



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

19 August 1993

## Thursday, 19 August 1993

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

**LEAVE OF ABSENCE TO MEMBER**

**MR LAMONT:** I move:

That leave of absence be given to Mr Stevenson for today, 19 August 1993.

Mr Stevenson has a family commitment he is required to attend to.

Question resolved in the affirmative.

**OZONE PROTECTION (AMENDMENT) BILL 1993**

**MR WOOD** (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.31): I present the Ozone Protection (Amendment) Bill 1993.

Title read by Clerk.

**MR WOOD:** I move:

That this Bill be agreed to in principle.

Over the last decade there has been an increasing concern about the release of chlorofluorocarbons, or CFCs, and bromofluorocarbons, or halons. Collectively, these chemicals are known as ozone depleting substances. These substances are used extensively in applications such as refrigeration, air-conditioning and firefighting. As the name suggests, ozone depleting substances deplete the Earth's protective ozone layer, especially over Antarctica. The ozone layer absorbs harmful ultraviolet radiation and stops it from reaching the Earth. On average, a one per cent decrease in the ozone concentration will lead to a 2 per cent increase in ultraviolet radiation. The effects of this on human health can be serious. For example, high doses of ultraviolet radiation can cause skin cancers, of which Australia already has the highest incidence in the world.

Australia has an international obligation, under the Montreal protocol on substances that deplete the ozone layer, to control and eventually phase out the use of ozone depleting substances. Commonwealth legislation regulates the manufacture, import and export of ozone depleting substances, while the ACT Ozone Protection Act 1991 regulates activities associated with the handling, storing or using of ozone depleting substances at the Territory level.

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The Act provides for three types of licences. The wholesale licence controls the bulk storage, supply and recycling of ozone depleting substances. The business licence allows activities such as purchase, storing and selling of the substances for the purpose of servicing an item that contains an ozone depleting substance. The third type of licence is issued to a person who services articles such as, for example, a vehicle air-conditioner or a refrigerator. To obtain a service licence, a person is required to have trade qualifications and to have satisfactorily completed an approved ozone awareness course.

The Ozone Protection (Amendment) Bill 1993 will amend the Ozone Protection Act 1991 to remove the time limit on service licences. The Bill makes amendments to sections 13, 15 and 22 of the Act. Section 13 of the Act deals with the application for various types of licences and specifies a maximum period of 12 months, irrespective of the type of licence being sought. Section 15 of the Act deals with the form of the licence and requires that a period for which the licence is to remain in force is specified on the licence. Section 22 deals with the duration of licences and specifies that all initially issued or renewed licences remain in force for a period not exceeding 12 months.

The Bill will remove the 12 months time limit which currently applies to service licences under the Act and will allow these licences to be issued for an indefinite period. Existing service licences will thus, on renewal, be issued without a time limit. The yearly renewal of a licence issued to a person to service articles that contain ozone depleting substances is an administrative burden that does not contribute to the effective control of ozone depleting substances. In addition, the fees associated with the yearly renewal of a service licence place an unnecessary burden on the applicant and have caused some concern in the automotive and other industries.

The amendment will also introduce a more equitable distribution of expenses relating to licences for ozone depleting substances in that costs to the individual service person will be reduced. To compensate for this, increases have been made to wholesale and business licences. The amendment will simplify the present system of licences issued to persons who service articles which contain ozone depleting substances without reducing its effectiveness. Madam Speaker, I present the explanatory memorandum to the Bill.

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

### **APPROPRIATION (ACT FORESTS TRUST ACCOUNT) BILL 1993**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (10.36): I present the Appropriation (ACT Forests Trust Account) Bill 1993.

Title read by Clerk.

**MR CONNOLLY:** I move:

That this Bill be agreed to in principle.

This Bill introduces machinery provisions for the purposes of the closure of the existing Australian Capital Territory Forestry Trust Account and the establishment of a new trust account to be known as the ACT Forests Trust Account. The existing trust account was established by the Commonwealth

in 1955 to provide financial accountability for the ACT forestry operation. With the passage of time and with self-government, it is considered appropriate to establish a new trust account to reflect the up-to-date arrangements for the ACT forestry operations and a more accountable style of government than was perhaps available in 1955. The new trust account will be established under the Audit Act 1989 of this Assembly. The Bill now before the Assembly will facilitate the transfer of funds from the old trust account to the new trust account and provide for the necessary transitional arrangements. Madam Speaker, I table the explanatory memorandum.

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

**ESTIMATES 1993-94 - SELECT COMMITTEE**  
**Proposed Alteration to Resolution of Appointment**

**MRS CARNELL** (Leader of the Opposition) (10.38): I move:

That paragraph (1) of the resolution of the Assembly of 17 June 1993 appointing a Select Committee on Estimates 1993-94 be amended by adding at the end "and any revenue measures proposed by the Government in the 1993 Budget".

This is a very simple motion which officially allows members to ask questions on revenue during Estimate Committee hearings as well as to ask questions on expenditure. I realise that, to date, questions on revenue have been allowed in practice, as they are in the Senate estimates hearings. But it has come to my attention, especially in the light of what is likely to be a very tight ACT budget, that we may be ruled out of order if we ask questions on revenue. It seems logical to me that, if one is testing the accountability of government over its budget, to ask questions on where the money is coming from, not just how it is being spent, is wholly necessary and very sensible. For example, if we are intending to spend extra money on a particular program in education, health, or whatever, it follows that we can reasonably ask the Government where they will be getting the money from - - -

**Mr Berry:** This is a joke. It is a joke. What a joke you lot are!

**MRS CARNELL:** No, it is not, not at all. It is simply an insurance policy to allow members the freedom to ask questions in the revenue area, should they need to. This is just a simple technical change to extend the terms of reference of the Select Committee on Estimates 1993-94. It will benefit all members of this Assembly who are not Ministers, and I urge you all to agree to this motion.

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

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**PUBLIC ACCOUNTS - STANDING COMMITTEE**  
**Report on Monitoring of Budget Supplementation**

Debate resumed from 17 June 1993, on motion by **Mr Kaine**:

That the report be noted.

**MR MOORE** (10.40): Madam Speaker, this is a significant report that comes in a transition that has been going on since the beginning of self-government as far as budget matters and budget supplementation go. Any members who were present for that first budget process and who remember the Pryor cartoon on the front page of the *Canberra Times* entitled "Rosemary's Baby" will appreciate the constant improvement in the budget papers and specifically in budget supplementation information. There has been more information and a growing improvement in all budget papers.

The report deals particularly with a supplementation to the budget which has always been available to members but in what the committee felt was a narrow form. It seems to me that, with this constant improvement in the ability for members of the public to understand what is going on with public expenditure, it is appropriate that we take whatever moves we can to make the budget supplementation more understandable and more available to members of the public.

This is in no way a criticism of either government. I believe that the intention of both the Labor governments that have been in power and also the Alliance Government when it was in power was to make the budget papers more and more readable each year and to take the advice of the estimates committees and the Public Accounts Committee when they put forward suggestions on how all the budget papers can be made more readable and the information in them more available and more understandable to the Assembly and to members of the public. Madam Speaker, it is with pleasure that I support the thrust of this report. I hope that there will be a very positive response from government on this issue.

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

**CONSERVATION, HERITAGE AND ENVIRONMENT -**  
**STANDING COMMITTEE**  
**Report on Tuggeranong Homestead and its Site - Government Response**

Debate resumed from 16 June 1993, on motion by **Mr Wood**:

That the Assembly takes note of the paper.

**MR WESTENDE** (10.43): Madam Speaker, I shall be brief. I was a member of the committee that investigated this matter. We made certain recommendations to the Government, and in replying to that report Mr Wood accepted most of the recommendations. We recommended, for instance, that the Government assess the heritage significance of the building. The Government agreed, and the Department of the Environment, Land and Planning has received an assessment of the Tuggeranong Homestead by the consultants.

We further recommended that government decide the basis for management of the homestead and outbuildings, including provision for appropriate commercial, cultural and community based activities. Once again, the Government agreed to accept that recommendation, and various other recommendations were agreed to by the Government, especially that a Charles Bean memorial study centre should be established. We believe that that is very significant, and the committee put a fair amount of emphasis on that.

Last but not least, the Government agreed that the ACT Planning Authority should appoint some agents to look into the planning and environmental significance of the area. We note in the Minister's response that the ACT Planning Authority has appointed agents Munns Sly Scott-Bohanna Moss Pty Ltd to undertake a planning and environmental analysis. No doubt that report will be taken into consideration by the Planning Committee, which will investigate the draft variation to the Territory Plan. We support the Minister's comments on this matter.

**MR LAMONT (10.46):** The Conservation, Heritage and Environment Committee report is a valuable document in helping to crystallise a number of issues in relation to the preservation and maintenance of the area known as Tuggeranong Homestead. As chair of the Planning, Development and Infrastructure Committee, I am appreciative of the work which has been put into this document. I believe that it has helped the community, as well as members of this Assembly, come to understand and appreciate the issues involved in the preservation of some areas of the Tuggeranong Homestead site. The Planning, Development and Infrastructure Committee can now build on the work that has been done by the Conservation, Heritage and Environment Committee in this regard, and I have much pleasure in supporting this report.

**MR MOORE (10.47):** Madam Speaker, I rise to express appreciation of the government response.

**Ms Follett:** You have not had a government response.

**MR MOORE:** Yes, we are actually speaking to the government response. It is interesting how often the Government responds positively to reports of a committee of the Assembly. In looking back at the recommendations, there is a positive response to all of them - agreed, agreed, agreed - although there are some provisos.

Even more interesting to me was a rally I attended on the Acton Peninsula last weekend, where one of the speakers, drawing attention to the Tuggeranong Homestead site, spoke very vehemently about the Charles Bean memorial study centre and how important it is for the preservation of the memory of Charles Bean and his association with the Tuggeranong Homestead. I agree with that, the report agrees with it, and the government response agrees to it. But then to extrapolate, as happened on Sunday, and say that therefore we must preserve the Tuggeranong Homestead area in its entirety is an entirely different thing and is quite a quantum leap from that.

The committee did look very carefully at and reported very carefully on what parts of the area are critical to the preservation of the Tuggeranong Homestead. It was very strong in its opinion that an appropriate area around the Tuggeranong Homestead site does need to be preserved for the heritage aspects of the area. There is no question in anybody's mind that that needs to be done.

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The difference in debate is over what area should be preserved in order to retain the integrity of the Tuggeranong Homestead to the best possible extent. Tuggeranong Homestead is very different from Lanyon, for example, where there is no infringement of suburbs on the site at all and preservation can be quite different. There is already a significant infringement of suburbia around the Tuggeranong Homestead site, and that issue was important in the committee's consideration.

I note not only the positive government response but also the point that the committee's report was unanimous. There was no dissenting view at all, and agreement from this number of members of the Assembly, the government response and the members of the committee indicates that we are approaching a point where a decision has been made about the heritage characteristics of that site. It will now be up to the Planning, Development and Infrastructure Committee to consider all the other issues involved, and there are other issues.

I have heard members of the community say that there has been no consultation whatsoever. There comes a time when decisions need to be made, as Mr Wood has said on a number of occasions, and as far as the heritage aspects go the decision has been made. The Government's response to the committee's report indicates that that decision has been made. There is no going back on that. I am not going to change my mind, Mr Westende is not going to change his mind, I am sure, and the Government has now made its response. It is time to move on from there and look at the other issues as far as the Planning, Development and Infrastructure Committee goes. Our community should be pleased that such an extensive process of very formal consultation has taken place over this development.

I think it also illustrates that members of this Assembly, particularly in committee, are prepared to look at all the issues, and to suggest that one group is totally pro-development and another group is totally anti-development is nonsense. It is politically convenient at times, and no doubt that political convenience will be used. But, as in most things in the committee system in this Assembly, matters are resolved on the issue and are dealt with appropriately. Madam Speaker, it gives me pleasure to welcome the government response to this report.

**MS ELLIS (10.52):** I want to make a couple of very brief comments, being a member of the Conservation, Heritage and Environment Committee that presented this report in the first place. I add that I also am a member of the Planning, Development and Infrastructure Committee, which will receive the variation from the Planning Authority down the track. I look forward, as a member of the PDI Committee, to the opportunity for more expansion on the work that has already been done on this matter by the Conservation, Heritage and Environment Committee.

I endorse the comments made by Mr Moore, particularly in relation to the community consultation process. On that subject, can I just note that, as a member of the Conservation, Heritage and Environment Committee, I had the opportunity to visit and go through the property at some length. I think a disadvantage within the community at large has been the lack of opportunity to do that, and I am very pleased to see that the Minister's



department has organised a public open day this Saturday to give the public the opportunity, which I and other members of the committee have had, to visit the property. Every encouragement should be given to the public to participate on Saturday and have a good look at the sorts of conservation issues we are talking about in terms of historical preservation. I am hoping that, as a result, the public will have a very well-informed position on which to make a judgment on the issue.

**MS SZUTY (10.54):** Madam Speaker, I was not going to speak on this government response to the report of the Conservation, Heritage and Environment Standing Committee, as I have already spoken at some length in the Assembly on this issue.

**Mr Lamont:** You have already made your mind up, have you not?

**MS SZUTY:** I am not going to take up the Assembly's time in going over those issues that I have raised previously.

**Mr Lamont:** I thought you said on the ABC that you had already made your mind up.

**MS SZUTY:** Yes. Ms Ellis indicated that she took the opportunity to go over the site. I have done that quite extensively over the last few weeks, and I still hold to the views I expressed in this Assembly previously about the heritage significance of the site. We know that there still are strong community feelings that the decision taken by the Conservation, Heritage and Environment Committee was flawed. There are five significant groups in the community who have expressed that view: The Minders of Tuggeranong Homestead, the Tuggeranong Community Council, the Tuggeranong Community Arts Association, the Conservation Council of the South-East Region and Canberra, and the Heritage Council. I look forward to exploring these issues further with my colleagues on the Planning, Development and Infrastructure Committee as we consider the variation in relation to the Tuggeranong Homestead site, which will be before us in the next few weeks, I believe.

**MR WOOD (Minister for Education and Training, Minister for the Arts and Minister for the Environment, Land and Planning) (10.55), in reply:** Madam Speaker, I thank members for their contributions. I will pick up some of the points Mr Moore made. I think they are points we all agree with. He commented on the extensive process behind the examination of this issue. Indeed, that is a process that occurs with all the draft variations we put out. I think members accept that and are therefore able to make up their minds about the comments we hear in the community concerning a lack of process, a lack of consideration, a lack of consultation. We know that the processes are quite exhaustive.

The same points were made yesterday, after Mr Lamont tabled his committee's response to the Belconnen golf course proposal. It was said then by the committee and by others what an extensive and effective process this is. Should the North Watson proposals, or any other proposals, come into this Assembly, I am sure that the same comments will be made. It seems to me that sometimes it is a tactic in some parts of this community to talk about no consultation, unfair processes, simply to advance their case.

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**Mr Lamont:** An unfair criticism of Mr Moore, Mr Wood.

**MR WOOD:** I am sure that nobody would criticise Mr Moore, Mr Lamont. I am pleased to hear the comments of members. We will continue to work on processes. We will continue to do everything we can to improve the mechanisms for consultation. It is said that they are good. I am happy if they become even better.

I want to make an additional comment. Oftentimes we hear complaints about government or Ministers or other people being pro-development and there are people who claim to be anti-development. I think that is all irrelevant. We have to provide about 3,500 new home sites in this year. That is development. We have to provide for that. Whether they are all in Gungahlin or whether they go somewhere else, that is the argument. We have to provide that type of development, no matter what. To talk about being pro-development seems to be a nonsense argument that I hear in the community from time to time.

I thank the committee for this report. It may be that another committee will examine it, although at this stage I have not considered what will happen. I am taking on board the arguments I hear about the Tuggeranong Homestead and what should happen to it. I will put out a draft variation. I have not made up my mind yet, because we have not had the responses and we have not considered them, as to whether I will then proceed with that or not. In due course it may be that this committee, this Assembly, and the PDI Committee will consider it. I am sure that, if it does emerge into this Assembly, it will have the same comments, whether we agree with it or not, about how exhaustive the process has been.

Question resolved in the affirmative.

### **LEGAL AFFAIRS - STANDING COMMITTEE** **Membership**

**MR HUMPHRIES (10.59):** I move:

That Mr Lamont be discharged from the Standing Committee on Legal Affairs and Mrs Grassby be appointed in his place.

Madam Speaker, the committee has been conducting a number of inquiries. Indeed, one report was handed down in the Assembly late in the last session. However, with some changes in the committees that occurred late in the last session, workloads on certain members have become greater than on others. For example, I note that Mr Lamont is a member of the Standing Committee on Tourism and ACT Promotion, the Standing Committee on Legal Affairs, the Standing Committee on Planning, Development and Infrastructure - the chair of which I think he described as the Ayatollah a little while ago - and the Standing Committee on Administration and Procedures, as well as the select committees on the establishment of an ACT public service, Estimates, and Euthanasia. Notwithstanding Mr Lamont's tremendous capacity, I think he is clearly in need of a little bit of rest.

