



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

18 October 1990

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

**SELF-GOVERNMENT - SELECT COMMITTEE
Report - Government Response**

Debate resumed from 26 April 1990, on motion by **Mr Jensen**:

That the report be noted.

MR KAINE (Chief Minister) (10.31): Mr Speaker, today I table the Alliance Government's response to the report of the Legislative Assembly's Select Committee on Self-Government. Mr Speaker, by way of refreshing everybody's memory, the select committee was established on 4 July last year to inquire into and report on matters ranging from the electoral system, through land and management issues to Federal-ACT financial relations. I originally chaired the committee and was ably supported then by Mr Duby, Ms Maher, Mr Jensen and Mr Wood and from 15 December last year Ms Maher and Mr Jensen replaced Mr Duby and me as chairman and deputy chairman.

The committee's recommendations have been crafted, I believe, with a good deal of vision and the Government supports most of them. The Government agrees with the committee that the ACT should have the same level of responsibility as the States and the Northern Territory to determine its own affairs. To do otherwise - to accept less - is to deny the ACT justice and to undermine the principles which underlie the very concept of democratic government. In no other Australian State or Territory jurisdiction are a government's powers curtailed over such a wide range of issues as they are in the ACT.

The committee rightly highlights some inadequacies in existing planning arrangements. The Government agrees that an improved mechanism is needed for consultation with the Commonwealth on the National Capital Plan. Much headway has already been made in this regard, but future difficulties could well be avoided if, for example, the Australian Capital Territory (Planning and Land Management) Act 1988 were to provide a mutually agreed definition of the term "national significance".

The Government supports investigation of the concept of an administrator for the ACT. The ACT's form of Westminster government provides for a legislature, an executive and a judiciary, but no head of state to provide a symbol above politics and a source of continuity. The Government agrees

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that the Commonwealth should remove the power of the Governor-General to disallow or amend an Assembly law. In this there exists the potential for interference in ACT affairs by the Commonwealth, with no accountability to the ACT electorate. Again, this runs counter to democratic principles and the Commonwealth need do no more than rely on the power that already exists for ACT laws to be repealed or overridden through the passage of superior laws in the Commonwealth Parliament.

The house is well aware of the shabby treatment handed to the ACT regarding transitional financial arrangements. The Commonwealth's legacy to the ACT includes a major shortfall of revenue, the transfer of run down assets, and a guaranteed period of financial transition of effectively only two years, compared with the 12 years granted to the Northern Territory.

Mr Wood: And crazy government along with it. Crazy government is what we got out of it.

MR KAINE: If there is any craziness in the Government it comes from the Opposition, Mr Wood. As if this was not bad enough, the Commonwealth then partially reneged on its real terms funding guarantee by retaining some \$21m of our money last year. It has now given us \$7m of that money but that still leaves a \$14m shortfall from last year. The original sum was added to this year, with the Commonwealth retaining an additional \$37m of our funds. That is absolutely scandalous.

This Government is not just pointing the finger and crying poor. We have responded to the very real urgency of the situation with sensible initial efficiency measures spread fairly across the whole of the ACT community. However, the Commonwealth's disgraceful backdown on its promises is to the detriment of the orderly, smooth transition of the ACT to the same Commonwealth-State financial relationships enjoyed by the Northern Territory and the smaller States.

A significant part of the committee's report is taken up with the vexed issue of an electoral system for the ACT, and many aspects of the issues are examined in comprehensive detail in that report. As you will see, the Government's response to recommendations Nos. 11 to 17 and 19 have been consolidated with the substantive response contained in connection with recommendation 10. By taking this approach the Government intends no disrespect to the committee; nor does it diminish the value of the recommendations as weighty food for thought.

However, the Government believes that the principles that should be applied to the resolution of the question of an electoral system for the ACT are very simple and we think it best to express them clearly and unequivocally. At the very heart of these principles is the Alliance Government's belief that the Commonwealth Government should face up to its responsibilities, spelt out in its own legislation, and

fix the seriously flawed electoral system that it has imposed on the ACT and it should then hand over responsibility for electoral matters to the ACT.

