



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

20 May 1992

Wednesday, 20 May 1992

Grazing on Red Hill	609
Epidemiological Studies (Confidentiality) Bill 1992	626
Electricity and Water (Amendment) Bill 1992	628
Questions without notice:	
Chief Ministers staff	639
Land development	640
Northbourne Avenue traffic lights	643
Intellectual disability services	644
Housing industry	645
Ministerial staff	646
Energy efficient buildings	646
West Belconnen residential development	647
South Building	648
Education - key competencies	651
Goulburn Gaol - ACT prisoners	652
Suspension of standing and temporary orders	653
Electricity and Water (Amendment) Bill 1992	654
Agents (Amendment) Bill 1992	661
Aboriginal deaths in custody	667
Australian Health Ministers Conference	669
Adjournment:	
Kendall	675
West Belconnen Rugby League Club	677
National Roads and Motorists Association	677
Thailand: Aidex	678
Answers to questions:	
Housing and Community Services portfolio - publications (Question No 11)	679
Housing Trust - rental rebates (Question No 22)	682
Housing Trust - maintenance officers (Question No 25)	683
Housing Trust - painting contracts (Question No 31)	684

Wednesday, 20 May 1992

MADAM SPEAKER (Ms McRae) took the chair at 10.30 am and read the prayer.

GRAZING ON RED HILL

MR HUMPHRIES (10.30): I move:

That this Assembly:

- (1) acknowledges the contribution made to the Territory rural and administrative heritage by one of its true pioneers, Mr Charles Russell, 87, and his forebears;
- (2) notes that Mr Russell's family have been grazing livestock on Red Hill since 1920;
- (3) notes that Mr Russell's grazing activities significantly reduce the bushfire danger to Red Hill residents;
- (4) notes that Mr Russell's grazing activities help keep down the level of vandalism of fences, water troughs and ACTEW equipment on Red Hill;
- (5) notes the heritage and tourist value of having livestock graze within sight of the Parliamentary Triangle;
- (6) expresses concern that Mr Russell has experienced difficulties in coming to amicable and suitable arrangements with the Minister responsible for land management, Mr Wood, and his officials, in regard to grazing livestock on Red Hill;
- (7) condemns as unnecessary the language and tone used in some letters sent by the Department of Environment, Land and Planning to Mr Russell; and
- (8) calls on the Minister to seek a more realistic resolution to Mr Russell's difficulties which satisfies both Mr Russell and the reasonable requirements of the Territory's administration.

Madam Speaker, today the Opposition has raised a motion concerning the grazing of cattle on Red Hill by one particular very aged and, I would say, honourable member of the ACT community, Mr Charles Russell. Mr Russell is a bright 87-year-old who is part and parcel of the land, particularly on Red Hill, but in another sense, in a very real sense, in the whole of Canberra. He is one of Canberra's true pioneers, a real Canberra cocky; a person whose family was grazing sheep and cattle on the Limestone Plains before Canberra was a city. He is not quite as old as Red Hill, but he is certainly getting in that direction.

20 May 1992

He has been associated with Canberra since it was founded and his family has been grazing livestock in the Territory, and, in particular, around Red Hill, since 1920. His personal involvement goes back some 60 years, since he was a young man. He started with sheep and cattle and even today both sheep and cattle are grazed on Red Hill. These days he keeps principally just a handful of cows which he runs on his lease. Like many leases in the ACT, it is a relatively short-term one. It is for approximately 360 hectares.

Mr Wood: It has been a 60-year lease, hasn't it?

MR HUMPHRIES: Not a 60-year lease; it has been a periodic lease of various periods. It would never have been a 60-year lease. I have to correct the Minister.

Mr Kaine: Obviously, Mr Wood wants to debate this. I presume that he will say something when it is his turn.

MR HUMPHRIES: I presume that he will say something about it later on, yes. But I have to take issue; it was never a 60-year lease, I am sure. It would always have been like many leases of much shorter duration which were periodically renewed. The Minister, I hope, has not overlooked the important report that came down last year on rural leaseholds and the important recommendation in that report that rural leases ought to be given for longer periods than they are presently given.

Mr Wood: Some of them.

MR HUMPHRIES: Well, some of them; I take that point. Certainly, they should be considered in general for a somewhat longer duration. Mr Russell has told me and my colleague Mr Westende that he has had nothing but cooperation from the bureaucracy up until about four years ago, when he was told in no uncertain terms - not officially perhaps, but told nonetheless - that his stock were no longer wanted on Red Hill.

I have to say that, after examining the correspondence that has passed between him and the bureaucrats since that time, I have to come to the conclusion that Mr Russell has been harassed since that time on this question. More and more restrictions have been applied in a concerted effort, I have to say, Madam Speaker, to force Mr Russell off Red Hill. He presently keeps 15 fully-grown cattle on Red Hill and he raises vealers for sale in June of each year. It is a pretty small operation; it is not exactly Dallas. But it is something which keeps him occupied and which does give many people in the region of Red Hill considerable pleasure.

As I indicated before, there has been concern about the management of rural leases in the ACT, and it is appropriate that this matter be kept under close review by the ACT Administration. Indeed, that has happened. He has been officially allowed to graze 15 cattle and 15 calves. In fact, at the present time, he frankly admits to me, he has a few more than that. He does have his 15 fully-grown cattle, but he also has 20 or maybe 25 calves. That figure fluctuates. The reason for that is quite simple. When the cows become pregnant - I am feeling my way here; I am not exactly a man of the land - - -

Mr Connolly: We saw your picture; the hat, the horse. It is the Man From Snowy River.

MR HUMPHRIES: That is imagemongering. Madam Speaker, when the - - -

Mr Berry: They call it "in calf", Gary.

MR HUMPHRIES: We know about riding pigs, Mr Connolly; you cannot talk about animals, I assure you. Madam Speaker, when those cows become pregnant they naturally give birth in due course and it is not possible to regulate precisely the number of calves you might have on the leasehold at a particular time.

Mr Cornwell: That must be infuriating to the bureaucrats.

MR HUMPHRIES: It must be terribly infuriating to the bureaucrats. The fact of life is that on occasions, therefore, it is the case that there will be too many cattle and calves grazing on Red Hill in terms of the number that has been set by bureaucrats in the Minister's department. As I indicated, the total leasehold is something like 360 hectares. Mr Russell says that it is ridiculous to suggest that with 35 to 40 animals he could be overgrazing on Red Hill. Obviously, some bureaucrats take a different point of view. I am not a grazier, as you obviously heard; but it seems perfectly reasonable to me to expect that 35 to 40 animals could comfortably graze on those 360 hectares without a threat to the environment in which they are grazing.

Madam Speaker, some of us have been up there and had a look at Red Hill. At the present time I would go so far as to say that I think that Red Hill has been undergrazed. The grass there is very long at the moment. Some noxious weeds have grown up there, according to Mr Russell, in part because the normal grazing process whereby those sorts of weeds are either trampled under or eaten when they are very small and still edible has not occurred. I used to be a resident of Red Hill and I have certainly seen the grass looking shorter than it is now. I think that there is a very good case for saying that, in fact, Mr Russell's cattle pose absolutely no threat to the environmental status of Red Hill.

Of course, we have a difference of view here. We have Mr Russell, who has been grazing cattle for 60 years, all his life, since before almost any of us in this chamber were even born, and we have a number of departmental advisers who say that there is some threat of overgrazing. To be quite frank, I prefer to believe Mr Russell - not just because there is some issue for us to raise here, but because this man has a wealth of experience.

I know, Madam Speaker, that some of us have visited Red Hill, I think you included, and I have to say that I found Mr Russell's attitude, for a person of 87 in particular, to be refreshing and frank. He is a man, to put it bluntly, with all his marbles. He is not losing touch with reality and he certainly knows what he is talking about when he talks about grazing on that property. I believe that the essential message we should be sending to him and to the community today is that activities such as his will be tolerated because of the status which they bring to the ACT.

When I talk about status I am talking about the benefits, the many benefits, that flow from having activities like these going on on ACT land. Some view the grazing of cattle and other animals as exploitative. I have to say that in this case the benefits of grazing are very many. First of all, of course, it reduces the bushfire risk. It is simply not possible for departmental mowers to get out on places like Red Hill and try to keep the grass down. It is out of the question.

20 May 1992

What we really need to have is activities like cattle and sheep grazing there to do that in a natural fashion. As I have indicated also, the grazing of animals tends to reduce the infestation of noxious weeds.

Another important benefit is the diversification of economic activity in the ACT. The rural sector may not be important in terms of generating many jobs or a great deal of income to the ACT; nonetheless it is significant. I for one would be loath to see this particular activity, this particular industry in the ACT, disappear purely because of unnecessary bureaucratic interference.

Another extremely important aspect of this operation is the interface between urban and rural Australia. That cannot be overemphasised, I believe, Madam Speaker. We have here the grazing of cattle in a way which has gone on for many years before the ACT even existed, and it is going on within cooee of the national parliament of our country. There is great value in that, Madam Speaker, I would suggest. It reminds us of the rural origins of our nation. It reminds us of a very important part of our national activity even today. I understand that you often get taxi drivers taking Japanese tourists up to Red Hill just so that while they are in the national capital they can have a look at these cattle grazing so close to the national city - something which would never happen in Japan, obviously. That is something of value to all of us.

Local residents appreciate that interaction very much. I know; I used to be one of those local residents. I have had many representations from people in Red Hill, as I am sure has the Minister, saying that what Charlie Russell represents in that part of the ACT is extremely important and should be preserved. I used to wake in the morning sometimes to lowing cattle - well, maybe they were cows, I am not sure - and that was a part of living in Red Hill which was important. People in Red Hill make frequent use of the nature trails on Red Hill. The existence of those animals does not interfere with that; indeed, I would argue that it enhances it.

Madam Speaker, it has been suggested that Mr Russell's cows or cattle are damaging or threatening an endangered species, the button wrinklewort. Again there is an argument here about whether it is possible for Mr Russell's cattle to coexist with that plant. I might point out that there were large numbers of button wrinklewort on Capital Hill before it was bulldozed to build the new Parliament House, but that did not appear to be a problem when it came to constructing a rather important building.

The fact of life is, Madam Speaker, that Mr Russell's cattle and the button wrinklewort have coexisted on Red Hill for decades. To suggest to me now that it is impossible for them to continue to coexist for, let us say, the few more years that Mr Russell might be grazing on Red Hill is just ridiculous. Frankly, it seems to me, Madam Speaker, that somebody is clutching at straws and I do not think that we can allow that kind of escalation, if you like, in environmental debate to reach that point. I am not suggesting for one moment that we should not be taking active steps to preserve the button wrinklewort; but we need to be aware that the argument has the potential at least to be overstated, and I particularly do not wish to see that happen in this case.

I emphasise, as I said the other day, that when we are talking about heritage in the ACT we are not talking about just inert things; we are not talking about just buildings or old artefacts; we are talking about a number of aspects which are not only inert but also living. In the context of the debate the other day, we are

talking about language; we are talking about expressions and inherited concepts. We are talking in this case about a piece of living heritage. Mr Charles Russell is a link between us, in this late twentieth century day and age, and the very early origins of the ACT. He provides a direct link with what used to happen in this whole area, the area we are now sitting on, the grazing of these Limestone Plains, and that representation, that link, deserves to be preserved.

This is not a gung-ho motion, it is not a motion condemning the Government, and it is not a motion which seeks to do anything excessive; it is merely a motion which argues that Mr Charles Russell ought to be given a fair go, and that is what I think this Assembly ought to acknowledge and support.

I think that the language used in some letters to Mr Russell has been intemperate and excessive. I seek leave to table a letter to Mr Russell from the director of the Environment and Conservation Division of the Administration which I think uses language which I would not use to an 87-year-old person.

Leave granted.

MR HUMPHRIES: I would argue, Madam Speaker, that we ought to support this motion as a signal both to Mr Russell and to other aged people in our community that their contribution is not devalued by this Assembly; that we value the role that they play in the ACT, particularly in a rural sense; and that we are prepared to support aspects of our rural inheritance which are of importance to us.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.46): I thank Mr Humphries for the opportunity to debate this matter and to put some facts on the record. Some of the statements that have been made outside this chamber I do not think have always represented the issue exactly as it is. I want to assert very strongly that the Government - I beg your pardon; governments - over a period have acted with two interests in mind; first of all, the interests of the ACT and, secondly, the interests of Mr Russell. I believe that at all times Mr Russell - I think the documentation will show this - has been fairly treated.

It is the responsibility of governments to have an overriding interest in the quality of land care, the way that leaseholders look after their land. From time to time landowners are told that they may be overgrazing or that they may be carrying on other practices that are not compatible with good land care. It is the Government's responsibility to take care of the land in the ACT. With the establishment of land care groups, with the establishment of land care programs under the Decade of Landcare, we have taken a greater commitment to look after our land.

I might point out that the procedures about which Mr Humphries and others may complain have been under way now for some 15 years. They have been thoroughly accepted by the ACT community, strongly endorsed by the ACT community, and they have been accepted by all leaseholders, the many leaseholders that have been affected. Mr Russell, to my knowledge, at any rate, is the only leaseholder who has not accepted the advice that he has been given and the actions that understandably impact upon him.

20 May 1992

One area formerly under a lease to Mr Russell has been withdrawn. That is the area with the famous button wrinklewort. That was done on the recommendation of the CSIRO; we took their advice. I beg your pardon; I should not say "we" because I was not in the Government at that time. The Government of the day took the advice from CSIRO that grazing was incompatible with the protection of that plant, so a fairly extensive area was removed and Mr Russell no longer grazes cattle on that part of Canberra Nature Park.

He is allowed to graze cattle in other areas, though - and this motion is about it - in limited numbers. Some of the reporting I have seen suggested that we kicked him out altogether; that we told him to go away. That is not the case. He is able to graze cattle. He is allowed 15 or 20 cattle, depending on the season, whether it is dry times or better times, with calves. My understanding, according to the report I got today, is that there are currently 26 beasts in this area, and it has been assessed that that is reasonable, bearing in mind the stocking condition, what the area can carry.

It may be that we would be better off without any cattle at all there. Maybe the interests of the city would be better served with no cattle, but concessions have been extended to Mr Russell. The bureaucracy and governments have acted generously to Mr Russell, but obviously he does not see it that way. What is happening in this area is exactly the same as has been happening in many parts of Canberra. There is nothing unique about this. Other people have accepted such measures, but not Mr Russell. Mr Russell, incidentally, has other leases at Red Hill and Mount Mugga, and about half the number of cattle and some horses on those other leases - just to put you in the picture.

Let me respond to some of the points in Mr Humphries's motion. I refer first to points (1) and (2). I acknowledge the contribution that has been made by Mr Russell and his forebears and I agree that his family have been grazing livestock on Red Hill and elsewhere since 1920. I met with Mr Russell in my office after a social meeting earlier and I had a long discussion with him. I admire the gentleman. He is a distinguished citizen of Canberra. He told me that he came to Canberra with his father in 1920. His father was the first land commissioner for Canberra, I think he said; certainly, he was an early land commissioner for Canberra. They have had, since that time, an extensive interest in grazing and leaseholding in the ACT, and I acknowledge that. I think the ACT has been very good to Mr Russell. I think he has been generously treated over the years and properly treated, might I say. I think he should acknowledge that the ACT has treated him well.

Points (3) and (4) relate to bushfire danger on Red Hill and vandalism. Certainly, grazing can diminish the bushfire threat. There is no question about that. But it is only one measure. It does not stop bushfires, as the 1987 bushfire demonstrated. Park care groups are active in measures that also reduce the threat of bushfires, but park care groups - there is one there, and the local school wants to do a bit more - have only very limited access to this area because of the cattle. There are fences, Mr Humphries, and the cattle themselves, although docile, are not necessarily an encouragement to park care groups. The planting of young trees may only be a planting of fodder for cattle. The other point that Mr Humphries makes here is that it keeps down the level of vandalism of fences and water troughs. Well, they are there only because the cattle are there. I do not see that there is any particular logic in that. It does not make sense to me.

Mr Humphries goes on in his motion to note the heritage and tourist value of livestock within the Parliamentary Triangle. Heritage seems a particularly strange fact to pick on, because a very significant part of our heritage is that natural heritage, and the grazing of cattle is really incompatible with sustaining our natural heritage. It does not gel. They do not go together. I do not think that using the term "heritage" has anything to do with supporting the grazing of cattle. Rather, it says that the cattle should go.

Mr Humphries further goes on to express concern about coming to amicable and suitable arrangements. Well, I have seen the correspondence, too. I think the department and Ministers have bent over backwards to come to amicable arrangements. We have worked very hard to accommodate Mr Russell because he is a gentleman of Canberra. We acknowledge his background and we have tried to assist him - not just we, but other governments, and I will make a particular point about that shortly. We have bent over backwards to accommodate Mr Russell, but I think that he just wanted no interference at all. He could not see anything but that his 60 years of grazing - that is acknowledged - should continue without any change. He has not acknowledged that Canberra itself has changed. When he had extensive leases in the Deakin area - I think from Deakin to Curtin somewhere - he surely must have acknowledged then that the leases were resumed for residential development. I think he should acknowledge on this occasion that the changing demands of Canberra and of its citizenry mean that there are some changes in this area.

I have not read the letter that Mr Humphries tabled alleging unfortunate language and tone. I note that Mr Humphries did not read anything from it. He did not quote from it to demonstrate that, but I will walk over to the Clerk's table shortly and have a look at it. I believe that all letters that go out are properly couched, and I hope that that is the case. I will reserve judgment until I see that letter. Bear in mind that Mr Russell is rather behind in paying the necessary fees. There certainly have been letters saying, "Please, will you pay?". I do not know whether one letter got around forgetting the "please" and saying, "You must pay". It may well have said that and, if that is offensive, well, I am sorry. We do require that citizens pay the normal fees that are charged to them. Other leaseholders have to pay the necessary fees. I am afraid that Mr Russell, generous as we have been to him, is not excluded from that. I will not indicate the amount that is owing. I do not think I should make that publicly known. But he owes money and he should pay it, because he is getting a good deal there.

Finally, in his motion, Mr Humphries calls on me to seek a more realistic solution to Mr Russell's difficulties. Why do you call on me, Mr Humphries? Why do you expect a different standard from me than you accepted from your own Government when you were in the Alliance Government? I am not doing anything different from what you did when you were in government. Mr Humphries skated past some points here. Maybe he deliberately skated past them, or it may be that Mr Russell did not tell him the whole story. I do not know which.

Mr Humphries indicated that this started some four years ago, presumably in the time before we had self-government, and the policy continued. I commend you for the policy you carried on. It continued under the first Follett Government and under the Alliance Government, but it was during the time of the Alliance Government that this policy that he is complaining about was set in place. I did not write the letter. It was not bureaucrats under my responsibility who wrote the letter.

20 May 1992

Mr Humphries: Yes, it was; 7 August 1991. You were Minister then.

MR WOOD: I am sorry.

Mr Humphries: It was 7 August 1991.

MR WOOD: I do not think Mr Russell has told you, or the community, or the media the whole story. Let me put it on the record. After discussions over a period, my advice is that the first letter that put on paper what the stocking rate of this area was to be was written under the authority, if not the signature, of one of your ministerial colleagues on 24 May 1991. I have carried on, Mr Humphries, the policy of the Alliance Government.

Mr Humphries: Then you should have considered whether it was appropriate.

MR WOOD: I certainly did consider that it was appropriate. Mr Russell instantly complained about that. It was not long after that that the Government was changed and he re-raised the issue very strongly. I did reconsider it and I agreed with the policy that your Government had allowed to be implemented. I agreed with it. You were right. You were right then and I am right now. That is the story of it. I will track down that letter for you. But that is the case. Let us forget that. Let us get back to the core of this. Mr Russell is an honourable and good citizen. Governments - yours and ours and earlier Federal governments - have gone out of their way to look after him. Canberra has been good to him; he has been good for Canberra. Let that continue.

MRS CARNELL (11.01): I commend Mr Humphries's motion on this issue; but I would like to address it from possibly a different perspective, that of a resident of the area and a resident with young children in the area. Mr Russell is, without doubt, an identity. Mr Wood made a comment earlier about the needs and wants of Canberrans and I can promise you that in the Red Hill, Narrabundah and Garran area the needs and wants of Canberrans are to keep Charlie Russell's cattle and cows and calves on Red Hill, and to keep them in numbers that make it viable for Mr Russell to continue to run them. I think that is an area that we really have to look at.

Seasons change. There are good years; there are bad years. There are years when lots of calves are born and other years when that does not happen. What has happened currently to Charlie Russell is that he has been so engulfed by bureaucratic garbage that he does not know where he is heading. He does not understand - he believes that, as this is a good year, there is a lot of grass and there are a lot of calves - that he is likely to have to remove them. If that is not the case, I am sure that a letter from you, Mr Wood, tomorrow, to make Charlie confident that his current reasonably large number of calves will not be prematurely removed, that if the sales this year are not as they should be - - -

Mr Wood: Cows with their calves are fine. If he has brought in calves, it is a different matter.

