before it has to make a decision on a crucial question of consolidation and savings in the school system. It is just not realistic.

Mr Wood also asked me whether the Hudson report would receive further consideration. I can indicate that, in fact, the Government, of course, will have to consider the implications of the Hudson report. I am happy to make a detailed exposition of the Government's position at this point in time. I should emphasise that I have made it pretty clear already what the thrust of that response is. The Government will proceed with option E, except that the extent of the achievability of the savings mentioned in option E depends on the outcome of a task force which, earlier this week, the Government announced would be set up.

**Mr Wood:** Option E or option C?

**MR HUMPHRIES:** No, option C.

**Mr Connolly:** You just said "option E".

**MR HUMPHRIES:** I am sorry. I beg your pardon. If I said "option E", I withdraw that and I substitute "option C". The Government has accepted the logic of option C but sees



difficulties with some aspects of that, particularly the small schools policy. It gives me a stitch, and I am sure it gives some of those opposite a stitch as well and, as such, we need to consider very carefully what the implications are. Therefore, it is important that we take the time to assess what the impact of such decisions would be on the school community. Again, that cannot be accomplished overnight. Again, we cannot rush into decisions, as those opposite would choose to have us do. We are going to take our time in assessing the position that the education system will be placed in by such changes in policy, and then decide whether they should proceed. Of course, part of that process is to involve the school community through the task force - which will be a community based task force - and representatives of the union movement and community groups. I am confident that that process will result in an outcome which is acceptable to a broad part of the community.

This debate, of course, is a complex one and will not become any simpler as time goes by. I am encouraged, in some cases, by the late emerging realism of many sectors of the education community about the need to save money in the education budget.

**MR CONNOLLY (4.39):** Mr Humphries was very critical of the Opposition for pointing out the obvious, simple and logical shortcoming in his appropriation, which is that it was premised on a saving of \$3m and we are now told that it will be a saving of \$2.5m. Therefore, the sums do not add up and the amount proposed to be appropriated will not cover the demands on it. He has acknowledged that as such but then taunted us by saying, "Tell us what the figure should be". I will do that.

Your projected savings over a full year were \$3m. At page 49 of the budget papers you say that that will result in a \$1m saving this financial year. So, we are working on a factor of a third of your projected full year savings for this financial year's saving. Your projected saving of \$3m, giving a \$1m saving this financial year, has become \$2.5m. Therefore, the projected saving that a \$2.5m annual figure would give you this financial year is \$830,000. Therefore, you are short \$170,000. If you want to have a reasonably accurate appropriation, add \$170,000 to your Appropriation Bill.

**MR KAINE (Chief Minister and Treasurer) (4.40):** I thought that Mr Stevenson was the one that had some odd ideas about recouping. Mr Connolly, who earned my respect recently in the debate with Mr Stevenson on things economic and accounting, has just blown himself right out the window, as far as I am concerned. To assert that there is a linear relationship between the factors that he just described in determining what the outcome of your budget should be, of course, exhibits a naivety that is unbelievable. If it was that simple - - -

**Mr Connolly:** It is an arithmetic error. You are short half a million dollars.

**MR KAINE:** It is not a straight, arithmetic progression, Mr Connolly. There is not a direct arithmetic, one-to-one relationship between dollars saved on the one hand and dollars spent on the other. There is not a direct one-to-one relationship between dollars spent on one school and dollars spent on another school, as Mr Wood went to great lengths to explain earlier in the debate. You have reduced everything to the simplistic terms that Mr Stevenson uses in trying to explain the relationships in the budget. It is an absurdity. If we were that simple we would accept your solution, but we are not that simple. I do not think you are that simple either.

**MR MOORE (4.41):** I am glad to hear the Treasurer and to see his arrogant smirking. I think we should rename him "Joh Bjelke-Kaine" for the way he blusters on this sort of thing. As soon as the Treasurer feels a little bit sensitive, he gets up and blusters, and waves, and expects some of us to back down to this Joh Bjelke-Petersen sort of arrogance.

Let me give an example. In responding to my saying that this Government is allowing education to wear the brunt of the cuts, the Chief Minister was aware that I separated capital expenditure from recurrent expenditure. He knew that when I was quoting from the figures on page 46. He was aware that I was using recurrent expenditure. In an attempt to cover up, he blusters his way through and uses a combination of the capital and the recurrent expenditure that he refers to on page 49. The Chief Minister is aware, and we are also aware, that there is an extra \$15m spent on capital expenditure overall.

That sort of blustering, Mr Kaine, will convince nobody. I am not likely to back down under that sort of approach. When you come to me and you can illustrate that it is not the case, then we will get somewhere. It was further illustrated by Mr Humphries when he used the word "manpower" in relation to his 4,000 letters. As far as that staffing time goes, which is the term that I use, it is still -  
- -

**Mr Duby:** That you use?

**MR MOORE:** Yes, which I use. That is what I said.

**Mr Duby:** He uses "manpower".

**MR MOORE:** I know that he uses "manpower", and it says something about the person. The fact that Mr Humphries is using it is just one example of where he has failed to respond. It is, of course, very interesting when he is talking about Mr Weston, and the fact that he had seen Mr Weston and given him half an hour of his time. In fact, it

was Mr Humphries who requested that Mr Weston actually put that submission to him, which he did personally, and, as Mr Humphries said he has since had no reply.

It is not that particular submission that we are concerned about; it is all the others that have not had any acknowledgment. Whether or not they have had an acknowledgment is not the critical thing. The question is how much notice has been taken of all the work that people have put in. I would suggest that it is very, very little.

The other factor, in terms of education wearing the brunt, is that we have had the Minister arguing, "Well, there is \$7.5m. It has gone across to bussing and, therefore, does not come into it, and that changes the whole thing". It changes it by, perhaps, about 3 to 4 per cent. Even if you take that into account, you still find that education is wearing the brunt of this Government's attack. That is the case. No matter which way you look at it, that is what they are doing.

As Ministers go, I feel a little bit sorry for Mr Humphries. It seems that he is the only one that cannot manage to get his area looked after. One cannot help wondering to what extent he has been set up.

The other fact that comes into a reply from Mr Humphries is the notion that the P and C council had put their proposition on Saturday, and, therefore, they had only 48 hours to reply, which made it absolutely impossible for the Government, with all its resources, to reply. The Hudson report was available to the P and C only a couple of days before that. With no resources but their own community efforts, basically, they were able to come up with a sensible, rational, reasonable option, where no schools had to close, and there were still savings to be made. They were able to do that by Saturday.

They had to make sure that they had got the agreement of the whole council, and they were still able to come up with that on Saturday.

**Mr Humphries:** They did not do that.

**MR MOORE:** You just said that they did.

**Mr Humphries:** Get the agreement of the whole council? No, they did not.

**MR MOORE:** The council executive. They came up with the options. They had the power to do that because of the room that the whole council had given them. They were, thankfully and appropriately, within their normal operating systems because they were able to come up with that within about 48 hours. With all your resources, you were not able to respond to that in any satisfactory way in 48 hours because you were bloody-minded. You had lost sight of what

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you were originally on about, which was to appropriately - although I disagree with it; but, from your perspective, appropriately - cut that amount of money from the budget.

You had got into the idea that you were going to close schools, and that is all there was to it. You did not want to be too embarrassed by not being able to do it any other way. You had the options. You had the ways of doing it. You had the compromises. You had the community backing down and being prepared to look at many of the other options, but you were not prepared to accept it. Instead, you just ploughed on in a bloody-minded manner.

Proposed expenditure agreed to.

Proposed expenditure - Division 270 - Non-government Education, \$52,933,000 - agreed to.

Proposed expenditure - Division 280 - The Arts, \$8,526,000 - agreed to.

Proposed expenditure - Division 290 - Ministry and Corporate Support, \$11,727,100 - agreed to.

Proposed expenditure - Division 300 - Health Policy and Planning, \$2,138,700 - agreed to.

Proposed expenditure - Division 310 - Hospital Services, \$176,712,100

**MR SPEAKER:** I call Mr Berry.

**Mr Duby:** I thought it would be too good to be true.

**MR BERRY (4.49):** I heard an interjection that it would be too good to be true. I think it meant that it would be too good to be true that the Labor Opposition would pass up the opportunity to expose this Government on its poor management.

**Mr Kaine:** Of yet again talking about ripping the guts out of the hospital system.

**MR BERRY:** And, indeed, ripping the guts out of the hospital system, as you put it.

**Mr Kaine:** And destroying the social fabric. You missed that one.

**MR BERRY:** They are your words, but they will do, Chief Minister.

**Mr Kaine:** They are your words. I am just reminding you that you have not used them lately.

**MR BERRY:** You would be comfortable with destroying the social fabric.

Mr Speaker, one thing that has been a focal point in the debate over hospital services in the ACT has been the issue of a private hospital. In the Estimates Committee it was said at first that there was a demand for a second private hospital in Canberra. Of course, there was no argument to support that proposition. The Minister relied on some fairly ordinary supporting evidence, and I will come to that later. But it is clear that there is little need for extra private beds in the ACT. The health mafia from New South Wales might well argue that there should be an expansion of private hospital beds in the ACT and the Minister might endorse that claim, but you only have to look at some of the examples in the Territory to see that there is no demand for private hospital beds. For example, Calvary Hospital had an allocation of 50 or so beds some time ago; they were never opened, and it has never been able to fill the private beds that it does operate. I understand that they are pleased to get rid of the private beds in that hospital and would prefer to operate as a public hospital.

There is no demand for private beds. Yet this Government bases its expansion of the private sector on some elusive demand. It is not there. There is no demand, but there is a demonstrated demand for public hospital beds, Chief Minister. I am sorry to see that the Minister is out of the chamber - or almost out of the chamber - because that demonstration of the need for public beds in the Territory shows up very clearly in the facts which the Government has supplied in relation to waiting lists for elective surgery in our hospitals. They are at their highest rate for many years, for four or five years; in fact, they are 40 per cent over what they were at this time last year. Of course, the Government is getting very nervous about that and the Minister is trying hard to hose it down and cover it up. But it will not go away while ever those waiting lists keep emerging and the victims of the system keep complaining about the pain and suffering they are going through because of those waiting lists.