While the Alliance Government is happy to negotiate with the Commonwealth on the matter, the fact remains - and remains without equivocation - that it is the Commonwealth Government which should correct its patent error. If the Commonwealth is incapable, for one reason or another, of giving proper expression to this responsibility by making a decision, then it should let the ACT decide the issue through its elected representatives in the Assembly. But, of course, it has to amend its own Act to allow us to do that.

If the Commonwealth were to place the decision making responsibility on this Legislative Assembly, the Alliance Government believes the most democratic and fair way to answer the questions on the electoral system would be to put them to the people of the ACT by way of a Commonwealth funded referendum. Thereafter, we would undertake that any substantial change to the electoral system would be referred back to the people for a decision, whilst minor changes, we suggest, could be implemented following endorsement by a special majority of the Assembly. I mean by a special majority, not by a simple majority.

The Government supports the detailed recommendations relating to such aspects of the referendum and electoral system as rotation of the alternative electoral systems on any referendum paper; the increase of the deposit for candidates to \$250; the proposal that as a pre-condition to registration a political party should have 20 members; and moving forward the closing date for the receipt of postal votes to the date of the election.

There are two matters on which the Government is not in agreement with the committee's recommendations and they relate to the mechanism for filling casual vacancies and the proposal that independents be able to lodge the equivalent of a party ticket. The Government notes that, in the event of a position being declared vacant, there will not always be pre-existing candidates available to fill casual vacancies on a countback of votes. This could occur if, for example, the vacating member was an independent or the only original candidate from a party, or if the other candidate from that party was simply no longer available to fill the vacancy. In any event, it is the Government's belief that it would be sensible to hold a final decision on this matter until after the electoral system for the ACT is settled. That may well determine what system we should use to fill casual vacancies.

On the question of independents being able to lodge a party ticket, the Government supports the position of the Commonwealth committee which argued that, if an independent candidate wishes to lodge a registered party ticket, it is

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a simple matter for that independent candidate to register as a party and then have all of the privileges of a registered party.

Most of the matters which were before the committee and which we will further debate in this Assembly, I am sure, are not necessarily party-political ones. They are concerned with getting no more than a fair deal for the people of the ACT from our miserly former overlords in the Commonwealth. It is unacceptable to penny-pinch with the democratic process and force financial adjustments on the people of the ACT that are not experienced anywhere else in Australia. Whilst we have entered a partnership with the Australian States and the Northern Territory, we must insist on being an equal partner. We must be treated on an equal basis and not selected as a target for unfair discrimination.

It is with those basic principles in mind that I commend to the house the Alliance Government's response to the report of the Select Committee on Self-Government. I table the following paper:

Self-government - Select Committee - Report - Government response.

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

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 7) 1990

MR DUBY (Minister for Finance and Urban Services) (10.40): Mr Speaker, I present the Motor Traffic (Amendment) Bill (No. 7) 1990. I move:

That this Bill be agreed to in principle.

This Bill serves two purposes: firstly, it amends the Motor Traffic Act 1936 to allow the auctioning of taxi plates. Secondly, it relaxes the requirement for a licence holder to use, control and manage the licensed vehicle. This latter provision will allow leasing of taxi plates.

Presently, the Motor Traffic Act 1936 only allows the responsible Minister to sell taxi licences for a determined fee. This prevents the release of plates by auction where the price paid for a licence is determined by competitive bidding. This Bill will increase the options open to the Government by allowing future plates to be sold either at auction or for a determined fee.

I intend to auction nine taxi plates before the end of this year. It is over four years since the last release of plates and the value of plates has altered considerably. Auctioning these taxi plates with a reserve price will allow the market to determine the current value of the plates. The reserve will ensure that the Government

receives a useful return and will be set at a level which will ensure that the value of existing plates is not affected. It is apparent that illegal leasing arrangements are common in the ACT taxi industry. There has been no attempt in the past to prevent this practice, and I feel that there are advantages to the travelling public if the leasing of plates is permitted.