MRS CARNELL: Okay. If you can give Mr Russell the assurance that the calves that he currently has will be allowed to stay until there are reasonable selling conditions for them, that they will not be removed just because the bureaucrats tell him that he should remove them, then I am sure that he would be substantially happier.

I also go back to the sense of history, to the sense of heritage that is very important in every region of Canberra. During the election campaign many people spoke about green spaces; they spoke about the unique green space adjacent to their houses, down the road, where they take their children to play. In the Red Hill area that unique green space is Red Hill, where Charlie Russell has his cows, and our unique green space is even more unique. If you go up on any Saturday or Sunday you will see many mothers or fathers, with their young children, going up to have a look at the cows and the calves. You will see that that area is substantially more important than many other areas, both from the nature study perspective and also from the green space perspective.

In this case we are not talking about building on it; we are not talking about infill; we are not talking about more students for our schools; we are not talking about better usage of facilities. We are talking about a piece of land that has been grazed for a very long time. It is important to our children. The children from the local schools regularly walk up there with their teachers to have a look, particularly in calving season.

Mr Wood: But they cannot plant trees. They want to plant trees.

MRS CARNELL: When the teachers from the local primary schools want to have a look at trees, at the natural heritage of our area, they take them on the Mount Mugga nature walks and so on. There are different needs for different times. I know that my children very much enjoy those walks up through Red Hill to have a look at Charlie's cows. Regularly, Charlie makes himself available to speak to the children and to tell them about the grazing heritage of this area, to tell them about the cows, to tell them about what Canberra was like before they were here and before most of us were here. I think that those talks that Charlie has given regularly, and continues to give regularly, to the children are very much a part of our heritage.

Comments were made by both Mr Humphries and Mr Wood on the bushfire problem. As everybody is very well aware, the Red Hill area does run right down to residential parts of the suburb of Red Hill. The bushfire risk is very real to those people and I know that, to a man and a woman and a child, those people with adjacent residential properties want the cows retained. But it is not only bushfires. There are other undesirable things that would happen on Red Hill if the cows were not there, like trail bike riding. If we think that daisies have problems with cows, I can promise you that trail bikes will be substantially worse. It is a problem already; but, of course, they get a little bit concerned about cows.

Ms Follett: They are not allowed up there, are they?

MRS CARNELL: They are not allowed up there, but Charlie spends a very large percentage of his time each week in shooing them off.

Mr Connolly: Yes, they all come down to the bottom end of Narrabundah and do it around my place.

MRS CARNELL: But they are allowed down there. I think the environmental issues are very important. It is very important to keep some areas that are natural, that do not have cows, that have our natural flora and fauna; but it is equally as important to keep the grazing heritage that is as much a heritage of this area and surrounding areas in Canberra.

20 May 1992

Mr Wood: It is the longer-term heritage we were thinking about, actually.

MRS CARNELL: Fair enough. I want to finish off on who Mr Russell is and what is being done to him by this lack of confidence, this ongoing barrage of pressure placed upon this identity. Mr Russell has said that he has made as much as \$10,000 a year from his cattle in good years when he had the larger space, when he could have more cattle and so on. Let us be fair; nobody gets rich on \$10,000 a year. Because of the pressure that has been placed upon him, because now he is not confident that with the 15 cattle that he is supposedly allowed to keep, with calves, he is going to be able to make this venture viable for him, he has, of recent days, had to inquire about a pension - something that he believed he would never have to do. He explained to me at length the problems that he had in doing that.

We have here an old gentleman, an elderly gentleman, whose independence is probably the most important thing to him. His health really is not good enough for him to be running around on Red Hill after the cattle; but, equally, that is amazingly important to him and it should be amazingly important to our community. Bureaucratic inflexibility and interference with people like this should be something that this new Assembly should abhor. I believe that it is absolutely essential for Charlie's cows to be able to remain there for as long as possible, with flexibility to allow him to keep enough cows to make it a financially viable proposition and not to be harassed.

MR WESTENDE (11.09): Madam Speaker, as a resident of the area - I have lived there for some 11 years - I have seen quite a bit of Charlie and his cattle. The Minister would be well aware, as Mrs Carnell has pointed out, that on 15 cows you cannot make a livelihood. Maybe that is one of the reasons why Charlie is behind, if he is behind.

I have personal experience of a bushfire going through the Red Hill area and that bushfire was nowhere near as fierce inside the area fenced off by Charlie and grazed by his cows as it was outside. The Minister spoke about trees. By some strange coincidence, or was it by the good grazing habits, the trees inside the fenced area were hardly touched by the fire, while trees outside, in fact right in my front yard, caught fire because of the long grass on the other side of the road. When you are there trying to put a fire out, it brings the truth home to you. I can assure you that it is a frightening experience for people who have not grown up in the bush or maybe have not lived in a rural situation or have come from a country where bushfires are virtually unknown.

The Government resumed the lease in Dairy Flat Road so that it could teach schoolchildren the values of the rural lifestyle and the rural economy. Here we have, right inside the area already, an educational aid. As Mrs Carnell pointed out, schoolchildren from Red Hill walk up there with their teachers, who give their students lessons on rural life. Our heritage is not only about buildings but people. In a city as new as Canberra there is a tendency for us to brush aside aspects of the abundant heritage in our immediate vicinity. Perhaps this is due to the fact that only a small proportion of the population in Canberra comes from the rural area. Lots of them are transplants from Melbourne and other cities. I, for one, am a strong believer in forging ahead and paving the way for future generations, and we must always acknowledge and respect those who have done the same for us.

The Government seems much more concerned to harass a fellow who is 87 years old. For heaven's sake, he has only a couple of decades to go - we hope so anyhow, for that gentleman's sake - so why make it such a big deal for him? I can speak from personal experience. When Charlie was allowed to graze 40 cows there the grass was kept short. Now there are whole areas within that lease where the scotch thistle has taken over. The cows will eat scotch thistles when they are very small. Now, with only 15 head of cattle, they grow up and seed and the problem multiplies. In fact, now the scotch thistles are creating a fire hazard.

Madam Speaker, like the two speakers before me, I often see parents taking their children there. In fact, I walk there practically every weekend. I have never had anything but admiration for Charlie Russell and for his cows and a couple of horses. He also allows the agistment of a couple of horses for high school students who help him to check whether the fences are down, and to check whether the water troughs are full. In fact, they help him to stop some erosion which, without his cows, would be far worse than it is now.

I would recommend to the Government that they have a look at Charlie's lease and have a look at the amount of grass that is available and allow Charlie to graze a few more cows than he is grazing at present. As I said, when he was allowed to graze about 40, the area was kept trim and the weeds were kept under control. I understand that under the ACT law the scotch thistle might be a noxious weed. Now, what is the Government doing? They are increasing the noxious weed.

Mr Wood: No. The park care groups are doing a great job with it, and so are our people, when they can get to it.

MR WESTENDE: I would like to take you personally to an area which is absolutely full of scotch thistles. I can assure you that there are scotch thistles in the area that I could take you to, Mr Wood, and they were not there when Charlie was allowed to graze 40 head of cattle there.

Mr Wood: You know how cows spread scotch thistle all over the place. They transfer it - and fertilise.

MR WESTENDE: I am sure, Mr Wood, that if you allow Charlie to graze 40 cattle there those thistles will soon disappear. You may have to burn them off to begin with. That is what I suggest Mr Wood look into. If Charlie had about 40 head of cattle there, I certainly would be much happier because it would reduce the bushfire risk. The people who have built on vacant land after the bushfire are now my barrier and I am sure that they would also be much happier.

MR LAMONT (11.16): I am somewhat surprised by some of the arguments that I have heard from across the room.

Mr Humphries: You always are.

MR LAMONT: Yes. Today, as on most other days, I have been singularly unimpressed. Coming from the scrub, one of the things that I think people need to bear in mind is that there have been changing requirements for the preservation of our natural environment, through soil protection Acts in New South Wales as an example, and through other mechanisms, to ensure that things such as overgrazing do not occur and to ensure that soil degradation does not occur. Indeed, the stocking rate for this area has been determined not by the

20 May 1992

Minister, as he has indicated, not by Gary Humphries, as he has indicated, but in fact by people who are experts in determining what is appropriate. I am not talking about one person.

Mr De Domenico: Mr Russell is an expert too.

MR LAMONT: Yes, Mr Russell might be an expert and he may have had a grazing permit which 60 years ago outlined a particular stocking requirement. What was appropriate 60 years ago is not necessarily appropriate in 1992. One of the things that Mr De Domenico fails to come to grips with when that argument is being put forward is that that is the case throughout the rest of Australia. The stocking policies which were acceptable 60 years ago are no longer acceptable in any part of Australia in 1992. We have not had pharmacists living in the luxury of Red Hill determining these matters; we have had experts doing it. If we look at the stocking requirement for the area we find that most conservationists agree that there is a requirement and, in fact, an obligation on governments to involve themselves in ensuring that soil degradation, for example, is not allowed to go unchecked.

The proposal that has been put forward in relation to this property is no different from the proposals being put forward to other lease owners in the ACT area. I think that that is the point that we need to bear in mind when considering the justness of the position that the Government is putting, and that is that the stocking requirement on this property is no different from what applies, on my understanding, to other leaseholders in the ACT. So, it is therefore, in my view, appropriate on that level.

It is also appropriate, given the fact that most of the conservation groups in the ACT have expressed concern for some time over the level of soil degradation that is occurring in this very fragile ecosystem here on the Limestone Plains. I think that we need to be very careful that we do not perpetuate the damage that has been occasioned to our ecosystem over 60 years. While we can say that this is one very small area, we have to look at the larger picture; and the larger picture quite clearly demonstrates that overstocking, overgrazing, has been one of the major causes of soil degradation in Australia. It has been one of the major - - -

Mr Humphries: In the ACT?

MR LAMONT: I am talking about not only in the ACT. Yes, there has been environmental damage and ecosystem damage caused by overgrazing in some parts of the ACT. That is quite clearly borne out by the decision of the agronomists in the CSIRO to determine the stocking requirement for this piece of land. It is not done by a bureaucrat; it is not done by a public servant without knowledge in this area. These are experts from the CSIRO who have determined that this is the stocking requirement to be able to sustain the ecology in this area.

I believe that the view which has been expressed by the Minister here this morning, the attitude adopted by the ACT Government, is reasonable. I hope personally that Charlie Russell, or his children or his children's children, continue to graze this area in the ACT. Coming from the bush, I also, just like Japanese tourists, like to see livestock around the ACT. It adds more than just a little bit to the real determination of this as a bush capital. But I also say that there is an obligation for us to protect that environment and, in doing so, the attitude which has been taken by the Government is a fair and just one.

MR DE DOMENICO (11.21): I am happy to stand and support the motion of my colleague Mr Humphries. Madam Speaker, the essence of this debate can perhaps be encapsulated in one phrase. I think that what we are hearing from the other side of the house is: Even though something has worked for 60 years, will it work in theory? If it happens not to work in theory, let us get rid of it. Let us get realistic, for goodness sake. We are talking about not a young man, as Mr Westende said, but someone who hopefully will live until 107 and even more. This man is 87 years old and he has 60 or more years of hands-on experience of what can and cannot be done in the particular area that he has been on and that his family has been associated with for over 60 years.

With respect, Madam Speaker, I, for one, am prepared to take the advice of someone in that sort of situation who knows, loves and has worked in the area for over 60 years, rather than what may be said from time to time by someone with a different point of view. I believe that there ought to be some sort of sensitivity for the fact that Mr Russell has been there for such a long time. Let me also say, though, and Mr Westende said it quite rightly - - -

Mr Moore: Well, don't say it again.

MR DE DOMENICO: There is a voice from up yonder. I will say it again, Mr Moore. If you want to contribute to the debate, your turn will come later on, perhaps. I will say it once again, Madam Speaker. I am sorry for taking on that interjection. The community around Red Hill also want Mr Russell to retain his influence there and to have his cows graze there. The community - - -

Mr Moore: I take a point of order, Madam Speaker. In a minor interjection I pointed out that Mr De Domenico was being repetitive. Instead of taking it in the spirit of a suggestion like that, he has insisted on being repetitive, and, of course, that is not appropriate under our standing orders.

MADAM SPEAKER: Thank you for pointing that out to me, Mr Moore. Mr De Domenico, would you continue, please.

MR DE DOMENICO: Thank you, Madam Speaker, for your correct ruling.

Mr Moore: It was not a ruling. She just told you to continue.

MADAM SPEAKER: Mr Moore, I trust that those remarks were not directed at me.

Mr Moore: Not at all, Madam Speaker; at Mr De Domenico.

MADAM SPEAKER: Thank you. That was a ruling. Mr De Domenico can continue.

MR DE DOMENICO: Madam Speaker, as I said before, it is community involvement as well that we need to talk about. Quite a number of people who live in Red Hill get involved in the heritage of seeing cows and horses graze in an area which is right in the middle of residential Canberra. We also need to think about the tourist potential. It is all well and good saying, as Mr Lamont did, that I too like to see cows grazing, because it is a very important aspect of Canberra as you and I know it. There are people from overseas who wonder in amazement when they play golf at the Royal Canberra golf course and see kangaroos hop by them, or, when driving by or even looking at the new Parliament House, see cows grazing over the hillside. That is another important aspect as well.

20 May 1992

A lot has been said about a certain thing called the button wrinklewort as well. If Red Hill were the only - - -

Mr Moore: I raise a point of order, Madam Speaker, under standing order 62. We are now hearing about the button wrinklewort again. We heard about it at quite some length earlier from Mr Humphries.

MADAM SPEAKER: Mr Moore, I believe that I am the judge of what is repetitive and not repetitive and I think it is quite appropriate that Mr De Domenico continue. Would you please continue, Mr De Domenico.

MR DE DOMENICO: Thank you, Madam Speaker. Before I was interrupted I was talking about the button wrinklewort. If the button wrinklewort were exclusively grown or could be exclusively grown only on Red Hill, there may be some argument; but, as even Mr Moore would know, that is not the case. The button wrinklewort can be grown in all sorts of places in Canberra.

So, Madam Speaker, in summary, I am saying to the Government that we are talking about a very old and distinguished man who has had a very long history and involvement - - -

Mr Wood: It was your Alliance Government under which these things happened. Why do you not acknowledge that instead of just avoiding it? I will keep talking if you want me to. I will even stand up and keep talking.

MR DE DOMENICO: Madam Speaker, is he addressing you or me? I am not sure.

MADAM SPEAKER: Mr De Domenico has the floor.

MR DE DOMENICO: Thank you, Madam Speaker. Once again I was interrupted. I will summarise by saying this: Does Mr Russell, with over 60 years' experience, know a little bit more about what can or cannot be done on the area that he has been grazing and his family has been involved with for 66 years, or are we going to take the advice of one or two or three or four people who say that we should not be having more than - - -

Mr Moore: I raise a point of order, Madam Speaker. Whilst I accept that it is your prerogative to rule on standing order 62, it is also my prerogative to draw your attention to standing order 62. There is no doubt that this is tedious and repetitive, in my mind; so I shall draw your attention to it again.

MADAM SPEAKER: Mr Moore, I believe that Mr De Domenico is about to finish.

MR DE DOMENICO: Thank you once again. I will keep that one in mind, by the way, Madam Speaker, for when I get more experience in using the standing orders, just in case Mr Moore one day may be repeating himself as well.

Madam Speaker, in summary, it is now getting to the stage where the Minister and the Government should get real. There is no big deal about Mr Russell's activities. They are well liked by the people who live in the area. They have some sort of benefit in terms of bushfires and other things. He has been doing it for a very long time. Let us settle it amicably, as I think we can.

MR HUMPHRIES (11.27), in reply: Madam Speaker, in closing this debate I want to pass comment on a few remarks made in the debate by other contributors. Mr Lamont made reference to a couple of matters that I cannot let pass. One was his comment about soil degradation and the need to monitor carefully the number of cows or animals that might be grazed on a piece of land to prevent the degradation of the soil there. Anybody who has been involved with rural matters appreciates how important it is that we do have sensible soil degradation policies. To suggest, as he went on to suggest, that Mr Russell's cattle, at the levels at which he has been grazing them in recent years, might ever constitute a threat to the quality or quantity of soil is just ludicrous.

In fact, Madam Speaker, the charge is particularly horrendous, given the fact that the most serious soil degradation that has gone on on Red Hill has been directly related, on my instructions, to the activities of the Environment and Conservation Division itself. A watercourse has been constructed on the slope of the hill, about halfway up from Mugga Way, and that area has been rather poorly drained. An erosion channel has been caused, since the construction by this division of that watercourse, from the watercourse down to areas near housing at the back of Red Hill near Mugga Way. That is a very large erosion channel. It has taken away many tonnes of earth. I suggest that if Mr Lamont wants to know about erosion he had better go and have a look at that erosion gully, caused directly by the department. I do not think it is fair to talk about Mr Russell's contribution to soil erosion without mentioning that.

He also made the rather unfortunate suggestion, I might say, that Mr Russell is somehow stuck in the past of what policy was applicable 60 years ago on Red Hill and, therefore, this seems to be the policy that he is pursuing today. There is absolutely no evidence that Mr Russell has not been able to competently assess his grazing needs, his grazing capacity, over the last 60 years. The fact is that you do not last in this industry for 60 years unless you have some sense of what you can and cannot do on your land. Mr Russell has done just that, and done so very well. To suggest that in some way he might be stuck in the past, might have some policy that might have been applicable 60 years ago but is not really applicable now, is just outrageous.

Madam Speaker, I was disturbed by the suggestion that came from the Minister that there is a different competing sort of heritage which needs to be protected above another sort of heritage. I am talking here about his reference to the natural heritage being, I suppose by implication, in some way more important than the rural heritage. What disturbs me is not so much the fact that he gives one priority above the other, but the fact that he considers those things to be in competition. To some extent they are; but, in another extent, they are not. We have here rural heritage which is available - - -

Mr Wood: A few cows make a rural heritage?

MR HUMPHRIES: "A few cows" is not what we are talking about here, Madam Speaker. It is a question of Mr Charles Russell, who has been doing this activity on the same site for 60 years, being allowed to continue on that site. That is not just a few cows. It is all about taking part in an activity which links the ACT

20 May 1992

through one person - not just one family - to its rural heritage, its rural past. That is what it is all about. That is what I call rural heritage. If the Minister does not understand that, he must find some conflict between his hat as the Minister for the Environment and his hat as the Minister responsible for heritage matters in the ACT Government.

Madam Speaker, I want to quote from a letter that the Minister referred to and which I tabled earlier on. This letter is dated 7 August and contains a number of conditions which are laid down for Mr Russell's edification. I quote the final paragraph. It says at the end:

Failure to either comply with these conditions or contact -

an officer in the department -

of your intentions, within 14 days, will result in the loss of your agistment on both Red Hill and Mount Mugga.

Mr Connolly: Yes, if he does not pay his bills.

MR HUMPHRIES: That is not the kind of language which I use to 87-year-olds, Mr Connolly. I do not know what sort of language you use to 87-year-olds. We know what sort of language you use to bishops, but I assume that with 87-year-olds you use slightly different language from that. Obviously, old people do not deserve much consideration, as far as some people are concerned. I would not use that language to anybody in that category, Madam Speaker.

Okay, Mr Russell has not paid his bills. Mr Russell might be late with his payment of water rates, or whatever, to the ACT Government. Does that justify the sort of treatment he has been receiving in the last few years?

Mr Wood: Yes.

MR HUMPHRIES: No, it does not. I am appalled to hear the kinds of comments that are coming from the other side of the house. It does not justify that kind of treatment. He deserves consideration. When you are 87, Mr Connolly, you might feel that you are entitled to some kind of consideration along the same lines.

Mr Wood: Go back and inform us of the Chief Minister under whose administration this all occurred.

MR HUMPHRIES: Mr Wood raised another matter again which I want to finish on. Mr Wood points out that the Alliance Government pursued a similar policy to the one which his Government is now pursuing. Let me put on the record quite clearly that the Alliance Government in that respect was wrong. I make no bones about that fact. The Alliance Government was wrong. If that had come to my attention and I had known what I know now, I would certainly have taken a different attitude. If I were the Minister responsible for these matters now, I would take a different approach. We were wrong and I suggest that the Minister acknowledge that his administration today is wrong.

Mr Wood: You were right and we are right.

MR HUMPHRIES: No, Madam Speaker, the Minister has got it wrong. We were wrong and the Minister is wrong today as well. The fact of life is that this man is being harassed. The Minister knows that there is considerable unhappiness in the rural sector of the ACT with respect to the handling of some issues by the Environment and Conservation Division of his department.

Mr Kaine: There is considerable unrest in the entire electorate about this Government's performance. This is just one aspect of it.

MR HUMPHRIES: Indeed there is, but there is particular unrest among farmers and graziers in the ACT about some things that have been going on. They were faced by the committee that Mr Moore chaired last year, and still chairs, for that matter, when it did its inquiry into rural leaseholds - - -

Mr Wood: You should read that report and back up what you are saying.