The committee felt that a certain *je ne sais quoi* was required on the Legal Affairs Committee, and we all know that Mrs Grassby has *je ne sais quoi* coming out of her ears. I hope therefore that the transfer of Mrs Grassby onto the committee will assist us greatly in proceeding with our work at a great pace.

Question resolved in the affirmative.

**PLANNING, DEVELOPMENT AND INFRASTRUCTURE -  
STANDING COMMITTEE  
Report on Draft Variation to the Territory Plan**

Debate resumed from 20 May 1993, on motion by **Mr Lamont**:

That the report be noted.

**MADAM SPEAKER:** Mr Lamont, do you wish to speak to this? You will be closing the debate.

**MR LAMONT** (11.01), in reply: I do understand that, Madam Speaker. This variation was tabled in the Assembly by the Planning, Development and Infrastructure Committee during the last sitting period. The Minister has formally tabled the draft variation, and the expiration of the disallowance period occurs next Thursday. I presumed that it was, as a matter of course, deferred. I would have preferred to see the matter dealt with prior to the expiration of the disallowance period, and that is why I am raising it now, as a matter of personal explanation, as opposed to actually debating the motion. I note also that Mrs Carnell has returned.

Question resolved in the affirmative.

**EXECUTIVE BUSINESS - PRECEDENCE**

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

That executive business be called on forthwith.

**MOTOR TRAFFIC (AMENDMENT) BILL 1993 [NO. 2]**

Debate resumed from 1 April 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

**MADAM SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with the Magistrates Court (Amendment) Bill (No. 2) 1993, the Traffic (Amendment) Bill 1993 and the Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No. 2) 1993? If there is no objection, that course will be followed. I remind members that in debating order of the day No. 1 they may also address their remarks to orders of the day Nos 2, 3 and 4.

**MR DE DOMENICO** (11.03): Madam Speaker, the Liberal Party will not be opposing any of these four Bills, and I will just make a brief comment down the line. We also give notice that we will be supporting the amendment Mr Connolly will be introducing to the Motor Traffic (Amendment) Bill. The Motor Traffic (Amendment) Bill refines fine default procedures for traffic and parking infringement notices - the TINs and PINs. Secondly, it amends the taxi plate auctioning system. Thirdly, it removes sexist language.

The Bill aims to refine fine default procedures for parking and traffic infringements. Instead of going to court, for example, on-the-spot or fine default notices are issued. This takes these minor matters out of the court, and that is something everyone applauds. The amendment proposes suspension rather than cancellation of a driver's licence if fines are unpaid, because of the five-year licence system in the ACT. As to the amending of the taxi plate auctioning system, Mr Connolly will have more to say about that when he makes his comments, and I will leave it to him. Thirdly, the Bill removes sexist language. The Liberal Party has had consultations with the Roads and Transport Branch of Urban Services, and we thank the Minister for allowing his officers to brief the Opposition on the Bills. As I said, we will not be opposing this Bill and we will be supporting Mr Connolly's amendment.

The Magistrates Court (Amendment) Bill makes amendments to the principal Act consequent upon the amendments made to the PIN and TIN schemes by the Motor Traffic (Amendment) Bill. Once again we had consultations with the Law Society, and there is no need for further discussion. We support the Magistrates Court (Amendment) Bill as well.

The Traffic (Amendment) Bill 1993 moves fines dealing with compulsory bicycle helmets into the traffic regulation area and removes sexist language. At present, under section 6D of the Traffic Act 1937, a police officer may issue a traffic infringement notice to a cyclist not wearing a helmet. This Bill removes the isolated traffic infringement penalty under section 6D and places it with all other traffic infringement penalties under the Motor Traffic Regulations. Once again, copies of the Bill were sent to community groups, and the Liberal Party, after consultation, has no problems with that Bill either.

The Motor Traffic (Alcohol and Drugs) (Amendment) Bill removes a penalty relating to TINs and provides that it will be prescribed by the Motor Traffic Regulations, consequent upon the passage of the Motor Traffic (Amendment) Bill. Once again, consultation with the community leads the Liberal Party to say that we will be supporting all the Bills.

**MRS GRASSBY** (11.06): Parking infringement notice penalty levels are currently found in the Motor Traffic Act 1936. This means that every time a penalty needs to be varied, an amendment to the Act has to be passed by the Assembly. This is time consuming and inefficient. The Motor Traffic (Amendment) Bill 1993 [No. 2] overcomes these problems by amending the Motor Traffic Act 1936 to provide for parking infringement notice penalties to be transferred to the Motor Traffic Regulations. The ACT has around 50 offences which are subject to parking infringement notices and approximately 110,000 notices are issued annually. Having these penalties set by means of regulation will mean that they can be amended more easily and with fewer resources. By moving parking penalties into regulations, arrangements for parking penalties will be similar to the current procedures for traffic infringement notice penalties.

It is sensible at this time also to remove isolated traffic infringement penalties from the Traffic Act 1937 and the Motor Traffic (Alcohol and Drugs) Act 1937 and include them in the Motor Traffic Regulations. Offences affected include the compulsory wearing of bicycle helmets, found in the Traffic Act 1937, and the offence relating to blood alcohol levels of between .05 and .08, found in the Motor Traffic (Alcohol and Drugs) Act 1977. The placement of these penalties into regulations will ensure that all traffic infringement notice penalties are put together. These provisions deal also with the auctioning of taxi licences and the limitation on the number of taxi licences that the Registrar of Motor Vehicles can grant. Additionally, the amendment Bill will remove sexist language from the Act, in line with the Government's commitment to the ongoing modernisation of ACT legislation. The Magistrates Court (Amendment) Bill (No. 2) 1993, the Traffic (Amendment) Bill 1993 and the Motor Traffic (Alcohol and Drugs) (Amendment) Bill (No. 2) 1993 are consequential to amendments in the Motor Traffic (Amendment) Bill 1993 [No. 2]. I understand that the Opposition is quite happy with all of this, as Mr De Domenico said. I am quite sure that the Bills will be passed with no trouble at all.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.09), in reply: I thank members for their support. Mr De Domenico is quite right in saying that it is ninety-nine point something per cent right. There is a minor error. When these Bills were circulated, I understand that Mr De Domenico was approached by Aerial Taxis, who pointed out that in paragraph 27B(a) of the Motor Traffic (Amendment) Bill [No. 2] we have a reference to a restricted taxi licence. Restricted taxi licences were repealed some years ago, so there is no point in referring to a restricted taxi licence. While leaving it in the Bill would not lead to any fault, it would be pointless to have a reference to a superseded form of licence, so it is sensible to remove it. Mr De Domenico brought this to my attention and we have had drafted the appropriate amendment, which I have circulated. I note that the Opposition will be supporting it. So, with that minor amendment, we hope that it will be 100 per cent correct legislation.

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) (11.10): I move:

Page 3, clause 6, line 20, proposed new paragraph 27B(a), omit "or a restricted taxi licence".

I have already explained the reason for the amendment.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

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### **MAGISTRATES COURT (AMENDMENT) BILL (NO. 2) 1993**

Debate resumed from 1 April 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **TRAFFIC (AMENDMENT) BILL 1993**

Debate resumed from 1 April 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **MOTOR TRAFFIC (ALCOHOL AND DRUGS) (AMENDMENT) BILL(NO. 2) 1993**

Debate resumed from 1 April 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **POSTPONEMENT OF ORDERS OF THE DAY**

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

That orders of the day, Nos 5 and 6, executive business, Gaming Machine (Amendment) Bill 1993 and Taxation (Administration) (Amendment) Bill 1993, be postponed until a later hour this day.

### **FIRE BRIGADE (ADMINISTRATION) (AMENDMENT) BILL 1993**

Debate resumed from 17 June 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

**MR DE DOMENICO** (11.12): Madam Speaker, the Opposition will not be opposing this Bill. The Bill allows excess staff employed under the Fire Brigade Act to get similar benefits by incorporating similar excess staff provisions in section 76W of the Public Service Act into the Fire Brigade (Administration) Act. It is a procedural amendment which will allow people to obtain benefits under the provisions of section 76W of the Public Service Act, and the Liberal Party is happy to support the legislation.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.13), in reply: I thank the Opposition for their support for this technical amendment.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **FOOD (AMENDMENT) BILL 1993**

Debate resumed from 17 June 1993, on motion by **Mr Berry**:

That this Bill be agreed to in principle.

**MRS CARNELL** (Leader of the Opposition) (11.14): This Bill is the second stage of a three-stage program for reviewing and modernising food laws in the ACT. Stage one was the Food Act 1992, which I am sure all of us can remember with great pleasure as it was so long in coming. This Bill provides for food safety in the ACT by rectifying three problem areas that currently exist. The Bill addresses difficulties in achieving satisfactory standards in manufacturing practices and design and construction of food premises by enabling the Minister to approve codes of practice relevant to food safety. Food outlets will need to comply with such codes if they wish to produce and sell foods.

The Bill also requires all food businesses to be licensed, so as to effectively identify food businesses for the purposes of ensuring that hygiene requirements are being complied with. This is intended to replace the existing system whereby only some types of premises are licensed and specific types excluded, such as licensed clubs and restaurants which provide meals. Licence fees will be determined by the low and high risk categories of the food sold. Non-profit organisations will have the licence fee waived. The Bill also provides powers for an inspector, appointed under the Public Health Act 1928, to require a proprietor to remedy contraventions of the Act, codes of practice and regulations relating to cleanliness defects in the food premises.

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I am sure that everybody here is acutely aware of the difficulties that have occurred in this area over a long period, particularly from my perspective, having worked in the retail area for a long time and regularly in the same precincts as small food outlets. The desperate need to have regulations that can be enforced should never be overlooked.

I am interested to read in the explanatory memorandum that the cost of administering this legislation can be met from within existing funding levels. I certainly hope that those sorts of requirements will be met, but also that the staff and inspectors required to make sure that this legislation works will be put on. The only disappointment I have with this legislation, which I am sure will be picked up in part three of the food legislation, is that at this stage there is no regulation about smoking in areas where food is prepared. Again, I am totally confident that those problems will be addressed when we get to part three of the food legislation.

There is no doubt that food legislation in the ACT is long overdue. It is a problem that has been addressed by Mr Berry on two occasions in 1989, by Mr Humphries when he was in the job and - -  
-

**Mr Connolly:** But Mr Berry delivered.

**MRS CARNELL:** It just took a long time. It is hard to understand why this legislation took so long, taking into account that it affects the way business is conducted in Canberra and people's day-to-day lives and the safety with which they can use food outlets. Madam Speaker, the Opposition will with great pleasure support this long overdue legislation.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (11.18), in reply: I am very proud to be associated with this Bill. I welcome the support of the Liberal Party and others in relation to this important legislation. It is true that this issue has been a matter of some attention for quite some time. It is therefore most important that there is acknowledgment that it was delivered by Labor and is a matter on which we placed a high priority. Mrs Carnell complained that it has been a long time coming, but it is a fairly complex issue which has to be dealt with in detail, and much work was required to put together the package. Once again, Madam Speaker, I am proud to be associated with the package. I know that the Labor team is proud to be associated with it as well. The effects of food poisoning are often forgotten. It is merely thought of as a pain in the belly. But it can kill and it does cost the community. It is very important in terms of public health that this legislation is carried, and I know that it will be.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.



**TRUSTEE COMPANIES (AMENDMENT) BILL 1993**

Debate resumed from 17 June 1993, on motion by **Mr Connolly**:

That this Bill be agreed to in principle.

**MR HUMPHRIES** (11.19): I confirm that the Opposition will be supporting this Bill brought forward by the Government. It is a simple Bill which provides that, where a person refers to a particular trustee company in his or her will or codicil and subsequently the name of that trustee company changes, when the administration of that will is begun the reference to the trustee company in its earlier form will be considered to be a reference to the trustee company in its new form, under its new name. Obviously that is a sensible measure. Where company A becomes company B, there seems to be little doubt that the testator or testatrix intended that that particular company would be the one by which his or her estate would be administered, and I think it is a sensible suggestion.

I raise only two questions to which the Attorney might turn his mind. One is the question in principle of, in effect, having the courts change the reference that is made to a company when a particular testator or testatrix has not made a change in the will themselves. I assume that this would operate in such a way that, if a person were to make a will, say, in 1980, the name of the company were to change in 1985 and the person were to die in 1990, the person would be assumed to have meant to refer to the name of the new company. We have a problem here in that the person has been alive from 1985 to 1990, possibly knowing that the company has changed its name, without making any change to the will. There might be some argument whether that therefore rebuts the assumption that the person actually intended that reference to be changed as well. I raise that merely as a point for the Minister to ponder on.

There is also a question of whether the Bill covers all the circumstances that it might appropriately cover where changes occur in the world of trustee companies. It seems to me, looking at the terms of the Bill, that it would not cover the situation where a trustee company merges with another trustee company. That could not really be described as the company changing its name. It is in fact a company taking on another corporate identity with a different company. It also does not deal with the situation of a takeover by one trustee company of another. It may be that the Act should be examined in future for a further amendment. I raise those questions for the interest of the Attorney.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (11.22), in reply: I thank Mr Humphries for his support for this motion. The points he raised may perhaps be looked at in some future review of this Act. The essential focus of today's amendments is to simplify the process by which a trustee company changes its name. Throughout corporate Australia there have been mergers and takeovers and changes. At the moment, absent this amendment, if a trustee company changes its name or changes its ownership, it is necessary for it, firstly, to get that approved by the Australian Securities Commission. Secondly, there would need to be a specific legislative amendment in this Assembly. The Act in its present form schedules named trustee companies, and it would be necessary for us to amend the schedule every time a company changes its name or its ownership.

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There is one trustee company presently operating in the Australian Capital Territory which has recently changed its ownership and wishes to change its name. That highlighted the potential problem here. We are aware of at least two other trustee companies operating in the ACT which have recently changed their ownership and where the parent body is likely to wish to use the parent corporate identity for their ACT offshoot. It would seem to be sensible to allow those changes to occur more smoothly, rather than having to approach this Assembly on each occasion and introduce a specific Bill saying that the name of company A is deleted from the schedule and the name of company B is included. So it is a sensible machinery measure.

I thank the Opposition for their support. We have seen remarkable cooperation this morning in this Assembly between the Government and the Opposition, where we have all agreed to various sensible measures. This means that material we thought would take hours has taken only minutes. I thank the Opposition for their cooperation.

**Mr Humphries:** Dennis is not here.

**MR CONNOLLY:** That is true; one member is noticeably absent. In order to prevent any suggestion that the Government has been remiss in not having sufficient business, the Fire Brigade (Administration) (Amendment) Bill, which we just ticked through, would have provided the opportunity for a stoush on issues of fire versus police versus the rest. The sensible course was taken and we put it through, but it is difficult to predict the speed with which these things will be dealt with. The Opposition is being sensible, and whenever the Opposition agrees with the Government we will give you credit for being sensible in so agreeing.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 11.25 am to 2.30 pm**

## **QUESTIONS WITHOUT NOTICE**

### **AIDS Funding**

**MRS CARNELL:** My question is to the Treasurer. Ms Follett, yesterday in the house you claimed that AIDS funding from the Commonwealth had increased, when in fact it has decreased by \$12,000 for the ACT. Ms Follett, did you mislead the Assembly yesterday?

**MS FOLLETT:** I thank Mrs Carnell for the question. I can certainly say that I have not misled the Assembly. I might defer to the Minister for Health in answering that question.

**MR BERRY:** The short answer, Madam Speaker, is that at the moment the AIDS funding has not been finalised. Negotiations are continuing between the Commonwealth and the ACT. The final amount of AIDS funding available this year will be announced in the ACT budget. There was an amount announced in the Federal budget in relation to AIDS funding across Australia.

**MRS CARNELL:** I have a supplementary question. The figures in the budget papers for 1992-93, Ms Follett, claim that AIDS funding for the ACT was \$600,000. The budget papers for the ACT this year put that figure at \$588,000 - \$12,000 less. Yesterday in the house you claimed that AIDS funding had increased for the ACT. It has decreased by \$12,000, according to what is printed in the papers. Do you now accept that you misled the Assembly yesterday?

**MR BERRY:** I answered that question for the Leader of the Opposition. I said that the final amount of AIDS funding available this year will be announced in the ACT budget.

### State Accounts

**MS ELLIS:** My question is directed to the Chief Minister. Can the Chief Minister please advise the Assembly about today's ABS statistics on State accounts?

**MS FOLLETT:** I thank Ms Ellis for the question, Madam Speaker. I am very pleased to advise the Assembly that in economic terms we have now overtaken Tasmania. The latest State accounts publications, which were released today by the Bureau of Statistics, do confirm that the ACT economy has performed relatively strongly, and certainly well above the national standard. In 1992-93 the gross state product in the ACT increased by 4.9 per cent in nominal terms compared to 3.4 per cent nationally, and the ACT also recorded the second highest annual growth rate of any State or Territory. In fact, we were behind only Queensland.

The overall level of economic production in the ACT, as I said, now exceeds that of Tasmania and, if you take into account the whole south-east region of New South Wales, it is one-and-a-half times that of Tasmania. The Territory has also recorded a strong growth in gross operating surplus in 1992-93 and in the June quarter of 1993. That reflects improved profitability in most sectors of our economy. Madam Speaker, there was increased consumer demand, up by 1.37 per cent in the June quarter and by 7.3 per cent in annual terms. That, of course, is another indication of the underlying strength of the ACT's economy.