This Bill will allow a taxi or hire car licensee to lease his or her plate to another individual after notification to the Registrar of Motor Vehicles. I anticipate that lessees of a taxi would be more committed to keeping the taxi on the road for longer periods than the casual licence holder or part-time operator. Current operators, who for one reason or another cannot operate their vehicles to full capacity, can allow someone else to do so whilst retaining the value of their capital investment.

In short, leasing arrangements of this type should encourage improved services to the community. My department will be requiring details of all leasing arrangements undertaken, to ensure that the actual operator of the vehicle is notified to the Registrar of Motor Vehicles and both the lessee and the owner are operating the taxi in compliance with the Motor Traffic Act and associated regulations. Removal of the prohibition on leasing will promote greater interest in the forthcoming auction of plates. Investors who do not wish to be involved in the actual day-to-day operations of a taxi business can now lease. This will also allow access to the industry to others who want to operate a taxi but lack the capital to invest in a taxi plate.

I should add that the option to lease will also be extended to hire car licensees, which reflects the many parallels between these two sectors of the public vehicle industry and the similar advantages that leasing will endow.

Although these two changes to current licensing arrangements may appear minor, Mr Speaker, they are important in helping to develop a more vibrant, client service oriented public vehicle industry. New and existing operators will be given the potential to earn higher returns on their investment and the incentive to increase the level of taxi and hire car services.

Perhaps most importantly, the travelling public, including business people and tourists, will benefit and that benefit will in turn flow on to the ACT community as a whole. I now present the explanatory memorandum for this Bill.

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

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CONSUMER AFFAIRS (AMENDMENT) BILL 1990

MR COLLAERY (Attorney-General) (10.44): Mr Speaker, I present the Consumer Affairs (Amendment) Bill 1990. I move:

That this Bill be agreed to in principle.

On 15 August 1990 when I presented the Door-to-Door Trading Bill to the Assembly, I mentioned that that measure was part of a coordinated package of new and updated laws in the consumer protection field which the Alliance Government planned to introduce in this and the next sittings of the Assembly. This package will also include new uniform trade measurement legislation and fair trading legislation introduced in other States.

This present Bill is to amend the Consumer Affairs Act 1973. It is also an important part of that package. The main purpose of the Bill is to reform an advisory and product safety structure ill-fitted to post-self-government circumstances. The measure will provide this and future governments of the Territory with a body which will enable the community to have direct input to government on consumer affairs issues and policies.

The existing advisory body, the Consumer Affairs Council, and its functions were designed in part to compensate for the lack of representative government in the ACT. The arrangement which will be put in place by these amendments will enhance the advisory role of the new Consumer Affairs Advisory Committee and will remove the resulting duplication of functions which existed between the council and the government agency, the Consumer Affairs Bureau.

I take this opportunity, however, to place on record, on behalf of the ACT community, our appreciation of the work of the old council and to stress that the changes effected by the amendments contained in this Bill are not a reflection of any dissatisfaction with the work done by the council. Indeed, the former chairman of the old council, Mr Mike Vernon, has consented to participate in the new ACT Consumer Affairs Advisory Committee, and he is most welcome.

But, with self-government, it is appropriate that matters such as consumer education, consumer investigations and inquiries and executive action in respect of product safety - such matters as the banning of dangerous goods and the prescribing of safety standards in relation to products - should be in the hands of the Minister accountable to the ACT electorate and advised by the relevant public service agency, the Consumer Affairs Bureau, rather than a body of Government nominees, however well-intentioned and well-equipped they may be. It is a matter of changing the structure so that they are applicable to the ACT as a territory with its own representative and responsible government.