MR HUMPHRIES: I helped write the report, Mr Wood. I know what is in the report. I was one of its authors, remember. The fact of life is that there is unhappiness about the handling of some of these issues. The Minister should be looking very carefully at what is going on within his department. I suggest that he is being a little complacent in accepting advice coming from his department about these matters. Look again. Look again and consider whether we as a community are being fair to this man. If you do so, I am confident that you will come to a different conclusion.

MR LAMONT: Madam Speaker, I claim to have been misquoted, pursuant to standing order 47.

Mr Kaine: Should you not wait until the debate is concluded before you do this?

Mr Humphries: Yes, it is traditional to do that.

Mr Moore: No; this is when you have been misquoted.

MADAM SPEAKER: He can do it now. Go on, Mr Lamont.

MR LAMONT: Thank you, Madam Speaker. It has been suggested by Mr Humphries that I indicated that Mr Russell was living in the past and that he still had the same attitudes now that he held 60 years ago. That was not what I said in my contribution to this debate. I said that policies for land care which were appropriate 60 years ago are no longer appropriate today. I can only judge that Mr Humphries's comments in this regard are as much a beat-up as everything else he has said this morning.

20 May 1992

Question put:

That the motion (**Mr Humphries's**) be agreed to.

The Assembly voted -

AYES, 7

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Stevenson
Mr Westende

NOES, 10

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Mr Moore
Ms Szuty
Mr Wood

Question so resolved in the negative.

EPIDEMIOLOGICAL STUDIES (CONFIDENTIALITY) BILL 1992

Debate resumed from 13 May 1992, on motion by **Mr Moore**:

That this Bill be agreed to in principle.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.38): This Bill, tabled by Mr Moore, is modelled on the Commonwealth Epidemiological Studies (Confidentiality) Act 1981. The majority of the provisions of Mr Moore's Bill are copied directly from the provisions of that Act. However, the provisions in the Commonwealth Act were designed to meet a narrowly defined exercise, a study of the effects of chemicals used in the Vietnam war. That Act was not intended to be a generic Act covering all future work of this nature. As a result, the provisions in Mr Moore's proposed Bill are not sufficiently comprehensive, in the Government's view, to meet the needs of the ACT.

The Bill does not allow for the disclosure of information by record keepers, including doctors, to parties conducting epidemiological studies. Therefore, researchers will have access only to information from cooperative subjects. Of course, if you want a study to mean anything you have to be able to have access to all aspects of information in order that rigorous investigation can be applied; that is if you want a credible result from any study.

Also, significant information will not be available to researchers from record keepers because doctors and record keepers are not protected from civil prosecution if they provide information without the subject's consent. I think we would all recognise the difficulties that flow from that. This will severely limit the usefulness of any research in the ACT. As well as not protecting doctors and record keepers, the Bill also does not provide immunity from civil action to persons assisting in a prescribed study who use information that may have been provided without consent. Again, that is an area that is of concern to the

Government and which needs to be addressed in order to ensure that the legislation is up to the job which it is designed to do.

However, the Government supports the principle behind the Bill and will be supporting the Bill at the in-principle stage. We recognise the need for a Bill that will offer immunity and protection to researchers involved in approved studies, and therefore, as I have said, we will support the Bill in principle; but we have to ensure that all of the legal issues which should be addressed in drafting these matters have been addressed. I have discussed this matter with Mr Moore and we are of the view that it has to be proceeded with with care, to ensure that the Act is a good one and does the job inherent in the design of the legislation.

The issue about doctors and researchers and the provision of information by them is one that will require another amendment. It is an area which already has been included in legislation - I think in South Australia - so it is not difficult to find a basis for changes to the legislation, or an appropriate amendment to the legislation. There also has to be some consideration of other pieces of Commonwealth legislation upon which this Bill may impinge or pieces of legislation which may impinge on this Bill in another way. They are issues which need to be studied closely to ensure that the Bill is up to scratch.

On that basis, Madam Speaker, I say again that we are prepared to support the Bill in principle; but we would seek then, at the appropriate time, to adjourn debate on the Bill in order that we jointly - that is, the Government and Mr Moore - can come up with some agreed amendments which complete the Bill and make sure that it is able to live up to its original design purpose.

MRS CARNELL (11.43): Very briefly, we support the Bill in principle, but also look forward to the amendments that Mr Berry has foreshadowed, believing that it is very important to protect not just those people who are part of the epidemiological studies that we are talking about but also doctors and other people. It is important to protect doctors and others associated with giving evidence. We support it in principle, but look forward to the amendments.

MR MOORE (11.44), in reply: I appreciate the support from the Liberal Party and the Labor Party in this debate. I am quite content to work through the very sensible suggestions that I have already discussed with Mr Berry and any further suggestions. I have taken further time to look at the report on confidentiality of medical records and medical research from the Law Reform Commission of Western Australia, and that, for people who are looking further into this area, may be of some use. I think that, by and large, the protection of civil action as used in the South Australian legislation, and the protection for record keepers, particularly doctors and their researchers, is a very positive move.

It suits me very well to see a positive response to this sort of legislation so that the Assembly can be working in the best possible way - that is, people working together to try to work out something that is in the best interests of the community as a whole. That, I feel, has been the reaction to this Bill. I must say that I am delighted with that response and shall look forward to dealing with some of those amendments in about three weeks' time.

Question resolved in the affirmative.

Bill agreed to in principle.

20 May 1992

Detail Stage

Clause 1 agreed to.

Clause 2

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

ELECTRICITY AND WATER (AMENDMENT) BILL 1992

Debate resumed from 13 May 1992, on motion by **Mrs Carnell**:

That this Bill be agreed to in principle.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.46): So ends, perhaps, part of a saga in relation to a piece of legislation which has been the subject of much media interest and community interest around the ACT, and scorn, I suggest, from various quarters. It strikes me that it is an appropriate ending for such legislation. I suspect that there will still be some discord in this place about the changes which are being proposed, unless there has been another Dennis poll which shows that the majority of people in the ACT support the moves that have been taken up by Mrs Carnell.

The Government, by the way, supports a return to the recommendation of the National Health and Medical Research Council. The return of the level of fluoride in the water supply to one milligram per litre in accord with that recommendation is, in our view, a sensible move. Mind you, if the National Health and Medical Research Council at some point in the future take a different view, we would want to consider our position in the context of what they might say. The review of fluoride benefits and risks produced by the United States Department of Health and Human Services in 1991 recommended a range of 0.7 to 1.2 parts per million. I think it is sensible to adopt the NHMRC recommendation, which stands at one part per million. The Labor Government is satisfied with that. Our position has always been that we would support NHMRC recommendations.

What we have to ensure is that the procedure by which the fluoride is introduced into the water is implemented in such a way as to ensure that we can properly measure the concentration and that the authority is not outside the law when it comes to the introduction of fluoride into the water supply. It is our view that the clause which provides for that introduction of fluoride into the water supply has to be framed in a way which looks at an average concentration of fluoride over a 24-hour period, to ensure that we can remain within the law with the equipment which is in place now.

There have been some discussions between the lawyers and the engineers about how we might achieve this. Mr Connolly will be speaking on the matter later and he will be introducing some amendments which will tidy up the Bill, to ensure that the fluoride is added in a way which is consistent with the law as it stands. They are only minor amendments, Madam Speaker; but I think they will tidy the

matter up once and for all. I expect that by the end of the private members' business part of today's agenda the Electricity and Water Act in the ACT will, once and for all, be amended and we will have the issue of fluoride off the agenda for the foreseeable future.

MS SZUTY (11.51): Madam Speaker, this Assembly has reopened the great fluoride debate, one of the issues which brought the First ACT Legislative Assembly more than adverse publicity. Members are being asked to pass a Bill which will return the fluoride level in the ACT's water supply to one part per million, even though the Social Policy Committee of the last Assembly recommended and saw passed into law a level of 0.5 parts per million. What I and many other Canberrans would have to now ask is: Why?

Expert opinion seems united in one area - that fluoride in drinking water has reduced the rate of dental caries in the population over the past 20 years. But the experts are not sure what levels below one part per million are effective. I draw the attention of the Assembly to the report by Robert M. Douglas of the ANU's National Centre for Epidemiology and Population Health in the *Medical Journal of Australia* of April 1991. He wrote:

A number of published reports provide some basis for predicting what might happen if Australian cities and municipalities stopped artificially fluoridating their water supplies and enabled the water to return to its natural background concentration, usually around point one to point three parts per million. The working group concluded that such a reduction would inevitably result in the occurrence of dental caries, but it would not, from available data, predict with any confidence, how great this dental deterioration would be if communities were to lower the level of artificial fluoridation from, say, one part per million to point five parts per million. In particular the group noted the lack of direct data on the changing caries rate consequent upon changes in water fluoride concentration levels within the range point five to one part per million in the contemporary setting, where fluoridated dentifrices are used by a large proportion of the population.

I would put it to Assembly members that the current level of 0.5, which was introduced after much deliberation by the First Assembly, is reasonable. I think it is time we made a commitment to that First Assembly's committee's work and allowed more time for the 0.5 level to be tried and assessed. In addition, our health professionals need more time to evaluate this level of fluoridation. As I said in my opening remarks, this debate today has reopened a chapter in the history of ACT self-government that has already been thoroughly read and aired.

In closing, I reiterate that the current level of fluoridation was determined after careful deliberation by the First Assembly's Social Policy Committee and it received the support of the majority of members. I would hope that current members will not at this time join the general debunking of that First Assembly by rendering all the debate and deliberation irrelevant. I would ask members not to support yet another change, but to allow the current level of fluoridation to remain at 0.5 parts per million and to allow further informed research on the absolute level of fluoride needed in water supplies to produce a positive result for dental health.

20 May 1992

MR STEVENSON (11.55): Madam Speaker, the major argument with regard to artificial fluoridation of our water supplies is to do with rights. Does the individual have the right to determine what chemicals or drugs they or their families will take? Is there any authority in Australia that has commented on the issue? In the *Choice* handbook *Your Health Rights*, put out by the Australian Consumers Association, with a foreword by the Federal Minister for Health at the time, Dr Neal Blewett, mention is made of various aspects of our health rights. It says:

Doctors are experts but they are not infallible ... doctors may disagree with each other over the best treatment for particular problems. The final decision is ours ... We need not ... submit to their treatments unless we so choose. It is up to us to stand up for what we regard as our rights ... it is our right to live our lives free from unwanted bodily interference.

Paul McCormick, a research fellow at Nuffield College, Oxford, said:

The crucial question is not "Will fluoridation do some good?". It is "Has the State the right to fluoridate the water supply?". The issue revolves round the question of the legal, moral and political rights of the individual. Medicine must be the servant of the individual, not his master. It is the business of the medical profession to offer help to those who ask for it, not to impose treatment on those who do not wish to receive it. It cannot be denied that fluoridation is medical treatment in the strict sense - it is not purification in the sense of "treating the water" but medical treatment in the sense of "treating the person". It is exactly the same as a doctor treating a patient - except that he does not know his name, or his medical history, or what precise dosage of the drug he will receive, or indeed whether he even needs the treatment. One fact, however, is known - that a large number of people who will be forced to drink fluoridated water are strongly opposed to doing so. It is no consolation to them that they will also be forced to pay for the privilege of this unwanted treatment and that it may do them some real harm.

The question is, as we discussed in the compulsory pushbike helmets debate yesterday, whether or not people have the right to decide for themselves. It is truly a matter of freedom of choice. When we get to the situation where politicians and health officials start to tell us what we can and cannot do with our lives, and what drugs we can and cannot take, do we not have exactly the same problem?

Let us say that there is a major problem in society from people drinking too much, causing cirrhosis of the liver. Would it not be reasonable for medical authorities to say, "Look, there is a particular chemical or drug or vitamin that is going to help cure or prevent this problem". Looking at the fact that this can cause death and other problems, what reason would there be not to also include that in the water supply? Judge Jauncey commented on this very issue.

Mr Humphries: Who is he?

MR STEVENSON: Judge Jauncey was the judge who heard the longest fluoride case in our history in Edinburgh's Court of Sessions. In June 1983 he said:

"... to supply water which had been treated for the purpose of improving the general health of the consumers", since there would then be "no reason why they should not add thereto any substance which they had genuine reason for believing was likely to improve the health of some or all of the consumers ...

I grant totally that many people sincerely believe that fluoride prevents tooth decay. Many people sincerely believe that they should force every man, woman, child, animal and plant to take a regular dose of fluoride. But is that the thing we should do?

I had intended to talk only on the freedom of choice aspect, because that is one that has never been handled effectively by people who promote fluoridation. It cannot be, because it is an individual's right to determine what drugs they take. We are not talking about treating the water; we are talking about treating the person. It is not suggested that dental caries is a contagious disease.

Has anyone looked at whether or not fluoridation works? It is fascinating that in 1982, in June, in Boston in America, there was an international symposium. People from many countries around the world gathered to look at one aspect of dental health - why there are less caries in children's teeth. What did they decide? They decided that all around the world children's teeth are getting better - well, in nearly all countries around the world. There were some exceptions, and those exceptions - leaving aside one which we do not know - were all countries where there was increased importation and use of a particular white substance that often goes on the top of people's cornflakes, sugar. It showed that in undeveloped countries you import and use more sugar, and you get an increase in the number of holes in children's teeth. Nearly all other countries throughout the world showed a decrease. That is an interesting thing.

This is the important point: Is it that in all other countries around the world they have fluoride? If so, we could safely say, "Well, it looks like it was caused by fluoride. The improvement throughout the world is caused by fluoride". But we come up with the startling fact that a lot of people do not know, that a lot of people have not been made aware of - that less than 5 per cent of the world's children are artificially fluoridated. Less than 5 per cent get fluoride; yet the vast majority of children are getting better teeth. Indeed, the studies that were presented at that international symposium in Boston showed that it did not really matter whether there was fluoride in the water in one city and none in the water of a city next-door; children's teeth were getting better.

Mrs Carnell: At what rates?

MR STEVENSON: That is an interesting point. Kate Carnell said, "At what rates?". The interesting thing is that sometimes you found that the rate of improvement in non-fluoridated areas was slightly better than the rate of improvement - - -

MADAM SPEAKER: Mr Stevenson, excuse me. I do not like to interrupt you, but I would like to remind you that you are supposed to be addressing the chamber. Would you keep that in mind, please.

20 May 1992

MR STEVENSON: Indeed, Madam Speaker. I could say that I have addressed the chamber before and it has not really done a lot of good. Perhaps I am trying to talk to people who can make some difference to it.

Mr Humphries: They cannot vote with you, Dennis.

MR STEVENSON: Well, they can vote. People can always vote. They can vote at a referendum or they can vote at an election. Many times they have voted at referendums throughout Australia. What do they say? Again and again they say no to fluoridation. The people say no to fluoridation. The Blue Mountains is one of the last strongholds of non-fluoridated water in the Sydney metropolitan area.

Mr Berry: I raise a point of order, Madam Speaker. We are really testing the standing orders when it comes to this issue. It certainly is not a question of whether we should have fluoride in the water or not. It is a matter of what the level ought to be. I would like to hear Mr Stevenson's views on that, rather than something which is not up for grabs.

MADAM SPEAKER: Are you wishing to remind the chamber of the standing order which refers to relevancy, Mr Berry?

Mr Berry: Standing order 62 talks about irrelevance, and the issue of relevance has to be drawn into focus, I think. Standing order 58 talks about a member not digressing from the subject matter.

MADAM SPEAKER: I direct your attention to those two standing orders, Mr Stevenson. I am sure that you will continue appropriately.

MR STEVENSON: Thank you very much, Madam Speaker. We have the situation that was just brought up by the Health Minister. We are, indeed, talking about whether or not we increase the daily dose of everybody who drinks the water, or has something that was cooked in it, or in some way cops it via the food chain, from 0.5 parts per million to one part per million. What the committee of inquiry, over a period of 14 months in the last Assembly, decided was that it was better, for health reasons - - -

Mr Berry: Not for political ones or any of that.

MR STEVENSON: They decided, for health reasons, to reduce the level of fluoride from one part to 0.5 parts. Mr Berry says, "Not for political reasons". Mr Wood voted to reduce it from one part per million to 0.5 parts per million. The Social Policy Committee was the only committee that was an all-party committee of the original Assembly. There were five members on it - a Labor member, a Liberal member, a Rally member, and so on. We decided unanimously that it should be reduced and the Assembly then reduced it. That was done after a 14-month inquiry. A lot of work by all members went into that.

So, what happened to that? The Assembly is now suggesting that we throw all that information out the window, throw that 14 months of work out the window, and increase the dosage.

Mr Berry: What did the Dennis poll say?

MR STEVENSON: Mr Berry asks what the poll shows. Let us have a look. The question was, "The proposal is to double the amount of fluoride added to the ACT water supplies from 0.5 parts per million to one part per million. How should I vote?"

Mr Connolly: You did not tell them that that was the nationally approved standard?

MR STEVENSON: I did not tell them that it causes various other problems either. It would tend to become educative. The total number of people surveyed was 212 and the survey sheets showed that 25.5 per cent were for the proposal. Our telephone poll to check on the others showed 25 per cent. On the survey sheets 51 per cent were against it, and on the telephone poll 29 per cent were against it. "I do not have enough data to make a decision", said 20 per cent on the survey sheets, and 29 per cent on the telephone. "I am not concerned about the issue", said 2.8 per cent on the survey sheets, and 17 per cent in the telephone poll.

Mr Lamont: How many people were surveyed, Dennis?

MR STEVENSON: There were 212 surveyed on that one. It has been over the last few days - - -

Mr Lamont: That is 212 people in Canberra?

MR STEVENSON: In Canberra, yes. Normally, we survey between 600 and 1,000. What this shows is that, while there is not necessarily a large majority against fluoridation, there is certainly a majority against it; but, more importantly, there are many people who do not feel that they have enough information to make a decision. I suggest that we move to adjourn the debate after the in-principle stage and get some more information as to why it should be increased from 0.5 to one part per million.

Look at the dose. We have an interesting situation in that it matters not if you need the fluoride. Is it best to dose people with a particular chemical by including it in the water supply? Is there a better way? If you want to give someone a drug there are a lot of better ways. You go along to a doctor and he gives you a prescription after examining you, after telling you about the side effects, and after taking into account your sex, your age and your weight and determining a precise dosage and how often you should take it. He would never say, "Take it every time you get thirsty". He would never say, "Take it because your kids need it". Doctors would never do that. Of course, they would not be allowed to do that.

Is there anybody against fluoride? We hear that the National Health and Medical Research Council, the AMA and the ADA are for fluoride. I am against fluoride; but, more importantly, I am for freedom of choice. At the inquiry that we had in this Assembly there were 160 submissions and 141 were against fluoridation. Indeed, I also listed at the back of my dissenting report over a thousand doctors, dentists, scientists and medical researchers who were opposed to fluoridation.

Mr Connolly: Living in obscure parts of America.

20 May 1992

MR STEVENSON: I think Mr Connolly mentioned something about obscure people. The truth of the matter is that I also listed 11 Nobel Prize winners. You may say, "Well, it is nice that people who are interested in peace talk about this". No, their research was in chemistry and medicine. I repeat - 11 Nobel Prize winners. I seek an extension of time.

MADAM SPEAKER: Is leave granted? Yes, continue, Mr Stevenson.

MR STEVENSON: Thank you very much.

Mr Berry: No way. Who did that? I said no.

Mrs Carnell: Nobody voted.

MR STEVENSON: I clearly heard a number of people say yes. I would ask that on this occasion you grant me a little bit more time on this matter.

Mr Berry: No way.

MADAM SPEAKER: Mr Stevenson, I am sorry. You can now move that you be granted an extension of time. I believe that we both misheard.

MR STEVENSON: I move:

That Mr Stevenson be granted an extension of time.

I say that I do not want to speak for 10 minutes on every clause in this Bill.

Question put:

That Mr Stevenson be granted an extension of time.

The Assembly voted -

AYES, 8

NOES, 9

Mrs Carnell
Mr Cornwell
Mr De Domenico
Mr Humphries
Mr Kaine
Mr Moore
Mr Stevenson
Mr Westende

Mr Berry
Mr Connolly
Ms Ellis
Ms Follett
Mrs Grassby
Mr Lamont
Ms McRae
Ms Szuty
Mr Wood

Question so resolved in the negative.

MR MOORE (12.14): We are dealing with fluoride, and I think the situation can be best summarised in the following way:

You put the fluoride in,
You put the fluoride out,
You put the fluoride in and you shake it all about,
You do the hokey-pokey,
You turn us right around,
And that's what the Liberal Party is all about.

MR HUMPHRIES (12.14): Madam Speaker, my speeches have less visual content than do Mr Moore's and I will not compete at that level. I think that was an admission by Mr Moore that he does not really have any good arguments against fluoride left. He acknowledges that the time has come for us in this Assembly to get sensible again and go for the view expressed by the majority of experts, that we should have that level added to our water once again.