The Minister argues - listen to this one - that the need for a private hospital is demonstrated by what could only be described as a meagre, above average private insurance rate in the ACT. That is not backed up by any evidence. In the Estimates Committee hearings he was asked for the waiting lists for private hospitals; but he did not have them, he had not considered them.

**Mr Humphries:** They are not available.

**MR BERRY:** That is right. How on earth can you argue that there is a demand for private hospital beds if you cannot prove the demand?

**Mr Humphries:** Because they seek to build more private hospital beds and they have asked to build them.

**MR BERRY:** They do not open the ones they have.

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**Mr Humphries:** Why are they asking to build more then?

**MR SPEAKER:** Order, Mr Humphries, please!

**MR BERRY:** They do not open the ones they have got. The only way that they will open more private beds in this Territory is if this Government guarantees them that they will create a market for them. And they will do it. They will create the market because they will cut the public hospital system back further and create longer waiting lists and more pain and suffering in the community.

**Mr Humphries:** Where is your evidence?

**MR BERRY:** The evidence is here. You handed it out the other day. The waiting lists are growing longer. That is the evidence.

**Mr Humphries:** That is to do with other factors.

**MR BERRY:** That is about cutting back services.

**Mr Kaine:** Rubbish!

**MR BERRY:** You cannot cover the facts, Chief Minister Kaine. The fact of the matter is that you are cutting back services, and that is why you have waiting lists. If you were not cutting back services the waiting lists would be much lower; in fact, they would be more like the levels which existed when I was the Minister.

**Mr Connolly:** The Berry waiting lists.

**MR BERRY:** Yes, that is right, the famous Berry waiting lists. The fact of the matter is that you are cutting back services to save money and people are suffering because of it. Those are the facts, and you cannot deny them. You cannot hide from those facts. The people in the community are awake to you. You cannot cover that up any longer. Those waiting lists are clearly because of cost cutting and the saving of money by the reduction of services in our hospital system.

The Minister will complain that it is because he cannot recruit nurses - and I will come to that a bit later - and there are staffing problems and all sorts of things. Of course, these were never discussed in the Estimates Committee, but the real reasons for the ACT's higher rates of private insurance include the higher than average income that everybody talks about and the long waiting lists which have emerged because of past industrial disputes and which have caused some concern in the hospital system. I refer here to the major dispute in 1986 and, of course, people continue to insure because of their fear arising from the massive waiting lists that were created by that industrial dispute. Another reason is the low number of salaried medical officers in the ACT public hospital system. Those

are the real reasons for higher rates of private insurance. You cannot argue that people want to go into private hospitals on the basis that they privately insure. The fact of the matter is that they do not. No waiting lists for private hospitals; waiting lists for public hospitals. It is as clear as a bell.

There is no convincing evidence that, despite the huge amount of taxpayers' money which has been poured into the hospital redevelopment project, the quality of public hospital services will be maintained. Quality includes access, Minister. Quality includes access, Mr Jensen. Do not deny it, because if you do not have access you do not have a quality service. What is the good of a hospital system that you cannot get a bed in? That is what is happening with our system. The beds are being cut back slowly to make it an attractive market for a private entrepreneur. You cannot deny that, Minister, because nobody will cop it if you do. The Government intends that the percentage of public hospital beds available in the ACT will be less. That is what it has said. You have said that the percentage of public hospital beds available in the ACT will be less. That means that there will be less. That means that this Government, this Liberal, Residents Rally and other people Government, supports a massive swing to private hospital beds of up to 10 per cent. This means that there will be, as I said, less public hospital beds per 1,000 people in the ACT. That, in turn, means less access to public beds, which is a reduction in quality, which is quite contrary to what the Minister promised. He promised that there would be no reduction in the quality of service.

**MR SPEAKER:** Order! I do not believe it is appropriate for members of the Treasury to enter on the floor of the chamber in that manner. Please proceed, Mr Berry.

**MR BERRY:** Thank you, Mr Speaker. They are dangerous people, these Treasury officials, and you must keep them out of here.

Mr Speaker, all of this reduction in access to public beds in the ACT is occurring at a time when there are already less beds per 1,000 people than in the rest of Australia. Those are the facts; you cannot deny them.

**Mr Humphries:** That is why we are increasing the number of beds.

**MR BERRY:** You cannot deny that. You are not increasing; you are reducing.

**Mr Doby:** We are increasing public beds.

**MR BERRY:** You are reducing.

**Mr Doby:** We are increasing public beds.

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**MR BERRY:** You are reducing access to public beds, Minister DUBY.

**Mr DUBY:** We are increasing public beds.

**MR BERRY:** Look, you do not seem to understand all of this. The other night, when you said that the community health centre at Melba would not close, you were not able to say that that was the Government position. I think it was something like the election campaign you ran; it was just get on the crest of a popular wave and cruise in. You will just cruise in. But now the Minister has got in the way.

**Mr DUBY:** It took the wind out of your sails.

**MR SPEAKER:** Order, members!

**MR BERRY:** He has taken the wind out of your sails. He has said, "Oh no, Craig DUBY has got the dump".

**MR SPEAKER:** Order, members! Mr Berry, you are out of time.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (4.59): I really do not know who Mr Berry thinks he is impressing with these sorts of debates. Nobody is listening to this drivel after the first 15 or 20 times he repeats it. The gallery, for the most part, is pretty empty. Everyone has heard it all before ad nauseam. I really wonder what he thinks he is achieving by mouthing those stupid arguments one more time. But, for the sake of the record, one more time I will go through the reasons why Mr Berry is comprehensively wrong.

He says: how do I know that demand for private hospital beds exists in the ACT? First of all, I have to reassert the view that if people insure for something there is a fair expectation that they actually want to do what they have insured for.

**Mr Moore:** Why are they not using more at Calvary?

**MR HUMPHRIES:** Because Calvary has not got them. There are a number of services - - -

**Mr Berry:** But there are plenty. There have been 60 empty beds up there for years.

**MR HUMPHRIES:** Mr Speaker - - -

**Mr DUBY:** It is like saying that people buy movie tickets because they do not want to go to the movies.

**MR HUMPHRIES:** That is right.

**MR SPEAKER:** Order, Mr DUBY, please!



**MR HUMPHRIES:** That is right. It is just bizarre. People in the ACT cannot get a number of services in private hospitals because we have not provided for those private hospitals; we have not authorised those private hospital services. By providing such services, people who have the insurance to pay for such things will, presumably, want to use them. The fact is that the ACT has a level of private bed usage that is considerably less than the national average, and that additional pressure on the public hospital system costs money. It costs the taxpayer money and it reduces the quality of care that we can offer in the public hospital system because of the pressure of numbers. It makes sense to relieve that, and the proof of that fact is that the Commonwealth Government has put in place policies to encourage State and Territory governments to increase the number of private hospital beds. We are responding - - -

**Mr Berry:** What are they?

**MR HUMPHRIES:** The Medicare agreement is one such thing, Mr Berry. There is the Medicare agreement. The Commonwealth Government puts those mechanisms in place to encourage governments to put in place more private hospital beds, and that is one of the things this Government is doing.

Let us come back to this often repeated assertion, which Mr Berry undoubtedly hopes will become true merely because of being repeated so many times, that the Government is cutting back services. It is so frequently asserted that Mr Berry hopes it will gain currency. The fact is that you can prove or disprove this proposition, and as yet, in all the debates we have held in this place, Mr Berry has not actually proved or even suggested what it is that the Government is actually doing to produce a lower level of service. He has not actually said what specific service or services are being cut to achieve a lower level of service.

**Mr Kaine:** And neither can he.

**MR HUMPHRIES:** And neither can he. What exactly is it that we have cut? Mr Berry can speak again in this debate. Can you tell us what it is that we have actually cut? Proving that there is a waiting list does not prove anything, Mr Berry. The facts that we have not recruited enough nurses into the system, as that waiting list proves, and that we have not sufficient workers, particularly nurses, in the public hospital system do not, of themselves, prove that the Government has cut back on the amount of money available for nurses, because if you look at the budget, in particular the budget for expenditure on nursing and nursing services and staff services generally in the hospitals, you will see that there is no loss of clinical services in that process.

We are not taking any people away from any wards. We are not reducing the proportion of service providers to patients in the hospital system. If that is the case, if

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we are not actually cutting back the amount of money we spend on nurses or doctors or other health professionals, how can it be that the Government's policy is preventing nurses from being recruited? Clearly there are other reasons why nurses cannot be recruited and they are more to do, I would suggest, with the fact that there is a very serious shortage of nurses throughout this country at the present point in time. There is a very serious shortage of nurses.

**Mr Duby:** Nationally.

**MR HUMPHRIES:** Nationally. Every hospital system, in every State and Territory in this country, is facing the same problem. Mr Berry loves to think that that is a problem particular to the ACT. It is not.

What other services is the Government cutting back to produce this shortfall, this reduction in quality? I invite Mr Berry to indicate what they are and not just to say, "You are closing hospitals or you are closing wards or whatever". What are we actually denying to patients in our hospital system? What could they get under Mr Berry which they cannot get today? That is the question. I invite him to answer that question.

**MR STEVENSON (5.04):** There are stresses on our hospital system and, of course, they are brought about by not having enough money to pay for the system. A short while ago the Chief Minister mentioned something about Mr Connolly and me having some sort of similar technique, what he called "linear technique".

**Mr Kaine:** I am sorry I said that, Dennis.

**MR STEVENSON:** You have upset both of us. I wondered what exactly a "linear technique" was. I know that there are a lot of terms that accountants or economists use - - -

**Mr Kaine:** I said "a linear relationship".

**MR STEVENSON:** A linear relationship. I wondered whether it was something to do with a linear differential equation which is "an equation of the first degree formed by equating to zero an expression understood to be a linear function of the dependent variable and its derivatives". So, he did say something about what I said.