On the latest figures, while the overall level of private investment remained low during the June quarter, I am encouraged by the improvement in those business profitability levels. I believe that it will assist in future investment decisions in this Territory, and I am very pleased, overall, that the ACT is maintaining its strong growth rate in spite of the very slow upturn that is occurring nationally. I am confident that, as the recovery nationally does gather pace, business confidence and investment in the ACT will improve even further.

## **ACTION**

**MR DE DOMENICO:** My question without notice is also to the Treasurer. The Treasurer may recall how her Minister, Mr Connolly, yesterday, with chest blown up, talked about ACTION buses and referred to Industry Commission findings. In light of the fact that ACTION has the lowest cost recovery of the seven major transport systems, has the lowest kilometres travelled per vehicle, has the second highest expenditure per passenger boarding, has the second highest spending per kilometre travelled, has the second highest proportion of government subsidy in the seven systems, has the second highest proportion of cancelled services, and has excessive vehicle numbers per staff and services provided, what further cuts will she impose on ACTION in this and future years, based on Industry Commission findings?

**MS FOLLETT:** Madam Speaker, I am not about to pre-empt anything that may be contained in this year's budget, and members opposite well know that. They also know, or they have been told often enough - - -

**Mrs Carnell:** This is the same document that Mr Connolly was - - -

**Mr Connolly:** Yes, exactly; it is, indeed. We are well on track.

**Mr De Domenico:** Yes. Flying about yesterday, saying, "This is wonderful".

**MADAM SPEAKER:** Order! The Chief Minister is answering your question, Mr De Domenico.

**MS FOLLETT:** They have been told often enough that the ACTION bus service has a target in savings of \$10m to be achieved over three years. They are in the midst of achieving that target. As we speak, as Mr Connolly very rightly pointed out, they are slightly ahead of that target. I believe that the \$10m reduction is the achievable level, for the moment, for ACTION. I also am very well aware, Madam Speaker, that that level of savings is being achieved under difficult circumstances. If members opposite thought they could cut \$10m out of the ACTION bus service, why did they not do so while they were in government?

**Mr Connolly:** No; it went up under them.

**Mr Berry:** The subsidies went up.

**MS FOLLETT:** Yes, the subsidy increased. The subsidy increased under the Liberal Treasurer. I repeat that I believe that ACTION is making substantial effort to address its need for greater efficiency. Nobody argues with that need for greater efficiency, certainly not the Government, and we have set them realistic targets to achieve those necessary savings.

### **Health Complaints Unit**

**MS SZUTY:** Madam Speaker, my question without notice is to the Minister for Health, Mr Berry. In response to question on notice No. 600 by my colleague Mr Moore, which appeared in the June *Hansard*, it was stated:

It is envisaged, with a smooth passage through the ACT Legislative Assembly, that the Health Complaints Unit will be operational in September 1993.

I have also noted that in the legislation program for the budget sitting 1993, tabled on Tuesday, the independent health complaints unit legislation is listed as a first priority for the Minister. My question to the Minister is: When will the legislation referring to the independent health complaints unit be ready for tabling in the Assembly, given the Minister's response to Mr Moore in June that the unit would be operational in September?

**MR BERRY:** It certainly was my intention to have the legislation in relation to that very important facet of Labor's health platform before the Assembly this year, but one of the most important parts of our undertaking to the community was a consultation process and a well-developed piece of legislation which would ensure that we had the support of all of the community who had a special interest in that legislation, in particular the health professionals. There has been significant consultation.

I regret that the development of the legislation has taken a little longer than expected, but I do expect that it will be introduced this year. It will certainly be as promised in our election campaign; that is, we will have a health complaints unit here in the ACT, one that we will be very proud of. That is something that never appeared in the platform of the conservatives opposite because they do not have that same concern. They do not have that sort of concern for consumers of the health system here in the ACT. They are not really interested in the public health system. We are, and we are also concerned about making sure that complaints about the private side of the health system are dealt with in a health complaints unit.

We are as committed as ever to the introduction of that legislation. It is a complex process and it needs to be done with care. At the end of the day we have to have something that has the confidence of all sides of the community who are affected by the legislation - the people who complain and the people who are complained about - and I am sure that we will get there.

### **Adult Literacy Programs**

**MR CORNWELL:** Madam Speaker, my question is addressed to the Chief Minister and Treasurer. I note that she is extremely up to date on ABS figures, so she probably will not have any difficulties in answering this question in relation to Mr Keating's betrayal budget. I noticed that funds for the adult literacy programs throughout Australia have been reduced from \$16.7m to \$11.7m. That is a fairly substantial drop. Chief Minister, what effect will this have on the adult literacy programs here in the ACT, particularly at the Canberra Institute of Technology? What procedures do you intend to put into place, as leader of the ACT Government, to quarantine and to prevent devastating effects upon people seeking adult literacy programs here in the ACT?

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**MS FOLLETT:** Madam Speaker, I will take Mr Cornwell's question on notice. I would say to members opposite that it actually is not my budget; it is the budget of the Federal Government. I will give Mr Cornwell a full and considered reply. Not the least of my requirements is that I consult with the Minister responsible, Mr Wood.

### **Betterment Tax**

**MR LAMONT:** Madam Speaker, my question is directed to the Minister for the Environment, Land and Planning. Can the Minister inform the house of any action taken to date on the question of betterment tax?

**MR WOOD:** I indicated quite some time ago that the Government believes it necessary to review the application of betterment.

**Mr De Domenico:** You said it yesterday, too.

**MR WOOD:** No; I said it on Tuesday night, I think. Prior to that I had been monitoring how things were going. At the time of the review I had not conducted a very public process, I think for the obvious reason that that would stir up activity, particularly in the residential sector, from people who might want to anticipate any change to the way of application. In any event, since the time of my announcement, or from about that time, there has been a quite considerable debate about the matter. I want to indicate that, in order to make quite clear some matters to assist that debate, I will be making a ministerial statement next week. I am doing that so that people talking about the issue understand it quite clearly.

### **Separate Public Service : Age Discrimination**

**MR MOORE:** My question is to the Chief Minister. It has been mooted by your Government that legislation will soon be introduced to amend the Discrimination Act with reference to age, and also to convert the Commonwealth Public Service to an ACT public service. Can you inform the Assembly of any action your Government is taking to reassure people who are due to retire and who are caught in that interim period? I remind the Chief Minister of an example of one such person that I discussed with her yesterday.

**MS FOLLETT:** Yes, Madam Speaker, Mr Moore brought a particular officer of the ACT public service to my attention. Nevertheless, Madam Speaker, in my view I think it would be most unwise to pre-empt the passage of legislation, including the two pieces of legislation that Mr Moore has referred to. The process for drafting that legislation is on time. The legislation on the ACT public service, the separate public service, is an extremely large and complex matter. I recently made a submission to the Assembly committee, chaired by Mr De Domenico, on the creation of the separate ACT public service and, subject to the consideration of that committee, I can say that that is proceeding on time.

Madam Speaker, it imposes a great difficulty for Mr Moore to take one particular case of an officer in the public service who is having particular difficulties and try then to imply that the two pieces of legislation that he has referred to would somehow resolve this officer's difficulty. That is entirely hypothetical. I will do my very best for the officer concerned under the current legislation.

### **Government Vehicles - Fuel Costs**

**MR KAINE:** My question is addressed to the Treasurer. Tuesday's backhander social welfare budget substantially increased the cost of fuel and petroleum products, which will impact on people at the lower end of the income spectrum. It will also have an impact on the ACT Government. Has the Chief Minister calculated how much additional this will cost to run the ACT Government fleet? Whilst she is on the question, has she calculated how much the fringe benefits tax will be on the 643 vehicles that are driven home each night? Has she made budget provisions for these two items?

**MS FOLLETT:** Madam Speaker, I will take that question on notice because I am aware that there are some exemptions that at least government vehicles get. I will need to consult with the Minister responsible, Mr Connolly, and provide Mr Kaine with a complete answer.

### **State Trading Enterprises**

**MR HUMPHRIES:** My question without notice is to the Treasurer. Will the ACT Government be prepared to volunteer its State trading enterprises to be subject to Commonwealth income and sales tax in return for tax compensation? If not, why is the ACT participating in the Commonwealth-State working party to achieve this objective?

**Mr De Domenico:** Take it on notice.

**MS FOLLETT:** I will. Madam Speaker, the matters which Mr Humphries has raised, I think, are largely in the portfolio of Mr Connolly. Nevertheless, I will take the question on notice and provide him with an answer.

### **Woden Bus Interchange**

**MS ELLIS:** Madam Speaker, my question is directed to the Minister for Urban Services. Can the Minister please explain the nature of the works being carried out at the Woden bus interchange?

**MR CONNOLLY:** There is some activity at the Woden bus interchange at the moment, apart from the activity of the ever more efficient and ever slimmer ACTION bus service under the stewardship of this Government. The activity at the moment is the beginning of a major reworking of that bus interchange in order to achieve a safer urban environment. It will be one of the landmark projects of this Government in its overall community safety strategy. People are generally aware now that crime prevention involves more than police on the beat; it involves a safe urban environment.

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The Woden bus interchange for many years has been notorious as a problem area. The "Black Hole", as it is widely known, is an area where many members of the community, particularly Canberra's elderly people - we must acknowledge that a lot of elderly people depend on ACTION buses to get to and from the shops - are simply scared to be. Mr Cornwell is nodding vigorously. He knows the problems there. Many of his constituents no doubt have complained and are scared.

**Mr Humphries:** He is scared too.

**MR CONNOLLY:** Mr Humphries, you are quite right. That bus interchange design was really an example of the worst way of going about designing an urban environment. It almost was an example of designing in crime. We will be redeveloping that whole "Black Hole" area, lifting the profiles of the entire shelter area, removing a lot of the heavy concrete structure of the bus interchange to improve sight lines and to improve the general amenity.

We may not be able to perfectly replicate the Tuggeranong bus interchange, which is a good example of designing out crime, with very high ceilings, clear sight lines, a very safe environment; but we will significantly improve on the urban amenity of the Woden bus interchange. The major demolition work on the "Black Hole" will be commencing at the end of this month and it is hoped that by Christmas that entire bus interchange area will have been redeveloped to create a safe urban environment and one that we can all be proud of. This is another example, Madam Speaker, of the Government's ongoing attempts to create a safer Canberra.

#### **Excise and Franchise Fees**

**MR WESTENDE:** Madam Speaker, my question without notice is directed to the Treasurer. Can the Treasurer advise what the expected outcome of the Capital Duplicators case is? Given that the franchise fees raised \$45.5m for the ACT and some \$2.8 billion for the States and Territories, what is the nature of the replacement taxes under consideration, and has this been factored into your budget? When will the report of the joint Treasurers working party be available?

**MS FOLLETT:** Madam Speaker, I thank Mr Westende for the question. The answer is that I cannot predict what the outcome of the case may be; nor could I, unless I were a judge of the High Court, and then I could probably answer only for myself. The fact is that there is not yet an outcome. At this point it is expected that there will be by the end of this year. The outcome could address itself only to the Capital Duplicators case and the question of excise on X-rated videos. But the outcome could also be far wider in its application and could address other taxes in the nature of excise - for example, petrol tax, alcohol tax and tobacco tax.

If that were the case, Madam Speaker, it would have an extremely large impact on this Territory if we were to lose those taxes. We would lose a large proportion of our revenue. The sum that comes to mind - I am speaking from memory - is some \$80m or \$90m. I take heart, Madam Speaker, from the commitment by the Commonwealth. If that worst case outcome occurs, the Commonwealth has said, they will compensate the States who are affected in that major way.



Until we have an outcome from the Capital Duplicators case this is all speculation, I am afraid, and the best that we can do is ensure that there are safeguards in place if we do get an outcome which is the very worst sort of outcome for this Territory.

### **Literacy - Government Notices**

**MR MOORE:** My question is to the Chief Minister. In an interview with Elaine Harris some months ago Gabrielle Jarvis explained some of the difficulties that people who are barely literate have in reading bills. That is bills that you need to pay, not Bills that get tabled in the parliament, which we all have difficulty reading. One example she gave of a very poor bill from a literacy point of view was the parking infringement notice issued by the ACT Government. Will you have a memorandum circulated throughout all government areas which seek payment from the community, to ensure that when preparing notices they take literacy difficulties into account?

**MS FOLLETT:** I thank Mr Moore for the question, Madam Speaker. In answering this question on literacy I would like to point out to members that it was this Government that abolished the fees for literacy courses at the Canberra Institute of Technology so that those literacy courses are more available to people who require them. But I take Mr Moore's point, or perhaps Ms Jarvis's point, about the difficulty of reading bills. I think that one of the larger difficulties with parking infringement notices, from what I have seen of them, which has not been a great deal in recent years, thank heaven, is the size of the print. The print is very small. I have also complained about the size of the print in some answers to correspondence that I sign from time to time. Madam Speaker, I will certainly take on board Mr Moore's point that we need to ensure that people can understand what is in government communications. That relates, of course, to the way that they are expressed as well as to the physical features of the document. Yes, I will ensure that all areas of the administration are aware that they have an obligation to communicate effectively with the community.

### **Methadone Program**

**MRS CARNELL:** My question is to the Minister for Health. In the Minister's response to the Select Committee on Drugs report on methadone he said that, as part of the methadone expansion program, by 1 July 1993 three health centres as well as the hospital clinic would be distributing methadone to over 350 clients. Why has this not occurred and why has the Minister broken his promise?

**MR BERRY:** I thought you, amongst most people, would understand why it did not happen. After all, it was you who pursued legislation which would allow pharmacies to distribute methadone. I told you what our plans were. Our plans were for the methadone program to be contained within government facilities. I think that explains the situation. You should know better than to ask such a silly question, given the history of your involvement in this process. That is the situation.

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**Mrs Carnell:** Pharmacies are not doing it either, because you have not seen to it.

**MR BERRY:** That is a matter for the pharmacies. What I am saying to you is that you knew when I made that statement that it was our plan that the entire program would be contained within government facilities. As a result of legislation which you supported the situation has changed. It was held up as a result of the debate that went on. The Government has increased, by a large margin, the number of people who are involved in our methadone program. When the conservatives were in power absolutely nothing happened. When we came into office there were 85 people on it; there are now well over 200. This Government can be congratulated on its performance in expanding the methadone program. The conservatives, when in government, should have been condemned, and you should share some of that.

In terms of achieving the 350, I made that statement in the context of the entire service being contained within the public arena, with methadone being distributed only from public facilities and revenue being collected as a result, as you well know. It is quite misleading for you to suggest that what is happening now is happening in the same context as when I answered the question which was raised then. We still will be targeting to get our methadone treatment program up higher and we would hope to achieve those numbers, but it is made more difficult when the revenue drops as a result of some of the revenue going to other places.

**MRS CARNELL:** I have a supplementary question, Madam Speaker. Is it not true that the reason expansion to the three health centres has not occurred is that the Minister's costings on the program have proven to be wrong? Is it not true that he was told that they were wrong in estimates last year and chose to go ahead anyway? I ask the Minister: How many pharmacies are distributing methadone and to how many clients?

**MR BERRY:** It is not true that the figuring is wrong. Our estimates were made on the basis of the expectations we had at the time of revenue which would be collected from people who would be involved in the program. Early in the program some people refused to pay and we had to introduce another charging regime. That regime is targeted, again, at expanding the program as far as it can possibly be expanded. As we know, methadone is an effective means of treating opiate addiction and the ACT program has provided the access which I talked about by expanding it almost threefold. How dare you sit there and be critical of what this Government has done in respect of the methadone program. In common with other jurisdictions, the ACT has initiated a charging policy based on people's capacity and willingness to pay. We have discussed this with you, and I know that your preferred position is for the Government to subsidise pharmacies to do it.

**Mrs Carnell:** Not necessarily, no; we just want you to do it. Do it somehow.

**MR BERRY:** We are doing it. Our performance is a threefold increase. We have increased it to three times the number in place under the conservatives. They did nothing about it.

**Mrs Carnell:** What about your promise? Three centres and 350 clients.

**MR BERRY:** Mrs Carnell carps, "Three centres and 350 clients". What is new from Mrs Carnell? The fact of the matter is that we expected it to be contained within the public system and you ensured that pharmacies would be involved, and pharmacies will be involved.

**Mrs Carnell:** But they are not now, are they?

**MR BERRY:** They will be involved, in accordance with the legislation. That is up to them.

**Ms Follett:** I ask that further questions be placed on the notice paper, Madam Speaker.

### Answers to Questions Without Notice

**MS FOLLETT:** I would like to give the answers to some questions taken on notice. I think that at least some of them illustrate the problems that members opposite are having in making assumptions on the Federal budget figures.

Mr Humphries asked me a question regarding the impact of what he saw as a cut in Commonwealth assistance to the ACT for health. The short answer to Mr Humphries's question, Madam Speaker, is that the asbestos program was included in health. That program has ceased. No funding was sought by us from the Commonwealth and none has been given. Once you take out the asbestos program, I think you will find that we expect to get a little more for health than we did last year.