Ms Szuty said in this debate that the experts are not sure. In a real sense, Madam Speaker, it is true that there is some difference of view among some people about what we should do with fluoride in the water supply. But, if Ms Szuty were to be constrained in everything she did by the appearance of some who disagreed with the majority point of view in technical matters or matters of expertise, she would not vote on anything in this Assembly, I suspect.

The fact of life is that the experts are close to united on what should be done about fluoride, and that is that it ought to be added to the water supply in order to provide protection against dental caries. I want to quote from the working party of the NHMRC which reported on this matter last year. That, of course, is the peak scientific research body in Australia. That is the body which, above any other, ought to be able to advise this Assembly and others about the best policy to pursue with respect to the properties of fluoride in our water supply, and I want to quote from that report. The first report said:

The application of 1 ppm fluoride to water has provided a public health measure of apparently great efficacy. Repeatedly, in observational and experimental studies, in which caries experience has been monitored, the standard index of decayed, missing and filled teeth or surfaces in children who have been exposed to fluoridated water supplies has fallen substantially, and the reported differences between fluoridated and non-fluoridated areas have led to the inference that fluoridated water was the key determinant of the fall.

The second report, in November 1990 - I think it was 1991, in fact - said:

In the assessment of the Working Group, the aggregate evidence establishes that fluoridation of water to around 1 ppm has, in the past, conferred a substantial protective effect against dental caries. The evidence for this protective effect is strongest in childhood, reflecting the preponderance of research in this age-group. In recent decades, the magnitude of the beneficial effect of water fluoridation appears to have decreased, as the pattern of dental disease has changed and as fluoride has become widely available from a number of discretionary sources. Nevertheless, water fluoridation continues to contribute to the prevention of dental caries, and therefore to provide an important, community-wide, and readily achievable foundation to dental public health.

Its conclusion about the level of fluoride in the water supply is this:

There is no evidence of adverse health effects attributable to fluoride in communities exposed to a combination of fluoridated water (1 ppm) and contemporary discretionary sources of fluoride.

20 May 1992

That is evidence, clear and uncontradicted from any reputable source, that fluoride in our water supply at one part per million is the best thing for the health of our teeth, and particularly our children's teeth. I am not prepared to compromise on that matter. I think the evidence is overwhelming and it is clear. Let us stop beating around the bush about this matter and do the right thing about this important matter of public health.

The fact is, Madam Speaker, that the Social Policy Committee which reported on this matter in the old Assembly was a committee of politicians. It was a committee of people who, with the best intentions - - -

Mr De Domenico: Former politicians.

MR HUMPHRIES: Some of them are now former politicians. Most of them are now former politicians. But the fact is that the people who looked at that question and decided that it should go to 0.5 parts per million were politicians. They were not experts in the area, and the fact of life - - -

Mr Connolly: Politicians in the Liberal Party.

MR HUMPHRIES: I am glad that you raised that, Mr Connolly; I will come back to that. The fact of life, Madam Speaker, is that that committee had no sound basis for recommending to this Assembly that we go to 0.5 parts per million and that report, I think, is justifiably rejected today by this Assembly. The evidence is not in accordance with the recommendation. The evidence is in accordance with what I have just quoted from the NHMRC report.

Mr Stevenson said that people repeatedly have voted no to fluoridation. The fact of life is, Madam Speaker, that in the First Assembly they elected a number of members, including Mr Stevenson, who made no reference to the fluoridation of water when they stood for election in 1989, who subsequently used their election on other platforms to vote out the fluoridation of water in the ACT, and who claimed to have a mandate to do so. The fact is that almost all of the members of the old Assembly who supported that position have not been returned to the Assembly. That is not coincidental, Madam Speaker. It is directly related, in my view, to the fact that the electorate was not prepared to put up with the sort of nonsense that we saw from people who said that they thought fluoride was the cause of all sorts of bizarre and diverse diseases and illnesses in people.

Mr Connolly has made reference to divisions within the Liberal Party about this matter. It is quite true that on the first occasion on which this matter came before the Assembly the Liberal Party allowed a conscience vote, and two members supported the retention of fluoride and two supported its removal. I might point out that the two who supported the retention of fluoride are still here, and the two who did not are not; but that is another matter.

Let me say, however, that it is not true to say that there are not any divisions in the Labor Party about this matter. Let me remind you that the Social Policy Committee which recommended 0.5 parts per million was chaired by Mr Wood and I am told - he might correct me if I am wrong - that the report was unanimous. So, apparently, there is at least one member of the Labor Party who has some difference of view about what the appropriate level should be.

Mr Wood: You would want to read the words I said at the time, too.

MR HUMPHRIES: The fact is, Madam Speaker, that the chairman of the committee, a member of the Labor Party - - -

Mr Kaine: We now have an equivocal Minister.

MR HUMPHRIES: We have an equivocal Minister. The fact is that you recommended that we go to 0.5 parts per million in the report of the committee you chaired, which you supported unanimously. So, it seems to me that we are not the only party that has had some problems of difference of view in the past.

Mr De Domenico: He was wrong then and he is right now.

MR HUMPHRIES: Indeed. He was wrong then, but he is right now. I would support that contention, Madam Speaker. We are doing today, by supporting this Bill, a major service not only to the health of the people of Canberra but also to the health of the reputation of this Assembly. We, as an Assembly, or the Assembly which was first elected in 1989, have suffered severe disrepute in the eyes of the community, and no issue so characterised that poor esteem in which the community held its Assembly as the question of fluoridation of the water supply. It is time we put that issue behind us once and for all by returning to the standard position adopted by most Australian jurisdictions, and that is that the ACT should have fluoride in its water supply at one part per million, for evermore.

MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (12.22): I am rising to put a matter raised by Mr Humphries into perspective. It is true that I agreed, as did five members of that committee, on 0.5 parts per million. Mr Stevenson could elaborate and point out where he later opposed that in any case. It was a case of getting the best deal he could. He can explain it better than I can.

Mr Stevenson: You do not give me time. Give me time and I will explain it.

MR WOOD: I believe that there is a considerable amount of time yet to be taken up in this debate. Mr Stevenson will not be short of any time to express whatever he wants. The fact has been put here recently, I believe, in this debate, and at other times, that when you put fluoride into your water supply you do not get one part per million. If you aim for one part per million you can get anything from perhaps 0.7 parts per million to 1.3 parts per million, or maybe even a wider variation. I pointed out at the time that I was quite happy to see fluoridation in the water supply - I was very emphatic about that - within a range, as best can be established, of 0.5 parts per million to one part per million.

MR DE DOMENICO (12.24): I rise in support of this Bill because I think it is more than a debate on how much fluoride should be put into the water. I think it is, once again, an opportunity for this Assembly to restore sanity and rid ourselves, once and for all, of some of the things that were done by the last Assembly. I quote from an article in the *Australian* newspaper of 13 May. The title of this article is "Our Capital Capers". I quote:

The first Legislative Assembly was not impressive. With an odd mixture of inexperienced politicians, it managed to win headlines for such trivia as taking fluoride out of the water - then putting it back in.

20 May 1992

Whilst I am not perhaps as eloquent a singer as Mr Moore, the Assembly did take it out, put it in and take it out again. So, this is an opportunity for 90 per cent of the people of Canberra, once and for all, to say, "We have elected you to restore sanity into this place". One of the first examples is what this Assembly did last night over bicycle helmets.

I must also acknowledge my personal involvement in the fluoride debate. I note with happiness that the president of the ACT branch of the Australian Dental Association, Dr Carmelo Bonanno, is in the Assembly, and quite rightly so. Dr Bonanno also happens to be my family dentist. I had asked him the very simple question, "Why is it that my wife and I have a face full of fillings, whereas our children do not?".

Mr Kaine: He is not allowed to answer it, though.

MR DE DOMENICO: No, but what he suggested to me was that coming from an unfluoridated water supply, as my wife and I did, means that we had a very much higher chance of getting dental caries than our children, who have lived in Canberra virtually all of their lives. That was a very compelling argument, might I say.

I then read a bit more widely on the issue, though, not wanting to believe just one particular dentist. I also noted that the Australian Dental Association happened to agree with Dr Bonanno, as did the Australian Medical Association, as did the Pharmacy Guild and, lo and behold, as did the National Health and Medical Research Council. There were a few professors from Boston, Massachusetts, and Tanganyika and all sorts of places who happened to disagree. But, as my colleague quite eloquently put before, the majority of well-respected, well-known medical, pharmaceutical and chemical bodies around this earth believe that the best thing we can do for the future of the care of our own teeth and our children's teeth is to retain the addition of fluoride to the water supply in the proportion of one part per million.

Like Mr Humphries and most of the other previous speakers, I believe that Mr Stevenson said something very sane when he said, "The final decision is ours". Let me assure Mr Stevenson that as far as the Liberal Party is concerned - - -

Mr Stevenson: I referred to the people, not the politicians.

MR DE DOMENICO: The people, Mr Stevenson. Let me assure you, Mr Stevenson, that the people today will speak. The Liberal Party, in unison with the other major party in this room, will today, I am sure, speak on behalf of the majority of people in the ACT by restoring fluoride to its correct level, one part per million.

MRS CARNELL (12.28), in reply: It is with great pleasure that I finish this debate, a debate that has been going on in this Assembly for far too long. First of all, I would like to address a couple of the comments that were made earlier by Ms Szuty. She made the comment that further informed debate was necessary before we should increase the level of fluoride from 0.5 parts per million back to one part per million. I think that we have to put this in historical context. Everybody, every public health body in Australia, every parliament in Australia, is concerned about public health issues and is concerned about their responsibility in adding anything to a water supply. That is really the ultimate in public health proposals or public health issues.

The NHMRC were equally concerned when in 1989 they received a letter from a group of doctors - Drs Diesendorf, Sutton and Colquhoun. They were concerned because their recommendation at that stage was that one part per million of fluoride was the appropriate level in reticulated water supplies. Accompanying the letter from Dr Diesendorf and others was a document entitled "A Summary of the Scientific Evidence that the Benefits of Water Fluoridation Have Been Greatly Exaggerated". The NHMRC were concerned about this; so they set up a working party.

This working party, with a number of the most eminent doctors and others and professors in Australia, looked at Dr Diesendorf's submission and other comments. Over the next two years they looked at a number of issues. First of all, they looked at the historical studies related to water fluoridation and the critique of those studies contained in Dr Diesendorf's submission. The working party affirmed - as I say, after two years of intense work - that the clear weight of evidence was that water fluoridation was effective in substantially reducing the occurrence of dental caries.

MADAM SPEAKER: Mrs Carnell, I am sorry to interrupt you; but it is 12.30 pm, and in accordance with standing order 77 as amended the debate has to be interrupted.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Chief Minister's Staff

MR KAINE: I address a question to the Chief Minister and Treasurer. The Chief Minister and Treasurer has spent a lot of time over the last year talking about reducing staff numbers in the public service, a program of reduction by 250 people and a reduction of budgetary expenditure on government. On a number of occasions she has spoken at length about the Government's program in this respect. I ask the Chief Minister: How does that fit with the fact that her own staff has increased by 200 per cent in the last eight months in terms of SES level officers, whose perks now include cars, I understand, although they did not previously? What is the cost to the Executive budget of this increase in her staff as compared to the original annual provision? What are all these people doing, since they are supplemented by specific consultancies that the Chief Minister's office has let as well? What are all these people doing, given the blank paper we have in our hands that stands as the alleged program of work of this Government?

MS FOLLETT: Madam Speaker, I would like to address the last, or close to the last, point that Mr Kaine has raised. I currently have no consultancies to my office; indeed, it has been the very rare occasion upon which I have used consultants.

Mr Kaine: That is interesting. That is not consistent with the answers that you have given me to questions on notice.

20 May 1992

MS FOLLETT: I think it is indeed consistent with the answers that I have given to questions that Mr Kaine has asked of me on notice. I believe that he has had full details of those. It is fair to say that I have made extremely sparing use of consultancies.

The Leader of the Opposition has asked me specifically about my own staffing arrangements. I would like to respond by saying that I have had a review of the levels and the classifications of members of my staff. That review was conducted by the Office of Public Sector Management, and the arrangements that I have made are in line with that review. The review determined that the nature of the work in the Chief Minister's office requires, amongst other considerations, the exercise of very superior levels of judgment and a very high degree of accountability and responsibility. I think Mr Kaine, with his own experience in the position, would concede that that is the case. The positions are, as I say, assessed as having a high work value; and I would defy anybody here to deny that that is the case.

Madam Speaker, it is also the case, of course, that in overall terms I have not changed the numbers at all; I have had, if you like, a vacancy in my office for quite some time and that remains the case. Although I have attempted to fill it, I have not succeeded.

So, I think that overall, Madam Speaker, what I have done is well and truly justified. I do not believe that my staff are in any way excessive or overclassified. They are required to do very high level work, and they do that work. They are required to work very long hours, and they do work very long hours. Unlike their counterparts in the Federal Parliament, they do not receive the overtime allowances and so on that are common in other parliamentary offices. I believe that my office is a pretty lean arrangement and certainly a very efficient one.

MR KAINE: I ask a supplementary question, Madam Speaker. I take it from that answer, Chief Minister, that you confirm that you now have three officers of SES status on your staff and that they have cars, which previous officers of that status did not have. But, flowing from that, you did not answer the second part of my question. What is the increased cost to the Executive budget as a result of these staff increases and the perks that go with them?

MS FOLLETT: Madam Speaker, I will take the question of cost on notice, but I repeat that the staff of my office receive remuneration which I consider to be appropriate. If they receive any other considerations, then they are in keeping with the normal public service arrangements for their level.

Land Development

MS ELLIS: My question is directed to the Minister for the Environment, Land and Planning. Will the return of government to land development guarantee home buyers a reasonable opportunity of acquiring the block of land they want and selecting the builder of their choice? What benefits will flow from this policy?

Mr Moore: And what is the timetable of the policy?

MR WOOD: Madam Speaker, one of the benefits of government returning to this area is that it will provide greater choice to home buyers and to builders. I am not going to be precise yet about how this will all be done, but we may well return to the days when you would line up at the Albert Hall and put your hand up to bid against other people in Canberra for the block of land that you had looked at. That seemed to be a very good system that people constantly tell me they would like to have back. A great number of builders have also asked for a return to that system.

I know that, in the case that Ms Ellis refers to, people who want a particular block of land are told that they can have it but that they have to have the builder who goes with it. That happens. It is no criticism of developers, because, after all, it was a Labor Federal government that developed this system. It has gone on, I believe, reasonably well, given the circumstances. When the land is sold to the developers, they are not required to specify the way in which it will be on-sold or how it may be acquired by the ordinary householder.

In most cases these days, when people buy they have to buy a house and land package. I think that is unfortunate. The question of choice that Ms Ellis raises is very important. In the days when you bought your land separately, you scouted it, you looked at it, you stood on it and you could plan the house you wanted on it. I think you got a better designed house as a result. I am not criticising in any way the quality of the homes that we get in Canberra. I think the builders build good quality homes. I do not get complaints. I have not had one complaint about quality of building.

I think we get good homes and I think they are at very competitive costs. Our builders do it very efficiently and I commend them for that. Part of the price we pay for that, the other side of the coin, is that we get a pretty stereotype sort of house in many circumstances, a house not particularly appropriate to today's demands for greater solar consciousness. If we got back to where you could put your hand up for a block of land, we would get a better design of housing.

But there are other benefits besides choice. For example, if over the next three years the Government made a capital investment in land development, then in the longer term the return on that capital, depending on the level of investment, could range up to \$15m a year. That would depend on the proportion of government involvement as against private involvement.

Let me put it another way. Look at Gungahlin and take a mythical block of about \$60,000. You all know that you have to take each block on its own as far as price goes. The return to government, the raw cost of that land - that is, what the Government gets back - averages about \$14,000 a block. That \$14,000 may cover the cost of the immediate infrastructure we put in; but it does not cover, by any means, the long-term infrastructure for Gungahlin that we have to pay for. The profit to the developer - and I very heavily emphasise the risk that the developer may take - ranges up to \$10,000. I emphasise that, although the developer may get that profit, he might also lose. I do not think that has been the case - it has not happened - but he may not realise the full \$10,000.

In South Tuggeranong, recent purchases of blocks of land worth, say, \$45,000, have returned about \$5,000 a block to the ACT, whereas the developer might have made a profit of up to \$7,000 a block.

20 May 1992

Mr De Domenico: I raise a point of order, Madam Speaker. I suggest respectfully that the Minister is now perhaps getting into a ministerial statement rather than an answer to a question.

MADAM SPEAKER: Mr De Domenico, Mr Wood has been asked a question. Mr Wood is answering the question. Proceed, Mr Wood.

Mr Kaine: On a point of order, Madam Speaker: The standing orders require that Ministers' answers be brief and to the point and not be ministerial statements.

MADAM SPEAKER: I am quite familiar with that rule, Mr Kaine. Mr Wood is answering the question. He will proceed to answer the question.

MR WOOD: Thank you. I think members opposite would agree that I do not go on at great length, but it may be that I am - - -

Mr Kaine: Well, you are.

MR WOOD: You have raised this on one occasion in over a year. It just may be that I am very keen and excited about this whole project.

Mr Moore: Then make a ministerial statement.

MR WOOD: Mr Moore cannot complain, because he wanted me to add the timeframe to it. But I will expedite the answer. Not only are there benefits in terms of choice; there are also clear benefits to the ACT taxpayer in land development. Not all the benefit will be returned to the home buyer. As a top of the head figure, they might get half the benefit and the rest of the community might get the other half; but I am by no means fixed on that. So, there is clear benefit in what we do. We are getting better choice and we are getting a better return.

MS ELLIS: I put a supplementary question to the Minister. What impact will this all have on the Government's ability to accurately predict needs and maintain an appropriate supply of land when it resumes the responsibility for land development?

Mr Kaine: No better than what they have done up until now.

MR WOOD: Madam Speaker, the former Chief Minister has effectively answered the question. The practice will continue. It will be no better or no worse. In fact, it has been very good, and the present system of assessing what land is needed will continue. In recent times, since the problems in Tuggeranong when there was a surfeit of land, mainly due to Malcolm Fraser's change of policy - -

Opposition members interjected.

MR WOOD: Do not deny that. That was the time in the ACT when there was an oversupply of land. I have to take great care to see that we do not have either an undersupply or an oversupply. The present mechanisms of coordination between government and private agencies to determine the amount of land needed have been working very successfully in recent years. They have judged

very accurately what needs to be turned out, and I have no doubt that that will continue. The timing of turning it out is also very important. We are selling more land in October. Both the amount of land and the timing of the release have been accurate in the past, and I have no doubt that they will continue to be accurate in the future.

Northbourne Avenue Traffic Lights

MR STEVENSON: My question is of Mr Connolly, the Minister for Urban Services. A number of constituents have mentioned to me that when driving along Northbourne Avenue they feel that the traffic control lights are not well synchronised to assist the traffic flow. Would the Minister indicate how the light sequences are initially set? Can these settings be changed to assist traffic flow?

MR CONNOLLY: I thank Mr Stevenson for the courtesy of letting my office know that he was interested in this matter so that I was able to research it. The traffic signals on Northbourne Avenue are synchronised through a thing called the Canberra automated traffic signal system, which is a black box that allows us to vary what happens. The factor about Northbourne Avenue that members must bear in mind is that, because of the excellent planning of Canberra, unlike some State capitals, the arterial flow on Northbourne Avenue tends to be both ways.

In a major State capital there is a very distinct flow into the city in the morning and out of the city in the afternoon. But, because of the excellent planning of Canberra and the fact that employment is scattered throughout Canberra, flows on roads such as Northbourne Avenue and other arterial roads tend to be in two ways. The difficulty with that is that, if signals are linked to give a synchronisation in one direction, they will muck up the other direction. You cannot have signals for the flow of traffic northbound at one setting and the signals for the flow southbound at another setting.

Mr De Domenico: You could, but there would be enormous accidents.

MR CONNOLLY: Yes, this is true. It would be a Liberal Party solution perhaps, but it would result in chaos. A new computer program called Transit was installed by the department in February of this year. It is attempting to minimise delays and stops for traffic and is giving a level of synchronisation to favour slightly inbound traffic in the morning and outbound traffic in the afternoon. So, that should lead to some improvement in delays.

But total synchronisation, which is done in some State capitals, would cause confusion and chaos with people going against the general traffic flow. The whole idea of Canberra urban planning, and particularly Canberra transport planning, is to avoid a total inflow in the morning and a total outflow in the afternoon. But, to the extent that we can make the flow of traffic smoother, we are doing so.

Intellectual Disability Services

MRS CARNELL: My question is also addressed to Mr Connolly, in his capacity as Minister for Community Services. What is the waiting time for respite care and for full-time residential care from Intellectual Disability Services? How long, on average, do people on the waiting list wait, and what procedures are in place if a family on the waiting list ends up in crisis?

MR CONNOLLY: We are providing respite care to people in need. The result is that the regularity with which respite care can be enjoyed is slipping. We are able to provide it about one week in eight to families who need it, whereas a year or so ago it was about one week in four. We are providing respite care to more people. There is not a waiting list. Rather, people who are enjoying the service are getting access to it through government. With the government carer, at Finnis Crescent in particular, it can be less regularly offered. There are other services. In particular Fabric, which is extensively government funded, is able to offer some other service.