I thought that for the record perhaps I should very briefly put the basics of what I say, which concerns why we have a money problem. It is simply a matter of resources, right? It is like hospitals. Australia has abundant resources in food, crops and livestock. We have abundant energy and energy potential. We have an absolutely marvellous industrial capacity, huge resources in building materials, manpower, enterprise. In fact, we have land, climate and everything we need. We simply lack one thing in this country, and it is something - - -

**Mr Duby:** Money, money, money.

**MR STEVENSON:** What is it? Money, money, money; that is right. We simply lack the pieces of paper to denote the exchange. So, linear - - -

**Mr Humphries:** You are absolutely right.

**MR STEVENSON:** It is interesting that Mr Humphries said that I am absolutely right. We have everything but the pieces of paper we need to denote the exchange. It is a sad situation that people cannot get around their mirth and actually look at exactly what that means, rather than just pretending that it is not there, that it does not happen.

When someone gives me a sensible explanation of where the major problem is, other than that, I will be most interested to hear it.

**MR SPEAKER:** The question is that the - - -

**Mr Berry:** Oh, no, no, no.

**MR SPEAKER:** You are a bit slow. I almost beat you there.

**MR BERRY (5.06):** Mr Humphries asked me to give some instances where the Government had cut back services. Off the top of my head I know of 20-odd obstetric beds which have been cut out of the system and handed over to the private sector. That is not a bad example.

**Mr Humphries:** Where?

**MR BERRY:** You approved them for John James.

I should refer Mr Humphries to page 446 of budget paper No. 5. One of the key performance indicators for the Royal Canberra and Woden Valley hospitals is the numbers on the waiting lists. He cannot deny that. If you can keep them out of the hospitals, of course your costs will fall - and that is what this Government is about. The record of the Labor Party stands clear - the lowest waiting list numbers over a period of five years, on the figures.

**Mr Duby:** Is that for plastic surgery?

**MR BERRY:** For all levels. There were 993 in September 1989. That is the lowest in a period of seven years. There you go. So Labor proved itself as a good manager of the hospital system. What the Liberals have done, with the help of the Residents Rally, is cut back services. Your reaction to bad management of the hospital was to cut back services and hit the people. That is what you did, and that is why your waiting lists have gone through the roof. Keep them out of the hospitals; keep them sick and at home - that is what you are on about.

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The Government asserts that the quality of services would be unaffected by the massive swing to private hospital beds. That is clearly not true. In fact, in my view, saying that is clearly calculated to mislead the public. There can be no justification on any ground for the expenditure of \$3m for the fast-tracking of the closure of Royal Canberra Hospital - except, according to Tony Clarke to ensure that the politicians did not lose their nerve. Of course, the Residents Rally people are getting a bit nervous about it, because they betrayed the people of the ACT with their policies at the last poll - because they did not live up to their policies.

**Dr Kinloch:** Oh, Wayne, what rhetoric you go in for!

**MR BERRY:** You betrayed them. I saw Dr Kinloch out here saying "God save Royal Canberra Hospital".

**Mr Connolly:** What about in the truck?

**MR BERRY:** Yes, and the truck down here at Royal Canberra Hospital.

The Minister claims that the redevelopment will come in on budget. The \$154m redevelopment proposal did not include any money for fast-tracking, which means another chunk of the services will be taken out of the system.

**Mr Kaine:** No, there will not.

**MR BERRY:** A chunk will be taken out of the system, no matter what you say. The fact of the matter is that it has blown out by more than a million dollars a month since you took office.

**Mr Kaine:** Rubbish!

**MR BERRY:** That is true. If the redevelopment is to stay on budget, then the cost of the fast-tracking will eat into the services that are being provided. The Residents Rally party has criticised the fast-tracking of this closure of the Royal Canberra Hospital. I wonder what their MLAs will do. The party says that it has directed them to slow it down and to stop it, but I doubt whether they will do that. After all, these MLAs of the Residents Rally did not take any notice of the 46,000 people who signed the petition to save Royal Canberra Hospital - neither did the Liberals; and, of course, the No Self Government people are still deaf.

But that deafening seems to be catching because the rest of them are slowly going that way as well. Hiding up at Stromlo might make you feel that you are getting better but it will do nothing to address the problems you have created in this community. It is not a matter of navel gazing; it is your policies. You cannot sell those policies; they are crook. The fact of the matter is that your policies are crook and you cannot sell them. You do not seem to have

heard that the people of the ACT have rejected what you are on about in schools and hospitals. It is about time you sacked this Minister, because this Minister is responsible for the vandalism in our hospitals and schools.

Another matter that was discussed in the Estimates Committee was the high cost of advertising contained in the health program. Mr Humphries said something about the major difficulties in the hospital being related to his failure to recruit nurses. I am not surprised, with the dodgy advertising that has been going on. It has even been claimed in the department's advertising that there could be a career at the Royal Canberra Hospital - a nice, long, warm career at the Royal Canberra Hospital which is due to shut down in 1991. You cannot fool the people for too long. They are a wake-up to you. The fact of the matter is that there would be no career for those nurses if they were to be recruited. One of the facts of the matter is that a senior manager - - -

**Mr Humphries:** Absolute rubbish!

**MR BERRY:** You tell me what career will be going on at Royal Canberra Hospital after 1991 in the areas of surgery.

**Mr Humphries:** At Royal Canberra Hospital South there will be plenty of careers for them.

**MR BERRY:** I mean Royal Canberra Hospital on the Acton Peninsula. People are a wake-up to that dodgy name change too. The fact of the matter is that the advertisement was for the hospital on the Acton site, and you fibbed to the people of Australia. That is why nurses will not come here. That sort of advertising is deliberately misleading - and that is why morale is low amongst the workers in the system.

What is most disappointing is that, even when the inaccuracies of the advertisement were pointed out to a senior manager, he refused to accept that it was inaccurate. One of the little things that were said in the advertisement was, "Royal Canberra Hospital is closely located to the centre of the city of Canberra, merely a five-minute walk" away. I tell you what: you could not ride that far on a pushbike in five minutes, let alone idly walk across.

**Mr Humphries:** This really damns the Government, does it not? We had better resign, Trevor.

**MR BERRY:** What does damn the Government is the fact that they have failed. The Government has failed in its recruitment, not only in the hospital system but also in the Ambulance Service, where the ambulances lie idle because the Government is so incompetent that it cannot recruit sufficient staff to provide the services to the people of the Territory which are paid for by a mandatory

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contribution to the Ambulance Fund. There is nothing wrong with the mandatory levy; but you have to produce the services, and you have not done it.

**Mr Humphries:** Yes, we have.

**MR BERRY:** You have not. Ambulance stations are closed - they are closed today. The fact of the matter is that Labor moved to do something, and this Minister sat on his hands for almost a year. We are having another committee of inquiry almost a year after the last one, when nothing was done. Nothing was done by this Minister, and he even admitted that he did not know the guts of the inquiry that was held last time.

**Mr Humphries:** I did not.

**MR BERRY:** You said it on the radio. On the evidence presented, the Ministry of Health is shown to have a massive turnover of employees, which must occur at great expense to the taxpayer and the efficiency of our health system.

**Mr Humphries:** Prove it.

**MR BERRY:** Did you implement the recommendations of the inquiry? No, you did not, and you could not relate them.

**Mr Humphries:** That does not mean that I did not read it.

**MR BERRY:** You were covering it up then, were you? Were you covering it up?

**Mr Humphries:** So what? Can you relate them?

**MR BERRY:** I did not see it. I was not the Minister; you were. The fact of the matter is that the Government's decision on the hospital system has meant that there will be a significant cut in services for the people of Canberra and, of course, the people of the ACT will not cop that. They will remember it and, of course, we will end up with a different result at the next election because of this.

It might be that a political party could sit back with a smug look on its face and say, "That is good because they are making it easier for us". What I am concerned about is the mess that the Labor Party will inherit after the next election. This Government is set on the total destruction of our health and education systems. That is clear - and it does not even know that it is doing it. That is how stupid they are. They do not even know that they are doing it. The fact of the matter is that they are not acting in the interests of the people of the ACT; the only interests they are acting in are those of their business mates and, when they look after those who are not attached to the business sector, they are looking after themselves.

**MR HUMPHRIES** (Minister for Health, Education and the Arts) (5.17): Mr Speaker - - -

**Mr Doby:** It is not worth replying to.

**MR HUMPHRIES:** It really is not, is it? But I think I had better reply, because Mr Berry said some really tawdry things. He has not been able to meet my challenge. I have challenged him, and he could not meet it. What services has the Government actually cut to achieve the losses that Mr Berry identified?

**Mr Berry:** Ambulances.

**MR HUMPHRIES:** No, we have not cut any ambulances. We have not taken any ambulances off the road. We have not cut any staff allocations. In fact, we have increased staff allocations in the Ambulance Service. Mr Berry wanders off because he cannot answer these questions. The fact of life is that he throws the allegations up and cannot answer these questions.

Likewise with regard to waiting lists: What is it that the Government has actually done, according to Mr Berry, to increase waiting lists in the Territory? What have we actually done? This is interesting: Mr Berry points to the figures in 1986-87 when there was a doctors dispute, and those figures were at their highest historically at that point in time. He usually glosses over that fact. But the fact is that that was when the waiting lists were at their highest. Mr Berry does not admit that that was the fault of the then Government, because, he says, that was the fault of the doctors - the doctors were to blame for the fact that there were high waiting lists in 1986 and 1987 during the doctors dispute. Yet he says that the fact that there are high waiting lists now *res ipsa loquitur* proves that we must have some Government policy which has caused that. It does not speak for itself; it does not follow - any more than the high waiting lists in 1986 or 1987 prove that the waiting lists were the fault of the Government. Mr Berry needs to produce evidence, and he has not done that. He has not, because he cannot.