Mr Cornwell asked me a question related to education. The answer to Mr Cornwell is that the figures in those budget papers are preliminary figures. The discussions taking place between officials have confirmed, I am advised, that funding for general government schooling will increase in 1993-94.

Mr De Domenico asked me a question about roads funding for the ACT. I will table all of these answers, Madam Speaker; but the short answer to Mr De Domenico, as I said yesterday, is that much of that funding related to the untying of grants and also to some particular programs which are over, including the black spot program. I will table those answers.

On 16 June Mrs Carnell asked me a question relating to the publication *This Week in Canberra*. Madam Speaker, I have provided an answer to that but I do not believe that I have tabled it. I table that as well.

**MADAM SPEAKER:** I believe that the Chief Minister would like the answers incorporated in *Hansard*. Is leave granted? There being no objection, leave is granted.

*Documents incorporated at Appendix 1.*

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### **Government School Census - Teacher Transfers**

**MR WOOD:** Madam Speaker, yesterday Mr Cornwell asked me about the timeframe in which I would respond to question No. 771. Due course has arrived, Mr Cornwell. I might say that my office upstairs advised me that one reason for the delay was that the draft answer that came from the department had been sent back a couple of times in anticipation of Mr Cornwell asking additional questions about it and Mr Cornwell, for that reason, not being quite satisfied with the answer as it first appeared. It expresses the diligence of the Education Department in responding to questions and the concern people upstairs have about that response being proper. It does not do anything to change my view about the most recent series of questions that appeared on Tuesday. That view of mine remains unaltered. I will table these and Mr Cornwell can get his copy.

**MADAM SPEAKER:** Mr Wood, do you wish that answer to be incorporated in *Hansard*?

**MR WOOD:** I have sent it back for circulation, so it will be, Madam Speaker.

### **AUDITOR-GENERAL'S REPORT NO. 4 OF 1993 Home Loans Program, Capital Equipment Purchases and Human Resource Management System**

**MADAM SPEAKER:** Members, I present, for your information, Auditor-General's report No. 4 of 1993, "Home Loans Program; Capital Equipment Purchases; Human Resource Management System (HRMS)".

### **AUSTRALIAN HEALTH MINISTERS CONFERENCE : NATIONAL FOOD STANDARDS COUNCIL : MINISTERIAL COUNCIL ON DRUG STRATEGY Ministerial Statement**

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport), by leave: The Australian Health Ministers Conference and the National Food Standards Council meetings were held in Melbourne in July 1993 and preceded the Ministerial Council on Drug Strategy. I would like to discuss issues which arose out of the Health Ministers Conference and National Food Standards Council meeting first, before going on to discuss other issues arising from the Ministerial Council on Drug Strategy.

Following the 1991 decision by Health Ministers to develop a plan to introduce national recognition of health professionals, one item on the agenda was uniform consistent standards for health professionals. The conference endorsed the recommendation that registered nurses achieve professional recognition across all States and Territories. Enactment of the mutual recognition framework by States and Territories will allow nurses in one jurisdiction to have their registration recognised in others with a minimum of administrative processing. Further, I anticipate introducing the necessary amendments to professional registration legislation into the Assembly during the budget sittings.

Doctors were the first profession covered by the scheme and our Government's amendments to the Medical Practitioners Registration Act took effect in April of this year. Currently the Pharmacy Bill is before the Assembly and I will be introducing other legislation relating to health professionals progressively over the next few months. As a separate issue, Health Ministers acknowledged the crucial role which nurses have in our health system and the importance of looking at the profession's range of needs beyond the 1990s. We considered the future of nurse education and careers, and agreed to a national review which will look at the changing needs of the nursing workplace and ensure that education and career paths are broad enough to satisfy those needs.

The continuation of the national women's health program was another significant achievement of the conference. I have agreed to match the Commonwealth's offer of funding for the ACT for a further 12 months. This will be made available during the 1993-94 financial year to ensure the continuation of existing ACT services until the final program evaluation is complete. That evaluation will be a useful benchmark for women's health services and will help to determine the future direction of these services.

Another issue which was raised at the Health Ministers Conference was that of a lack of adequate data being one of the main obstacles to a satisfactory immunisation program in Australia. It was agreed in principle that 1 July 1994 will be the target date for the implementation of a national strategy to ensure that children in Australia are appropriately immunised at no cost to their families. This strategy will allow for the development of a national tendering and purchasing process which will ensure the lowest possible prices for vaccines, and a national data collection and monitoring system to enable measurement of the success of the strategy.

The implementation of the strategy will help us work towards the childhood immunisation rates recommended by the National Health and Medical Research Council. The target rates depend on the individual vaccine and disease. For example, for measles the aim is 95 per cent coverage, while polio is 82 to 87 per cent coverage. By the year 2000 States and Territories will be working towards the universal coverage of school-age children against vaccine-preventable diseases.

Health Ministers also supported the development of a national plan of action to prevent the spread of tuberculosis. Although Australia has the lowest level of tuberculosis in the world, this is one disease which is on the rise overseas and we need to have strategies in place to prevent its re-emergence in this country. A plan is currently being developed and will be considered at the next Health Ministers meeting in early 1994.

The Ministers also agreed to continue the national HIV-AIDS strategy for the next three years. The strategy will be revised to allow States and Territories greater flexibility to respond to issues in our own jurisdictions. The importance of the partnership between government at all levels, health professionals and both affected communities and the community as a whole will be emphasised and strengthened in the revised national strategy.

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The National Food Standards Council achieved a historic first with its support of a joint Australasian food regulatory system. The system will contribute to closer economic relations between Australia and New Zealand and facilitate the food trade between the two countries. Ministers agreed that the National Food Authority's review of standards, currently being undertaken, will be the vehicle for the development of the joint Australasian food standards code. The proposal will now be submitted to the Australian and New Zealand governments.

Now I would like to report, Madam Speaker, on matters discussed at the Ministerial Council on Drug Strategy meeting. The council comprises the health and law enforcement Ministers from Commonwealth, State and Territory governments and meets annually to discuss future directions for Australia's national strategy on drugs. I represented both the law enforcement and health portfolios on this occasion. The council's philosophy on drugs is strongly based on the principle of harm minimisation. This means that, in regard to all drug issues, we ask the question: What is the harm associated with the use of this drug and how do we minimise the impact on users, their families and friends and the community in general? Since its establishment in 1985 the council has brought together two major strategies to minimise drug-related harm: Supply control, generally the responsibility of law enforcement; and demand reduction, generally the responsibility of health and education.

The current national drug strategy follows on from the national campaign against drug abuse launched in 1985. Resolutions by the council have a strong influence on all Australian jurisdictions and are a guide to the ACT Government in managing alcohol and other drug issues in this Territory. I will be acting on a number of these resolutions over the next year to ensure that the ACT remains a leader in reducing harm related drug abuse. It was, I think, entirely timely that this ministerial statement be made, Madam Speaker, given those figures which I mentioned in question time about the success we have had in expanding our methadone program.

Madam Speaker, I would like to inform the Assembly of some of the major resolutions agreed to at the recent meeting. A major, overarching decision by the council was to endorse a national strategic plan for 1993-97 which will guide national planning and action under the national drug strategy. Each State and Territory will also develop a plan to coordinate action. The ACT will develop an alcohol and other drugs strategic plan over the next six months in consultation with relevant community groups, government agencies and others. This plan, Madam Speaker, which I will table in the Assembly on completion, will ensure that our resources are accurately targeted to address identified needs.

The issue which received most publicity on the day was the review of a national uniform health warning system for tobacco products. As a product which leads to 70 per cent of drug-related deaths and costs Australia well over \$6.8 billion per year, it is fitting that tobacco should be a major concern of the council. While there has been a stepping back from the strong system agreed to by the council last year, the compromise reached retains the key elements of that system. The new system comprises six strong warnings with complementary back of the pack information and side of the pack smoke yield contents. Madam Speaker, the Government currently has a Health Warnings Bill before the Assembly and I will seek to implement the council's resolution from 1 April 1994 to support the national uniform system.

In relation to alcohol, we heard that the more recent alcohol advertisements have complied with the voluntary code to discourage excessive consumption and not to link alcohol with social or sexual success. The council has reserved its decision on supporting the self-regulatory approach and will review the alcohol industry's advertising performance again in 1994.

Madam Speaker, an interesting development is the National Food Authority's in-principle recommendation to introduce standard drinks labelling. The labelling will clearly identify how many standard drinks are in the beverage container, allowing people to readily monitor their consumption. Among the conservatives there have been some reservations about this. I think that interests out there in the alcohol production world have been trying to remove that requirement, but I think it is a positive move and that that resistance has to be overcome. I think it will be. This recommendation has now been referred to Ministers responsible for food standards and, with their agreement, may be implemented in 1994. We were also informed that the national drug strategy will conduct a major symposium on alcohol and violence to be held in Canberra in December this year. The national drug strategy has commissioned a range of innovative research projects which will be reported on at the symposium.

In relation to illicit drugs, the council issued a statement which acknowledged the ongoing debate about the legal status of drugs. It reaffirmed that the council is the prime intergovernment ministerial council to consider and develop drug policy. The council stated:

We consider Australia's present approach to illegal drugs, which combines law enforcement and harm reduction, is balanced, realistic and pragmatic. (The Council) believes it is important to support a more informed community debate.

We were also informed of the summary results of the 1993 national household survey on drug use in Australia. The survey has been conducted four times since 1985 and clear trends are emerging. The use of tobacco and misuse of alcohol are becoming major concerns to Australians, while the concern over illicit drug use, high in 1985, has dropped consistently since then.

For the first time questions on alcohol-related violence were asked. Almost 40 per cent of respondents reported being on the receiving end of alcohol-related violence in the last 12 months. Those are pretty disturbing figures. Madam Speaker, there are a number of specific focal points for violence in the ACT, and I note that my colleague the Minister for Urban Services has recently imposed restrictions on the Summernats meeting to avoid the outbursts of alcohol-related violence we saw last time. The symposium on alcohol and violence will present a major opportunity to debate and develop effective solutions to this widespread problem. The household survey carried out by the Ministerial Council on Drug Strategy revealed strong support for enforcing under-age drinking and cigarette purchasing prohibitions.

There was high-level support for smoke-free environments, with 79 per cent supporting workplace bans, 74 per cent supporting bans in restaurants, and 70 per cent wanting smoking banned in shopping malls. Madam Speaker, the Government has made a strong commitment to introduce smoke-free environments. It is pleasing to see that this move is supported not only in the ACT but throughout Australia.

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Madam Speaker, the council also noted the progress of a subcommittee examining steroid use in Australia - a topical subject, given that there is an opposition Bill before the Assembly which will effectively prohibit steroid use. This subcommittee will further examine the use of steroids and harm associated with that use. The council noted the release of the current public education campaign on amphetamines and the release of two publications by the national drug strategy which provide a description of amphetamine use and treatment modalities. Also of topical interest was the endorsement by all governments, except the Northern Territory, of the national methadone policy. The Northern Territory does not have a methadone program. I am pleased to say that the ACT program falls well within this policy in terms of access, support and supervising of dosing.

Madam Speaker, the Ministerial Council on Drug Strategy provides a unique forum in Australia for governments to examine their approaches to reducing the harm related to drug use. I believe that the ACT is well ahead in dealing with drug-related harm. I believe that we have a sensible approach to encouraging the responsible use of alcohol and harm minimisation measures in relation to illicit drug use. We are also regarded in many ways as a leader in tobacco harm-reduction strategies, but this does not mean that we can rest on our laurels. Madam Speaker, I consider that this Territory can be proud of our achievements in this field. I present a copy of this statement, and I move:

That the Assembly takes note of the paper.

**MR MOORE** (3.17): I might take a few moments to respond to the paper, Madam Speaker. I would like to begin my response by referring to this statement by Mr Berry:

I believe that the ACT is well ahead in dealing with drug-related harm.

I would like to support that sentiment - it is the case - and then move to the statement of the Ministerial Council on Drug Strategy which said:

We consider Australia's present approach to illegal drugs, which combines law enforcement and harm reduction, is balanced, realistic and pragmatic.

That is what one would expect from a council patting itself on the back. Madam Speaker, if the council is going to have a balanced, realistic and pragmatic approach, then we really ought to ask ourselves what part Australia has played in ensuring that illicit drugs have now become the second most lucrative business in the world, surpassing the petroleum industry late last year. That figure comes from the International Narcotics Control Board. The head of that board, Giorgio Giacomelli, made that statement on 17 December last year at a press conference in Parliament House here in Canberra.



Madam Speaker, if we are to have a balanced, realistic and pragmatic approach we need to look much more at dealing with drugs in a socio-health forum rather than where the current emphasis is, namely, in the policing regime. Far too much money in this country is put into the policing side of dealing with illicit drugs rather than the health side. To say that the system is balanced is simply not true. The system will be appropriately balanced when funds are shifted in the opposite direction. It was the Ministerial Council on Drug Strategy and the Federal Government that looked at moving funds away from health towards the policing side of control of illicit drugs.

Madam Speaker, it is primarily a health problem and it should be dealt with as such. When Australia looks at reforming our laws across Australia in order to facilitate that, we can expect to have even more success than we have had up until now. On the international scene, Australia certainly has been much more successful at reducing harm than almost any other country in the world, and I do not think anybody can take that away from us. I would like to finish my few comments by going back to the way I started - the ACT is well ahead in dealing with drug-related harm, and I hope that we will continue to be that way.

Question resolved in the affirmative.

**AUDITOR-GENERAL'S REPORT NO. 4 OF 1993**  
**Home Loans Program, Capital Equipment Purchases and**  
**Human Resource Management System**

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

That the Assembly authorises the publication of Auditor-General's report No. 4 of 1993.

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

That the Assembly takes note of the paper.

**PAPER**

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services): Madam Speaker, for the information of members, I present the Official Visitor's Report for 1992-93, pursuant to section 19B of the Children's Services Act 1986.

**VACCINATION AND IMMUNISATION PROGRAMS**  
**Discussion of Matter of Public Importance**

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

The importance for community and individual health of universal vaccination and immunisation programs in preventing the spread of disease and maintaining public health.

**MRS GRASSBY (3.22):** Madam Speaker, the MPI that I have submitted today is about preventing the spread of disease and infection through immunisation and vaccination. I would, however, like to give some background to the massive decreases in mortality rates and increases in life expectancy over the last 200 years. Generally, I think they can all be attributed to the success of government action. This action can broadly be placed into four categories, all of which can be said to be public health measures. It is not so long ago that childhood diseases threatened the lives of many children in our community. It is one of the great achievements of medical science that we have been able to identify the causes of those diseases and manufacture vaccines to prevent them. No longer are epidemics of those childhood diseases common. Some diseases, such as polio, are now very rarely heard of.

The solution to the problem has been not just in the discovery of vaccines to prevent these illnesses but in the application of those vaccines. Mass immunisation programs have delivered these benefits. Without mass immunisation many children would still be vulnerable to childhood diseases. Mr Stevenson, who, unfortunately, is not here today to hear this, seems to think that immunisation is a matter of freedom of choice. It is not; not when the lives of innocent children are put at risk because irresponsible individuals like Mr Stevenson peddle this League of Rights nonsense. In the early part of my life I was a nurse and I have seen at first hand the problems caused by failure to vaccinate children. Mr Stevenson could not understand the difficulty of a doctor explaining to a parent that their child has brain damage or will never walk again just because the child had not been vaccinated.

Madam Speaker, one of the long-term effects of mass immunisation is that people become complacent. Because epidemics are not common, people sometimes forget to have their children vaccinated. Others believe that vaccination is no longer necessary. Nothing could be further from the truth. We now have a new threat. Levels of immunisation in our community are falling. This will leave us once again vulnerable. Immunisation has prevented more suffering and saved more lives than any other medical intervention in this century. It is one of the safest and most effective procedures in modern medicine. It is also the most cost efficient.

The National Health and Medical Research Council childhood immunisation schedule aims to control and, hopefully, in some cases eliminate eight vaccine-preventable diseases. These include diphtheria, tetanus, whooping cough, poliomyelitis, measles, mumps and rubella, and the new scourge, haemophilis influenza B, or HIB. This Government supports moves to ensure that the maximum number of children possible are immunised. These include the recommended childhood immunisation schedule, national immunisation targets,

and advice about possible side effects and any contraindications to specific vaccines. The NHMRC immunisation policy is determined by a committee of experts which continually reviews relevant literature and research on immunisation. ACT Health representatives take part in these NHMRC meetings. Vaccines on the market in Australia have been subject to exhaustive evaluation for safety and efficacy by the Australian Drug Evaluation Committee. This includes all vaccines used in the ACT. This committee also reviews all drugs used in Australia in addition to vaccines.

The levels of immunisation among ACT children were measured by the Australian Bureau of Statistics in 1989-90 as part of the national health survey. The survey found that only 64.2 per cent of children between birth and four years of age were fully immunised appropriately for their age as per the NHMRC recommended schedule. However, this rate is probably an underestimate, as the information collected was based on a parent's recall of their child's immunisation history rather than documented evidence of immunisation status. In the 1989-90 survey the ACT had the highest level of fully immunised children when compared to other Australian States and Territories. However, the ACT fell well below the NHMRC 1994 target of 90 per cent coverage of children of school entry age for the vaccines on the recommended schedule.