In terms of permanent placements, the department actively monitors all persons in need and is aware on any given day of the rather large number of people, up to 100, who may like to have access to a service and of the much smaller number who are in need. When a vacancy occurs there is an assessment, first of all, of who is most in need and, secondly, of the level of disability of the children. As Mrs Carnell would be aware, the level of profound disability varies enormously. For instance, the Chapman facility caters for children of a younger age group and of a very profound level of disability. That would be a quite inappropriate placement for an older child with a high level of functioning ability. There is at the moment, as it turns out, a vacancy at Chapman which has not been filled because there is not a family seeking care for a child with the level of profound disability that Chapman caters for. So, to some extent, there is a vacancy there which is not yet filled.

When other places become available, either in the hostels or in the homes - and we are trying to get out of hostel care into home care - an assessment is made as to who has the most need and who can best be served. So, there is no formal date list as there is, say, for public housing. We cannot say that for South Canberra we will be able to provide a three-bedroom home at a certain date so many months down the track, a two-bedroom flat at a date so many months down the track or a bedsitter at a date so many months down the track. It does not work like that. There is a regular review of the cases.

Mr Kaine: It does not work at all.

MR CONNOLLY: This is typical of the Liberal Party. They are great at the macro level about saving money. They say, "Let's cut; let's slash". That is the former Chief Minister. At the macro level they want to save money. At the micro level, for every problem that is raised, this opportunistic Liberal Party's solution is to spend more money. We cannot spend more money. What we can do is more carefully husband our resources in this area, and that is what we are doing.

Mrs Carnell may have heard criticisms on the media today of a so-called restructure of IDS which it is alleged will reduce the level of care. The criticism was answered by the critic who said, "What we are doing - shock, horror - is reducing middle management". Indeed, we are doing that throughout IDS with the objective of having more carers caring for more people and having less bureaucratisation - fewer resources at middle management and more resources providing actual care.

Housing Industry

MR LAMONT: My question is directed to the Chief Minister and Treasurer. What is the Chief Minister's assessment of the outlook for the ACT housing industry?

MS FOLLETT: Madam Speaker, I think the question that Mr Lamont has asked is particularly relevant in view of the question asked of Mr Wood about land development. I think that all members here would recognise also that the housing industry is a very significant employer in the ACT. So, its condition is indeed relevant to my portfolio. I am happy to report that on the latest figures which are available, those for the month of March, the housing industry in the ACT is in a very healthy state indeed. In fact, you could probably describe it as buoyant.

Madam Speaker, in March the housing finance commitments in the ACT were up, in nominal terms, some 4.7 per cent on the previous month. But, more significantly, compared with March of last year, the increase in March of this year was 42.2 per cent. So, it is a very significant increase. There were also significant increases in a number of the other statistics that are kept, particularly in the number of dwellings financed, which increased from 797 in February to 896 in March. During the month finance was obtained for the construction of 119 new dwellings, which was up 75 per cent on March of the previous year. So, again, it is a very significant increase.

There was also an increase in newly constructed dwellings of 43 per cent on March of last year. The increase in housing finance is consistent with recent increases that have been recorded in ACT residential housing approvals. During the March quarter, if we look at the quarter rather than just the month, 1,002 new dwellings were approved. This was some 33 per cent higher than for the December quarter. But, very significantly, it was 200 per cent higher than for the March quarter of last year.

So, it is a very encouraging set of statistics for the housing industry. I believe that we can attribute it in part to the falling interest rates and in part to our sustained level of increase in population in the ACT. As I say, the housing industry is a significant employer. The statistics mean that there are jobs in that industry and that new jobs are coming on. They also mean, of course, in social justice terms, that in the ACT people continue to be able to afford their own homes, whether they are constructing new ones or buying homes that are already on the market. I think that is something that we should all be very pleased about.

Ministerial Staff

MR HUMPHRIES: My question is addressed to the Chief Minister. I refer to the answer that she gave to an earlier question this afternoon by the Leader of the Opposition. Given the level of intellectual exertion and expertise now required on the fifth floor of the Assembly - I might say that there is not much evidence on the ground floor, Madam Speaker - is the Chief Minister reviewing the staffing entitlements of all her Ministers along the same lines as for her office? In particular, if her Ministers, either because of a review or independently, choose to increase their SES numbers by 200 per cent, will she condone that? Will SES level officers employed by opposition members - I think particularly of the senior staffer of the Opposition Leader - also be entitled to a car courtesy of the taxpayer?

MS FOLLETT: I thank Mr Humphries for the question, Madam Speaker. I believe that all members here are aware that when this Assembly was reconvened I made an interim staffing arrangement for all members through you, Madam Speaker. Indeed, that is my role. I made it clear at that time that I was reviewing staffing for all members. So far, I must say, from private members, from Ministers, from backbenchers, I have not had a bid. So, Madam Speaker, I leave it with you. I have made that offer. I do not know what more I have to do, short of begging members to do something.

Mr Kaine: You told me only four days ago that you had not been asked to do such a review.

MS FOLLETT: Madam Speaker, as I say, I made it clear that I was making an interim arrangement. I wrote to you to advise of that interim arrangement and said that the matter was under review. I have made no other arrangement for any members. I repeat that, where staff are classified at a particular level, the information I have is that they are entitled to everything that goes with that level in accordance with the Public Service Act.

Energy Efficient Buildings

MS SZUTY: My question is of the Minister for the Environment, Mr Wood. The *Weekend Australian* recently - and I refer to the edition of 16-17 May 1992 - carried an article on proposals for a new facility for the Federal Bureau of Mineral Resources in Canberra. The bureau's new complex will be built at an expected cost of some \$100m. The brief for designing this structure includes making it energy efficient, and the architect in charge was quoted as saying that overseas experience has shown that savings of 30 to 80 per cent can be achieved on fuel bills in energy efficient buildings. A lot of data will be collected over the next 10 months in the lead-up to construction, including information about alternative air-conditioning systems and ecologically sustainable practices for managing the complex. My question of the Minister is: Will his department seek to share the results of this research into local conditions and the adaption of ecologically sustainable design to large buildings for the benefit of Canberrans and future building projects?

MR WOOD: Madam Speaker, I thank Ms Szuty for her statement, and I will not criticise her for it. I have not seen that article in the *Australian*. It seems a very good article. It indicates quite clearly the good work that has been undertaken in energy consciousness in government buildings. There is quite a deal of that work going on, under the auspices of Mr Connolly, in ACT government buildings. We are on the same wavelength - or they are on our wavelength, if you like, because it is a very high priority of this Government to be so aware.

Ms Szuty has asked me whether research results can be shared around. I will certainly take up that proposal. The ACT Government is prepared to share its knowledge, and I think across Australia people are more than happy to do that. I am quite happy to make an approach to the Federal Government for such information as they collect.

West Belconnen Residential Development

MR WESTENDE: I refer the Minister for the Environment, Land and Planning to a pre-election decision taken by the Chief Minister to halt residential development in areas A1, A2 and D in West Belconnen. Can the Minister explain to the Assembly why this decision was taken? Does the Minister agree that infrastructural support is already in place and this would make the overall costs of development lower, thus opening up some land at the lower end of the price scale for the first home buyer? Will the Government give an undertaking to reassess the development of these investigation areas?

MR WOOD: Madam Speaker, Mr Westende has correctly portrayed the decision of the Government at that time. If you do not know what areas A1, A2 and D are, I point out that A1 and A2 are to the south of Drake Brockman Drive at Holt and D is much further around, close to Hall on the western side of Belconnen. Members will recall that there was very energetic debate during the election period about the investigation areas in the draft Territory Plan. These areas were part of the investigation areas, though they had also been on the agenda for quite some time before that.

In view of the very considerable community concern in that area about areas A1 and A2 in particular, the Government acted to withdraw them from the draft proposals. I indicated at the same time that in the future they may emerge, as indeed any investigation area on that draft plan may emerge, as part of the public debate. The other areas, B and C, which are more directly to the west of Belconnen, remain under current consideration. I will be expecting a report from the Planning Authority shortly on those.

Mr Westende asked whether there were cost savings to be made using existing infrastructure. That is certainly my belief; but I note that there was a program on ABC radio this morning suggesting otherwise, though not referring specifically to that area. It is the case that the ACT ought to be using existing infrastructure wherever possible, to reduce the cost to the Territory of further development. Gungahlin is costing the ACT plenty as we move out in that area. If we can slow down Gungahlin and develop using existing infrastructure, I am sure that it will be to the advantage of everybody in the ACT.

20 May 1992

MR WESTENDE: I have a supplementary question, Madam Speaker. I thank the Minister for his answer, but why has it taken my asking a question without notice to get an answer? The reason I ask is that Mr Michael Johnson of Kippax Fair wrote to you, Mr Minister, on 28 April and again on 15 May and has not to date received even an acknowledgment of this correspondence.

MR WOOD: I suspect that it may be that he has received an answer today, because yesterday I got in my in-tray the same letter as you have got; and my recollection is that the day before, or the day before that, I signed out a letter to Mr Johnson. That letter, dated 28 April, was signed out on about the 15th, 16th or 17th of this month. So, he has got his reply. I have also indicated, I think publicly, that this is the position of the Government. I have indicated to the Kippax traders whom he represents that those other areas of West Belconnen remain under active consideration.

South Building

MRS GRASSBY: Can the Minister for Urban Services indicate whether an architect has been contracted by the Government to investigate refurbishing possibilities for the South Building? If so, what will the cost to the Government be?

MR CONNOLLY: I thank Mrs Grassby for her question. I heard the former Chief Minister huffing and puffing on this on the radio while I was having my shower this morning, saying, "Shock, horror, outrage - what a terrible waste of public funds! The Government is spending money on an architect when a committee is examining the question". That tells us a lot about Liberal Party decision making processes. Obviously, knowing that a committee is looking at this issue and that it is to report in August, on the first sitting day of the budget sittings, their decision making process would be to go out and have a look at lots of buildings and come up with a decision as to the favoured location of the Assembly. Then the Government or the Assembly would scratch their heads and say, "Well, we think this is nice. Perhaps we had better ask an architect whether it is feasible". Of course, that would be a very foolish way of going about making a decision, because you would come to a conclusion that you favour a building, without knowing whether a building is technically able to be used for the purpose intended.

In order to aid the committee with its decision making process - not to pre-empt it, but to aid it - the Government, very sensibly, has spent a modest amount of money. We have authorised expenditure of up to \$20,000 - I understand that the actual expenditure is running well under that - for an urban design consultant, Colin Stewart, to look at South Building so that, when the committee is making up its mind and deliberating on where the Assembly should sit, it has sound technical advice and can decide whether that is a feasible or desirable location for the Assembly.

How typical of the Liberal Party to quibble over this and how foolish it must make them look to ordinary citizens. As Mrs Grassby and I were discussing earlier, if you are going to buy a new house, before you make the decision to buy you engage a consultant to tell you whether it is structurally sound, to tell you whether the alterations that you want to make to it can be made.

Mr Kaine: Caught with your hand in the till.

MR CONNOLLY: That is a very sensible decision making process.

Mr Lamont: I raise a point of order, Madam Speaker. I regard the imputation by the Leader of the Opposition as being totally inappropriate and unparliamentary. I ask that he withdraw it.

Mr Kaine: I would like to speak to that point of order, since Mr Lamont has raised it.

Mr Berry: You cannot debate the issue, Trevor. You either withdraw it - - -

Mr Kaine: Mr Connolly does not want to debate the issue. Mr Connolly wants to anticipate the recommendation of the committee, and I repeat a question that I asked - - -

MADAM SPEAKER: Excuse me, Mr Kaine. I believe that you are now debating the issue, and you do not have a motion before us.

Mr Kaine: I am debating the point of order, Madam Speaker.

MADAM SPEAKER: Excuse me. I do not think we actually debate points of order. We take them and rule on them, and then we take other points of order.

Mr Kaine: I believe that I am entitled to speak to the point of order taken by Mr Lamont.

MADAM SPEAKER: Without being rude to you, Mr Kaine, can I just point out something. The terms of reference to my committee of inquiry - - -

Mr Kaine: I am not talking about that, Madam Speaker; I am talking about Mr Lamont's point of order.

MADAM SPEAKER: Just a minute, please. The terms of reference direct us to look at the refurbishment of South Building. The terms of reference do not say, "Pick your favourite building" or "Look at alternative buildings". I ask all members to look at those terms of reference and remember them while they continue this debate.

Mr Kaine: On a point of order, Madam Speaker: Do I understand that you are prepared to debate this matter from the chair, but you will not allow me to debate it from down here? Is that the situation?

MADAM SPEAKER: Excuse me, Mr Kaine. I was not debating; I was pointing out - - -

Mr Kaine: Well, you just did. I beg your pardon.

MADAM SPEAKER: Excuse me. I believe that I was pointing out a legitimate matter of fact that I wanted to be sure people understood.

Mr Kaine: All right. May I now debate the matter, as you have already done so?

MADAM SPEAKER: Excuse me. I believe that you have a right to take a point of order. If you have a point of order, I will listen to it. If you do not have a point of order, I will not.

20 May 1992

Mr Kaine: Madam Speaker, I think you are sailing pretty close to the wind in terms of your determination as Speaker - and that is a comment.

Mr Berry: On a point of order, Madam Speaker: Clearly, the Leader of the Opposition imputed that there was some element of dishonesty in what Mr Connolly said. He said that Mr Connolly was caught with his fingers in the till, and I think he should gracefully withdraw the remark.

Mr Kaine: Madam Speaker, I will not withdraw it, and I seek leave to make a personal explanation under standing order 46.

Mr Connolly: It is an imputation that I am corrupt. Withdraw it, you grub!

MADAM SPEAKER: That is fine, Mr Kaine. Please proceed.

MR Kaine: We are getting very close to some sensitivities here. People on that side of the house seem to believe that they can make all sorts of assertions about misinformation campaigns, racism and the like, and the Speaker will not uphold any objection to that. The point that I was making is that Mr Connolly made an assertion that he is perfectly entitled to spend public money and anticipate a recommendation of this committee. The terms of reference - and you went to some length to point out what the terms of reference of the committee are - do not identify any particular building. If Mr Connolly is fair dinkum about his role - - -

MADAM SPEAKER: I am sorry, Mr Kaine; that is exactly what I was trying to point out to you. The terms of reference do.

MR Kaine: But that is only one of the options.

MADAM SPEAKER: No.

MR Kaine: You are also invited to look at other options.

MADAM SPEAKER: I am sorry; that is exactly what I was trying to caution you about. No, we are allowed to look at economy and efficiency, which may then incorporate - - -

MR Kaine: Madam Speaker, the committee is entitled to look at anything it so chooses.

MADAM SPEAKER: I am sorry.

MR Kaine: Are you saying that you are acting under some direction from the Chief Minister?

Mr Lamont: Madam Speaker, I rise once again with the same point of order I raised which led to this diatribe from the Leader of the Opposition.

MR Kaine: Madam Speaker, I was in the middle of a personal explanation under standing order 46. He is not entitled to interrupt me with a point of order.

Mr Lamont: I ask that he withdraw the imputation.

MADAM SPEAKER: Mr Kaine will complete his personal explanation, and then I will ask him to withdraw the imputation. Mr Kaine, you may continue your personal explanation.

MR KAINE: Thank you, Madam Speaker. I believe that, if Mr Connolly is fair dinkum about this matter, then he should have engaged an architect to look at all the possible buildings that might be suggested by - - -

Mr Berry: I raise a point of order, Madam Speaker. He is debating the matter; it is not a personal explanation at all. If he wants to make a personal explanation, let him do it; but debating the issue is another question.

Mr Connolly: Madam Speaker, I withdraw my remark; but has Mr Kaine withdrawn the interjection that I have my fingers in the till? If he has not, I would ask him to, because it is a reflection that goes to my personal integrity. I demand that it be withdrawn.

MADAM SPEAKER: I believe that that is correct, Mr Kaine. I would ask you to withdraw.

MR KAINE: I withdraw, Madam Speaker; but I expect you to be equal-handed in this matter in the future.

MADAM SPEAKER: Thank you, Mr Kaine.

MR CONNOLLY: As I was saying, the Government has engaged an architect to provide data to assist the committee in its deliberations. It is a sensible thing to do. It is exactly what an ordinary citizen would do if contemplating a major property purchase.

Mr Kaine: Rubbish!

MR CONNOLLY: Perhaps the Liberal Party would not. As I said at the outset, the huffing and puffing on this highlights the extraordinary approach to decision making that the Liberal Party has. They would have a committee go through a whole process of looking at a building without any technical advice. That would be silly.

Education - Key Competencies

MR CORNWELL: My question is of Mr Wood as Minister for Education. I refer to the Australian Education Council review committee report "Young People's Participation in Post-compulsory Education and Training", which I think is otherwise known as the Finn report. In recommendation 4.7 of the executive summary, in relation to key competencies, it states:

All States/Territories develop valid and publicly credible ... ways of assessing young people's attainments ...

It goes on at another point:

National reporting should be implemented for the Languages and Communications and Mathematics Competencies by 1993.

20 May 1992

That is, next year. I ask you what action you propose to take on behalf of the Government to implement these recommendations, given that your Labor Party's policy at 3.7 states:

Establish guidelines for the early identification and resolution of literacy and numeracy problems without recourse to standardised systematic testing.

MR WOOD: Madam Speaker, I think Mr Cornwell's first statement said it. As near as I can remember - and I do not have that much worked over document, the Finn report, in front of me - all States and Territories have developed mechanisms. In the ACT we have in each school mechanisms whereby teachers can assess how well their students are going. You referred to a further part of the report. That report is specifically related to education and training of the older age group. The progress on that report - and we are part of it - is being undertaken through Carmichael and through Myer. We are part of that.

It is worth pointing out that there is a renewed interest in competencies. The interest in competencies on the training side is inevitably going to have some impact on the education side. Indeed, education and training are going to be rather less apart than they may have been in past years. So, in respect of your second question, we are under way, with other States and Territories, on the paths directed through Finn, Carmichael and Myer.

MR CORNWELL: I ask a supplementary question, Madam Speaker. Do I then understand that we have shifted from the view expressed by you last year? I quote from the *Canberra Times* of 30 September last year:

The ACT is the only public-education system which does not have some form of uniform monitoring of literacy and numeracy and, according to Mr Wood, there is no urgency.

MR WOOD: Madam Speaker, what the Finn report is about is the training of our young people, predominantly those who are leaving or have left school. It is about their certification through into employment. I have indicated that it has an impact on education and what happens at lower levels of education, and that is to be worked through. The ACT Government has not changed its general view about mass testing of pupils in grades 3, 4, 5, 6, 7 and so on. We still know very well what happens there; we still know that the year 12 graduates we turn out are excellent by all criteria. They are keenly sought in universities and other tertiary institutions. What you are asking about is the development specifically in the area of training and the focus in training not so much on judging time as on judging competency.

Goulburn Gaol - ACT Prisoners

MR MOORE: My question is addressed to Mr Connolly as Attorney-General. It is my understanding that ACT prisoners in Goulburn gaol had their visiting hours reduced from two hours per week to an hour per week; that visiting hours for the unemployed prisoners, 295 out of 300, are to occur only on Fridays and Mondays and not weekends; that phone calls have been reduced from two calls per week of 12 minutes to one call per week of five to six minutes - calls are,

of course, at prisoners' own expense; and that the education program has been cut completely. What action do you propose? What pressure can you bring to bear to rectify a situation that clearly penalises the relatives of these prisoners, especially those who live in the ACT, who are struggling to hold down a job during the week?

MR CONNOLLY: I thank Mr Moore for his question. Mr Moore's office advised my office this morning that he was interested in this matter, so we have had some inquiries made. The basis of the answer that I will provide to Mr Moore and the Assembly is information that was given to me by Mr Chivers, the director of Corrective Services here, following a phone call to the superintendent of Goulburn gaol. It is oral information that we obtained from the gaol late this morning.

As Mr Moore would be aware, the standard practice is that ACT prisoners in the New South Wales prison system receive the same entitlements as any other prisoners; and that has always been the case. We are looking at the guidelines of the New South Wales Department of Corrective Services, which I am advised have been unchanged for quite some time; but I do not have a precise date as to when that "quite some time" may have been.

The New South Wales guidelines provide for a minimum of one hour visit per week and a minimum of one six-minute phone call per week. Unit managers are able to grant an extension of visit durations and/or additional phone calls each week, depending on the prisoner's needs and conduct and other relevant circumstances. If the prisoner is unemployed within the Goulburn training centre, access to visits is restricted to Mondays and Fridays. However, unit managers do again have a discretion to approve weekend visits, again depending upon the prisoner's conduct and needs. There is continuing participation in education programs, which have not been curtailed.