It is the Government's intention to establish one standing ACT Consumer Affairs Advisory Committee to provide advice and community input to the Government on general consumer issues. That body, under these amendments, will be able to address matters on its own initiative and as requested by me as Minister. However, the Act as amended by this Bill will also enable the establishment of other committees, for example, for specific issues or temporary purposes. This will create a flexibility in the advice structure which is not present in the Act as it stands at present. The Government announced in July the names of the people it had invited to participate in a standing committee. This committee has met informally and has commenced its work and is looking forward to formally commencing work under the Act as amended by this Bill.

Mr Speaker, I should also mention that, in amending the Act for the purposes I have outlined, the opportunity has been taken to update and rationalise the penalty provisions of the Act. Since the enactment of the original legislation in 1973, the penalties have become unrealistic and out of date. My Law Office advises me that the penalty provisions contained in this Bill are consistent with sound legal policy and with penalties in other jurisdictions.

I have much pleasure in presenting this Bill as another concrete demonstration of the Alliance Government's commitment to consumer affairs issues. This Bill represents the delivery of a measure which will help to make the ACT's consumer laws once again among the best in Australia and I believe that the Government is to be congratulated on it. I present the explanatory memorandum to the Bill.

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

DOMESTIC VIOLENCE (AMENDMENT) BILL 1990

Debate resumed from 22 February 1990, on motion by **Mr Collaery**:

That this Bill be agreed to in principle.

MR COLLAERY (Attorney-General), by leave: I am indebted to my colleagues. Mr Speaker, members will be aware that I presented in the Assembly in February an exposure draft Weapons Bill 1990 and an associated Domestic Violence (Amendment) Bill 1990. Since that time I have engaged in a process of community consultation on the Bills. In particular, very useful discussions have been held with representatives of the various ACT sporting shooting organisations, with gun dealers and with other interest groups, such as the police.

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I was surprised to see the volume of response. I believe there were over 700 written or other approaches received on this Bill. I am able to advise members that the Alliance Government will soon consider proposals for changes to the Weapons Bill arising out of the consultative process. In due course, I will present in the Assembly which I believe will have wide community support, a new Weapons Bill will reflect the input of those with whom consultation has taken place, and represents a balanced response to the recommendations of the national committee on violence in respect of firearms issues.

Nevertheless, the associated Domestic Violence (Amendment) Bill 1990 will not be subject to change arising out of those consultations I have referred to. It is the Government's view that it is desirable that protections afforded by the Bill, together with amendments which I shall move in the detail stage of this debate, be put in place immediately. I outlined the effect of the Bill when presenting the Bill in the Assembly. The amendments which I will propose will enable the Bill to be brought into effect upon its notification in the Gazette and will apply the provisions of the Bill to a licensee under the existing Gun Licence Act 1937, rather than to a licensee under the Weapons Bill.

These amendments will ensure that, where a domestic violence protection order or interim order is made against a person who holds a gun or pistol licence under the Act, that licence may be cancelled or suspended respectively. The court may also order the seizure of any gun or pistol in the former licensee's possession. By way of explanation, the real initiative for this matter is the impending Christmas season and the uncertainty - although it is the Government's hope - as to whether we will have the Weapons Bill through this Assembly before Christmas. As members know, that is regrettably and tragically a season of domestic violence. Cabinet decided only this Monday that we should move quickly to bring this protection in at this stage, despite the fact that the references in the Bill deal with outdated terminology in relation to pistols and guns. It is the best we can do in the circumstances. I do trust that members of the Opposition will join with the Government in supporting this very desirable interim reform.

MS FOLLETT (Leader of the Opposition) (10.52): Mr Speaker, we do indeed support the Bill which Mr Collaery has introduced, and we support also the amendments which he has circulated this morning. And, of course, we would support any initiative taken which would provide additional protection against domestic violence. I have spoken in this Assembly and elsewhere about New South Wales police statistics which indicate that almost half of all female murder victims were killed by their spouse. In about half of those killings there was in fact previous evidence of domestic violence. The statistics also make it clear that the availability of firearms increases the risk of violent death.