ACT Health's 1992-93 statistics measured immunisations given during the mass immunisation programs in ACT schools. The statistics revealed a worrying trend of a decrease in the number of girls immunised against rubella between 1991 and 1993. They showed a decline from 81.7 per cent to 73 per cent. A similar decline occurred in the number of year 10 children who received their booster vaccination for diphtheria and tetanus. This went from 72.2 per cent to 56.6 per cent over the three-year period. In 1992-93 an estimated 59 per cent of ACT children had their first dose of DTP or triple antigen given at ACT Health immunisation clinics at two months of age. DTP covers diphtheria, tetanus and pertussis. Only 43 per cent of these children returned for their fourth dose of DTP at 18 months of age. A similar pattern occurred for oral polio vaccine, which is usually given at the same time as DTP. In 1992-93 an estimated 54 per cent of ACT children were immunised against measles, mumps and rubella at 12 months of age at ACT Health immunisation clinics.

This reduction in immunisation rates over this time was probably due to two main factors. Firstly, some parents are more likely to have their children immunised by their family doctor as the child gets older; and, secondly, increasing numbers of children fail to complete their schedule over time. This is a trend all around the country. The fact that there are regular outbreaks of measles, rubella and whooping cough in the ACT shows that ACT children are not adequately immunised against vaccine-preventable diseases. These statistics are of concern for this Government and we are implementing a number of strategies to ensure that the rates of immunisation among ACT children will reach the targets set by the NHMRC.

This Labor Government is actively involved in consultation with the Commonwealth and other States and Territories through the national immunisation strategy. The strategy aims to improve the immunisation status of all Australian children through a more coordinated and well-managed system. The national immunisation strategy will incorporate all aspects of the present immunisation program. These include, firstly, vaccine purchase.

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With bulk purchasing of vaccine, as has been seen with the recent HIB vaccine contract, all Australians will have the benefit of cheaper nationally available vaccine. Secondly, supply and delivery: With national coordination we will have better systems for supply and delivery of vaccines. Thirdly, data collection: This will ensure that we know where immunisation levels are low and can target national programs. Fourthly, the education of health professionals and the public about immunisation issues: This Labor Government has also initiated a closer working relationship with ACT general practitioners to improve their access to vaccines in return for information about vaccine use. This will enable the Government to be better equipped to measure the immunisation status of ACT children. This will lead to better control measures being implemented if outbreaks of vaccine-preventable diseases do occur.

The Public Health (Infectious and Notifiable Diseases) Regulations also have been amended to include the mandatory sighting of immunisation records before a child can be enrolled into a child-care centre, preschool or school. This new regulation comes into effect from 1 January 1994 for child-care centres, preschools and kindergarten entry. It will then gradually apply to each entry level in the school system until all newly enrolled children will be included by the year 2000. The regulation aims to identify children who are not immunised or not fully immunised. These children can then, if necessary, be excluded from a child-care centre, preschool or school in the event of an outbreak of a vaccine-preventable disease - for example, whooping cough or measles. The regulation does not mean compulsory immunisation. It aims to lift the profile of immunisation among parents who may otherwise have not kept up with their child's immunisation requirements.

This Government remains committed to an immunisation program as a major public health priority. Immunisation is undeniably one of the most effective means of saving lives and preventing illness and disability among ACT children in a cost-effective manner. Importantly, it is also a socially just procedure for maintaining public health. May I tell you one of the most horrifying stories I ever heard. Most of you here will know of Gay Davidson's child who had a most terrible death. She could have been saved if she had been immunised against the disease at an early age. I also had a very dear friend whose child did unfortunately pick up polio, not here in Australia but while travelling and came back with it. She had not been immunised and now has callipers on her legs. She is no longer a child.

I wonder how children feel when parents have not made the effort to get them immunised and they end up in a wheelchair or with callipers on their legs. It could have been preventable. I must say here that many people have said to me, "Oh, you cannot force people to do this because in some cases children can die from this". There are some children who can be affected by this and for whom it can be rather dangerous, but they are very rare. I think it is the old, old story; that it is better to prevent many, many deaths. I think it is better to prevent the many deaths that could occur. I think it is the exception to the rule that proves the rule.

I think that what the Government is doing is very good. In some states in America you cannot enrol a child in a school unless they are completely immunised against all these diseases. I also understand that that is so in some parts of Europe. I understand that in Germany and Holland a child cannot even be put into child-care unless the child has been immunised against all diseases. At least we are trying to encourage people to do it, not force them to do it; but I think that, if it comes to that, sometimes you have to force people to look after their children.

**MR BERRY** (Minister for Health, Minister for Industrial Relations and Minister for Sport) (3.34): Madam Speaker, immunisation has been repeatedly demonstrated in research trials to be one of the most effective medical interventions of the century. Immunisation does prevent disease, disability and death, despite the claims of some vocal minority groups. Just as in the debate about fluoride, the blinkered opponents choose to ignore the positive benefits of immunisation. This Government is concerned about what can be described as noisy minorities and their opposition to immunisation which frightens parents, causing them in some cases to stop immunising their children and thus placing them at risk from vaccine-preventable diseases, such as measles, whooping cough or diphtheria.

While the proponents have little credibility in their arguments, there are those who do take note, unfortunately. Of particular concern are the arguments put forward for homoeopathic immunisation, the anti-whooping cough vaccine proponents and the belief that immunisation causes sudden infant death syndrome. The arguments put forward opposing immunisation are generally based on a rejection of evidence supporting immunisation, a rejection of the applicability of the scientific method, or on contradictions, ambiguities, misquotations and/or selective use of the orthodox immunisation literature.

Madam Speaker, this was outlined in a letter in today's *Canberra Times* from Dr Alex Proudfoot, the principal medical adviser at the Therapeutic Goods Administration. Dr Proudfoot made the observation that "the Campaign Against Fraudulent Medical Research was inclined to rely on misquotation". Homoeopathic immunisation has been subjected to scientific scrutiny and is not acceptable as an alternative to the immunisation schedule recommended by the National Health and Medical Research Council. There are several homoeopathic so-called vaccines available in Australia. In three studies none of these substances were found to be vaccines against a disease on the current childhood immunisation schedule.

Madam Speaker, the opponents of the pertussis component of DTP - diphtheria, tetanus and pertussis, or triple antigen - vaccine make selective use of the scientific literature to argue the dangers of this vaccine. Scaremongering, such as the arguments that SIDS is caused by immunisation, means that some health care workers and some members of the general public continue to hold unfounded fears regarding the whooping cough vaccine. Refusal to immunise children carries a serious risk from the complication of the disease. Inadequately immunised one-year-old children have more than a one-in-six chance of developing whooping cough before the age of 10 years. In infants less than six months of age one in 200 cases die from whooping cough.

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Other claims made by opponents of immunisation include that the vaccine-preventable diseases are not serious, that the vaccines are not completely effective, and that the vaccine-preventable diseases are controlled by improvements in living standards. An argument often used is that measles in an unimmunised population is a common and not serious disease. In a developed country this is usually true. However, if a population of unimmunised children is exposed to measles, virtually all of them will catch the disease. One in 5,000 will die and one in 70 will need hospital admission. Without immunisation, virtually all children will contract measles at some stage. With universal immunisation, 95 per cent would avoid it.

In another example, while the polio vaccine will cause paralysis in one in three million who receive it, polio infection will cause paralysis in one in 100 to one in 1,000 of those infected, but over the entire population substantial numbers are infected, with large numbers permanently disabled. No medical technology is without risk and all members of the community should be fully informed about the risks and benefits when making decisions regarding the use of these interventions. Immunisation is no different in that respect.

It is often argued that the major component of communicable disease control is the improvement in living standards since about 1900. This is partially true, especially for diseases such as polio, which is spread easily under conditions of poor hygiene. However, there were two major epidemics of polio in Holland - in 1984 and in 1991 - in a religious group who declined immunisation. The standard of living and of hygiene in Holland is higher than in most of the world. This clearly shows how a minority group can place society at risk. In countries with relatively few polio cases the average age of infection is higher than in countries where polio is common, and the rate of paralysis is also higher, since the risk of paralysis increases with age. The whooping cough epidemic in Britain in the mid-1970s illustrates the same point. There were over 100,000 cases between 1977 and 1979, when the immunisation rate fell from 80 per cent to 30 per cent.

Madam Speaker, the majority of the ACT community do support immunisation. Since the introduction of the new HIB vaccine on 1 July this year a total of 770 doses of the vaccine were given in ACT Health immunisation clinics. Over 200 doses were given by doctors in 15 general practices, according to my advice, who report statistics to ACT Health. This obvious support for immunisation should not be undermined by ill-conceived criticism based on questionable use of scientific studies.

As I mentioned earlier, the Health Ministers across Australia are concerned about this and are working to ensure that the immunisation rates out there in the community are improved. It is, however, a risk. There are risks. Immunisation is about risk management and, overwhelmingly, immunisation serves the community well. It provides a better quality of life for all of those communities who support it and, of course, it ensures that the community as a whole develops in a far stronger way. Madam Speaker, this Government is a supporter of higher immunisation program participation and will continue to work towards it. I welcome the opportunity to discuss this issue, as it is a true matter of public importance. It will remain a true matter of public importance until all youngsters out there who can be immunised against these sorts of diseases are immunised.

**MS SZUTY (3.43):** Madam Speaker, I support the thrust of the topic of the matter of public importance debate today about the importance for community and individual health of universal vaccination and immunisation programs in preventing the spread of disease and maintaining public health. I congratulate Mrs Grassby for raising this issue today. I concur with Mr Berry; it is a considerable matter of public importance.

I should inform members that I have had some direct involvement in consideration of this issue over some years. I was an Australian Council of State School Organisations representative to the Bicentennial Measles Committee in 1988 and I discussed these issues at length with my fellow members at meetings held throughout the year. I believe very strongly that vaccination and immunisation programs need to be vigorously promoted in the community, but I also believe that they should occur in an informed way, and I appreciate the Minister for Health's comments about the importance of accurate information being provided about immunisation and vaccination programs.

A message which recommends vaccination and immunisation as a matter of course without mentioning any possible adverse reaction to vaccination, in the occasional circumstances where it does occur, I believe is misinformed. What we need to do is to inform parents as accurately as possible of exactly what the potential benefits and risks are. If parents vaccinate their children believing that nothing can go wrong and their children suffer in some way they pay, at times, a devastating cost for their original lack of accurate information. I believe that we will encourage more parents to vaccinate their children if the facts about the benefits and potential risks are accurately presented. I understand that this is an issue at present, with recent studies indicating that parents are vaccinating their children less often than has been the case in the past.

I now wish to recount a personal experience which concerns my son when he was a small baby. Because of the history of allergies in my own family I was cautious in my approach to vaccination. Where I was unsure whether vaccinations would produce adverse reactions I took the time to consult with my family doctor before I proceeded. In the case of the triple antigen vaccine, which Mr Berry and Mrs Grassby have referred to, a test dose was administered to my son, a test dose being a proportion of the full dose of the vaccine. He reacted to that test dose and, as a consequence, was not immunised against whooping cough but only against diphtheria and tetanus. Obviously there could have been a risk if my son had later been exposed to whooping cough, but I knew what the risks were and I was able to take precautions when he was a small child, when contact with whooping cough is most dangerous. As members would be largely aware, the danger from the risk of contracting whooping cough is minimised after about four years of age. Madam Speaker, an informed decision had been taken and the potential benefits and risks had been adequately assessed. I might add that in all other instances full vaccination for my son has been perfectly okay.

Madam Speaker, I do not want others to think I am opposed in any way to vaccination and immunisation per se. However, I do urge that caution be exercised in terms of our approach to this issue, and that completely accurate and factual information about the benefits and risks involved should always be presented, to enable people to make informed decisions.

**MRS CARNELL** (Leader of the Opposition) (3.46): Rather than repeat some of the excellent statistics that have already been given today, I will pick up some of the comments that Ms Szuty has made. I do not think any of us who have spoken today doubt that immunisation has prevented more illness and saved more lives than any other medical technology or medical invention this century. It is also amazingly cost effective. Ms Szuty raised the point of her son who has allergies and therefore could not be immunised for whooping cough. The only basis upon which children like Ms Szuty's son can be protected is if everybody who can be immunised is immunised. The aim of mass immunisation programs is to have everybody who enters school immunised, except those children who cannot be, for whatever reason, and the only way that those children can be protected is by achieving what the National Health and Medical Research Council claim is appropriate, and that is an immunisation rate by 1996 - that is the aim - of some 95 per cent at school age. Then children like Ms Szuty's son will not get whooping cough, although he is a bit older now. That is really what we are all aiming at.

It is interesting to note that, in terms of deaths from preventable childhood diseases, in the 10-year period from 1926 to 1935 in Australia 4,073 Australians died from diphtheria, 2,800 from whooping cough, 879 from tetanus, 430 from polio and 1,102 from measles. That was in a population of 6.6 million. That is a huge number of people. In the 10-year period from 1976 to 1985 the figures were as follows: From diphtheria two, whooping cough 14, tetanus 31, polio two, and measles 62. That was in a population of 14.9 million. Anybody who argues that we should move away from mass immunisation should look at those figures, should look at the huge number of lives that have been saved in this country. Unfortunately, although those figures sound particularly compelling, during 1991 there were 2,352 reported cases of diseases that could have been prevented by childhood immunisation.

The ACT has had a particularly good record in immunisation; there is no doubt about that. But it is still tragic to find parents coming to my pharmacy, going to many doctors' surgeries, to our health centres and so on, who really feel that they are between a rock and a hard place on this particular subject. Because of people like Mr Stevenson and his colleagues, they have been placed in a position where they do not really know which way to turn. When they read some of the articles that Mr Stevenson's colleagues publish in various journals they are exceedingly concerned that one of their children will be the one in 100,000, I think it is, who reacts badly to immunisation - children who end up brain damaged, with neurological disorders, but, by the way, not SIDS; I do not think there has been any medical - - -

**Mr Connolly:** Yes, that was extremely irresponsible.

**MRS CARNELL:** It was extremely irresponsible. Certainly, there have been links with auto-immune diseases, possibly asthma, and other allergic conditions; but, again, this has happened in so few cases that the risks of immunisation are far outweighed by the positives in making sure that your child gets through those childhood years in one piece. But for those parents who, after reading some of those exceedingly unfortunate articles, present at a doctor's surgery or the health centre, not knowing just how their child is going to come out the other end, it is an exceedingly difficult decision. Therefore I agree with Ms Szuty that proper information has to be brought forward, and that information has to be well balanced. It has to indicate just what we are talking about here.



I think that recently, in many parts of Australia, there have been some problems with whooping cough outbreaks, as there was in the ACT a couple of years ago. In fact, in the first five months of this year in Australia there have been 625 reported cases of whooping cough. Anybody who has seen a child with whooping cough would be straight out there getting their child immunised, I can promise. It is interesting that whooping cough is the one that everybody always talks about. Certainly, Mr Stevenson and his colleagues speak about it. It certainly is the one with the most side effects. But when we look at the statistics in this area the current immunisation rate for whooping cough is, at best, 80 per cent. That is not nearly good enough to stop outbreaks. Even so, when we look at those 625 cases in the first five months of this year, we find that 43 per cent of those were not immunised. We find that 20 per cent of those had had only three doses instead of four. Certainly, there were 14 per cent who were fully immunised children.

Mr Stevenson and his colleagues claim that those figures show that immunisation does not work. I do not think he can read figures terribly well. He and his colleagues, and, I must admit, others, claim that the reason why we have had this great downturn in deaths from preventable childhood diseases is that we have better nutrition. There is no doubt about that, but we are only comparing 1926 to 1993. I do not believe that the increase in nutrition, cleanliness and all the other things that they claim are the reasons is all that dramatic over that period - not when you consider that we have saved some 8,000 lives in this country each year over that period. I should not talk about only Mr Stevenson's comments, as there are certainly others; but I think that anybody who was at the launch of the Red Nose Day appeal and saw Mr Stevenson and his colleagues standing there with those placards was ashamed. I know that I was. I felt very sorry for all the mothers and fathers who had lost children and who were at that particular reception, looking at those placards and feeling, "Well, maybe it was our fault". I think that that sort of approach shows quite remarkable insensitivity.

It is unfortunate that recently homoeopathic immunisation has got a whole heap of credibility in Australia. It is appropriate, I think, to look at what has been said about homoeopathic immunisation. The NHMRC, at their 110th session in November 1990, reviewed the evidence about homoeopathic immunisation and made this statement:

Homoeopathic "immunisation" has not been shown to be effective.