I am advised that for some time those have been the New South Wales guidelines and they are applied. I am unaware whether a discretion was previously exercised in favour of individual prisoners and has been cut back, but I can investigate whether that was the case. Certainly, the guidelines remain the same. We are in the process of negotiating a new service agreement with the New South Wales department, and we will be trying to include general standards of prisoner care and entitlements in that new agreement.

Ms Follett: I ask that further questions be placed on the notice paper.

SUSPENSION OF STANDING AND TEMPORARY ORDERS Precedence to Private Members' Business

Motion (by **Mr Berry**) agreed to, with the concurrence of an absolute majority:

That so much of standing and temporary orders be suspended as would prevent order of the day No. 2, private Members' business, relating to the Electricity and Water (Amendment) Bill 1992, being called on forthwith.

20 May 1992

ELECTRICITY AND WATER (AMENDMENT) BILL 1992

Debate resumed.

MRS CARNELL (3.17): Before lunch, I was talking about the basic guidelines that the NHMRC working group adopted when they looked at the issue of fluoridation of water. The working group looked at a number of issues. It looked at claims in the Diesendorf letter that the main historical studies engaged in scientific fraud and that they had misused data. It found that there was no evidence of fraud or misleading representations of this data. It also evaluated the analysis of time trends in dental caries rates, to which Mr Stevenson alluded in his speech. This was also alluded to in the Diesendorf letter. After studying the issue in depth, the working group found that the analysis of time trend data presented in the Diesendorf letter was inadequate and concluded that the time trend data was consistent with there being a continued beneficial effect of reducing dental caries amongst primary school children within the contemporary Australian context.

The NHMRC put forward a very, very long and, I think, in-depth report. It would be more worthwhile for members to read the major conclusions of this document, rather than for me to waste time here. They should also look at the review of evidence which the NHMRC working party went to great lengths to make a very readable document.

I will talk very briefly about the final recommendations of the NHMRC report on the effectiveness of water fluoridation. The first is that we should maintain the recommended level of fluoridation of reticulated water supplies at one part per million, subject to climatic variation. There are some problems in tropical areas. They also suggested - I think this is really important - that communities with a reticulated water supply that is not currently fluoridated should fluoridate it. So, they did not just suggest that we maintain our level at one part per million; they also suggested that communities that currently do not place fluoride in their water do so, at one part per million.

The working party went on to recommend on a number of other issues, one of which it is important for me to conclude with here. I think it is exceptionally important that we do not perceive, as has been said by some members, that this is the end of the matter. I believe that putting fluoride back at one part per million will take that issue off the agenda. But this is a public health issue, and such issues should be continually assessed and reassessed. I think it is important over the next few years - possibly in five years' time or maybe even before - for us to look at exactly what is happening with fluoride in the ACT population, particularly amongst adults about whom the amount of data is substantially less than is the case amongst children. This should be an ongoing assessment project. We have to look at what is happening now and in the future.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Bill, by leave, taken as a whole

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.21), by leave: I move:

Clauses 3 and 4, page 1, line 9, omit the clauses, substitute the following clauses:

Commencement

"3. (1) Sections 1 and 2 and this section commence on the day on which this Act is notified in the *Gazette*.

"(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

"(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Insertion

"4. After section 3 of the Principal Act the following section is inserted in Part I:

Position of Crown

'3A. The following provisions bind the Crown, namely, sections 50 and 51, Parts VIII and VIIIA and sections 75, 76 and 77.'

Repeal

"5. Section 61 of the Principal Act is repealed.

Exempt treatments

"6. Section 74D of the Principal Act is amended -

- (a) by omitting from paragraph (a) 'or purifying' and substituting ', purifying or otherwise treating';
- (b) by omitting paragraph (b) and substituting the following paragraph:
 - '(b) fluoride at a concentration not exceeding 1.0 milligram per litre.'; and

(c) by adding at the end the following subsection:

'(2) For the purposes of paragraph (1)(b), a concentration that -

(a) would result in an average concentration of 1.0 milligram per litre during a period of 24 hours; and

(b) does not exceed 1.2 milligrams per litre;

shall be taken to be a concentration of 1.0 milligram per litre.'".

The amendments which I am proposing have been circulated to members, as has an explanatory memorandum. As Mr Berry indicated in the Government's in-principle response to this legislation, we were caught in something of a bind with the original proposal that Mrs Carnell brought before the Assembly, in blending what it is appropriate for a law to say and what an engineer can, in fact, achieve. There is a problem in adding items to the water supply, that you cannot guarantee an absolute level at any given moment. The level will fluctuate, depending on water flow and the level that is put in. So, there is a level of approved or acceptable tolerance which is familiar to an engineer or a scientist, or a pharmacist in Mrs Carnell's case, but which to a lawyer or a legislator it is sometimes difficult to accept because we often think that if we say that the law is such it will be such; but in engineering parlance that is not always possible.

This amendment that is being proposed is seeking principally to say that it is the will of the Assembly that the level in the water supply be that recommended by the relevant national medical authorities, to which members have referred - that is, one part per million - but accepting, as they accept, that it involves a level of fluctuation and that that "one part per million" in shorthand language can mean "down to 0.8 or up to 1.2". In effect, we are saying that we want that level of one part per million, but that the quite substantial criminal sanctions that the principal Act provides, of a \$50,000 fine, which will come into effect next week, which is why we have brought this on in Executive business time today - it is very important that we deal with this before next week - should not cut in unless we get above the acceptable tolerance of 20 per cent, that is, above 1.2.

So, essentially we are changing the original level of one part per million to a more precise formulation, which is saying that we want it to be an average concentration of one part per million in accordance with what the National Health and Medical Research Council had to say, but that we understand that it involves a level of tolerance because of water flow and simply the engineering difficulties of adding a substance to water. The allowable concentration means that at any one time it can go up to 1.2 milligrams per litre, so it is building into the law that accepted level of tolerance.

Another minor matter is that we are adding "otherwise treating" to the phrase that refers to "clarifying or purifying". It has long been the practice in the ACT for ACTEW to introduce lime into the water supply. That is done to adjust the acid balance, the pH balance, of water, and it is important to keep that within a band of tolerance. On engineering advice, the lime neither clarifies nor purifies the water; rather, it treats it for acid balance. If this amendment were not included,

we would not be able to put the lime in and we would not be able to keep the acid balance correct. I am advised that that could mean that strange things would happen to our hair when we use various shampoos that are on the market.

Mr Humphries: That explains a lot about you and Mr De Domenico.

MR CONNOLLY: Perhaps that is so, Mr Humphries. The other amendment which the Government is introducing is an express provision to make it abundantly clear that the Act would bind the Crown. Members would be aware that the Government made a statement on this last year as a result of a High Court decision which clarified the law in relation to when Acts bind the Crown. Rather than a presumption against Acts binding the Crown, which was the old common law position, we have to look at each Act and evince an intention as to whether it should bind the Crown. We are putting the provision in here to clarify that matter.

So, we are thoroughly in agreement with the intention of the legislation. This simply clarifies it and makes it what the legislature wants, which is the national standard of one part per million in a legal form which will not get the engineers, potentially, into quite serious trouble with a \$50,000 fine because of the inevitable tolerances that are involved in any chemical or engineering process.

MR HUMPHRIES (3.26): Madam Speaker, I understand that in the detail stage I am entitled to, in effect, ask a question of the Minister. I would like to do so now. I recall, Minister, that during the in-principle stage of debate on this Bill Mr Wood made a very valuable contribution to the debate and indicated that, when one adds one part per million at the in end of the process, at the out end of the process one can have anywhere between 0.7 parts per million and 1.3 parts per million. I am sure that, as a former chairman of the Social Policy Committee inquiry into fluoride levels and as Minister for the Environment, Mr Wood would be knowledgeable on this question. I am sure that he has not misled the Assembly. Have you?

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (3.27): I am sure that Mr Humphries was not serious about that last assertion. I think Mr Wood was making the rhetorical point that tolerances must be accepted. He has not been quite as involved in the detail of the negotiation of this with the engineers and the lawyers as Mr Berry and I have been. I think we must accept an acceptable tolerance in statements by members about acceptable tolerances. In this case, I think Mr Wood's acceptable tolerance is about 0.1 part per million. When he said "to a range of 0.3 parts per million" I think he really meant a range of 0.2 parts per million, which is, on my engineering advice, the acceptable tolerance.

MR STEVENSON (3.27): My concern is that the increase in fluoridated levels would cause an increase in the potential harm that is done to people in the ACT. Certainly, the NHMRC, the AMA and the ADA have fairly consistently maintained that fluoridation is safe and that there is no evidence showing the contrary. A wealth of evidence was presented to the ACT fluoridation inquiry that showed the contrary, a small proportion of which is included within the 177-page dissenting report that I put in, although there is a great deal more that I could not fit in.

20 May 1992

I think it is relevant to look at a very important point - not the numerous problems caused by fluoride, but particularly cancer deaths. In 1975 in America, two doctors, Burk and Yiamouyiannis, conducted research. They compared the 10 largest cities in America whose water supplies were fluoridated with the 10 largest cities whose water supplies were not fluoridated, and found that between 1940 and 1950 both groups had similar cancer death rates. This study was done in 1975. They then looked at what happened after 1957 with cancer death rates. It was shown that those cities whose water supplies were fluoridated had an increased cancer death rate; those cities whose water supplies were unfluoridated had a similar cancer death rate to what was occurring earlier.

These figures were checked and confirmed by the US National Cancer Institute; although many people, including some in the National Cancer Institute, said that Burk and Yiamouyiannis had not allowed for age, race and sex.

Mrs Carnell: That is right.

MR STEVENSON: Kate Carnell says, "That is right"; indeed it is right. But let us have a look at a couple of interesting points. Professor Kinlen, Regius Professor of Medicine at Oxford University, said that Burk and Yiamouyiannis had not allowed for age, race and sex. He failed to mention that one year earlier he had been a witness for pro-fluoridationists at the Pittsburgh court case and that, under cross-examination, he acknowledged that Burk and Yiamouyiannis did allow for age, race and sex. It was quite remarkable that it was shown that his own studies showed the same increase of 5 per cent or thereabouts in cancer deaths as Burk and Yiamouyiannis showed. This is a pro-fluoridationist showing, under cross-examination, that the figures of Burk and Yiamouyiannis were correct, because that is what he found as well.

It was also interesting to note that he had used Birmingham in England as an indication of a place where there was not any increase in cancer incidence. I know that we were talking about cancer deaths, but he used cancer incidence. It was shown, once again in court, that Professor Kinlen did not allow for age, race and sex in his own study. That is a truly remarkable situation that rarely can be gleaned anywhere but in court, where there is a major requirement that people continue to answer the questions until they get to the bottom of the situation. Dr Schneiderman and Dr Taves, who were leading proponents and major witnesses for the pro-fluoridation forces, indicated in court that the Burk and Yiamouyiannis figures were correct. In other courts, in 1982 in Illinois and Houston and also in 1983, it was acknowledged that Burk and Yiamouyiannis did allow for age, race and sex.

What happened in America as far as this evidence was concerned? The US Congress, specifically because of the studies by Burk and Yiamouyiannis, called for a congressional inquiry into these cancer figures and into the area of fluoridation. At the time it was admitted that the proponents of fluoride in America, government bodies, had been saying that it was perfectly safe for 25 years without doing any tests on the carcinogenicity of fluoride. So, we had a 1977 direction by the US Congress to study this matter, but it was not completed until 1990. What happened then? The early indications were that the animal studies that were done showed an increase in cancer. Since that time scientists, medical researchers, doctors and others, on both sides, have been saying that skulduggery was involved in trying to cover up that increase in cancer. Later there was a suggestion that it did not really mean anything, that we standardly revise downwards these estimates on the scope of cancer.

A report in the leading British medical journal the *Lancet* of 22 December 1990 said:

On the 28th August, 1990 Dr William L. Marcus, chief toxicologist for the U.S. Environmental Protection Agency's drinking water programme, claimed that the original findings of the NTP -

the national toxicology program which conducted the study -

study showed the cancer hazard from fluoridated drinking water to be greater than the NTP was telling the public.

He went on to say:

The reviewers were not given all the data ...

If I were to be allowed the time to list the number of scientists who repeatedly showed that there was a cover-up there, I would be happy to do so; but it is all contained within my dissenting report in the report of our Standing Committee on Social Policy inquiry into water fluoridation in the ACT. So, it has been acknowledged in a number of court cases that Burk and Yiamouyiannis did allow for age, race and sex. We have this acknowledged by proponents of fluoridation.

What do we have in Australia? It is a fascinating situation. We have heard again and again that the National Health and Medical Research Council, the ADA and the AMA support fluoridation as being safe and say that there is no evidence to the contrary. Let us look at what they said about the Burk and Yiamouyiannis study. The AMA said that Yiamouyiannis had failed to take proper account of existing differences in age, race and sex. Was that true? No, it was not true. The Australian Dental Association said that the general criticism was that Burk and Yiamouyiannis dealt basically in crude cancer statistics and did not take into account many factors relating to cancer mortality, such as age, race and sex. Was that true? No, that was not true, either. The National Health and Medical Research Council said:

By far the most important of the criticisms of Yiamouyiannis and Burk ... is of the inadequacies of the procedures ... and [they] did not allow at all for race and sex.

Was that true? No, that was not true, either. Burk and Yiamouyiannis showed that there was an increase in cancer deaths in fluoridated areas as against unfluoridated areas in America, since fluoridation, of between 10,000 and 20,000 people. In other studies that you may not have heard about, they showed that the general increase in death rates, not specifically from cancer, was between 30,000 and 50,000 in America.

What has happened as a result of this and the cover-up in America by some of the authorities? In September 1991, 40 dentists took the American Dental Association to court for suppressing the data that fluoride causes an increase in the incidence of cancer, and this has been proven in a number of court cases in America. We should look at this; it is very dangerous not to.

20 May 1992

MRS CARNELL (3.37): I do not think it will be of benefit to this Assembly to spend time debating Mr Stevenson's comments, but I will read one quote from the NHMRC report:

After taking all of the above factors -

this is, all the carcinogenic evidence, such as the quite substantial number of small reports, animal studies and so on -

into consideration, the Working Group is not convinced that the weight of evidence available at the present time is sufficient to establish a link between fluoridation of the public water supply and an increased risk of cancer.

We, the Liberal Party, support Mr Connolly's amendments to the legislation.

Amendments agreed to.

Question put:

That the Bill, as a whole, as amended, be agreed to.

A vote having been called for and the bells being rung -

MADAM SPEAKER: I have had an indication that Mr Moore will not be attending this division, so we can proceed with the vote.

The Assembly voted -

AYES, 14

NOES, 2

Mr Berry
Mrs Carnell
Mr Connolly
Mr Cornwell
Mr De Domenico
Ms Ellis
Ms Follett
Mrs Grassby
Mr Humphries
Mr Kaine
Mr Lamont
Ms McRae
Mr Westende
Mr Wood

Mr Stevenson
Ms Szuty

Question so resolved in the affirmative.

Bill, as amended, agreed to.

AGENTS (AMENDMENT) BILL 1992
Detail Stage

Clause 7

Debate resumed from 12 May 1992, on the question:

That the clause be agreed to.

MR DE DOMENICO (3.43), by leave: Madam Speaker, I move:

Clause 7(a), page 4, line 1, omit the paragraph, substitute the following paragraph:

"(a) by omitting paragraph (1)(a) and substituting the following paragraphs:

'(a) 2 shall be persons each of whom -

(i) holds a real estate agent's, a stock and station agent's or a business agent's licence; or

(ii) is a person whose name is specified under subsection 53(2) on a licence issued to a company;

and is chosen by the Minister from a panel of not less than 3 persons nominated by the President of Real Estate Institute of the Australian Capital Territory Ltd;

(aa) 2 shall be persons each of whom -

(i) holds a travel agent's licence; or

(ii) is a director of a company to which a travel agent's licence has been issued who has the qualifications prescribed for the purposes of paragraph 47B(b);

and is chosen by the Minister from a panel of not less than 3 persons nominated by the Chairperson of the Australian Capital Territory Chapter of Australian Federation of Travel Agents Limited.';"

Clause 7(c), page 4, line 4, omit "and".

Clause 7, page 4, line 6, add at the end the following word and paragraph:

"; and (e) by adding at the end the following subsection:

'(7) In this section a reference to a person who holds a licence shall be read as including, where the licence is held by a person for the purposes of a partnership, a reference to each member of that partnership.'

20 May 1992

The first amendment seeks to omit paragraph 7(a) from the Bill and substitute another paragraph. Paragraph 7(a) of the Bill omits paragraph 9(1)(a) of the Agents Act, which provides that one member of the Agents Board is to be a public servant. If the amendment is accepted, this paragraph will still be repealed but will be replaced by two paragraphs to provide that two members of the board are to be licensed real estate, stock and station or business agents, or appropriately qualified directors of licensed companies; and that two are to be licensed travel agents or, again, appropriately qualified directors of licensed companies. These members are to be appointed by the Minister from nominations received from industry bodies. There will be no increase in the total membership of the board.

The second amendment is technical and consequential on the next amendment. The third amendment adds to section 9 of the Agents Act a new subsection which merely provides that a reference to a licensed agent in the new paragraphs being inserted by the first amendment is to include a reference to the partners of the licensed agent. This amendment is necessary, I am advised, because under the Act only one partner in a business that is a partnership is actually licensed.

Madam Speaker, all States and the Northern Territory were consulted to establish the practices regarding real estate representation and also other representation on licensing boards. The majority formally recognise the respective real estate institutes and other bodies, and one specifies merely industry representation. Only one, Queensland, does not make any formal reference to real estate representation, for example; but the Government there is presently considering such amendments.

In New South Wales, the Real Estate Services Council has 10 members - six represent the real estate agents, stock and station agents, valuers and real estate sales people; the chairman is appointed by the Government and at present happens to be an ex-president of the Real Estate Institute of New South Wales. The legislation of New South Wales specifies that the various professional organisations, including the Real Estate Institute, will put forward a panel of names for the Minister to choose from.

In Victoria, the Estate Agents Board has eight members and includes three from real estate agents and one from stock and station agents. The legislation in Victoria specifies that the various professional bodies, including the Real Estate Institute of Victoria, will put forward a panel of names for the Minister to choose from - similar to New South Wales.

As I said before, Madam Speaker, in Queensland, the Agents Committee comprises eight members, and covers motor traders as well, I am advised. There is no specific requirement for representation, but there is an informal consultation arrangement with the Real Estate Institute of Queensland regarding appointments of real estate representatives at present. The Government there is considering a proposal to formalise such consultation, possibly through the Real Estate Institute of Queensland putting forward a panel of names, once again.

In Tasmania, there are eight members on the board, including five real estate practitioners. The legislation requires the Minister to consult with the Real Estate Institute of Tasmania in making appointments. South Australia has its Commercial Tribunal of three, one of whom is a real estate practitioner. The legislation specifies that there will be real estate representation on the board, and the Real Estate Institute of South Australia is consulted informally.

Western Australia has five members on the board, two of whom must be from the industry, and the legislation gives the Real Estate Institute of Western Australia a right to appoint the representatives. In the Northern Territory, the board comprises five, two of whom are industry members. The legislation of the Northern Territory specifies that the Real Estate Institute of that Territory shall submit a panel of names to the Minister who then appoints.

So, as you can see, Madam Speaker, what we are putting forward today is virtually what happens in other parts. I put forward the amendments, by the way, because the Liberal Party and the industry had concerns about what would happen to any remaining funds. When the Chief Minister introduced the Bill she said:

Any remaining funds will, subject to ministerial approval of the amount, be made available for educational programs relating to real estate matters for agents and members of the public and to enable or assist persons to acquire or rent residential premises.

There is no problem with that. If we were assured that the people on the board were representative of the industry itself - that is merely what the amendments are doing - I feel sure that we would not continue to have the concerns that we have now. For all those reasons, Madam Speaker, I suggest that the amendments be accepted.

MS FOLLETT (Chief Minister and Treasurer) (3.48): Madam Speaker, the Government will be opposing Mr De Domenico's proposed amendments. In doing so, I should note that the proposals that have been put forward by Mr De Domenico were put to me by the Real Estate Institute at some point last year. I rejected them at that time, and I will reject them again. It is an indication of the amount of consultation that has gone on with the industry in the preparation of this Bill.

Madam Speaker, I have a number of reasons for rejecting Mr De Domenico's amendments, although I accept that he is putting them forward in good faith and in keeping with the wishes of the Real Estate Institute of the ACT. My principal reason for rejecting them is that they constrain the Minister's capacity to make appointments to this board, and they do so in a way that is at least as stringent as the most stringent of the other States.

If this Assembly wishes to consider the question of constraint upon Ministers in the appointment to boards, that is an issue that has application to the whole of government, and to single out this one piece of legislation to make such an amendment is really the wrong way of going about it. I believe that Ministers have the right to make appointments and really should not be constrained in this way, as a general principle. There are plenty of opportunities for members of this Assembly to criticise any appointments that are made, and they have been taken up. At the end of the day it is my belief that people who are appointed to boards, such as the Agents Board, are appointed for the good of the community rather than in order to represent specifically their own particular interest group. So, I do not favour, in general terms, a representational style of appointment to boards. I would also like to say, Madam Speaker, that the Government and the Minister will, of course, continue to consult with the industry on such appointments.