The New South Wales figures show that significantly higher gun availability in rural areas is accompanied by significantly higher rates of gun deaths when compared with the city. The widespread availability of guns means that all too often violence in the home can escalate into murder in the heat of the moment.

The present Bill, in fact, reflects provisions which, last year, my Government agreed should be drafted. As introduced, the Bill provides that a weapons licence is cancelled if the holder becomes the subject of a domestic violence protection order. Further provisions would empower the court to order the seizure of weapons if that should be appropriate. The Bill provides a safety net so that those who can demonstrate a case to the court can apply to retain their weapons. The court would be required to consider the same matters it considers when granting the domestic violence protection order - that is, ensuring the protection from violence of the applicant for the protection order. These provisions are sensible and I am confident that they will be supported by all members of this Assembly. As Mr Collaery has said this morning, the Bill as introduced is dependent upon the related Weapons Bill 1990 to bring it into effect.

The amendments that Mr Collaery has put before us this morning, in fact, make the Bill apply to the existing gun licensing legislation, the Gun Licence Act 1937. It is extremely disappointing to us, on this side of the house, that the new Weapons Bill has not significantly progressed. It is a matter which I believe is urgent. It is a matter which I believe could have been produced well before this time. Mr Collaery has spoken about consultation; but the fact is that it is a long, long time since his so-called exposure draft was, indeed, exposed to the light of day. I cannot understand what has taken him so long.

If you look at the domestic violence legislation which has been passed in this house, we ought to bear in mind that, in fact, Mr Collaery took 8 months to introduce the Domestic Violence (Amendment) Bill (No. 2), which had in fact been substantially drafted while I was still in office. I think that the Bill that we have before us this morning, and the amendments which are necessary to it, demonstrate that this Government is incapable of putting forward progressive legislation. The Weapons Bill, which is essential to this community - essential to extend the protection of the whole community - has not been within Mr Collaery's competence so far. We have had evidence with the previous Domestic Violence (Amendment) Bill to demonstrate that it takes Mr Collaery an awfully long time to do the most basic and necessary tasks to protect the community.

As I said, we will be supporting the Bill and the amendments, but it is with some disappointment that we have to note that the amendments are necessary because of the

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Attorney-General's failure to get on with his Weapons Bill. I, for one, certainly look forward to the introduction of that as a piece of legislation in the very near future.

MR KAINE (Chief Minister) (10.56): Mr Speaker, today with this Bill the Government takes a further step in extending protection to the victims of domestic violence. Domestic violence is a widespread problem in the Australian community and its cause lies in our society's attitudes to men and women, to violence and conflict.

The Alliance Government's policy on the status of women states:

Women and children are more likely than men to be victims of criminal assault, particularly domestic violence and sexual abuse, and of street violence.

The Government has made a strong commitment to promoting the security of women and children in our community and to providing ongoing community education programs to ensure an increasing awareness of this subject.

Mr Berry: Civil liberties.

MR KAINE: We are hearing a lot of chipping in and the usual mumbling from the other side of the house, but I ask the question: what did they do on this subject during their seven months of government? The answer, of course, is nothing. All they do is sit there and criticise, and whinge, and complain; but they did nothing - absolutely nothing.

Last month, Mr Speaker, the Assembly passed the Domestic Violence (Amendment) Bill (No. 2) 1990, which extended protection to family and household members who may be victims of domestic violence. Today, through this amendment Bill the Government further extends the protection of these people in a threatening domestic situation. I remind the Assembly that each month about 40 protection orders are issued by the ACT Magistrates Court, under the Domestic Violence Act. Under the Domestic Violence (Amendment) Bill of 1990, when a protection order is made against an individual, the court will automatically cancel or suspend a weapons licence held by that person, unless the court can be satisfied that the licence should not be cancelled. So, the onus is on the court to make the determination.