The council warned that homoeopathic immunisation was useless - they do not usually use words quite that dramatic - and left children unprotected against serious and potentially fatal diseases. In fact, two years ago in Perth there were cases of whooping cough amongst children who had been homoeopathically immunised, confirming, I think, the inadequacies of such measures to protect against infection. I was pleased to see the faculty of homoeopathy of the Royal London Hospital state that, where there is no medical contraindication, immunisation should be carried out in the normal way using conventionally tested and approved vaccines. Dr Brendan Nelson, the current national president of the AMA, said that parents who consulted untrained practitioners to immunise their children were leaving them totally unprotected. Homoeopathic vaccines were a total fraud, according to Brendan Nelson. I think that that is the information that we need to get out to our parents in the ACT. One of the primary aims of any public health organisation is to provide immunisation to all of our preschool children, and, wherever possible, to provide that immunisation free of charge.

**MR MOORE (3.56):** Madam Speaker, I support the thrust of what members are saying but with perhaps a little more questioning than they have expressed. One of the difficulties with vaccination is that we have had our evangelists on both sides. Mr Stevenson has been mentioned a number of times today, but I think there are also those on the flip side of the coin who seem to suggest that immunisation is a complete answer. I must say that it is a credit to Mr Berry that he presented the risks associated with immunisation as well as the advantages. When I think back, Madam Speaker, to the NHMRC and how long they took, for example, to recognise the dangers associated with asbestos, I think it is imperative that we do not simply rely on one source for our own information. It is appropriate, when people do have doubts, that those doubts are tested scientifically. An association between AIDS and immunisation certainly has not been shown, to any extent, to exist in a causal relationship. Where people have suspicions it is appropriate that those suspicions be tested by a series of scientific experiments to establish whether there is or is not a relationship.

Mr Berry also pointed out, and credit to him, that no medical technology exists without some kind of risk, and the recognition of those risks will assist in recognising some people's fears associated with immunisation. It is also important for us to recognise that there are, of course, vested interests who are going to do very well out of immunisation programs. The pharmaceutical companies, in particular, have a huge advantage in ensuring that immunisation programs do go ahead, preferably with the vaccine that they are producing. The issue of measles was raised before and we recognise that there are times when the vaccine simply is not effective. I think there has been some evidence recently that the measles vaccine is not doing the job that it was doing some years ago. Since people have been speaking on a personal basis, I find it interesting that three of my children, who were vaccinated for measles, all later came down with measles. Whilst that is only anecdotal evidence and nothing else - I do not claim it to be anything else - it is a concern and that concern therefore ought to be raised and tested scientifically.

Accepting new forms of immunisation without question would be inappropriate. They are questioned. The NHMRC does question them and I think it is appropriate that it should. But it is also a parental responsibility and I think that it is important for us to recognise the right of parents to make decisions on this sort of issue. That is being done. The method that Mrs Grassby talked about in terms of schools, preschools and child-care centres, where people are identified when they are not immunised, has a particular advantage for the particular children in that if there is an outbreak of any one of those preventable diseases those children can be excluded from the school - not to protect those who are already immunised, but to protect them.

Madam Speaker, I think that over the next 10 or 15 years there will be a great deal more research not only on the issue of the effectiveness and waning effectiveness of some of the immunisations, but also on the side effects and the problems associated with those side effects. Madam Speaker, I think it is a quite refreshing debate today. Often the debate on immunisation polarises completely and the truth does, in fact, get half buried. Today members have recognised the problems associated with immunisation but at the same time have supported general immunisation, and that is the same position that I take. Madam Speaker, I thank you for the opportunity to speak and I also thank Mrs Grassby for raising the issue.

**MR HUMPHRIES** (4.02): Madam Speaker, I would like to make a contribution to this debate. I understand that while I was away there was a disturbing instance of a member of the Assembly talking about the effects or the possible effects of immunisation on young children, in particular drawing attention to a supposed connection between vaccinations, immunisation and the SID syndrome. I think in this debate already, which I followed while upstairs, there has been some criticism of that position, and I would certainly endorse that criticism. I forget who it was who said that power corrupts and absolute power corrupts absolutely - it may have been Voltaire - but in some sense that applies to this place. We have within these walls 17 people who between them have the capacity to make decisions on behalf of the Territory, often on the basis of a relatively limited body of knowledge, notwithstanding the 17 sets of experience which sit around this room. There is enormous danger that limited knowledge on the part of politicians can result in quite extraordinarily disastrous results for the broader community. That is particularly true in areas of extremely technical information such as medicine.

It is, in my view, extremely important that members of the Assembly, members of all parliaments, listen very carefully to the weight of scientific opinion and evidence before they make decisions which are properly the preserve of areas of medical science. There is always, of course, the question of philosophy, perhaps the philosophy of treatment, the philosophy of medical sciences advancement, for example, in areas like surrogacy and so on, where politicians, just as the community more broadly, have the right to make some philosophical or even moral decisions. But when we are talking about the general health of the community, areas where a high degree of expertise is necessary both to sift and to understand the wealth of information available, it is extremely important that we act on the best advice available. That advice, of course, will be the advice of people who have worked and practised in these areas. I hope that we will be very quick to resist the temptation to make decisions rashly, based on uncertain evidence.

When I was Minister for Health I suggested that we should consider the question of compulsory immunisation in our schools as a way of ensuring that those people who make choices based on reasons which are less than sound - for example, laziness or ignorance or an argument about inconvenience - do not allow their children to be put at risk. There is still very much debate about whether that should be the kind of way in which we, as a community, ensure that a high degree of immunity from killing diseases is achieved. It may be, Madam Speaker, that ultimately we do need to examine some system whereby it is compulsory to opt in, so to speak, unless good reasons are presented to opt out. That is not quite a compulsory system, but it is certainly one that compels all parents to make an active choice about what will happen with their children's health and whether their children are immunised or not.

I also take the point raised by Ms Szuty and Mr Moore that it is essential for us to continue to examine very carefully the body of evidence that is produced for our benefit from the medical community, to see that we are up to date and capable of reading the information that is coming to us in an accurate fashion. It does not excuse us from taking the most active profile we can to protect the health of young people. Undoubtedly, recent outbreaks of certain sorts of diseases among young people, even here in the ACT, have given us encouragement, a reminder, to ensure that we do not allow these questions to fall onto the backburner merely because they have not presented a serious problem for some time.

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About 90 per cent of Australian children have the first three doses of triple antigen for diphtheria, tetanus and whooping cough and also the polio vaccine, but a much smaller proportion of children get the booster shots which are important to ensure that those diseases are kept at bay. That undoubtedly reflects, I suspect, a certain relaxed attitude on the part of the community towards these issues. We must educate, of course, as our first port of call. If we fail to achieve our objectives through education it may be that we need to examine the question of some form of compulsion. Although that is not a course of action that I, as a Liberal, prefer to embark upon in any area of public life, it is a question which I think we must consider as we examine the full capacity of our armoury to defend ourselves against these deadly diseases. Madam Speaker, it is an important debate to have and I hope that the tenor of the debate here and in the community will be of the kind we have had today rather than the kind we saw a few weeks ago when ill-informed opinion seemed to take hold and become the dominant element of debate.

**MADAM SPEAKER:** The discussion is now concluded.

### **GAMING MACHINE (AMENDMENT) BILL 1993**

[COGNATE BILL:

#### **TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1993]**

Debate resumed from 18 August 1993, on motion by **Ms Follett:**

That this Bill be agreed to in principle.

**MADAM SPEAKER:** Is it the wish of the Assembly to debate this order of the day concurrently with the Taxation (Administration) (Amendment) Bill 1993? There being no objection, that course will be followed. I remind members that in debating order of the day No. 5 they may also address their remarks to order of the day No. 6.

**MS SZUTY (4.08):** Madam Speaker, I generally support the initiatives contained in the Gaming Machine (Amendment) Bill and the Taxation (Administration) (Amendment) Bill. Earlier today both Mr Kaine and I attended a briefing on this Bill which was provided for us by the Chief Minister's officers, and we were able to go very carefully through the issues which Mr Kaine raised in the Assembly yesterday. We spent about an hour going through those issues, discussing them and resolving them in our minds.

Late last week I also took the opportunity to receive from the same officers a briefing on the Bill and the detail of the Bill. Not being a person particularly familiar with gaming machine environments, I raised the issue of the definition of the word "credit" and how it applied in the gaming machine environment. Of course, the word "credit" can have two meanings. When you put money in a gaming machine you get a credit for the unspent amount. The other more generally understood meaning relates to consumer affairs issues. It has come to my attention that one club in the ACT provides its customers with cash advances on Bankcard. It seems to me, Madam Speaker, that this presents the opportunity for club members and customers to gain access to cash quickly and, if so desired,

then commit that cash to gaming machines. This causes me some concern, Madam Speaker. While being conscious of the need for clubs to provide services to members, we also need to consider the possible social consequences for club members and their families, if significant amounts of money are then spent on gaming machines, to that person and that family's potential disadvantage in the longer term.

In conclusion, Madam Speaker, I would like to urge the Chief Minister to review the measures contained in the Gaming Machine (Amendment) Bill and the Taxation (Administration) (Amendment) Bill in about 12 months' time - to review many of these new procedures which will be implemented - to enable people to participate more fully in gaming machine linked jackpots and such like. I believe that that review would be timely, and it would certainly resolve the question of whether some of the provisions in the Bill at the moment are somewhat onerous.

**MS FOLLETT** (Chief Minister and Treasurer) (4.10), in reply: Madam Speaker, I would like to thank Ms Szuty and Mr Kaine for their contributions to this debate. I will deal in some detail with their comments. First of all, Ms Szuty raised the issue of the definition of "credit" in this Bill. I think it might come as news to Ms Szuty that a great many clubs these days have automatic teller machines on the premises from which you can withdraw money and squander it in any way you wish. The case that Ms Szuty has alluded to, of people getting a cash advance on their Bankcard, is really no different from that. If we were to review that whole situation, then that would be a very different question from the one that we are dealing with in this Bill.

Madam Speaker, members will recall that yesterday, in the course of a quite long statement on this Bill, Mr Kaine accused me of having wasted the Assembly's time by bringing forward a deficient Bill. For the record, I would like to state that this is not a deficient Bill. I believe that a great deal of Mr Kaine's comment was ill informed. Members may, in fact, wish to take issue with the question of Mr Kaine wasting the time of the Assembly as well. Madam Speaker, I am aware that Mr De Domenico, the Deputy Leader of the Opposition, was briefed on this Bill, as was Ms Szuty, some time ago. I can only conclude that there was no communication between Mr De Domenico and Mr Kaine on the matter, for Mr De Domenico did not raise these issues. Madam Speaker, members opposite ought to be the ones to blush.

**Mr Kaine:** That is a bit of a strange argument - that because you brief somebody else I am supposed to be informed. Come on!

**MS FOLLETT:** Madam Speaker, I understand the tensions and the problems that exist within the Liberal ranks, but I think they should have talked to each other on this matter. I will address the issues that Mr Kaine raised. As I say, I believe that the Bill is a good Bill and is drafted in keeping with modern drafting practice and in a way that is both competent and appropriate.

Madam Speaker, Mr Kaine's first point was in relation to clause 9 and the definition of "defined number". The definition does not refer to the number of stopping positions raised to the power of the number of reels, as suggested by Mr Kaine, simply because there are machines available which do not have the same number of stopping positions on each reel. I think Mr Kaine's alternative definition would simply not work. Mr Kaine suggested that clause 20 does not

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give the commissioner sufficient flexibility in respect of the financial arrangement for the acquisition of machines. Again, Madam Speaker, the contrary is the true position. The manner in which the requirements are phrased does allow the commissioner, where the commissioner is worried about whether the acquisition or financial arrangement is in the best interests of a club's members, to approach the club and request them to provide the commissioner with more information to allay any concerns that the commissioner may have. So this provides ample room - and I will use Mr Kaine's words - to negotiate about solving the problem without leaving the client totally out in the cold. That flexibility is there.

Madam Speaker, the next point that was raised by Mr Kaine also deals with clause 20 and proposed subsections 39C(5) and 39F(3). The intent of these provisions could not be much clearer. For the benefit of members, I will quote from the explanatory memorandum:

... the Commissioner's approval does not authorise repossession if to do so interferes with other contractual rights and obligations between a licensee and a third party or is otherwise not in accordance with the law.

This also applies to the disposal of machines under proposed subsection 39F(3). Madam Speaker, there is nothing ridiculous about these provisions. Legislation must be precise about the language in which it is presented. These provisions are expressed both precisely and succinctly, and there is nothing absurd about properly defining the boundary of their meaning. Madam Speaker, proposed section 42B is capable only of applying to licensees and, as such, any breach will leave licensees open to suspension or cancellation of their licences. Surely this is a sufficient sanction to ensure compliance. I would like to invite Mr Kaine's attention to paragraph 24(1)(b) as amended by clause 15 of the Bill in regard to those sanctions.

Madam Speaker, the next clause I mention is clause 25, dealing with proposed section 45. Mr Kaine said that no corporate penalty is provided for in this section. Section 3A of the Gaming Machine Act 1987 provides that the Act should be read as one with the Taxation (Administration) Act 1987. Section 61 of the Taxation (Administration) Act provides for an appropriate corporate penalty, that penalty being five times the monetary penalty imposed.

Mr Kaine observed also that under proposed section 45G, which provides that a permit holder can request a variation to an existing permit, the commissioner may fix a commencement date for the variation that is not convenient to the applicant. Mr Kaine contrasted this with the 28-day waiting period provided under section 45F for variations initiated by the commissioner. Madam Speaker, the two situations are clearly quite different. It is quite proper that in a commissioner initiated variation there should be a delayed operative date - for example, to allow for appeals. An enforced delayed operative date, however, could well be inappropriate in the case of a variation that has been initiated by a permit holder. The Government's Bill gives the commissioner the flexibility to accommodate a permit holder's requirements, while retaining the discretion to impose a date of effect which the commissioner considers appropriate in the interests of the club members, which date might very well differ from the date of effect desired by the permit holder.

Mr Kaine's next point concerned the charging of fees. Madam Speaker, charging of fees for approvals under section 45F and section 45H in addition to the fees determined under section 45B, that is for the issue of a licence, and 45E, that is for the annual renewal of a licence, is administratively cumbersome, given that current provisions can adequately provide for a level of fees which covers variations during the currency of a licence. The next point also relates to clause 25. I think Mr Kaine has perhaps misunderstood the system of approvals and permits that is contained in proposed section 45. Firstly, linked jackpot approvals are to be granted to the relevant clubs themselves, not to an independent permit holder. Secondly, linked jackpot permits are to be granted for arrangements between the permit holder and the linked clubs. The guidelines for these arrangements are to be set out in the regulations and, if the link is not operated in accordance with those guidelines, the permit may be cancelled and the permit holder prosecuted under section 45. Madam Speaker, as to the obligations of the commissioner to grant an application, section 45B gives the commissioner a broad discretion to consider the best interests of the linked clubs and their members. Moreover, the detailed regulations will provide ample protective provisions for the clubs.

I move on to Mr Kaine's next point - that concerning clause 26. His comment could again indicate some misunderstanding of the provisions of the Bill. The unlawful activity that is contemplated in proposed section 39E is considered to be a very serious matter. That proposed section deals with the potential for black market trading in gaming machines - a practice that this Government is not prepared to tolerate; hence the very high level of penalty that is proposed. By contrast, the provisions of section 48 of the principal Act contemplate an activity which, whilst it is still considered serious, is not of the same magnitude as that dealt with by proposed section 39E; hence there is a difference in penalties.

Madam Speaker, I come to the last of Mr Kaine's points. Again I suspect that the legislative scheme behind the Taxation (Administration) Act 1987 and its interaction with the various tax laws have been misunderstood. The administration Act provides a simpler means for people dealing with the various tax laws to understand and to readily find what is expected of them as taxpayers. The administration Act also provides appropriate mechanisms for lodgment of returns, objections, payment arrangements, et cetera. Madam Speaker, all self-assessed taxes require a return and tax payable to be lodged on the same day. There is nothing unusual about this. The taxpayer calculates the tax due and pays it along with lodgment of the basis on which the tax assessment has been made. Where a due date falls on a weekend or a public holiday, the Interpretation Act 1967, subsection 36(2), allows for an amount to be paid on the first working day following that day - in fact, a provision which many of us took advantage of in relation to our rates.

I think that Mr Kaine's queries have been adequately answered. I realise that there is a difference of opinion between Mr Kaine and some of the revenue officers. Nevertheless, I repeat that the Bill is well drafted, is succinct and is comprehensive. I think that Mr Kaine could have legitimately raised these queries before the Bill came on for debate. I am sure that members recognise that briefings on Bills which I bring forward to this Assembly are available, and indeed many members have taken advantage of them.

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Madam Speaker, I commend the Bill to the Assembly. These changes have been sought by the licensed clubs of this Territory. I believe that they are changes which will be of benefit to the clubs, both in a business sense and also for their members. They make provision for some housekeeping matters, strengthen the law against illegal activity in relation to gaming machines and provide to the punters greater opportunity to enjoy their gambling activities. I commend the Bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

**MADAM SPEAKER:** The question is: That this Bill be agreed to.

**Mr Kaine:** Madam Speaker, I would like to speak to this Bill in the detail stage.

**MADAM SPEAKER:** No, you cannot. I have to put the question forthwith.

**Mr Kaine:** If necessary, I will seek leave to speak on the matter.

**MADAM SPEAKER:** No, you cannot, once I have put this question, Mr Kaine.

**Mr Kaine:** You have not put the question.

**MADAM SPEAKER:** I have. I just said that the question was that this Bill be agreed to.

**Mr Kaine:** You said, "The question is: That the Bill be agreed to", and before there was any vote I got to my feet.

**MADAM SPEAKER:** Just a minute, Mr Kaine. I am getting advice. Please do not quarrel. You may proceed and ask for leave, Mr Kaine.