Mr Berry made another inaccurate statement in his comments. He said that the waiting lists in all areas are up under this Government. That also is quite untrue. In a number of crucial areas, in fact, the waiting lists have gone down under this Alliance Government. For example, in September 1989, in the oral dental work area at Royal Canberra Hospital South the number of people on the waiting list was 65; it stood at 18 in September 1990. In neurosurgery the figures have dropped from 13 in 1989 to 7 in 1990 at Royal Canberra Hospital South. The ophthalmology figure has dropped from 128 under Mr Berry to 75 under me. These are quite big differences, and they are all due to, in some way or other, changed circumstances in the hospital. I would respectfully submit that these improvements demonstrate that the situation is not as cut and dried as Mr Berry puts

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it; and that these circumstances are, in fact, responses to a complex series of forces at work in our hospital system which cannot be laid entirely at the door of any government.

The \$12m blow-out Mr Berry continues to refer to is untrue. It is false, false, false - and people should be reminded of how false that assertion is. Mr Berry ought to prove that there is any blow-out in the hospital budget, and point out what figure he relies upon to reach that conclusion.

Of course, we all know that the figure he is looking at is the adjustment for inflation - \$166m over \$154m in the June 1989 values. What a false, hypocritical kind of statement to make! It is typical of the contributions Mr Berry has made in this area up to date. The fact is, Mr Speaker, that if people are relying on Mr Berry for information in this area they really are joining in the ship of fools.

Proposed expenditure agreed to.

Proposed expenditure - Division 320 - Public and Community Health Services, \$49,583,500 - agreed to.

#### **Advance to the Minister Administering the Audit Act 1989**

Proposed expenditure - Division 330 - Treasurer's Advance, \$13,840,000

**MR MOORE (5.22):** I am delighted to have the opportunity to speak to this particular item. It is probably a quite unusual thing, I imagine, to speak to the Treasurer's Advance, but I think it illustrates quite clearly exactly where this Government is. This Government of restraint has, of course, realised that they are probably going to have to blow out somewhat, so what we see is an increase of, by a quick calculation, approximately 20 per cent over last year. It is the same sort of increase that we see coming from this Government across a whole range of things, and I think it aptly illustrates the lack of restraint that is shown by the Treasurer and Chief Minister, and also the lack of restraint that is shown across the portfolio areas.

With regard to last year's Appropriation Bill, in fact the Supply Bill provided \$10m and the appropriation was for \$10m, so we have almost another \$4m involved across the system. It seems to me that what we have here is a Treasurer who is aware that he is going to need a 20 per cent increase because he is going to have an extra 20 per cent blow-out on his own budget, and he certainly feels that it is not appropriate for him to retain a sensible increase on the Treasurer's Advance by holding it to a real terms increase. Instead, the lack of restraint shown in this area is just the same as the lack of restraint that we have seen across almost all areas of the budget.



**MR DUBY** (Minister for Finance and Urban Services) (5.24): I have only one comment to make, having listened to what Mr Moore had to say. I know that he is going to get a second chance to speak; so I would ask him whether, when he is next around, he could explain to the Assembly what his understanding of the Treasurer's Advance is.

**MS FOLLETT** (Leader of the Opposition) (5.24): Mr Speaker, just very briefly I would like to echo some of the disquiet that Mr Moore has expressed about the Treasurer's Advance. There are two things I would like to say. First of all, in respect of the expenditure from this advance that we have been advised of so far, it is a great worry to me that the vast majority of it has in fact been on salaries and on recurrent-type programs.

It has always been my understanding that the Treasurer's Advance was for expenditure that was either urgent or unforeseen - or of that nature. I know that in the ACT situation it is not nearly as strict as that.

**Mr Jensen:** Good on you, Rosemary.

**Mr Duby:** Yes, when a question is asked, answer the question for him.

**MS FOLLETT:** This seems to be causing some amusement to people opposite.

**Mr Duby:** Because Mr Moore did not know the answer to the question and you were terrified, you had to answer it for him.

**Mr Moore:** Well, if that was the case, Leader of the Opposition, thank you very much; but - - -

**MR SPEAKER:** Order!

**Mr Humphries:** That was very charitable of you, Rosemary.

**MS FOLLETT:** It is my pleasure to enlighten anybody who needed that much enlightenment, Mr Speaker. The second point I would like to make is that, of course, for the government schooling part of the budget, there is obviously going to have to be money drawn from the Treasurer's Advance to make up for the incorrect figure which Government members opposite voted for in this consideration of the Appropriation Bill.

Mr Speaker, if there is another way that the Government proposes to make up for that incorrect figure in the Bill I would certainly like to hear it. We have not heard it so far. It seems to me that both of the items which I have mentioned - salaries and payments in the nature of salary and the shortfall in the appropriation for government schooling - could have been handled in a different way.

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It is really not appropriate for these matters to be dealt with by using the Treasurer's Advance. However loosely interpreted, it should not be spent on ongoing items which you should have budgeted for in the first place, and it also should not be spent because you have put the wrong figure in your government schooling budget. Mr Humphries has virtually admitted that that figure is wrong; yet Government members opposite voted for it. I cannot think why. I think it is a highly irresponsible act for them to have done that. So I would like to hear, perhaps from the Treasurer, whether he has any response to those two points.

**MR KAINE** (Chief Minister and Treasurer) (5.26): It is rather intriguing, Mr Speaker, that the members opposite have just been through an estimates committee process and at no stage whatsoever was any question asked about this matter.

**Ms Follett:** I am asking you now.

**MR KAINE:** Why did you not ask it during the Estimates Committee? That is what the Estimates Committee process is for - so that you can elicit information about the estimates. But you did not do it then. And, giving due credit to Mr Moore, if he had not raised the question now it would have escaped you completely; it would have absolutely escaped your notice. So now we get to the final stages of the debate on the Appropriation Bill and up gets little Topsy over here and pursues an issue that Mr Moore has raised on the basis that she might just make a political point or two out of it.

It is rather interesting that her exposition of what the Treasurer's Advance is about put it in very simple terms - so simple that I expect that she does not really understand what the purpose of the Treasurer's Advance is anyway. The information is in the budget papers, if any of you had bothered to read them, or if you had bothered to ask the question during the estimates debate. I submit that you have done neither. You did not read the budget papers; nor did you ask the questions.

The fact is that the basic provision for the Treasurer's Advance this year is the same as it was last year, \$10m. The extra \$3.8m there is for specific purposes, and it may be of interest to you - although I doubt it - to know that some of that extra money is in expectation of receiving money from the Commonwealth for an Aboriginal advancement program, but we do not know yet what the details of the grant from the Commonwealth are going to be. We cannot anticipate what we are going to be expected to spend it on. The only way we can handle it is to put it in the Treasurer's Advance until we can determine how it must be allocated across the budget.

This demonstrates how little you understood about the budget and the fact that you had no interest in this whatsoever until Mr Moore rightfully raised the question.

Then suddenly the Leader of the Opposition, thinking that she is on a winner, jumps on the band wagon. The fact is that it is correct that the Treasurer's Advance is for unexpected and unplanned for expenditure. That is exactly what it is for and, when we know the nature of the expenditures that we have to make out of it, we are obliged to inform the Assembly, and we will.

**MS FOLLETT** (Leader of the Opposition) (5.29): Mr Kaine has worked himself into a state of high dudgeon there. But he has answered neither of my questions. I get in early, because he does have another opportunity to do so. He has told us, which was not really news, that the Treasurer's Advance is for use on largely unexpected expenditure. My question therefore is: How come so much of it has been used for salaries and payments in the nature of salary? My second question is: Will your shortfall in the government schooling appropriation be made up from the Treasurer's Advance? Have a little think about it, pop across and ask Dr Madden, and then answer it when you get a second go.

**MR KAINE** (Chief Minister and Treasurer) (5.30): I do not need to ask Dr Madden. That question has already been answered.

**MR WOOD** (5.30): Mr Speaker, I do not know whether to thank the Chief Minister for his unnecessary lecture. The Treasurer's Advance is no mystical concept to anybody. Let me go back a year. I recall the present Chief Minister standing on this side of the chamber last year and being told, in words of one syllable, quite a few fundamental features of the budget. Do you remember that?

**Ms Follett:** We had to adjourn for 15 minutes while he found the place.

**MR WOOD:** That is correct. And he has the cheek to stand up here today and read us all a lecture about a very fundamental concept of the budget. It is, frankly, nonsense. It arose only because Mr DUBY, who may not know himself, tried to be smart and pass the question back again, which is not a novel way of handling things either. So we do not need these lectures, thank you very much. If we come to this matter now, it is an entirely appropriate time to ask the questions that Ms Follett asked.

**MR DUBY** (Minister for Finance and Urban Services) (5.31): I cannot let that blatant attack by Mr Wood go past. The reason that the debate was adjourned last year was that the format of the papers presented by the previous Government made them indecipherable, and you know it. They were absolutely indecipherable. No-one - - -

**Mrs Grassby:** The papers were put together by the same public servants that put these together, so it must be public servants that are at fault.

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**MR DUBY:** They were indecipherable last year, and you are aware of that. When the Government was asked last year as to what certain figures and tabulations in those estimations were, no-one could provide the answers. Time out was required for people to be able to understand the papers which were presented, as you are well aware. That is the basic line of it. I have never heard anything so foolish as to suggest that the Treasurer's Advance should be increased in line with CPI adjustments or anything like that. It is a set figure that is set at a level in terms of the budget overall.