The court may also order the seizure of any weapon in that person's possession. I believe that the clarity of this legislation will assist the police force and the courts in their task of providing maximum protection to the victims of domestic violence. The legislative changes enacted this year indicate the commitment of this Government to the prevention of domestic violence and to the protection of victims of domestic violence.

I ask the question again, despite their carping and their criticism: what did the Opposition do when they were here? I repeat: they did absolutely nothing - absolutely nothing. Next month when the Commonwealth-State National Committee on Violence Against Women meets, the ACT will be an active participant. This committee will focus on the experience and needs of women vulnerable to physical and emotional abuse. Domestic violence can be effectively eliminated only if every government takes an unequivocal stand on the protection of those victims, particularly children, who are now able to independently secure protection with our recent amendment to the domestic violence legislation. Measures to secure an understanding of the causes and effect of such aggression will be discussed by the national committee.

Ms Follett has made much of the fact that the Weapons Bill has not yet been put to the Assembly. The reason why the Weapons Bill has not yet been put to the Assembly in its final form is that it is very comprehensive legislation; it is new legislation; it is legislation at the forefront of similar legislation in Australia; it raises very complex issues, and we have had an enormous response from the public on that exposure draft. That requires that we consider very carefully what was said to us. This is the community consultation process that the people opposite always whinge and complain about. They say that we do not do it; but when we do it they say, "Where is the legislation?". You cannot have it both ways, Mr Berry. When we go through the community consultation process, as we do on all of our major Bills, you do not like it, because we get community input.

Mr Berry: You do not take any notice of anybody.

MR SPEAKER: Order, Mr Berry!

MR KAINE: Do I have to debate this man, Mr Speaker?

MR SPEAKER: Please proceed.

Mr Berry: No. I will be going in a moment.

MR SPEAKER: Order!

MR KAINE: As usual, you disappear from the floor of the house when the heat gets on. The fact is that the Weapons Bill will be brought down when all of the submissions that have been made by the community are taken into account; when those views are reflected, as far as they can be, in the draft Bill. That takes time. It requires legislative drafting expertise. It is not an easy task. I repeat, Mr Speaker, that it is of such significance that the Government believes that it is better that we get this legislation right rather than put it on the table half-baked and satisfy the carping Opposition.

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The Government is determined to use all of the means at its disposal to increase community awareness of the social problem of domestic violence, to protect the victims of that violence and to seek ways to eliminate this iniquitous behaviour from our society. This Bill goes so far, but it is just one of the means available to us. I support its provisions, and I seek the support of all members of the Assembly. I would think that they could agree gracefully rather than engage in this constant carping opposition that we get to everything that we try to do.

Mr Collaery: We are still continuing the debate in principle. I am rising not necessarily to close the debate in principle if there is another speaker in the debate in principle; but, if there is not, then I will close the debate in principle and I will be moving the foreshadowed amendments.

MR SPEAKER: Mr Duby, do you wish to speak?

MR DUBY (Minister for Finance and Urban Services) (11.03): I just wanted to say a few words. I think this legislation has been long overdue and is something that is - - -

Ms Follett: So has the Weapons Bill.

MR DUBY: Yes, Ms Follett. Let us get ourselves organised.

Ms Follett: Yes. Well, we are organised.

Mr Jensen: You changed an agreement reached by Clyde Holding; that was the problem, Rosemary.

MR DUBY: This legislation has been long overdue and is something which I think the community has been long waiting for. The figures that Mr Kaine mentioned, of some 500 domestic violence orders per year being taken out here in the ACT alone, are quite frightening. When you consider the terrible risks that we run, particularly in the domestic violence area, of - - -

Ms Follett: You agree that it was my draft, then?

Mr Jensen: No, I said "agreed by Clyde Holding".

Mrs Grassby: We are not interested in what Clyde Holding said; this is this house. Why do you not become a Federal member if you want to worry about that? We would give you a send-off party.

MR SPEAKER: Order, Mr Jensen, please! Order, Mrs Grassby, please! Please proceed, Mr Duby.