**MR KAINE:** Madam Speaker, I seek leave to make a short statement on this matter before we proceed to vote on the detail stage of this Bill.

Leave granted.

**MR KAINE:** Thank you, members. This is not a frivolous request. I want to comment on only three or four of the matters that I referred to yesterday and that the Chief Minister now shrugs off as being inconsequential or stemming from a misunderstanding. I refer specifically to proposed section 42B and to clause 25 of the amending Bill, which relates to section 45 of the original Act.

In both cases, to understand this law a person not only has to read the gaming machine legislation but has to go to the taxation Act as well. In connection with proposed section 42B, first of all you have to go to section 24B of the Gaming Machine Act and then you have to go to the taxation Act. I am making the point, Madam Speaker, that it could have been much simpler, and this gaming machine law ought to stand on its own. The Chief Minister herself is on record as saying that law ought to be easy to read and understand. You should not have to go scrambling through a series of Acts to discover what your legal position and your legal responsibilities are.



In a Bill such as this, that prescribes an offence, the penalty for that offence ought to appear also - particularly as in one case, as I discovered in discussions with the officials, the penalty is \$25,000. If you commit an offence for which the penalty is \$25,000, the penalty ought to be right alongside the offence so that you know what your obligation is; you understand the order of magnitude if you commit an offence under that Act. That is straightforward, and I think that the Minister is equivocating when she says that everything is okay and that I do not understand. I do understand. I think that people ought to be clear on what their responsibility is and they should not have to scramble through a number of Acts to find out.

In connection with proposed sections 45F and 45H, the Minister has a strange attitude. She says - her officials say this and she accepts it - that, because you make an original payment up front for a licence, that is adequate to cover any future service. That is what she is saying. When I register my car I pay a substantial sum, and when I sell it I still have to pay - or somebody has to pay - a transfer fee. By the Chief Minister's logic, when I pay a considerable sum up front to register my car I should not have to pay another fee simply to transfer the title to somebody else. That is the same argument. What I am saying here is that, if somebody comes to the Government and says, "I want to change the permit that I have", under the user pays principle it is not unreasonable to expect them to pay to have it done, even if it is only \$10 or \$15 or whatever. To shrug it off and say, "Because they pay a substantial fee up front we think that covers this service now to be delivered" is a specious argument.

Another matter that I raise is that in a number of places this legislation refers to the commissioner satisfying himself that the interests of the club members have been taken into account. My question of the officials and my question of the Chief Minister is: How does he do that? Against what criteria does he judge whether it is in the interests of the members, and just how does he determine - for example, in the case of the Southern Cross Club - whether the members of the club agree with the change that is being proposed by their management, unless there is a ballot?

I pointed out to the officials that gaming machines went into clubs in the first place only with the approval of a majority of club members. When you change the system significantly by going into network machines with very significant stakes, I would like to know whether the membership of the club in fact agrees with that. As far as I can see, the only way you can determine that is by ballot. The Bill is silent; it simply says that the commissioner has to satisfy himself. How and by what manner is what I want to know. The information provided to me does not answer that question. The officials, in their briefing, did not answer it. The only conclusion seems to be that the commissioner is omniscient and he just knows. I do not think that is good enough.

Madam Speaker, my last question was about clause 31, which talks about the fifth or seventh working day. Only this week the Attorney-General gave us a very learned dissertation about not being able to define things in terms of working days because you do not know what public holidays are. Now we have before us, from the very same Government, a Bill that determines and prescribes things in terms of working days. The Government cannot have it both ways. If the fact that we cannot define a public holiday was not good enough for the Attorney-General yesterday, how can it be good enough for the Government today? Yet the Chief Minister shrugged my comment off and said that I am obviously uninformed or I do not understand.

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My bottom line, Madam Speaker, is that there are clearly questions about this Bill yet to be answered. I raised them. I gave the Chief Minister the opportunity to deal with them by way of amendment before we got to this stage of the debate. She declined to do so. The Bill is clearly going to go through. The Government wants it; the Government is going to have it. I support Ms Szuty. I would require, and if necessary at some future time I will put to this Assembly a motion to require, that the Government review the operations of this Bill within a reasonable time to see whether the matters that are the subject of my objections are causing any problem.

Debate interrupted.

### ADJOURNMENT

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

That the Assembly do now adjourn.

**Mr Berry:** Madam Speaker, I require that the question be put forthwith without debate.

Question resolved in the negative.

### GAMING MACHINE (AMENDMENT) BILL 1993

Debate resumed.

**MS FOLLETT** (Chief Minister and Treasurer): Madam Speaker, I ask for leave to make a short response to Mr Kaine's points.

Leave granted.

**MS FOLLETT:** Thank you, members. Madam Speaker, to answer Mr Kaine's last point and the point also made by Ms Szuty on the general need to review legislation, I can assure the members that legislation is kept under constant review and where a piece of legislation is proving difficult to implement or otherwise presents a problem, either to the people whom it is intended to apply to or to those with responsibility for policing or implementing it, then we will certainly make changes to it. That is not a problem. It is a process which we constantly carry out. Members will be aware of a great many amendments of a fairly minor or technical nature that constantly come to the chamber, all aimed at making legislation better and easier to implement.

Madam Speaker, Mr Kaine raised the question of the single fee in relation to licences. I find his comments rather strange. I would have thought it was quite obvious that to charge one fee is administratively more simple and certainly easier on the fee payer than to charge a multitude of fees for different types of transactions. I am aware that in, for example, moving to the payment of land tax by instalments members opposite were not happy with the fact that the Government felt that it had to charge a fee to cover four payments because of the administrative burden that those four payments involved over and above the burden that would have been involved by one single payment. I think Mr Kaine has perhaps not been quite as consistent as he might have been.

Madam Speaker, Mr Kaine also raised the question of the Gaming Machine (Amendment) Bill having to be read with the Taxation (Administration) (Amendment) Bill. I believe that people operating businesses and responsible for tax assessment on their business are generally aware that they need to read the tax legislation as well. Madam Speaker, the alternative is to include the Taxation (Administration) Act in every Bill that has some sort of tax aspect or, vice versa, to include Acts such as the Gaming Machine Act in the Taxation (Administration) Bill. Clearly, that could be unworkable, and Mr Kaine knows that. It would make for incredibly cumbersome pieces of legislation which I believe that people having recourse to the legislation would find extremely difficult to cope with. I really consider that most people who are dealing with a piece of legislation that has a tax component know to look at the tax legislation as well, especially when the legislation says so. So, Madam Speaker, I do not consider that to be a major issue that Mr Kaine has raised.

Mr Kaine also raised the question of how the Commissioner for Revenue assesses what is in the club members' interests. I think that is a good question that Mr Kaine has raised and perhaps one that could bear some further exploration. But I say to Mr Kaine that both the Commissioner for Revenue and members of the Government liaise and consult frequently with the Licensed Clubs Association, a body which I have always taken to speak in the interests of the clubs. Those clubs, of course, have the interests of their members uppermost in their minds; otherwise they would not have any members. This is a competitive business. If your members think you are doing a rotten job they will soon join another club. As I say, Madam Speaker, I think that perhaps we could explore further the precise criteria that the commissioner might use over and above general consultation and the general awareness which the commissioner undoubtedly has of how clubs operate and what the return from clubs is to their members from the gambling that they undertake in clubs. Madam Speaker, I think that the vast majority of Mr Kaine's problems can be easily resolved, and his final point is something that I will look into further.

Question resolved in the affirmative.

Bill agreed to.

### **TAXATION (ADMINISTRATION) (AMENDMENT) BILL 1993**

Debate resumed from 17 June 1993, on motion by **Ms Follett**:

That this Bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

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**LAND (PLANNING AND ENVIRONMENT) ACT - WEST BELCONNEN  
ENVIRONMENTAL IMPACT STATEMENT  
Papers**

Debate resumed from 20 May 1993, on motion by **Mr Wood**:

That the Assembly takes note of the papers.

**Ms Szuty**: Madam Speaker - - -

**MADAM SPEAKER**: You have spoken to this, Ms Szuty.

**Ms Szuty**: I think I adjourned the debate, Madam Speaker.

**MADAM SPEAKER**: My notes indicate otherwise. I will get advice.

Ms Szuty, you have in fact spoken to it for 10 minutes, but if you seek leave from the Assembly they may grant you another opportunity.

**MS SZUTY**: I seek leave to conclude my comments on this matter, Madam Speaker.

Leave granted.

**MS SZUTY**: I welcome the opportunity to continue the debate on the West Belconnen environmental impact statement, which members may recall was interrupted some time ago. I do not intend to revisit the debate as extensively as I did on that last occasion, when I had spent some 10 minutes or so on my speech and had about 30 seconds of it to go when the debate was interrupted. Essentially, I made the point that environmental impact statements should be legitimate assessments of the existing environment and not enabling statements for development. I also commented on the quality of the information provided and the lack of opportunity for community consultation once the final environmental impact statement had been finalised. In conclusion, Madam Speaker, I was critical of the way the work was undertaken with regard to the environmental impact statements for West Belconnen. I believe that we can do better and must do better with future environmental impact statements about sensitive development proposals in particular.

Question resolved in the affirmative.

**ENERGY MANAGEMENT PROGRAM  
Ministerial Statement**

Debate resumed from 18 February 1993, on motion by **Mr Connolly**:

That the Assembly takes note of the paper.

**MS SZUTY** (4.38): Madam Speaker, I am pleased that the Government has been so forthright in its approach to energy saving in the ACT. After all, it is one area where a concerted effort can yield strong results, and I feel that every energy saving measure that can be practised should be adopted. The greenhouse strategy released at a later time by the Government commented that the majority of our greenhouse emissions come from transport fuel use.

I am aware of and welcome the diesohol trials, the three-for-free and park-and-ride initiatives, the rental bike racks at bus interchanges, and the current transport study being undertaken. All of these undertakings nibble at the margins of petroleum product use. I await with interest the announcement of what incentives motorists will be offered to become public transport commuters, for drivers to practise fuel conservation driving techniques, and for better emission monitoring of vehicles to ensure that all vehicle owners keep their cars operating efficiently.

Perhaps as part of its new strategy the Government could embark on an intensive multimedia public education campaign, not just bus billboards, showing people the benefits of commuting by bus.

Members interjected.

**Mr Lamont:** On a point of order, Madam Speaker: I am trying to listen to Ms Szuty and I am finding it extremely difficult to hear. It is an important issue.

**MADAM SPEAKER:** You cannot be feeling too well today, Mr Lamont. Could we have a spot of order, please, members.

**MS SZUTY:** Similarly, while the Government is very keen on brochures as an educative medium, I feel that research on the effectiveness of this approach is needed. I have a suspicion that higher priced electronic media advertisements may have more recognition and therefore in the end may, in concert with other avenues of public education, have more impact. I will leave that thought there, but I hope that the term "education campaign" comes to mean more than school campaigns and brochures at shopfronts.

Like the environmental lobby, I feel that the greenhouse strategy and the Government's energy management program are good initiatives, but this will take us only so far towards our goal of real reductions in greenhouse emissions and the resulting savings in energy conservation. I am pleased that the Government is focusing on energy efficiency in its buildings. However, I note with growing concern that in the case of privately owned buildings, either domestic or commercial, the emphasis again remains on new buildings. Given that the ACT probably has more existing buildings than it will build in the next decade, the emphasis should be more on conversion of buildings from energy guzzlers to energy conservers. I am sure that, with encouragement from the Government, many businesses in Canberra could be convinced of the benefits of retrofitting their existing premises to make them more energy efficient.

Can I suggest to the Government that a next phase in this excellent program may involve the Canberra business community providing information and supporting their attempts to improve energy efficiency. In many cases, there is a need for only guidance and information provision to achieve a result. In some cases the support may need to extend to other arrangements, such as ACT Electricity and Water possibly acting as a consultant to achieve this end. There could also be some investigation of financial incentives or assistance or offsets for small businesses.

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I congratulate the Government on the building of two energy-efficient houses for the Housing Trust in Gungahlin, even though they cost some \$25,000 more to build than conventional homes. I also congratulate ACT Electricity and Water on its excellent demonstration house at Banks, which shows many ways of making your house energy efficient. Perhaps the Government, using the excellent example of our ACT environmental design students, could now look at retrofitting an existing house to demonstrate how Canberrans can achieve at least some energy savings when confronted with suspended chipboard floors, east- and west-facing windows, and old electric water heaters.

The Government has taken up the challenge of making some of its older Housing Trust properties more efficient, thus helping to alleviate some of the burden of high energy costs on tenants. This is a positive move. The moves taken to reduce energy consumption in large buildings have also been very positive, although I feel that, now that the initial changing of light bulbs is over, the Government may look at other moves it has not listed as being easily incorporated into existing buildings. These include importing mass into the building: For example, building brick planter boxes near windows to absorb heat, which in summer would dissipate the heating effect and in winter could augment other heating systems. There is no mention of the provision of shutters or awnings on buildings to control sun penetration in summer and to provide a minimal air gap overnight in winter to prevent extra heat loss. Similarly, pelmets for windows, particularly when put in place at the time the curtains were improved, could have great potential. There is no mention in the program of door and window sealing, although this is one of the first and easiest measures recommended by those advising householders on how to minimise heat loss in winter.

Before I conclude, I would like to draw the Assembly's attention to recommendation 5 of the Planning, Development and Infrastructure Committee report on the Territory Plan. It recommends that the legislation applying to planning and building be amended to enable the ACT Planning Authority to approve and set conditions in relation to energy efficiency and to enable the Building Controller to enforce compliance with approved plans. We are paying much more attention to energy efficiency measures than we have paid in the past, and I sincerely hope that we will do more and more in the future. I support the Government's efforts with regard to energy savings and encourage the taking of more action to ensure that the energy we use is the energy we need to use.

**MR CONNOLLY** (Attorney-General, Minister for Housing and Community Services and Minister for Urban Services) (4.45), in reply: I thank members for their contributions.

Question resolved in the affirmative.

### **VIOLENCE - NATIONAL COMMITTEE Progress Report**

Debate resumed from 1 April 1993, on motion by **Mr Berry**:

That the Assembly takes note of the paper.

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

**TOURISM COMMISSION - ADVISORY BOARD**  
**Ministerial Statement**

Debate resumed from 25 March 1993, on motion by **Ms Follett**:

That the Assembly takes note of the paper.

**MR WESTENDE** (4.46): Mr Deputy Speaker, we on this side generally endorse the Chief Minister's complimentary remarks about the ACT tourism industry in her ministerial statement on the advisory board of the ACT Tourism Commission. I have some personal knowledge to doubt the commercial expertise of one appointment to the board, and I will reserve my judgment on that appointment. However, not wishing to waste the time of the Assembly, I shall not dwell on that matter, especially considering the importance of tourism to this Territory.

There is no doubt that there have been some star performances in the industry in recent times, especially within the ACT, and this has brought some lifesaving stimulus to the local economy. It highlights the significance of tourism to the ACT. I was therefore pleased to hear the Chief Minister say that neither the Government nor the industry is complacent about the favourable trends. I am sure that the advisory board of the ACT Tourism Commission can play an important role in homing in on the issues that need to be addressed in order for the industry to go from strength to strength. My only concern is that there is a danger of boards and committees doing a lot of talking, producing a lot of reports and getting bogged down with paperwork.

While I have no doubt about the quality of the discussions and reports that will emanate from the advisory board, knowing most of the representatives on the board fairly well, I believe that its credibility will be reflected in how quickly it can make recommendations to the Government and then how quickly the Government can respond. If we are to take advantage of the opportunities, we certainly do not want to be sitting around pondering about it for too long. I am not saying that this will be the case with this advisory board, but there is a tendency with various organisations for this to occur.

There are certain things where we need simply to bite the bullet and get on with it. I believe that the Government has more than enough expertise at its disposal in terms of the tourism industry. There is the Canberra Visitor Attractions Association, the Australian Hotels Association, the Canberra Visitor and Convention Bureau, the Meetings Industry Association, the Canberra Accommodation Industry Association, and the recently formed Canberra region chapter of the Australian Tourism Industry Association. There is the Canberra region campaign and, of course, the Assembly Standing Committee on Tourism and ACT Promotion. There are plenty of organisations and people talking about tourism in this Territory.

We have a simple objective with tourism in the ACT. We have to get people outside Canberra to talk about Canberra as a wonderful place in which to spend a few days, and we have to make them welcome when they come and look after them with the highest standards of service. If the advisory board can achieve this end, it will be a job well done. It has the qualifications and expertise to achieve this. In closing, let me congratulate the members of the board on their appointment, and I wish them productive and successful years.

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**MR DE DOMENICO** (4.49): Very briefly, I join my colleague Mr Westende in congratulating the appointees to the board.