**MR MOORE (5.32):** Mr Speaker, quite frankly, I am appalled at the suggestion of the Chief Minister that members had not read the budget papers. If he goes back through the Estimates Committee transcripts and looks at the amount of work involved and the questions that were asked - by me, Mr Connolly and many other members - he will realise that there is no possible way we could have asked them without - - -

**Mr Wood:** How many hours did you sit there?

**MR MOORE:** I am glad Mr Wood interjects to ask how many hours we sat, because, as I recall, it was something in the order of 64, I think - - -

**Mr Jensen:** Give or take a couple, Mr Moore, yes.

**MR MOORE:** Yes, give or take a couple. That was the actual sitting time, which has nothing to do with the preparation time, or the reading not only of the budget papers, Chief Minister, but also of the incredible number of other papers that were presented to us - which I must say I appreciated because they enlightened us in many ways. To suggest that the budget papers had not been read after having watched that process, I think, reflects much more on you than it does on the members from both sides of the house who put so many hours and so much effort into making that Estimates Committee as successful as indeed it was.

**MR KAINE (Chief Minister and Treasurer) (5.34):** I will make just a very short response to all of that, Mr Speaker. I quote from page 125 of the Estimates Committee transcript:

**MS FOLLETT:** What do the little brackets mean around those figures?

That was the former Treasurer.

Proposed expenditure agreed to.

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

Bill agreed to.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE - STANDING COMMITTEE**  
**Report on New Capital Works Program 1990-91**

Consideration resumed from 20 September 1990, on motion by **Mr Jensen**:

That the report be noted.

Question resolved in the affirmative.

**SOCIAL POLICY - STANDING COMMITTEE**  
**Proposed Alteration of Reporting Date**

**MR STEVENSON** (5.35), by leave: I move:

That paragraph (3) of the terms of reference of the Standing Committee on Social Policy's inquiry into fluoride be amended by omitting "by 29 November 1990" and substituting "by 29 April 1991".

The reason I bring the matter up is that there has been a major study conducted in America. It was ordered 13 years ago by the US Congress and conducted under the responsibility of the National Cancer Institute. Early this year the results showed equivocal indication of cancer. The major finding of the National Toxicology Committee that carried out that study was equivocal evidence of carcinogenic activity. That was held to be so important that the US Public Health Service ordered two separate scientific committees to not redo the study but simply look at the 300-odd pages, I think it was, of computer printout of the study results. That task was to take two months and those two committees should have reported by June this year. Neither of them has yet reported and I think we should wait for that report so that we can study this only animal fluoride cancer study that has ever been conducted in America by the US Public Health Service or the National Cancer Institute. The possibility is that fluoride could be shown to be a carcinogen. So far we have equivocal evidence. I believe that that fact alone would be enough to extend our reporting date so that we could take it into account.

However, there are three other factors that I think increase that importance greatly. The first is that an Austrian scientist named Ziegelbecker conducted an analysis of the data that those two committees were required to do. His findings were that there was evidence not only in rats, as had been indicated by the study, but also in mice. In other words, there was further evidence of cancer. The findings of Ziegelbecker were supported by another independent event in the US and this was published in the *Lancet*, the medical journal, on 22 September. All this information is recent. The report in the *Lancet* stated:

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On 28 August 1990, Dr William L Marcus, chief toxicologist for the US Environmental Protection Agency's drinking water programme, claimed that the original findings of the NTP study showed the cancer hazard from fluoridated drinking water to be greater than the NTP was telling the public.

That is an absolutely amazing statement from a chief toxicologist with the US Government Environmental Protection Agency. He is saying that the studies that showed cancer were worse than they were stated to be by the national toxicology program.

Also, in September this year, 40 dentists in America, members of the American Dental Association, took legal action against the American Dental Association. It is a class suit and they charged that the association had fraudulently misrepresented the situation of harm from fluoridation. They also included amalgam. Basically they were saying that the association had broken their contract with the dentists and were hiding cancer dangers caused by fluoridation.

**Mr Connolly:** How many dentists are there in America, Dennis?

**MR STEVENSON:** They are growing each year, actually. There are more and more all the time. I think this is something we should seriously consider. All that I ask here is that our reporting date be extended from 29 November to 29 April next year. I believe that the initial data showing a cancer potential in the animal study would be enough reason to take the time to look at the result. The fact that Ziegelbecker has shown that there was more, the fact that a chief EPA toxicologist has shown that there was more, and the fact that 40 dentists in America have said that the American Dental Association has been fraudulently misrepresenting the situation, I think, gives us reason to put the reporting date back to early next year.

That reporting date would also allow us the opportunity to do something which we have been waiting for many months to do, namely, to evaluate the report by the National Health and Medical Research Council in Australia. They have brought out a second interim report. We were waiting for the report. So perhaps this will give us that opportunity.

I ask members to consider this aspect seriously. The ACT fluoride inquiry will be spoken about all over the world, as the 1968 Tasmanian inquiry and the 1979 Victorian inquiry have been. At the moment ours would be the 1990 ACT inquiry. I suggest that we make it the 1991 ACT inquiry.

**MR WOOD (5.42):** Mr Speaker, when people writing in newspapers around Australia want to have a cheap shot at the ACT the on again off again nature of adding fluoride to the ACT's water is one of the things they regurgitate. This is something I would wish to avoid in the future. We are onto an on again off again situation; here we go once more. The Standing Committee on Social Policy some time ago sought an extension of its reporting date since there was interest in America and Australia about a report of the national toxicology program in the US - a very serious, well conducted study. Interim statements came down. We waited for a report. We have a clear statement of that report. The massive data is yet to be assembled in a consolidated form but an interim statement has been released which is quite clear.

Having received that from the most authoritative bodies, the committee, at a recent meeting, determined that it should aim to meet the reporting date of 29 November. It is only a week away. As it turns out, we are going to have the most severe difficulties even reaching that date. It may be that we will come back, but certainly, in my view, 13 December - the last sitting day this year - is the absolute deadline for getting this report in. Even if we agree on the final report at our meeting on Sunday, as I hope we will, the following Thursday is going to be a tight deadline to meet. But I will come back to the Assembly; we do not want to tie that into this debate. Mr Speaker, perhaps I should not say this, but let me tell you that the committee voted three to one to try to meet that reporting date and we had a clear impression from the fifth member that this was the desire of that person also.

Mr Stevenson quoted equivocal evidence of that scientific study in America. Let me quote you something about the word "equivocal". I quote from a letter from Dr A. L. Black, who is chairman of the National Health and Medical Research Council committee on toxicity. Not surprisingly, the National Health and Medical Research Council working party on fluoride sought the advice of the experts in another committee. I quote from that report:

The Committee noted that the NTPs Board of Scientific Counsellors' Technical Reports Review Panel had concurred with the NTP conclusions of -

and they quote -

"equivocal evidence of carcinogenic activity" in male rats, "no evidence of carcinogenic activity in female rats or in male and female mice".

This is the key part:

According to NTP criteria, "equivocal evidence of carcinogenicity is demonstrated by studies that are interpreted as showing no chemically-related increase in malignant or benign neoplasms".

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The letter goes on to say that there is some thought that that level of cancer - very minor as it was - may have been treatment related in that there was whole body radiography of the rats in order to determine what was happening to their bones. So that is what "equivocal" means. It is not a serious alarm bell that is ringing out.

Is the Department of Health and Human Services worried about this? I have received a copy of a letter from John Bucher who is Head, General Toxicology, Experimental Toxicology Branch, National Toxicology Program. That is a quite complex title, but it seems pretty significant to me. It states:

The results of the sodium fluoride studies will not receive mention in the NTP Sixth Annual Report on Carcinogens because listing in this document typically requires a positive response in carcinogenicity studies with two species of animals.

So, the alarm bells are not being pressed by those people in high places. Mr Stevenson suggested that such was the alarm that two special studies had been developed. Well, I can find no evidence of those studies. He mentions two studies, but nowhere in his letter did he specify precisely what those studies were.

Other information I have says that quite responsibly and sensibly the US working group on toxicology continues to monitor the possible adverse health effects of fluoride. They continue to look at it. So this is the background. The study has been noted. It has been surveyed. There has been found to be no great problem - equivocal results, as I have interpreted from the experts - so we do not need to wait. That is my belief.

In fact, as I read through the material, there is a further report of fluoride experiments with rats. They are rats of a different strain. If we were going to wait for anything, that, I would imagine, would be a more sensible thing to wait for.

I am sorry that this matter came up in the Assembly. It was dealt with in the committee. All of us have worked on committees and many of us still do. I believe that we would take the view that that is where it should be debated.

**MR PROWSE (5.49):** Mr Deputy Speaker, I as well am dismayed that this has come to pass. It is unfortunate that we can be so blinded by people like the NHMRC who I believe are blatantly and purposely trying to mislead this committee.

**Mr Connolly:** It is a big conspiracy, David.



**MR PROWSE:** The lawyer can make cheap shots from the other side but I will present him with some proof. The situation is that a Professor Douglas, who is head of epidemiology at the ANU, produced his own private report in June this year. In his report he listed two scientifically accepted reports of ill effects caused to people ingesting fluoride at the equivalent of one part per million. I will repeat that because obviously it has escaped the attention of the committee. The situation is that this professor has produced his own report, a scientifically accepted report, to the scientific community, that two listed reports have found ill effects in people ingesting fluoride at one part per million. One of the studies was conducted over a 14-year period and affected pregnant women. The result of this inquiry showed that one per cent - only one per cent - of pregnant women were adversely affected but they had major, visible physical effects. They were recorded.

Now, one per cent is not many. Assuming that there are 18 million people in Australia and nine million of those are women, and say only half of them fall pregnant. The point is that only something like 60,000 people in Australia are going to be adversely affected by this.

This is scientifically reported information that is accepted by the scientific journals. It is scientific literature. The point is - - -

**Mr Jensen:** Which journal?

**MR PROWSE:** I refuse to answer a frivolous comment. Professor Douglas has released his reports. He is a renowned scientist and epidemiologist at the ANU, and he has published his report. In fact, it has been handed to the people here present. It has been handed to members of the committee. The fact of the matter is that, unbeknown to a number of people here, Professor Douglas just happens to be a member of the same NHMRC committee that brought down its interim report the other day, and I will get to that in a moment. In their report they made the statement that no evidence was found of ill effects from taking fluoride at one part per million. I will repeat that. No evidence was found of ill effects from people taking fluoride at one part per million. They forgot to mention that Professor Douglas, a member of their own committee, had put out his own report that proves the error and the lie presented by the NHMRC.