20 May 1992

Nothing will change that. Indeed, it would be a foolhardy Minister who did not follow that course of action. It is quite clear that the Minister needs the advice of industry organisations on this matter, but that will be sought and will be acted upon.

I would like to add, Madam Speaker, that we are dealing with two major bodies here. One is the Real Estate Institute of the ACT and the other is the Australian Federation of Travel Agents in the ACT. At the moment both of those bodies have a very significant coverage of the industry in the ACT, but that may not always be the case. At the moment, I believe, the Real Estate Institute has some 80 per cent coverage of the industry, and the Federation of Travel Agents in the ACT has approximately 70 per cent coverage of travel agents in the ACT. So, they do not have a 100 per cent coverage; they do not speak for the entire industry. I repeat that that degree of coverage may not always be the case. I think it would be extremely undesirable for the Government to be obliged to act upon the advice of one of these organisations if they were ever to lose the control of their industries that they currently have.

To specify in the legislation such a tight set of criteria as Mr De Domenico proposes is not acceptable to the Government. I suspect, Madam Speaker, that it is an arrangement that might have been more appropriate prior to self-government. You can well imagine that a Minister who did not live in the ACT would need such advice, much more so than those of us who come from the ACT, who work here and who have contact with these organisations in the course of our working lives.

So, Madam Speaker, as I said, we oppose the amendments that were moved by Mr De Domenico, although I give a commitment that, in relation to these appointments, we will continue to consult with both the Real Estate Institute and the Federation of Travel Agents. We always have done that, and we will continue to do so.

MR CORNWELL (3.53): I listened carefully to what the Chief Minister had to say on this matter. It certainly does not, however, satisfy my concerns about aspects of this Bill. Whilst the explanation may - and I stress the word "may" - be plausible in terms of appointing people to this board, I remain very concerned about proposed new paragraph 71Q(2)(b), which states that the balance of the moneys in the interest account shall be applied by the board towards:

... the provision of financial assistance (whether by way of grant or loan) or of other assistance under a program established for the purpose of enabling or assisting persons to acquire or rent dwellings in which they intend to reside.

Which persons? What dwellings? By way of grant or by way of loan? Many years ago a restaurant was set up in Lyneham. That is Tilleys; it is still in existence. A grant, not a loan, was made to this restaurant. So, a group of people who wished to open the restaurant were provided with money that they did not have to repay, and are in competition with other, bona fide restaurateurs in that area. I do not regard that as satisfactory, and I am naturally very concerned to read in this Agents (Amendment) Bill that the Minister can, by grant or by loan, provide financial assistance to enable people to acquire or to rent dwellings in which they intend to reside.

You can understand my further concern when, in the presentation speech, the Chief Minister stated that the allocation of this sort of money will simply be subject to ministerial approval of the amount. It will not come to the Assembly. We will not have any say in whether this money is to be applied or not, to persons unknown, to acquire or rent dwellings in which they intend to reside. No, it is simply a matter of the Minister - the Chief Minister in this case, I presume - approving the amount. I have no idea how much money may be left over here; it could be \$300,000 or \$400,000, for all we know. The Chief Minister just has to approve the amount required for these unknown people to acquire or rent dwellings in which they intend to reside. I do not regard this as a satisfactory arrangement.

I am, frankly, suspicious that the Government may use it for promoting all sorts of their social objectives, and I would like some clarification as to the intention of the Chief Minister and this Government in relation to that proposed new paragraph of the Agents Act. I do not believe that it is satisfactory that ministerial approval only be granted. I support Mr De Domenico's amendment to this because, at least with it, we would have two members of the profession who could monitor this type of activity and who hopefully would be in a position to vote a little more convincingly than under the present arrangement, which will mean that there will be a voice in the wilderness if the Chief Minister decides to apply funds from the interest account for, I repeat, unknown people to acquire or rent dwellings in which they intend to reside.

MS FOLLETT (Chief Minister and Treasurer) (3.58): Madam Speaker, I would like to answer the points that Mr Cornwell has made. This clause in the Bill refers to a residual amount. Madam Speaker, I think it is likely that there may never be such an amount because, as Mr Cornwell will know, the ways in which the moneys standing to the credit of this interest account can be spent are specified. The first is to the credit of the administration account - in other words, to run the body; the second is for educational programs and so on; and the final matter is this residual amount which, as Mr Cornwell has stated, can be applied for the provision of housing or to assist people to acquire housing.

Madam Speaker, it is my understanding that this is a fairly usual clause and that New South Wales has a similar scheme. I think the most compelling comparison that I can make is with the Landlord and Tenant Act and the provision of the Rental Bond Board. This is a piece of Alliance legislation which contains very much the same sort of provision. If there is a residual amount, some provision has been made for it. In the rental bond arrangement that provision is:

... facilitating assistance in the provision of residential accommodation, whether or not that accommodation is provided pursuant to this Act.

So, Madam Speaker, it is clearly a fairly standard sort of arrangement to make for a residual amount of money, and it was made by members opposite when they were in government. I think there is a further constraint upon the application of the moneys under the Agents (Amendment) Bill, Madam Speaker, and that is that it requires ministerial approval. That is not the case in all such expenditure of residual amounts; at least that constraint is placed upon it.

20 May 1992

To conclude, Madam Speaker, it is not an amount that I would expect to accumulate at a rapid rate, and it is certainly from an account which has many other purposes.

Mr Cornwell: Why put it in, under those circumstances?

MS FOLLETT: Madam Speaker, Mr Cornwell asks, "Why put it in?". I think it is much better to make some arrangement for a residual amount than to make no arrangement at all and have the interest account showing a balance for which there is no stated purpose. I believe that what we are looking at here is pretty much a standard arrangement. It was made by the Alliance in their legislation when they were in government. I would stick by it; I think it is a sensible arrangement. It is much better to have a stated purpose for this money than to leave any purpose unstated.

MR DE DOMENICO (4.01): Madam Speaker, let me cover very briefly what the Chief Minister said initially, that she was concerned about the constraint upon the Minister in making appointments. I suggest that there would in fact be no constraint because both of the industries would be asked to submit at least three nominations - it could be three or 303 - from which the Minister would then pick and appoint two people. So, I suggest that the right, in my opinion, is still there.

The other thing about which the Chief Minister said that she was concerned is the fact that the good of the community ought to be protected. I respectfully suggest that I believe that by appointing at least two people from the industry the community good would be considered by the people who are appointed. It was pleasing to hear the Chief Minister once again use the words "continue to consult", and we think that is very fine.

The other point that I need to make is about the coverage of the industry. Madam Speaker, my recollection is, and my advice tells me, that at no stage in the ACT has the membership of the Real Estate Institute been less than 80 per cent. Sometimes it is higher, but it has never been less than 80 per cent. I am advised also that, as far as the travel agents are concerned, it is never less than 70 per cent. The argument that I put forward now is that perhaps that would increase if these amendments were passed. I am also advised that, when things like this happen in other States and Territories, the whole of the industry is invited to nominate, so that not only are those members of the real estate industry and travel industry asked but also every other member is asked and then someone is elected by the industry.

The other point to be made is about the monetary situation. I believe that the similar situation in Queensland has accumulated funds to the tune of \$70m. I am not suggesting that the ACT is ever going to accumulate that amount, but any great amount of money would be of concern, as Mr Cornwell said.

Finally, Madam Speaker, I remind members of the situation that occurred prior to the election when a certain board made the front pages of the newspaper from day to day. This amendment would tend to add a little more protection from time to time, should Ministers of any political persuasion be inclined to appoint people who are well known to them, instead of people who might know something about what they are talking about. For all those reasons, I still say that the amendments ought to be considered very seriously, and I hope that the Government changes its mind.

MS FOLLETT (Chief Minister and Treasurer) (4.04): I want to make one final point on that residual amount of money, which I should have mentioned. The provision that is in the Bill will circumvent the problem of any residual amount returning to Consolidated Revenue. I understand that in Queensland, as Mr De Domenico said, there is a large residual amount. I think that is unlikely to happen in the ACT. The debate in Queensland is on whether that residual amount should return to Consolidated Revenue. I am sure that that is the point of view that Treasury would put most strenuously. There is also the argument in the Queensland case, which is particularly being put by the equivalent of the Housing Trust, that that money ought to be spent on housing. The presence of that clause in the Bill will prevent that kind of debate and will prevent any residual amount automatically returning to Consolidated Revenue.

Mr De Domenico: Unless the Minister wants it to.

MS FOLLETT: Unless the Minister directs that way.

Amendments negatived.

Clause agreed to.

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

Bill agreed to.

ABORIGINAL DEATHS IN CUSTODY Ministerial Statement and Papers

Debate resumed from 19 May 1992, on motion by **Ms Follett:**

That the Assembly takes note of the papers.

MS FOLLETT (Chief Minister and Treasurer) (4.06), in reply: Madam Speaker, if there are no further speakers, I am happy to conclude the debate on this matter. I would like to thank Mr Humphries, Mr Moore and Ms Szuty for their contributions to this debate. I think it has been a constructive debate and I think the evidence of bipartisan support for the response to the Royal Commission into Aboriginal Deaths in Custody is a very good start.

I would like, at the outset, Madam Speaker, to make comment on some of the media reports that I saw about Mr Humphries's statement on the Government's response. I think it is fair to say that Mr Humphries may be under a misapprehension in relation to some of those statistics and in relation to the relevance of the royal commission report to the ACT. Madam Speaker, in tabling the ACT's response in the Assembly on 8 April I said quite clearly that there is a lack of accurate data regarding Aboriginal people in the ACT criminal justice system. Indeed, I believe that both Mr Moore and Ms Szuty also referred to that and have referred to the need for better and more accurate data. That is something that my Government is moving to correct. We are committed to getting all of the data that is necessary to overcome the disadvantage and disability currently suffered by Aboriginal and Torres Strait Islander people.

20 May 1992

Because existing statistics are so scarce, careful examination is needed before any generalisations can be made. I believe, Madam Speaker, that we need a much more careful scrutiny than just picking figures out of one or two tables that might exist. The royal commission's study of police custody in August 1988 concluded that nationally Aboriginal people were in custody at 27 times the rate of non-Aboriginal people, but that in the ACT Aboriginal people were in custody at 11 times the rate of non-Aboriginals. In other words, the available statistics indicate that in the ACT Aboriginal and Torres Strait Islander people have been incarcerated at a rate only about one-third as high as the national average. I understand that the figures that Mr Humphries used, which indicated that there were no Aboriginal prisoners in the ACT in the last two years, were probably derived from the national prison census. This is a census of all prisoners in Australia that is conducted on 30 June each year.

Madam Speaker, I think it should be noted, and I think we should all accept, that a census taken on one day in a year really cannot show the rates of people going through prisons. Particularly with a population as small as we have in the ACT, the figures from that census, on one day, are close to being statistically meaningless. However, if Mr Humphries had used the census figures since 1982 rather than the years he selected, he would have found that this data suggests an average rate of imprisonment of Aboriginals and Torres Strait Islanders from the ACT which is still more than four times that of the general population.

Mr Cornwell: But that would include Wreck Bay, would it not, Chief Minister, from 1982?

MS FOLLETT: Madam Speaker, Mr Cornwell asks whether that would include Wreck Bay. The figures I have are from the ACT.

Mr Cornwell: Pardon me, Chief Minister. Wreck Bay, if you are using those figures - - -

MADAM SPEAKER: Through me, Mr Cornwell.

Mr Cornwell: Certainly, through you, Madam Speaker.

MS FOLLETT: Madam Speaker, I repeat that the information I have is that it does relate to the ACT and it compares with a national rate of Aboriginal imprisonment as recorded by that census which is at least 14 times that of the general population.

On another matter, Madam Speaker, the matter of funding, Mr Humphries wondered whether "our share" of the \$150m from the Commonwealth would be spent appropriately. I would like, firstly, to make the point that it is not ours to decide upon. This money is Commonwealth money. It will go directly to Aboriginal communities. It will be channelled through ATSIC and Aboriginal people themselves will be deciding upon the appropriate use of that money. It will, of course, target law and justice and alcohol and drug issues, and it will be put to use over the next five years.

From the information that I have just provided, Madam Speaker, I think that there are two conclusions that can be drawn. The first is that, while there are by no means comprehensive figures or data, this does indicate a level of

incarceration which is significantly higher for Aboriginal and Torres Strait Islander people than that for the rest of the community. Secondly, with that conclusion in mind, the recommendations of the royal commission are, indeed, relevant to the ACT.

I would like to reiterate in the strongest terms, in conclusion, Madam Speaker, that a great many of the royal commission's findings were to do with the underlying causes of Aboriginal disadvantage that result in that relatively high rate of incarceration. While the nature of Aboriginal disadvantage in the ACT might be somewhat different from that found in other communities, my own discussions with community representatives have made it very clear that our Aboriginal community does in fact face significant disadvantage.

I would like to conclude, Madam Speaker, by saying that improving the lot and the prospects for Aboriginals and Torres Strait Islanders in our community does require the support of all parties in this chamber, and I certainly welcome that support. As a government we have taken, and will continue to take, action to empower these people and to give them control over the provision of the services that they require to attain equality and social justice, and in some areas, as members probably know, in responding to the royal commission's report we will need to legislate for reform.

I undertake to consult on these matters with the Aboriginal and Torres Strait Islander community and, of course, with members of this chamber as well because I do value the support of other parties on this. I think it is support that is required if we are to advance the cause of Aboriginal and Torres Strait Islander people in our community.

I also take on board the very great need for improved data on matters relating to Aboriginal and Torres Strait Islander people. I am very pleased that the Commonwealth is committing funds to the Bureau of Statistics for that purpose. I will certainly be doing all that I can to ensure that, for the services that are provided by the ACT Government, that data is collected in as full and useful a manner as is possible, because that is clearly where we need to start on this task. I again thank members for their support.

Question resolved in the affirmative.

AUSTRALIAN HEALTH MINISTERS CONFERENCE Ministerial Statement

Debate resumed from 13 May 1992, on motion by **Mr Berry**:

That the Assembly takes note of the paper.

MR HUMPHRIES (4.15): Madam Speaker, I want to make a very brief comment on the ministerial statement. We had a statement about the Minister's attendance at the ministerial conference on 14 April and there was reference in that statement to the Minister's discussions with his colleagues about the need for better funding arrangements. I think that the comments he made echo the comments made by the Chief Minister after the Premiers Conference about the need for a certainty of funding and improved arrangements for the States to know and expect what will come to them by way of annual handouts from the Commonwealth. That is a matter on which they would have some support from the Opposition.

20 May 1992

We obviously need to establish better arrangements as between the States and the Commonwealth with respect to funding, and hospital services are no less in that category than any other area of government activity. It is my view that the question of the Commonwealth's role in the funding of ACT health services has been underplayed for some time now. I maintained when I was Minister - I think the present Minister will recall the exchanges at the time about the question of the Commonwealth's role - that there needs to be much more strength put into the campaign to make the Commonwealth face up to the question of adequately reflecting its responsibility for funding our health services.

It is particularly important in the ACT, Madam Speaker, because only a little over three years ago we inherited all of our health services and health facilities from the Commonwealth, and in some cases they were in a very badly deteriorated state. The Royal Canberra Hospital is a very good case in point. For us to not be hammering on the door of the Commonwealth demanding better arrangements from the Commonwealth is not acceptable.

We have to take this fight to the Commonwealth and argue our case trenchantly for as long as we need to. It sounds to me, although of course I was not there, as though there were sympathetic voices for a better arrangement in favour of the States and Territories coming from such quarters, as I understand, as the Western Australian Minister for Health who, as I recall from my own meetings, is a fairly individual sort of character and is likely to defend - - -

Mr Berry: He broke ranks.

MR HUMPHRIES: He certainly broke ranks and I think it indicates that he felt strongly that the States needed to be better placed vis-a-vis the Commonwealth. That has been my position for some time. I sincerely hope that he and the Ministers from conservative States, who voted together on this issue at the Health Ministers Conference, will be joined in due course by the ACT Health Minister in ensuring that the ACT in particular gets a fair deal as part of better and more certain arrangements for the States and Territories.

MRS CARNELL (4.18): To lead on from Mr Humphries's statement, I found that Mr Berry, in his report on the Australian Health Ministers Conference, gave a rather bland statement about what was really a very important and controversial conference. The new Medicare agreement was an agenda item. The content and nature of this agreement will impact greatly on the future of the public hospital system in Australia. I and my party believe strongly in an accessible, universal health system as one of the most important aspects of the quality of life that we really all enjoy in Australia.

What the Minister neglected to indicate in his statement on Wednesday, 13 May, was that three States and the Northern Territory reserved their position on points in the AHMAC position paper - in other words, half the Commonwealth. Consensus was not developed on a number of agenda items. No decision was able to be made by the Health Ministers with regard to the form and level of hospital funding grants. This buck was passed to the Premiers so that they could decide at their conference on 6 June. New South Wales, Tasmania, the Northern Territory and Western Australia - a Labor State, which is obviously much more concerned about the realities of hospital funding than the others, unfortunately including the ACT - reserved their position that private health insurance should be included amongst the issues to be discussed by the Premiers on 6 June.

I really cannot understand why the ACT apparently argued against the position adopted by these States. Why is the Minister for Health so set against discussions about how we can increase the contribution made by private health insurance to our health system?

Mr Berry: I will tell you in a minute.

MRS CARNELL: I am sure you will. I would have expected that the Minister would address this particular issue, the real bone of contention at the conference, in his statement. Perhaps the Minister should have been a little bit more informative, as always. Why is it that the Minister is so opposed to non-government provision of health? What philosophical gem can the Minister offer which would explain why he is such a conservative? Private insurance has the potential to make some very important improvements in our health system. It would complement, not detract from, the Medicare system.

I notice that the Minister for Health suggested in his statement that developing input into the national database set, amongst other things, is something that is proceeding quickly in the ACT. This is very hard to believe, given the speed at which we have implemented DRGs in our health system. We are really dragging the chain badly in this area.

Another important issue not mentioned by Mr Berry was the question of aged care services. Perhaps Mr Berry does not think that that is very important. Well, it is. We think it is and it would appear from this week's *Chronicle* that they think it is as well.

The recommendation of the Health Ministers Conference with regard to aged care was that the Premiers consider a Commonwealth proposal to assume responsibility for aged care, including aged care nursing home patients in public hospitals and community care for the aged. Different States have reacted with varying degrees of warmth to these proposals. I gather that the receptiveness of particular States to these suggestions is really dependent on their pre-existing financial positions and the levels at which they already provide aged care.

Federal funding for residential aged care would be at the level of 40 beds per thousand over the age of 75; funding for home and community care projects, HACC projects, would be at the rate of 60 beds per thousand. That is all very well and good, but it really does depend on how many aged care places are actually already being provided. In New South Wales, for instance, I understand that 66 residential aged care beds per thousand are being provided; so the 40 beds per thousand proposed by the Commonwealth is less than generous.

Apparently, the way the Commonwealth is thinking about taking over these services could even leave some States, in particular Victoria, with a heavier financial burden than previously, and, Madam Speaker, there is some discussion about whether the Commonwealth is to assume control over just residential aged care and leave HACC, or assume control over both. In any case, the point I wish to make is that the suggestion that if the Commonwealth would play a greater role in aged care services it would be an unqualified boon is definitely not necessarily so. We need more information.

20 May 1992

Let me reiterate. These are important issues. You will see from the front page of yesterday's *Chronicle* what is happening to HACC services in the ACT. Aged people and people with disabilities are being left out in the cold because of inadequacies in funding HACC and because of the present Government's refusal to match funding. Once again, I would appreciate it if the Minister could return to these points, if and when he summarises this debate, which I am sure he will do. He should have addressed these matters in the first place, rather than giving the statement he did without any information and just with some platitudes. Furthermore, as I have been arguing, having the Commonwealth assume aged care services is something that we really do need more information about. Mr Berry should give us that information. What position do we in the ACT really hold on this? What financial burden or financial boon would it be to the ACT? We do not know. His statement did not tell us.

Perhaps the Minister could provide a little bit more detail, not treat us on this side of the house as idiots and not needing any information. I believe that it is important that, when any Minister goes to conferences of this sort and reports to the Assembly, those statements actually have some fact and some information.

MR CONNOLLY (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.24): I was tempted to jump into this debate because of Mrs Carnell's comments about HACC. She quoted about half of a story in this week's *Chronicle*, not the full extent of the story. It is true that there is pressure on HACC funds in the ACT and it is true that the ACT Government was unable to fully provide growth funds. She seemed to use that as a criticism of us. It comes back to this old point: These Liberals want us always in the abstract to be spending less money, but in every instance that comes before the Assembly their answer is, "Well, spend more money". It is this extraordinary trick where you can save in the abstract while spending more on every particular.