**Mr Wood:** And the Government, too.

**MR DE DOMENICO:** And the Government, yes. All members of the board are well known to most people in this house. Mr Charles Wright, as we all know, is a prominent member of the racing fraternity, the business fraternity and the public relations fraternity, and he and his spouse have been involved from time to time in various businesses in this town that people are aware of.

Mrs Betty Churcher needs no introduction. She has done a magnificent job for the National Gallery. Ron Murray is a well-known coach owner and business person and has been chairman of the tourism awards judging panel for many years and has done a fabulous job there. Samir Harmouche, of course, is a household name, as the general manager of the highly credentialled Hyatt Hotel, which has won national awards. Then there are Tony Dale, Elizabeth Whitelaw and Lyn Smith.

Colin Adrian is an interesting one. The Chief Minister might want to comment on whether Colin is still on the board, since he has been transferred out of the economic development area into the Department of the Environment, Land and Planning. One would hope that he is still on the board because his involvement in that department would make a wonderful contribution to the board of the Tourism Commission, noting the move towards ecotourism and also Dr Adrian's obviously great experience in the area of economics and other things. David Lawrance has done a fantastic job, I believe, in pulling together the tourism industry. I think it really needed it, and Mr Lawrance's appointment as chief executive has certainly meant that it is done a lot better than it used to be done before.

The other comment that needs to be made is on the excellent job done by three persons who have left the board: Vern Davies, well known in this town over a number of years, has done a fantastic job and will continue to work very hard for the tourism industry; Shirley Rogerson, who owns the Monaro Motel in Kingston, is someone I had the pleasure of working very closely with in a prior life, when I was involved in the tourism awards; and Don Hood, the former manager of the Pavilion and Lakeside hotels.

That being said, I think the appointments are, on the whole, very good ones. I look forward to working closely with them, as I think all members of this Assembly do, to make sure that one of our most important industries continues to flourish and employ more people, especially young people, and also to put Canberra on the map - even more than it is now - as one of the best tourist destinations in this country.

**MS FOLLETT** (Chief Minister and Treasurer) (4.52), in reply: Mr Deputy Speaker, it is a great shame that Mr Westende sought, in speaking on this matter, to cast a slur on all members of the tourism board simply because he apparently disagrees with one of those appointments. I find Mr Westende's comments unworthy of him and unworthy of this Assembly. I have a strong belief that the tourism board that has been appointed is extremely well qualified and extremely capable, and I believe that we have before us the evidence that they are getting on with the job.



I am sure that all members of the Assembly will join with me in congratulating the ACT's tourism industry generally on the results they have achieved recently. Members will know that the ACT is now confirmed as having amongst the strongest growth in Australia. In fact, the ACT appears in this week's *Bulletin* magazine as achieving the highest growth in room occupancy rates, and that is a very pleasing statistic to see there. This is as a result of the industry and the Government working consistently together to market the tourism potential of the Territory and its region.

When I made my original statement on this matter, I advised the Assembly of the members of the new advisory board of the ACT Tourism Commission and I stated that I was optimistic about the contribution the very high-quality board would make to tourism in the Territory and, through that, to the Territory's economy. Since I last spoke, the board has indeed got on with the job. One of these days, Mr Westende might actually give them some credit for that, rather than carping. The board has been through a think-tank process. They have focused on a few pressing issues that I believe can make a significant additional contribution to the Territory's economic health.

The first of these issues is a program to boost the traditionally low tourism numbers we experience in winter, which has been a matter of history in the Territory. The Tourism Commission has been instrumental in designing a range of packaging opportunities for visitors to the city during the months of June, July and August. Members might have seen, for instance, the Sizzlers campaign, which has combined the efforts of a huge number of our ACT accommodation houses in putting together packages to attract people to Canberra during these cold months. We expect that we can hold the winter visitation figures at a higher level than in previous years, thus enabling the hotel industry in particular to maintain the permanent employment opportunities it has created, many of which are for young people. I might digress for a moment to inform members again that it is now estimated that the tourism industry, directly and indirectly, employs about 8,000 people in this Territory and injects into our economy about \$10m every week. It is a major industry and a valuable industry.

The board has also been on a visit to Namadgi National Park. They are currently preparing advice for me on how we might more significantly tap into the ecotourism market whilst adding to the appreciation of the magnificent natural values of Namadgi National Park and, as always, protecting its conservation values as well. The third activity the board has been involved in is looking at the question of events and the contribution they make to the industry. They are very keen to see a series of major events added to the minor ones the Tourism Commission was successful in obtaining and supporting during the previous 12 months. Fourthly, the board is having a closer look at how we can attract a bigger proportion of the over-55s market. This is traditionally a lucrative market. People over 55 have leisure and are very keen on travel, and on comfortable travel in particular. Canberra has traditionally been successful in attracting this market. The board believes that there is room for significant improvement and that this market is growing.

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I would like to draw attention to the fact that we are now coming up to some of the most significant of our tourism attractions in the Territory. As we move into spring we will be seeing the Floriade again. This year promises to be the best yet, if the poster is anything to go by. The poster is undoubtedly the best Floriade poster we have ever had. We will also have, following on the heels of Floriade, or in fact overlapping slightly with it, the National Australian Theatre Festival, which this year is being directed by Robyn Archer. It is all Australian; it is the very best of Australian theatre, and promises again to be very significant in tourism terms. We have also the tomb of the unknown soldier opening at the Australian War Memorial later this year. I believe that that will be a big event for us and, in its way, an added reason for people to visit Canberra. I welcome that new initiative as well.

Before I close, I would like to thank members of the Assembly for their support for the tourism industry, and I include in that the chairman and members of the Assembly's Standing Committee on Tourism and ACT Promotion. I believe that we all have the same interests at heart, and they are interests that are being very well addressed, and very actively and enthusiastically addressed, by the new advisory board for the Tourism Commission. I repeat that tourism is an important industry. Its prime importance at this time, I believe, is in its potential for further employment, in particular for young people in our community. I thank members for their comments.

**MR WESTENDE:** Madam Speaker, under standing order 47 I would like to make a personal explanation.

Leave granted.

**MR WESTENDE:** Just a few short minutes ago the Chief Minister said that I did not congratulate the board. I repeat the closing statement of my speech:

In closing, let me congratulate the members of the board on their appointment, and I wish them productive and successful years.

I did indeed congratulate the board, and I resent the statement the Chief Minister made.

Question resolved in the affirmative.

**ADJOURNMENT**

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

That the Assembly do now adjourn.

**Motor Vehicle Fleet**

**MR DE DOMENICO** (4.59): Madam Speaker, I rise to speak briefly. A lot of paperwork goes through from time to time, and the other day the Auditor-General's opinion on the ACT fleet was presented. The ACT fleet 1991-92 annual report was signed on 30 April 1993, a full 10 months after the end of the financial year. It was not tabled until 19 August 1993, a full 14 months after the end of the financial year. The Auditor-General qualified the report - - -

**MADAM SPEAKER:** Order! I am sorry, Mr De Domenico; I think this is the first time this has happened in the history of the Assembly. It being 5.00 pm, in accordance with amended standing order 34, the Assembly stands adjourned until Tuesday, 24 August 1993, at 2.30 pm.

**Assembly adjourned at 5.00 pm until Tuesday, 24 August 1993, at 2.30 pm**

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**ANSWERS TO QUESTIONS**

**MINISTER FOR EDUCATION AND TRAINING**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE NO. 771.**

**Government School Census - Teacher Transfers**

MR CORNWELL -asked the Minister for. Education and

Training on notice on 15 June 1993: .

In relation to the ACT Government school census in 1993 -

- (1) How many teachers at (a).primary; (b) high school and (c) college levels, were moved.to other schools because of (1) less than expected enrolments at their school and (ii) more than expected enrolments at another school.
- (2) What were the schools, by name, at (1) (i) and (ii).
- (3) How long after the census did the transfers take place.

MR WOOD - the answer to Mr Cornwells question IS:

- (1) (a) primary M 19  
(ii) 24
- (b) high school (i) 5  
(ii) 3
- (c) college (i) 14  
(ii) 10

(2) (a) primary

- (i) Mt Neighbour, Holt, Weston, Griffith, Chisholm, Macgregor, Aranda, Hughes,. Campbell, Maribyrnong, Garran, Red Hill, Duffy, North Ainslie, Torrens, Woden (Special), Curtin, Mawson, Southside Introductory English Centre.
- (ii) Gordon" Red Hill,. Duffy, Mt Rogers, Forrest, Tuggeranong Intensive English Centre, Village Creek, Campbell, Northside Introductory English Centre, Chisholm,. Weetangera, Theodore, North Ainslie, Torrens, Southside Introductory English Centre, Fraser, Holt, Aranda, Macgregor, Maribyrnong.

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(b) high school

(i) Ginninderra, Charnwood, Wanniasa, Secondary -Introductory English Centre, Caroline Chisholm.

(ii) Ginninderra, Caroline Chisholm, Lyneham.

(c) college

(i) Copland, Dickson, Stirling.

(ii) Narrabundah, Lake Tuggeranong, Hawker, Erindale, Lake Ginninderra.

Notes:

(1) Categories are not mutually exclusive and therefore schools may be in both categories.

(2) Some positions have been transferred to full time staffing while others have been made part time. Staffing moves to accomplish these changes cause schools to be shown in both categories.

(3) Primary. Most staff moved by the end of the first week of Term 1. English as a Second Language staff were moved on 10 March.

High school. Most movements were made 8 March. English as a Second Language staff by 11 March.

College. Most staff moved by 8 March. English as a Second Language staff by 11 March.

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APPENDIX 1:

(Incorporated in Hansard on 19 August 1993 at page 2521)

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY  
QUESTION WITHOUT NOTICE TAKEN ON NOTICE**

**18 AUGUST 1993**

MS FOLLETT: On 18 August 1993, Mr Humphries asked me a question regarding the impact of a \$7.3 million dollar cut in Commonwealth special purpose assistance to the ACT for Health. He asked if I propose to retain or maintain the services that have been cut and how the budget will make up the loss of this \$7.3 million dollars on top of the \$10 million dollars blowout in Health that weve already experienced.

Also on 18 August 1993 Mr Cornwell asked me a question regarding the impact of a \$330,000 dollar cut in specific purpose payment assistance to ACT Government Schools. He asked if my government will be closing schools, sacking teachers, or cutting programs to make up for this shortfall.

MY ANSWER IS: Information on Commonwealth specific purpose payments to the States and Territories is included in Commonwealth Budget Paper No. 3. In many cases information on the distribution of such payments between States and Territories included in this paper is preliminary only.

Subject to that qualification, it has not been possible to reconcile the \$7.3m variation referred to by Mr Humphries yesterday.

Commonwealth Budget Paper No. 3 indicates that total health specific purpose payments will reduce by \$3.2m between 1992-93 and 1993-94.

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Included in these payments, however, is funding for the asbestos program. This will reduce by \$16.7m due to the winding up of the program in 1993-94.

- By excluding this payment from both years, for better comparative purposes, health specific purpose payments are expected to increase by \$14.5m in 1993-94.

The major factor contributing to this substantial increase relates to the new hospital funding grant arrangement under the Medicare agreement. These arrangements provide for funding being made available under the Medicare bonus pools arrangement and a number of other initiatives.

With regard to Mr Cornwells question, the reference I made earlier to the preliminary nature of the figures also applies. The exact amount received by a State or Territory is subject to detailed explanation and discussion.

Discussions between officials have confirmed that funding for general government schooling to the A.C.T. will indeed increase in 1993-94.

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CT/TREASURY TEL No .61062070298 19 Aug 93 14:16 No.012 P.02

**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY**

**LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION WITHOUT NOTICE**

**18 AUGUST 1993**

MR DE DOMENICO IN 1992/93 KEATING GOVERNMENT PROVIDED THE A.C.T. GOVERNMENT WITH \$8.2 MILLION TN ROAD FUNDING. IN LAST NIGHTS BUDGET, THAT AMOUNT WAS CUT TO ZERO. HOW DOES YOUR GOVERNMENT INTEND TO UPKEEP A.C.T. ROADS WITHOUT THIS FUNDING. . WHAT BUDGET CUTS WILL, YOU BE MAKING IN SEPTEMBER TO ACCOUNT FOR THIS SHORTFALL?

MY ANSWER IS:

INFORMATION ON COMMONWEALTH SPECIFIC PURPOSE PAYMENTS FOR ROADS TO ALL STATES AND TERRITORIES IS CONTAINED IN COMMONWEALTH BUDGET PAPER NO. 3 "COMMONWEALTH FINANCIAL RELATIONS WITH OTHER LEVELS OF GOVERNMENT 1993-94". THE REDUCTION IN 1993-94 PARTLY REFLECTS TIC DECISION TAKEN AT TIC JULY 1991 SPECIAL PREMIERS CONFERENCE THAT THE COMMONWEALTH WOULD UNTIE \$350 MILLION PREVIOUSLY PROVIDED AS SPECIFIC PURPOSE PAYMENTS UNDER THE AUSTRALIAN LAND TRANSPORT PROGRAM. .

THESE FUNDS WILL BE UNi OFD FROM 1 JANUARY 1994 AND WILT, BE PROGRESSIVELY PHASED TO A DISTRIBUTION BETWEEN THE STATES AND TERRITORIES IN ACCORDANCE WITH FINANCIAL ASSISTANCE GRANT RELATIVITIES FROM 1997-98.

IN 1992-93, THE A.C.T. RECEIVED 68.310 MILLION UNDER THE AUSTRALIAN LAND TRANSPORT DEVELOPMENT PROGRAM COMPRISING FUNDING FOR:

BLACKSPOT PROGRAM 53.700 MILLION;  
URBAN PUBLIC TRANSPORT PROGRAM 62.365 MILLION;  
STATE ARTERIAL ROADS \$2.200 MILLION;  
RESEARCH FOR ROADS \$0.045 MILLION.

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TREASURY TEL No .61062070298 19 Aug 93 14:16 No.012 P.03

THE BLACKSPOT PROGRAM, URBAN PUBLIC TRANSPORT PROGRAM AND RESEARCH FOR ROADS ALL CEASED ON 30 JUNE 1993 IN ACCORDANCE WITH PREVIOUS AGREEMENTS. THE STATE ARTERIAL ROADS FUNDING WAS A SPECIAL ONE-OFF ALLOCATION FOR 1992-93 ONLY. ACCORDINGLY, ONGOING FUNDING WAS NOT ANTICIPATED FOR THESE PROGRAMS AND IT IS MISLEADING TO VIEW THE 1993-94 ALLOCATION AS A CUT TO ONGOING ACTIVITY.

THE 1993-94 COMMONWEALTH BUDGET PAPER NO. 3 IDENTIFIES AS A COMPONENT OF THE GENERAL REVENUE ASSISTANCE PAYMENT TO THE

A.C.T. FOR 1993-94 \$0.700 MILLION FOR IDENTIFIED ROAD FUNDS. THIS

REPRESENTS THE A.C.T.'S ENTITLEMENT UNDER TIC NEW ARRANGEMENTS TO COME INTO EFFECT ON 1 JANUARY 1994. THESE SHARES ARE ASSESSED IN ACCORDANCE WITH ASSESSMENTS BY THE COMMONWEALTH GRANTS COMMISSION. •

IN ADDITION, PAYMENTS TO THE A.C.T. FOR 1993-94 OF \$0.083 MILLION UNDER THE INTERSTATE ROAD TRANSPORT PROGRAM ARE ALSO IDENTIFIED IN COMMONWEALTH BUDGET PAPER NO. 3.

AS PART OF THE NEW ROAD FUNDING ARRANGEMENTS, I HAVE APPROACHED THE PRIME MINISTER TO SEEK THE INCORPORATION OF THE FEDERAL AND BARTON HIGHWAYS INTO THE NATIONAL HIGHWAY - SYSTEM WHICH WILL BE A COMMONWEALTH RESPONSIBILITY

WHILE THE ACT GOVERNMENT APPRECIATES ROADS FUNDING FROM THE COMMONWEALTH IT IS WE WHO ARE RESPONSIBLE FOR ROAD CONSTRUCTION AND ROAD MAINTENANCE IN THE TERRITORY

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**CHIEF MINISTER FOR THE AUSTRALIAN CAPITAL TERRITORY  
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION WITHOUT NOTICE TAKEN ON NOTICE**

**16 JUNE 1993**

MS FOLLETT: On 16 June 1993 Mrs Carnell asked me a question relating to the publication "This Week in Canberra" and I undertook to provide her with an answer. I replied to Mrs Carnell in writing on 6 July 1993 and to complete the record I present the answer.

MY ANSWER IS: I am informed that the Canberra office of the Sydney-based publisher of "This week in Canberra", Peter Isaacson Publications Pty Ltd, was advised by telephone several months ago of the ACT Tourism Commissions decision to remove the publication from prominent display at the Visitor Information Centre on Northbourne Avenue following a number of complaints from members of the public.

I am further informed that the publishers are again supplying the magazine to the Visitor Information Centre, where it is on display, and available on request but out of easy reach of children.

I understand that the Commissions decision is being reviewed by the Chair of Its Advisory Board.

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