I ask you: in all honesty, can anyone suggest that that was not a deliberate attempt to influence the Assembly committee? I suggest that you all take note of that possibility because we are going to be the laughing-stock of the community when that finally is understood.

**Mr Wood:** Unfortunately we already are, because of lots of things.

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**MR PROWSE:** Yes, and if we carry on in the way we are going it is no wonder. The people that have let that interim report out know full well that there is incorrect, damaging information there. I cannot understand how they were impertinent enough to report in that manner.

The other thing I will mention is the fact that it is an interim report. They just happened to cleverly put a rider on it that at this time they think this is the way they go, that there are no ill effects from fluoride. But, if you read it, it really says, "Look, we will change our minds if we are proved wrong".

That is how clever this august body is that you people keep holding up as the responsible group of people who are supposed to be directing us in our deliberations, particularly in this case, on the fluoride issue. They are a group of people like you and me. I suggest to you, from the evidence of the omission of Professor Douglas' evidence, that they have vested interests. Therefore I would ask you to consider very seriously before you push ahead and do not take into account the fact that the NHMRC have released an interim report, because they are going to revise their report and their opinion on this if this committee report that Mr Stevenson has identified proves them wrong. They have left an opening for themselves to change their mind.

I would suggest to us all that this is a very major report. We have spent a lot of money on it. We can wait the extra few months. Heaven help those who have to drink the fluoride for that much longer. I apologise to them. The point is: let us keep the inquiry open for those extra couple of months. It is not costing us money per se, other than the cost of putting the fluoride in the water. We can keep the committee going until then and, hopefully, that report will be down by then. If it is not down by then, I do not know the reason why. I suspect that we would be forced into having to make a decision one way or the other. I think an early decision at this stage is not going to gain us anything. By putting it off we may well gain something. It might well give some credibility to the members of this committee. It might give some significant credibility to this whole Assembly. That is the chance you run. You run the chance of actually getting some credibility for this Assembly. I feel for Dr Kinloch, being on that committee, when we see academic fraud produced by the NHMRC. I would expect Dr Kinloch to be able to recognise that and protect his own academic standing. If this is not an attempt to blatantly mislead this Assembly, I do not know what is.

**MR DUBY** (Minister for Finance and Urban Services) (5.55): I want to make a few points.

**Mr Berry:** The Minister responsible for water.

**MR DUBY:** Yes, that is a point. Like most of the other members of this Assembly, I am not a member of the committee which is investigating the fluoride issue.

**Mr Wood:** Most thoroughly.

**MR DUBY:** Most thoroughly, as Mr Wood has said. I know that both Mr Prowse and Mr Stevenson feel very strongly about the report that is going to come down in the new year about these very matters which have been raised. Nevertheless, the members of the committee which is investigating fluoride have taken a decision, I believe, in committee, to bring this report down at the date that was originally specified. I think that is the appropriate place for that decision to be made. It should be made by the people who have examined the issue and looked at the pros and cons of a whole range of things. They should decide whether the report should go ahead or be deferred. I feel that trying to overturn a committee reporting decision by bringing the matter before the Assembly is, frankly, a foolish course of action to adopt. I will not be supporting Mr Stevenson's request.

**DR KINLOCH (5.57):** Mr Deputy Speaker, I would want to express considerable respect for Mr Stevenson and Mr Prowse for being greatly concerned about the matter. That is their right. I am glad that in the Assembly we have people who do care a lot about issues that are important. All members of the committee are well aware that the NHMRC report is an interim report. From discussion with individual members of the committee, it is clear that we would be very anxious to make those same proper and careful qualifications that the NHMRC itself makes.

I do recognise the point made about Professor Douglas. I would note, however, that Professor Douglas is party to the interim report and I take it that he will be party to the eventual report. It could well be that it will be useful for us to consult with Professor Douglas in the next few days. I did talk to him on an earlier occasion. We certainly would not want to see him saying one thing in one place and another in another place. He would not want that. But if you could read the attachments from the NHMRC and the letters related to the NHMRC report that we have looked at you would see that there is very great caution taken. I do not believe that we will be bringing down a report that will not be aware of the need for ongoing monitoring, as the American authorities and the Australian authorities both say. We will be saying the same thing. I hope that you can leave it in our hands not to produce a report that would endanger us as a body.

**MR MOORE (5.59):** Mr Deputy Speaker, I get so few opportunities to agree with Mr Duby that I thought I had better just come in here and say that this is the time and that if, in fact, people wish to disagree with the committee the time is after it makes its report. There is plenty of room for debate in the Assembly then. This sort

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of action, I believe, belittles our committee system, about which I have spoken very positively on many occasions, and will continue to do so as long as they act that way. I think it is appropriate that this report be brought down in accordance with what the committee decides. At that point we can decide to argue with its finding and with its reasoning, if we so choose.

**MR STEVENSON** (6.00), in reply: Mr Wood spoke about people having cheap shots at the Assembly. It is not so much cheap shots I am concerned about; it is expensive ones. What we need to be concerned about is whether we will be held to have done the job correctly or otherwise. Mr Prowse made a point about the NHMRC. Perhaps there is something of relevance here that not many people in this Assembly would know. After the 1979 Victorian inquiry an advertisement was published in the newspaper calling the inquiry, on which it had three scientific members, a fraud. That stands today. No legal action was taken against those people who called that study, and hence the people on it, a fraud. Why that was, of course, is that it was a fraud. That is why no legal action was taken. I do not want this Assembly, the members in it, and certainly not the committee of which I am a member, to be held to be a fraud.

I did not raise this matter to make any point whatsoever about deliberations in the Assembly. Mr Wood brought that up. I was very careful to steer clear of all that. But, as he has brought it up, I will briefly make the point: indeed, the vote was against my recommendation that we do our job correctly simply by taking the time. It had nothing whatsoever to do with what we found. There was nothing of that. All I said was, "Let us take the time to wait for the study". Regardless of some statements that Mr Wood read out from the NHMRC, I think it should be clearly known by every member here that the National Cancer Institute US Congress required study in America showed cancer. That is what it showed. It showed cancer. They did say that the result was equivocal and there were moves in America to have the committee remove the word "equivocal". In other words, if it was not important they would have removed it. What the people who required that found was that they would not remove the word "equivocal". They held it there simply because they were not prepared to say that fluoride was not a carcinogen.

Mr Wood mentioned two scientific committees which I had mentioned in the report and during my presentation on the motion and which had been required to look at the matter. Mr Wood said that he could not find any other data. Good heavens, perhaps he could have come along to me. The report I put in was four pages long. I could have made it 30. I could have included the six inches of toxicological data that I have from America from the national toxicology program study, but I thought that I had better keep it simple.

I highlighted in the report that I made exactly what the study by Ziegelbecker came out with. It was not mentioned by Mr Wood. An independent study found greater cancer results. The chief toxicologist in the EPA also said that the NTP were hiding data. In addition, a number of dentists in America have said that there is fraud involved. You will all recall that Mr Wood did not mention Ziegelbecker, did not mention the US toxicologist, and did not mention the suit against the American Dental Association. He mentioned none of those three points. I think that is relevant.

As I said, what I talk about here is not a decision by the Assembly one way or the other. All I am saying is that the information - I have presented it to the committee in detail - warrants that we take the time to do our job properly. I think that this matter is serious. I believe that the evidence shows that alarm bells are ringing. Mr DUBY said that it is a foolish decision. I think it is a foolish decision not to take the time to do our job properly.

Hector mentioned that we are very anxious to make those same qualifications that the National Health and Medical Research Council made. I am not anxious to make qualifications at all. Let me make that point perfectly clearly. We should do our job and say that it is either safe or it is not safe. We should not say that we do not know. We should wait until the study has been completed. It is that simple.

Question resolved in the negative.

### ADJOURNMENT

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

That the Assembly do now adjourn.

### Christmas Gifts

**MR WOOD** (6.07): Before we adjourn I want to raise a pleasant note and suggest to members a couple of options as they do their Christmas shopping.

**Mr Jensen**: From the wilderness society, Bill?

**MR WOOD**: Indeed, that is a good one. I will raise two more. There is at present circulating in this town a small volume entitled *The Poetry of Canberra* edited by Phil Mackenzie. It is a good volume. At \$15 it is very good value. It is full of great poems by established poets such as Judith Wright and by emerging poets. I would like the Government to buy a stack of those and maybe provide them

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to visitors. It is a very fine little gift for visitors. It is the sort of thing we need to give to members and to visitors as they pass through this Assembly.

**Dr Kinloch:** We suggested the same.

**MR WOOD:** Yes. It really is worthwhile. You already have taken this up, perhaps. Secondly, there is an exhibition of prints over at Studio 1 at Kingston, none of which is priced at more than \$100. When you hear the names of some of the artists who have provided those prints - I will not go through them all - unframed at \$100, you will realise what fine value that is. They are all ACT artists. Some are the leading print makers in this town, if not Australia, and some are emerging print makers. I think that these are two things you should look at as we approach the Christmas season. Maybe in future adjournment debates I will come up with a larger list.

### **Community Aid Abroad**

**MR JENSEN (6.08):** Mr Speaker, I just wish to rise very briefly to - - -

**Mrs Grassby:** Have you got a deal for us too, Norm?

**MR JENSEN:** I have got a deal for you, Ellnor. I certainly have. It is very interesting that you should raise that. Mr Speaker, I think that at some stage over the last couple of months all members would have received one of these documents through the mail. It says, "Your day's pay can help change a village for a lifetime". During our busy lives and careers we have possibly put it aside and forgotten about it, but I would like to encourage members to have a look at this particular document, if they have not seen it or have mislaid it, and take the opportunity to donate a day's pay, for example, or make just a simple donation to what I believe is a worthy cause.