In relation to the HACC funds, we are in precisely the same position as every other State. We have been unable to match these illusory Commonwealth growth funds, as is reported. I was reported as describing this as a bit of a two-card trick in respect of the ACT, particularly, because the Commonwealth is waving money around and saying, "If you can match this, you can have it", at a time when ACT finances are being dramatically cut back. The Chief Minister's repeated statements have made that clear.

Mr Cornwell: You had better talk to your Federal Ministers, then, hadn't you?

MR CONNOLLY: Mr Cornwell interjects that I should talk to the Federal Ministers. In fact, as is reported in the *Chronicle*, the ACT has taken the initiative here in that I have written to all my State colleagues - this is an ACT initiative - and have discovered that we are all in the same boat; that all States are under pressure, and no State is able to fully match. I have responses from about half my State colleagues and that, I should say, is irrespective of whether they are Labor, Liberal or National Party Ministers. I am expecting favourable responses from the rest. We will jointly, as State and Territory Ministers, approach the Commonwealth and say, "This growth money that you are waving around is predicated upon our being able to match it. In the context of declining State finances, can you not release that money so that at least it is going into a useful cause?".

All of that information is in the *Chronicle* story, on the front page; so at least it is available to the community, but it ought also be available to anyone who reads the *Hansard*. We have, in fact, taken an initiative on this to attempt to free up some of that Commonwealth money, and it is an ACT initiative which has support from other States. To simply say that we should be spending more money is not a very helpful Liberal Party comment in the context that you are always telling us to spend less in the abstract, yet always more in the particular.

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.27), in reply: As Mr Humphries said, the Government will be working hard to ensure that our share of funding from the Commonwealth improves. As was said in my statement, the ACT gets about \$50m for the Medicare grant, which, of course, falls far short of the \$156m or so that it costs to run our hospital system. Undoubtedly, the level of funding in real terms from the Commonwealth has fallen since 1983. All States are aware of that and the Commonwealth is aware of it as well. What we have to do is to encourage the Commonwealth to cough up some more money. At the same time, we all have to go through this painful restructuring process which is currently partially completed in the ACT. Those factors are issues which are in my mind constantly and they are issues which will be raised in the context of renegotiating funding with the Commonwealth. The Liberals need not trouble themselves about that because it will be done with vigour.

Mrs Carnell asked me what gem I might be able to produce to answer her question about why the Labor Party favours a strong public hospital system.

Mrs Carnell: That was not the question.

MR BERRY: I told her that I would tell her and I am about to. It is clear that the Liberals favour a privately dominated health system. That is the rhetoric. It comes through all the time. That is the rhetoric, time after time after time. Build another private hospital. Force people into expensive private insurance. Force them into expensive private hospital beds and put the poor people in the public hospitals. Just save the public hospital system for the poor people.

Mr Kaine: That is what Medicare is about, isn't it? To take care of the poor people. Don't you want that?

MR BERRY: Medicare is about taking care of all Australians, Mr Kaine. It is not there to make your business mates rich. It is about providing equality of access.

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

20 May 1992

AUSTRALIAN HEALTH MINISTERS CONFERENCE
Ministerial Statement

Debate resumed.

MR BERRY: Labor is committed to a strong public hospital system. You only have to look to the United States to see what goes wrong with a hospital system that is dominated by the private sector.

Mrs Carnell: It is the same speech as you used last time.

MR BERRY: The answer is the same. Why do you keep asking the question if you know the answer? All you have to do is look to the United States to see what is wrong with having a hospital system which is dominated by the private sector. What we are going to do, of course, is to make sure that everybody has reasonable access to a public hospital system. We are not opposed to the private sector. We are not opposed to the private hospital system as such, but what we are not going to do is force poor people out of the public hospitals and into the private sector.

Mrs Carnell, of course, is on side with entrepreneurs who want to make a quid out of private hospitals. That is fair enough; she is entitled to do that. That is the background of the Liberal Party and we expect them to do that. She also supports the private insurers because they want to make a quid out of it. The Liberals support people making a quid out of people at any time. The Liberals are also attempting to reduce the disposable income of ordinary Australians by forcing them into private hospital insurance and private hospitals. That is the position of the Liberal Party. I have given her the answer.

The Labor Party, on the other hand, supports equality of access to a strong public hospital system. We support Medicare and will continue to support it, because it is a good system.

Mrs Carnell: So do we. As I said in my speech, we support Medicare.

MR BERRY: They support bits and pieces of Medicare, provided that that is only for the poor. That is the system that the Liberals support - the public system for the poor. Anyway, we have now clarified the position between us both. The reason there is a public system is that the private sector cannot provide it and will not provide it because the profit motive gets in the way of it. The public hospital system is where most resources are spent in this country, for good reason. Governments repeatedly have ensured that the prime objective is access for all Australians to the public hospital system. The Liberals, on the other hand, propose that we force them into the private sector. Well, we are not going to do that.

The aged care question is a problem because - - -

Mr De Domenico: No, no; not force them. We just want to make the queues smaller and get them healthier quicker.

MR BERRY: Can you people not sit still and listen?

Mr De Domenico: We are sitting still.

MR BERRY: Just sit still and listen.

Mrs Carnell: If you would answer the question, I would be happy.

MR BERRY: You have your chance to ask a question in question time and you cannot drag yourself to your feet to do so. If you cannot ask questions in question time, do not ask them now. You have had your chance. I will be closing the debate shortly, and the only thing I have to raise now is the issue of aged care.

Aged care is a difficulty. One particular difficulty that I would like to comment on now is the level of funding which is provided by the Commonwealth for public nursing homes. They provide significantly less money in real terms for the public sector nursing homes than they do for the private sector, and that is of concern to us. We will continue to put pressure on the Commonwealth to ease that situation and to take more responsibility for public sector nursing home care. This varies from State to State. There are some States, I think, for example, of Victoria and Tasmania - I say this from my memory - which have a large public nursing home system; but we have to ensure that the Commonwealth carries some of the weight in relation to that system.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Kendon Industries

MS ELLIS (4.35): Madam Speaker, as members will be aware, there has been much debate over recent times about the need for the employment base in the ACT to diversify and encouragement for local businesses. The Government has taken a number of initiatives aimed at assisting the smaller developing businesses and companies in the ACT and expanding our employment base. As an example of the success of the ACT Government's initiatives in this area and as a testament to the hard work of so many of our local business people, I would like to bring to the attention of the Assembly the success of a locally owned and operated business known as Kendon Industries.

Kendon Industries are wholly an ACT company and they have a commitment to Canberra as a local industry. They are a strong employer and manufacturer and are, without a doubt, an excellent advertisement for other companies who may be considering establishing or investing in the ACT. Madam Speaker, the owners of Kendon Industries have been prepared to work hard and to take risks in order to expand their business, both interstate and overseas. Companies which display such initiative and talent are supported by this Government in a practical and intelligent manner. Such companies do not seek handouts or financial protection from the Government. What they seek is advice, assistance and support, so that they can expand in a professional and successful way.

20 May 1992

Kendon Industries is an ACT company that has been operating in this region since the 1960s. They manufacture shower screens and shower screen systems. They also have a very successful retail business. Kendon has proved its local success and importance as an ACT employer. There are currently 29 people employed, which is an increase of five employees over the last 12 months. Everything they manufacture is locally owned, produced and exported.

Kendon Industries have expanded their operation and now have 28 agents through Tasmania, Victoria, Queensland and New South Wales. Recently, Kendon have begun exporting to Singapore and they employ two staff and two consultants in their Singapore office. They currently have in excess of \$1.5m worth of quoted work in Singapore alone. Kendon have begun negotiations to export to Hong Kong and currently have an agent working out of Hong Kong. Kendon Industries have also been in contact with Korea and are hoping that they will be successful in exporting to that country also. Last year Kendon participated for the first time in the South East Asian International Building Exposition, a vital involvement that has assisted the company with its Asian market. They have participated again this year.

Kendon Industries have shown that they are prepared to take the risks and have the confidence to expand into the overseas market. However, they have received invaluable help from both the Commonwealth and ACT Governments. Kendon has received assistance from the national industry extension service, a joint Commonwealth-ACT Government scheme which offers advice and assistance to companies that wish to break into the overseas market. The national industry extension service provides a variety of services to enterprises, including diagnostic assessment, business planning, total quality management, preparing an export plan, quality accreditation, the vendor qualification scheme, world competitive manufacturing and enterprise networks.

The ACT Government has provided Kendon Industries with appropriate financial assistance through NIES for the provision of a diagnostic assessment and report, and ongoing participation in the Australian Chamber of Manufactures Australian standards group of 10 quality accreditation program. The attainment of quality accreditation will provide Kendon with access to major purchasers and overseas contracts. The standard identifies the company as meeting Australian and worldwide standards. Austrade have also been of immense help in the advice and information that they have been able to offer. The ACT Chamber of Manufactures deserve a special mention as they have been willing to assist with networking and advice freely through their ACT exporters club.

Kendon Industries believe that the ACT is an excellent environment for business and industry. It is no longer necessary to be working out of the major industrial centres. In fact, Canberra is becoming physically closer to Sydney, as we all know, as Sydney expands, and it is therefore easier for Canberra businesses to have the contacts they need while existing outside that particular industrial centre.

It is the responsibility of the ACT Government to ensure that appropriate support is provided to such companies that wish to make their home in the ACT and provide for Canberra and its community a strong industry and employment base. This Government is doing that, and the success of Kendon Industries has shown how successful the relationship between good business and good government can be.

West Belconnen Rugby League Club

MR LAMONT (4.40): I rise for a few moments to draw the attention of members of the Assembly to a function that will occur, as previously advised, at the West Belconnen Rugby League Club next Tuesday evening, 26 May. I have in a previous adjournment debate discussed issues concerning Mr Henry's plight. I would urge upon all members of the Assembly who are in Canberra next Tuesday evening, indeed all members of the gallery and public and media, as well as all attendants and others who may be listening in some office somewhere in this building, that it is a worthwhile opportunity for them to be involved in the life of Belconnen. I seek their support for this fundraising evening.

National Roads and Motorists Association

MR DE DOMENICO (4.41): Mr Berry earlier alluded to the private insurance industry. Seeing that it is time for community billboard, let me also give a plug to an insurance company which is very heavily involved with people of the ACT, a private sector general insurance company involved in all sorts of things. Today, seeing that it did make a substantial profit because of prudent investments - most reputable companies in the private sector do make prudent investments from time to time and most are very good corporate citizens - it has returned some of those profits to the people of the ACT. I am advised that the average family in Canberra with car, home building and contents insurance with the NRMA will save an average of \$74 in the coming year with the rebates.

Taking into account the glorious words said about the NRMA by the now Government last year, we are happy to have companies from the private sector, companies like the NRMA and other insurance companies and other private sector companies, that have the interests of the people of the ACT in mind. It is refreshing to see that when things are done by the private sector they are usually done well, they are usually done cost efficiently, and, as that happens, all the people in the community benefit.

20 May 1992

Thailand : Aidex

MR BERRY (Minister for Health, Minister for Industrial Relations and Minister for Sport) (4.42), in reply: Madam Speaker, I rise to speak on an issue that has rated the front pages in the last couple of days. I refer to the current unrest in Bangkok, the Thai capital.

Mr De Domenico: I thought it was Graham Richardson.

MR BERRY: They think this is funny. This is something that would be of great concern to all sound-thinking Australians and it would be of great concern to any Thai residents in this country; so I think it is appropriate that this Assembly make mention of it.

It is with great concern that I have read and seen reports on television of the massacre of students in Bangkok. I am sure that members in this Assembly would wholeheartedly condemn the outrageous use of force by the Thai military. In Thailand, as in many countries around the world, citizens do not have the same basic rights that Australians take for granted. While watching the images of massacre, I was reminded of a debate in Canberra that received national coverage. I am, of course, speaking of Aidex, the defence exhibition held at Natex in November last year.

Last year in the Assembly the Labor members clearly stated that we do not support this type of event. I also remember that members on the opposite side of the house supported the exhibition. Now the results of such an event and the subsequent sales are being felt by the students in Bangkok. One of the many arguments against Aidex is the fact that the companies exhibiting weapons export them to Third World countries where they are used against the people.

Australian companies are involved in the sale of weapons to Thailand. Thailand is Australia's thirteenth largest importer of defence equipment. In 1989-90 the Federal Government approved \$715,630 in exports to Thailand. In 1989-90 Olin exported shotshell cartridges to Thailand, which might be very useful equipment for dispersing demonstrators. IBM sold cryptographic equipment, and Australian Defence Industries exported Bofors 40/60 anti-aircraft guns.

Madam Speaker, unfortunately, it appears that major massacres in neighbouring countries are becoming annual events. This is in addition to the daily killings, the abuse of human rights and the waste of resources that ensures that the poverty cycle continues. This will not stop while the armed forces use up large chunks of the countries' resources. What is happening in Thailand is unacceptable. It clearly vindicates Labor's position that the ACT must play no part in aiding those whose business it is to sell weapons of destruction.

Question resolved in the affirmative.

Assembly adjourned at 4.46 pm

ANSWERS TO QUESTIONS

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION**

QUESTION NO 11

Housing and Community Services Portfolio - Publications

MR CORNWELL - asked the Minister for Housing and Community Services -

- (1) How many publications, by name, are regularly published by your Department.
- (2) How often is each published.
- (3) What is the annual cost of each publication.
- (4) How much is charged for each publication.
- (5) How much revenue is obtained from (a) advertising in: and
(b) sale of each publication. -
- (6) What is the print run of each publication.
- (7) What is the circulation of each publication.
- (8) How regularly is the circulation list culled for each publication.

MR CONNOLLY - the answer to the Members question is as follows:

- (1) [i] Tenants Newsletter.
[ii] Housing Assistance Plan.
[iii] Home and Community Care (HACC) Newsletter.
[iv] Home and Community Care (HACC) Strategic Plan.
[v] News from the Taxi Scheme.
[vi] Supported Accommodation Assistance Program (SAAP)/Crisis Accommodation Program (CAP) State Plan.
- (2) [i] The Tenants Newsletter is published every four months.
[ii] The Housing Assistance Plan is published annually.
[iii] The HACC Newsletter is published on an ad hoc basis.
[iv] The HACC Strategic Plan is published annually.
[v] News from the Taxi Scheme is published every three months.
[vi] The SAAP/CAP State Plan is published annually.

20 May 1992

(3) [ill] The cost of production of the three 1991 Tenants Newsletters was \$32,547.92.

[ii] The cost of the September 1991 Housing Assistance Plan was \$1,619.00.

[iii] The HACC Newsletter is produced in-house and the cost is not able to be separately identified.

[iv] The annual cost of producing the HACC Strategic Plan is \$1,000.

[v] News from the Taxi Scheme is, produced in-house and the cost is not able to be separately identified.

[vi] The cost of the 1991 SAAP/CAP State Plan was \$700.

(4) [] There is no charge for the Tenants Newsletter.

There is no charge for the Housing Assistance Plan.

[iii] There is no charge for the HACC Newsletter.

[iv] There is no charge for the HACC Strategic Plan.

[v] There is no charge for the News from the Taxi Scheme.

[vi] There is no charge for the SAAP/CAP State Plan.

[q (a) The Newsletter does contain some advertising material for community announcements and services, however no revenue is sought or gained from this advertising.

(b) The Newsletter is provided free of charge.

[ii] (a) The Housing Assistance Plan does not contain advertising material.

(b) The Housing Assistance Plan is provided free of charge.

[iii] (a) The HACC Newsletter does not contain advertising material.

(b) The HACC Newsletter is provided free of charge.

[v] (a) The HACC Strategic Plan does not contain advertising material.

(b) The HACC Strategic Plan is provided free of charge.

ill (a) The News from the Taxi Scheme does not contain advertising material.

(b) The News from the Taxi Scheme is provided free of charge.

[v] (a) The SAAP/CAP State Plan does not contain advertising material.

(b) The SAAP/CAP State Plan is provided free of charge.

13,000 copies of the Newsletter are produced each four months.

700 copies of the 1990/91 Housing Assistance Plan were produced.

The distribution list of the HACC Newsletter is approximately 200 - 250.

[iv] The print run of the HACC Strategic Plan is approximately 225.

[v] The distribution list of the News from the Taxi Service is 300 - 400.

[vi] The SAAP/CAP State Plan has a print run of approximately 350.

680

- (7) [1] A copy is provided to each Housing Trust tenant, community organisations, and copies are available at Housing Trust District Offices for interested persons.
- [ii] The Housing Assistance Plan is provided to community and industry groups with which the Trust has regular contact, and is available for Trust tenants and members of the public who had input into the Plan during the consultation phase.
- [iii] The HACC Newsletter is distributed to HACC service providers currently funded under the HACC program, peak body organisations and any other interested persons requesting a copy.
- [iv] The HACC Strategic Plan is distributed to HACC service providers currently funded under the HACC program, peak body organisations and any other interested persons requesting a copy.
- [v] The News from the Taxi Scheme is distributed to Taxi Scheme clients and community organisations.
- [vi] The SAAP/CAP State Plan is distributed to SAAP/CAP service providers currently funded under the programs, peak body organisations and any other interested persons requesting a copy.

NOTE: Public Affairs Branch of the Chief Ministers Department distribute a copy of all such publications to Members of the ACT Legislative Assembly, the National Library, the ACT Government Service Library, and the ACT Library Service.

- (8) [i] The circulation list for the Newsletter is revised every four months, and consists of all current tenants at time of mailing.
- [ii] The circulation list for the Housing Assistance Plan is reviewed annually.
- [iii] The HACC Newsletter circulation list is reviewed every time the newsletter is distributed.
- [v] The circulation list for the HACC Strategic Plan is reviewed annually.
- [v] The News from the Taxi Scheme circulation list is reviewed every three months.
- [vi] The circulation list for the SAAP/CAP State Plan is reviewed annually.

20 May 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO. 22**

Housing Trust - Rental Rebates

MR CORNWELL - asked the Minister for Housing and Community Services - As at 29 February 1992:

(1) How many (a) houses, and (b) flats are controlled by the ACT Housing Trust.

(2) How many of these properties, in each category, are occupied by tenants receiving rental rebate.

(3) How many people in each category does this rebate represent.

MR CONNOLLY - The answer to the Members question is as follows:

(1) (a) 8,174 houses

(b) 3,033 flats and 965 pensioner units.

(2) The number of tenants receiving rental rebate was 9,284.

Information is not readily available on the number of tenants receiving rental rebate by accommodation type.

(3) The proportion of total tenants receiving rental rebate is 77.596.

682

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 29**

Housing Trust - Maintenance Officers

MR CORNWELL- asked the Minister for Housing and Community Services -

- (1) Are maintenance officers employed at major ACT Housing Trust flat complexes.
- (2) If so, how many such officers are employed and at what sites.
- (3) What was the total cost of such employment in 1990-91.
- (4) Has a cost benefit analysis been conducted on the employment of these officers and if so, what was the result.
- (5) If no cost benefit analysis has been conducted, why not.

MR CONNOLLY- The answer to the members question is as follows:

- (1) The Building Assets Maintenance Section of the Department of Urban Services provides, at an hourly charge, an on site maintenance service to the Housing Trust.
- (2) This position is located at Currong Flats, Braddon and provides maintenance services for the Currong, Bega and Allawah flats complexes. A total of 444 flats are serviced by this officer.
- (3) The cost of providing this maintenance officer for the 1990-91 financial year was \$60,869, which represents the total of on site maintenance carried out, including all on costs.
- (4) No.
- (5) The intention behind the location of an on site maintenance officer at the abovementioned flat complexes was to provide a direct, efficient and effective service to the elderly residents. This service has proven highly successful and a cost benefit analysis has not been necessary.

683

20 May 1992

**MINISTER FOR HOUSING AND COMMUNITY SERVICES
LEGISLATIVE ASSEMBLY QUESTION
QUESTION NO 31**

Housing Trust - Painting Contracts

MR CORNWELL- asked the Minister for Housing and Community Services -

- (1) Does the ACT Housing Trust sub-contract painting of Trust properties to the private sector.
- (2) How often is a Trust property painted:
 - a) externally; and
 - b) internally.
- (3) What was the cost of 2(a) and 2(b) in the Trust budgets of 1989-90 and 1990-91.
- (4) If the Trust does sub-contract, how is the contract awarded (e.g. by tender or by some other means).
- (5) If by tender, approximately how long in advance of painting being carried out are tenders called.

MR CONNOLLY- The answer to the members question is as follows:

- (1) Yes.
- (2) (a) Properties are scheduled to ,be painted externally every seven years or before if conditions warrant;
- (b) Internal painting is scheduled to be carried out after ten years, although dwellings may require painting upon tenant vacancy.
- (3) The cost of external painting for 1989-90 was \$1.7M and for 1990-91 was \$1.3M. The cost of internal painting for 1989-90 was \$1.0M and for 1990-91 was \$0.75M.

684

- (4) The Building Assets Management Section of the Department of Urban Services, awards contracts to sub-contractors by tender or selected quote in certain circumstances.
- (5) Tenders are called approximately 8-10 weeks prior to painting.

685