I have indicated to the Community Aid Abroad organisation that I would be a workplace contact for this particular program. I would be quite happy for members and their staffs to obtain these documents so that they can make an appropriate donation if they have not already done so.

Question resolved in the affirmative.

**Assembly adjourned at 6.10 pm until Tuesday, 27 November 1990, at 2.30 pm**

APPENDIX 1: (Incorporated in Hansard on 20 November 1990 at page 4237 )

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION  
QUESTION WITHOUT NOTICE**

**25 OCTOBER 1990**

MS FOLLETT: MY QUESTION IS DIRECTED TO MR KAINE AND IT CONCERNS THE SOUTH EAST ECONOMIC DEVELOPMENT COUNCIL. MR KAINE I REFER TO YOUR DECISION TO ABOLISH THE CANBERRA DEVELOPMENT BOARD AND ESTABLISH THE SOUTH EAST ECONOMIC DEVELOPMENT COUNCIL AND I'D ASK IF YOU COULD TELL THE ASSEMBLY WHAT IS THE COST OF THE NEW COUNCIL INCLUDING THE COST OF ABOLISHING THE CANBERRA DEVELOPMENT BOARD. HOW WILL THE COST BE DISTRIBUTED BETWEEN THE ACT AND NEW SOUTH WALES. WHAT ARE THE TERMS OF REFERENCE FOR THE COUNCIL AND WHAT ARRANGEMENTS HAVE BEEN MADE FOR INDIVIDUALS CURRENTLY EMPLOYED BY THE CANBERRA DEVELOPMENT BOARD.

MY ANSWER IS: SINCE MARCH THIS YEAR THE ACT AND NSW GOVERNMENTS HAVE BEEN WORKING ON A JOINT REGIONAL ECONOMIC DEVELOPMENT STRATEGY. COSTS HAVE BEEN SHARED EQUALLY WITH ACT FUNDS BEING ALLOCATED FROM PROGRAM 3: ECONOMIC DEVELOPMENT. PROGRAM 3 ALSO INCLUDES FUNDS AMOUNTING TO AROUND \$321,000 WHICH WERE TO BE DIRECTED TOWARD THE OPERATION OF THE CANBERRA DEVELOPMENT BOARD. GIVEN THAT STAFF, RESOURCES, ACCOMMODATION ETC ARE IMMEDIATELY BEING REALLOCATED TO OTHER ACTIVITIES INCLUDING SUPPORT FOR THE SOUTH EAST ECONOMIC DEVELOPMENT COUNCIL, THERE ARE NO SIGNIFICANT COSTS ASSOCIATED WITH CEASING THE OPERATION OF THE CANBERRA DEVELOPMENT BOARD. IT IS INTENDED THAT THE ACT CONTRIBUTION TO THE COST OF WORK UNDERTAKEN BY THE NEW SOUTH EAST ECONOMIC DEVELOPMENT COUNCIL WILL BE FUNDED FROM WITHIN PROGRAM 3.

THE ACT WILL BEAR THE INITIAL ESTABLISHMENT COST OF THE NEW COUNCIL. THIS WILL BE DONE IN WHOLE BY REDIRECTING RESOURCES WHICH WOULD OTHERWISE BE USED ON CANBERRA DEVELOPMENT BOARD ACTIVITIES. NSW WILL CONTINUE TO FUND THE DEVELOPMENT OF ECONOMIC STRATEGY ON AN EQUAL COST SHARING BASIS. FUNDING ARRANGEMENTS ARE TO BE REVIEWED WITH NSW BEFORE THE END OF THE FINANCIAL YEAR.

THE ROLE OF THE NEW COUNCIL IS TO:

PROVIDE HIGH LEVEL DIRECTION AND ADVICE ON THE ECONOMIC DEVELOPMENT OF THE SE REGION OF NSW AND THE ACT OVERSIGHT THE PREPARATION AND IMPLEMENTATION OF AN ECONOMIC DEVELOPMENT STRATEGY FOR THE SE REGION AND THE ACT

ADVISE ON AREAS OF COLLABORATION BETWEEN NSW AND THE ACT IN RELATION TO ECONOMIC DEVELOPMENT RECOGNISING THE SYMBIOTIC RELATIONSHIP BETWEEN SYDNEY AS AUSTRALIA'S FINANCIAL CENTRE AND INTERNATIONAL GATEWAY AND CANBERRA AS THE NATION'S CAPITAL

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LIAISE WITH ALL AGENCIES, STATE AND TERRITORY, FEDERAL AND LOCAL, ON STRATEGIC AND TACTICAL MATTERS AFFECTING THE ECONOMIC DEVELOPMENT OF THE SE REGION AND THE ACT AND,

PROMOTE THE ECONOMIC DEVELOPMENT AND INVESTMENT POTENTIAL OF THE REGION NATIONALLY AND INTERNATIONALLY.

THE CHAIR AND MEMBERS OF THE NEW COUNCIL WILL BE FINALISED DURING NOVEMBER.

4558



**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION WITHOUT NOTICE**

**25 OCTOBER 1990**

MR MOORE: I REFER TO PAGE 1539 TO 1542 OF THE ESTIMATES COMMITTEE, HANSARD, WHERE EVIDENCE WAS PRESENTED AT MR COLLAERY'S COMMUNITY SERVICES DEPARTMENT IN PROGRAM 15 IT ACTUALLY INCREASED SPENDING ON HIS BUREAUCRACY WHILE DECREASING IN REAL TERMS HIS SPENDING ON NON-GOVERNMENT ORGANISATIONS FUNDED THROUGH PROGRAM 15. I SAID TO MR COLLAERY, I AM ASKING YOU IS IT AN INTENTIONAL POLICY TO INCREASE THE PUBLIC SERVICE SECTOR ON COMMUNITY SERVICE AND DECREASE THE NON-GOVERNMENT ORGANISATION SECTOR AND MR COLLAERY'S REPLY WAS, -I HAVE SAID ON MANY OCCASIONS I HAVE SOUGHT TO FIND SAVINGS, FOR EXAMPLE, BY READJUSTMENT AND FINDING BUREAUCRATIC SAVINGS. SO, CLEARLY IT IS NOT MY INTENTION TO DO THAT." SO, IT IS NOT HIS INTENTION TO DO THAT SORT OF THING. IN ATTEMPTING TO ASSESS THE GOVERNMENT'S STANCE ON THIS MATTER I LOOKED FOR ALLIANCE GOVT POLICY AND THEN LOOKED FURTHER. I COULD FIND NO ALLIANCE POLICY ON WELFARE, ON YOUTH OR JUSTICE AND ADMINISTRATION, ON MAINTENANCE OF LAW AND ORDER. SO MY QUESTION TO YOU, CHIEF MINISTER, IS, ARE YOU CONTENT WITH THE MINISTER TO RESPOND IN A KNEE JERK FASHION ON WELFARE AND JUSTICE ISSUES OR IS MR COLLAERY ONE OF YOUR 60 MINUTE MINISTERS THAT YOU WOULD PREFER TO MANAGE WITHOUT.

MR KAINE: MR SPEAKER, I DO NOT THINK THE QUESTION DESERVES AN ANSWER.

SUPPLEMENTARY: ON THE MATTER OF LACK OF POLICIES IN WELFARE, YOUTH, JUSTICE, ADMINISTRATION, MAINTENANCE OF LAW AND ORDER, DOES THE ALLIANCE GOVERNMENT THEN INTEND, AT SOME STAGE OR ANOTHER, TO PRESENT POLICIES IN THESE AREAS OR ARE WE JUST GOING TO LET MR COLLAERY WORK OFF HIS - HOW HE FEELS AT THE MINUTE.

MY ANSWER IS:

THE GOVERNMENT IS MAKING SIGNIFICANT PROGRESS IN THE REFORM OF JUSTICE AND COMMUNITY SERVICES POLICY AS EVIDENCED BY THE BROAD RANGE OF NEW POLICY PROPOSALS ANNOUNCED IN THE 1990-91 BUDGET, AND BY REFORMS IN THE PROCESS OF BEING IMPLEMENTED, SUCH AS THE CALLAGHAN REPORT, THE REVIEW OF ACT ADOPTION LEGISLATION, THE PROPOSED COMMUNITY ADVOCATE, THE OVERHAUL OF GUARDIANSHIP LEGISLATION, THE PROPOSED HUMAN RIGHTS OFFICE, ANTI-DISCRIMINATION LEGISLATION, ETC. MEASURES SUCH AS THE COMMUNITY LAW REFORM COMMITTEE, THE REVIEW OF JUVENILE JUSTICE AND ADULT CORRECTIONS, THE YOUTH MINISTERS ADVISORY COUNCIL ETC, ARE INVOLVING THE COMMUNITY IN THE DEVELOPMENT AND IMPLEMENTATION OF POLICIES IN THIS AREA.

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APPENDIX 2 : (Incorporated in :.ate on 20 November 1990 at page 4301)

17-18/9/89 - Independent Advisory Commission (Sydney) \$136  
7-10/11/89 - Tenancy of Commercial Premises (North Sydney) \$742

20-24/6/90 - PAC (Darwin) \$2174  
TOTAL \$4201

#### W WOOD

9-12/7/89 - Casino Inquiry (Adelaide & Hobart) \$1149  
3-6/9/89 - Cons, Heritage & Environment Coffee (Sydney) \$408  
17-18/9/89 - Public Accounts (Sydney) \$136  
18-25/5/90 - Cultural Affairs Conference (Brisbane & Melbourne) \$1766  
17-23/6/90 - HIV (Melbourne, Adelaide & Perth) \$2939  
21-24/8/90 - Cultural Affairs Coffee (NSW Country Towns) \$546  
27-29/8/90 - HIV Coffee (Sydney) \$619

4-8/11/90 - Study Trip (Brisbane) \$1284

TOTAL \$8847

#### M MOORE

30/8-1/9/89 - Waste Management Inquiry (Melbourne) \$576  
3-6/9/89 - Cons, Heritage & Environment (Sydney) \$408  
2-14/4/90 - 1ST International Conference (Manchester & Amsterdam) \$7634  
17-23/6/90 - HIV Coffee (Melbourne, Adelaide & Perth) \$2939  
3-6/7/90 - "Drugs in Work & Play" Conference (Brisbane) \$850  
27-29/8/90 - HIV Coffee (Sydney) \$620

12-19/11/90 - HIV Coffee (Brisbane & Darwin) \$2204  
TOTAL \$15231

#### D STEVENSON

9-12/7/89 - Casino Inquiry (Adelaide & Hobart) \$1149  
25-27/6/90 - Social Policy Coffee (Brisbane & Coolangatta) \$930  
TOTAL \$2079

#### C MAHER

3-6/9/89 - Conservation & Heritage Coffee (Sydney) \$408  
7-10/11/89 - Tenancy of Commercial Premises (Melbourne & Sydney) \$742  
20-24/6/90 - PAC (Darwin) \$1884  
25-27/6/90 - Social Policy Coffee (Brisbane & Coolangatta) \$780  
TOTAL \$3814

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R NOLAN

7-1(1/1 1/89 - Intn. (f Comilici-cial Iremises t \lciut,, , , S"d[IC0 7-1

25-27/6/90 - Social Polic\, catch (Brisbane & ,;tut;:, - 51(0;  
17-23/6/90 - 111V C"Fee t!lclbourne, Adelaide & lertllt 52939  
27-29/8/90 - HIV CTec (Sydney) \$620

19-20/10/90 - Law IZeform Semill"U, \$2(10  
12-19/11/90 - HIV C"Fee (Brisbane & Darwin) \$220=1  
8-14/10/90 - Said\, Trip (Perth) \$1405  
TOTAL \$9148

W STEFANIAK

18-25/5/90 - Cultural Affairs Coffee (Brisbane & Melbourne) \$1484  
28/6-3/7/90 - Cultural Affairs Coffee (Adelaide & Hobart) \$2030  
21-24/8/90 - Cultural Affairs Coffee (NSW Country Towns) \$546  
19-20/10/90 - Law Reform Seminar (Sydney) \$200  
8-14/10/90 - Study Trip (Perth) \$1405  
TOTAL \$5665

R FOLLETT

15/6/90 - Australian Council of PAC (Sydney) \$226  
20-24/6/90 - PAC (Darwin) \$1966  
TOTAL \$2192

DR H CHINCH

25-27/6/90 - Social Policy Coffee (Brisbane & Coolangatta) \$948  
28/6-3/7/90 - Cultural Affairs cite (Adelaide & Hobart) \$2103  
21-24/8/90 - Cultural Affairs cite (NSW Country Towns) \$546  
  
TOTAL \$3597

D PROWSE

28/2-3/3/90 - Visit Nor. Legislative Assembly (Darwin) \$2527  
10-16/6/90 - 21st Conference of Presiding Officers(Perth) \$3354  
5-18/8/90 - CPA - Ninth Australian & Pacific Seminar \$714  
26/10/90 - CPA Meeting (Melbourne) \$334  
TOTAL \$6929

W BERRY

19-24/8/90 - Study Trip (Hobart) \$975

4562

9-12/7/89 - Casino Inquiry (Adelaide & Hobart) \$1149

17-18/9/89 - Public Accounts (Sydney) \$136

TOTAL \$1285

G HUMPHRIES

9-12/7/89 - Casino Inquiry (Adelaide & Hobart) \$1149

30/8-1/9/89 - Waste Management Inquiry (Melbourne) \$576

3-6/9/89 - Cons, Heritage & Environment (Sydney) \$408

TOTAL \$2133

T KAINÉ

17-18/9/89 - Public Accounts (Sydney) \$136

TOTAL OF ALL MEMBERS \$66,232

4563

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APPENDIX 3 : (Incorporated in Hansard on 22 tiaventxax 1990 at page 4499)

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
QUESTION WITHOUT NOTICE**

**21 NOVEMBER 1990**

MR MOORE: MY QUESTION IS TO THE CHIEF MINISTER, MR KAINE AND I REFER TO BLOCK 3 SECTION 52 IN CIVIC. IN RESPONSE TO QUESTIONS FIRST FROM ME ON 20 FEBRUARY THIS YEAR AND THEN FROM DR CHINCH ON 21 FEBRUARY, YOU STATED - I UNDERSTAND THE LEVEE HAD APPROACHED THE OFFICE OF INDUSTRY AND DEVELOPMENT AND THE ITPA SEEKING A VARIATION OF THE LEASE TO PROVIDE FOR A READJUSTMENT OF THE GROSS FLOOR AREA WHICH WOULD ALLOW UP TO 8,000 SQUARE METRES OF OFFICE AND RETAIL. AT THAT TIME YOU ALSO STATED THAT YOU WOULD CONSIDER A REPORT BEING PREPARED BY THE OID AND I QUOTE - I WILL ADVISE THE ASSEMBLY, THE LEVEE AND THE PUBLIC ACCORDINGLY WHEN YOU GOT IT. WHY HAS THE ASSEMBLY AND THE PUBLIC NOT BEEN ADVISED AND WHY HAS AN ADVERTISEMENT IN THE SYDNEY MORNING HERALD ON 23 OCTOBER ADVERTISED WELL OVER 9,000 SQUARE METRES OF OFFICE AND RETAIL SPACE FOR SECTION 52.

SUPPLEMENTARY: CONSIDERING IT HAS BEEN OVER TWO YEARS SINCE THE LEASE HAS BEEN SOLD AND THAT THE LEASE CONDITIONS CLEARLY HAVENT BEEN MET SINCE THE DEVELOPMENT - IS THERE ANY REASON WHY THAT LEASE HAS NOT BEEN DETERMINED AS HAS HAPPENED IN OTHER CASES eg. THE ONE MR JENSEN REFERS TO IN THE PAPER THE OTHER DAY.

MY ANSWER IS:

AS MR MOORE WILL BE AWARE THE HISTORY OF THIS SITE HAS BEEN COMPLEX. THE ORIGINAL LEASE HAD TO BE SURRENDERED TO ALLOW FOR THE PROTECTION OF A STAND OF CASUARINA TREES, AND A NEW LEASE ISSUED. THE LESSEES FAILED TO DEVELOP THE PROPOSED HOTEL SITE BEFOG THE MORTGAGEES EXERCISED TITER POWERS AND ENTERED INTO POSSESSION ON 13 FEBRUARY THIS YEAR.

THE MORTGAGEE, ACC (ADVANCES) LIMITED HAS SINCE TRIED TO NEGOTIATE A VARIATION TO THE LEASE TO ALLOW FOR MORE OFFICE SPACE, BUT THIS WAS REJECTED BY THE GOVERNMENT.

THE CURRENT LEASE DOCUMENT PROVIDES THAT THE SITE CAN ONLY BE USED FOR THE PURPOSES OF A HOTEL AND/OR SERVICED APARTMENTS COMPRISING A MINIMUM OF 200 ROOMS, AND ANCILLARY THERETO RETAIL FACILITIES, RESTAURANTS, CAFES, PERSONAL SERVICES, OFFICES, PROFESSIONAL SUITES, INDOOR RECREATION AND ENTERTAINMENT FACILITIES.

THE LEASE ALSO PROVIDES FOR CERTAIN RESTRICTIONS ON THE GROSS FLOOR AREA WHICH MAY BE DEVOTED TO THE ABOVE-MENTIONED USES, NAMELY THAT NO MORE THAN 4,750 SQUARE METRES, NO LESS THAN 2,900 SQUARE METRES, MAY BE USED FOR RESTAURANTS, BARS, CAFES AND SHOPS

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ANCILLARY TO THE HOTEL, AND THAT NET MORE THAN 4,600 SQUARE METRES OF GROSS FLOOR AREA MAY BE USED FOR OFFICES, PROFESSIONAL SUITES AND PERSONAL SERVICES. THUS THE TOTAL MAXIMUM GROSS FLOOR AREA WHICH MAY BE DEVOTED TO USES OTHER THAN THE ACTUAL HOTEL ROOMS OR SERVICED APARTMENTS IS 9,350, THE FIGURE MENTIONED BY MR MOORE.

THESE PROVISIONS HAVE BEEN INCLUDED IN THE TENDER DOCUMENTATION ISSUED ON 19 OCTOBER 1990 FOR THE SALE OF THE PROPERTY, AND DO NOT REPRESENT ANY CHANGE TO THE PREVIOUS LEASE CONDITIONS. THEREFORE NO REPORT WAS PREPARED.

AS MENTIONED ABOVE, ON 22 FEBRUARY 1990 THE SOLICITORS FOR THE MORTGAGEE, ACC (ADVANCES) LTD, ADVISED THE GOVERNMENT THAT THE MORTGAGEE HAD ENTERED INTO POSSESSION OF THE LAND ON 13 FEBRUARY 1990 PURSUANT TO ITS MORTGAGE.

THE GOVERNMENT THEREFORE AGREED TO ALLOW PROSPECTIVE PURCHASER TO STAGE THE DEVELOPMENT, WITH THE POSSIBILITY OF CONSTRUCTING THE HOTEL ELEMENTS IN THE SECOND STAGE. THE GOVERNMENT HAS NO DESIRE TO SEE ANY DEVELOPER OR MORTGAGEE SUFFER, AND CONTINUES TO SUPPORT DEVELOPMENT IN THE ACT. ACC WERE THEREFORE GRANTED AN EXTENSION OF TIME TO COMMENCE AND COMPLETE THE DEVELOPMENT, AND TO TRANSFER THE LAND TO AN APPROVED PURCHASER WHO COULD BE SHOWN TO HAVE THE CAPACITY TO MEET THE DEVELOPMENT COVENANTS OF THE LEASE.

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