MR DUBY: Thank you, Mr Speaker. When we consider those dreadful statistics of 500 orders a year and consider the relationship that exists between domestic violence and the terrible risk of people being emotionally distraught - for whatever reason - and taking weapons and hurting their

partners or former partners, it is quite apparent that this legislation linking domestic violence with the restriction on access to weapons, particularly firearms, is something that has been long overdue.

Of course, the innocent victims in these circumstances are almost invariably the children. We often hear of these terrible cases of suicides and murder cases where innocent children are burdened - that is the only word for it - by one of their parents because of the domestic violence situation. To my way of thinking, talking of children, it is pretty childish for people on whatever side of the Assembly to be saying, "It was our legislation" or, "It was your legislation" or, "It is early" or, "It is late". The fact is that it is here, and I think it is something which every member of this Assembly welcomes because it is going to achieve something which has been long overdue in the community. As I say, to be carping and criticising, or to be saying, "No, we did it quickly" or "We did it slowly" or "You did not do it at all", is really rather immaterial. The fact is that it is here and it is something which has been long overdue. That is really all I wanted to get on to the record. I am pleased to see that the Opposition is supporting it as, of course, rightfully, every thinking person in this community will.

DR KINLOCH (11.05): Mr Speaker, on this subject of domestic violence, I hope I might be allowed to discuss one little matter that has come up recently. Of course, it is excellent that, all through the chamber, we are supporting this matter related to domestic violence.

In the suburb I live in I was very sad to discover that some householders in one part of the suburb seem to have taken an objection to the possible placement of a refuge for people who are victims of domestic violence. Those people have even circulated to their neighbours a pamphlet which many of you have seen. It really is a most distressing pamphlet. It suggests that if a domestic violence refuge centre was set up in the suburb the land prices, or the house prices, would go down.

I received a phone call directly from one of these people. Perhaps I was not acting as I should. Perhaps I should have gone around there and tried to persuade her directly. However, over the phone, I took the view that it is so important to provide these facilities, especially refuge facilities for people who are victims of domestic violence, that I could not agree that people's houses in the area were endangered. In any case, to imagine that a refuge would create those kinds of problems, I think, is not necessarily the case at all. The police, of course, would be very well aware of such a refuge and the problems associated with it and there would be legal protection for people in the refuge and legal protection to keep out spouses or whoever might try to enter the refuge. As far as I can see, these small refuge communities are carefully

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and excellently run communities where real problems are carefully being looked after. I hope very much that we will all support this Bill and all it stands for.

MR COLLAERY (Attorney-General) (11.08), in reply: Mr Speaker, I thank the members of the chamber for their comments. By way of further explanation - and particularly in view of the Leader of the Opposition's reproach to me personally for the delay on the Weapons Bill - let me say that I think the Leader of the Opposition has always strongly supported consultative action.

When we tabled the Bill we said that it was an exposure draft of the Weapons Bill. It is a large Bill. I mentioned that there were 700 representations. They were not all the gun lobby. Most of them came from a variety of very informed sources, particularly the sporting shooters and the ACT pistol groups, and, indeed, there were a number of very complex issues to do with ballistic matters, such as access to spare barrels.

The meetings I have had with these groups - and there have been several to date - have gone, in a very orderly fashion, through up to 53 amendments to that Weapons Bill; so we will probably do an overall reprint of the Bill. As the Leader of the Opposition says, that is one of the reasons for the delay. There always has to be a balance between consultation and legislative action. I believe that we have found the right balance. I do say that I am hopeful that the consultative process, which is coming to an end, will mean that a couple of residual matters, that I am resolving with the Australian Federal Police, may be settled.

Members will appreciate that this creates a whole new regime in the Territory in an area where there is a surprisingly high level of public interest. Members may be surprised to hear that there are something like 30,000 weapons in the Territory. That was a figure given to me during this debate - 30,000 weapons fitting the category of the definition in the draft Bill.

That is a huge quantity of firearms and it is an issue that we are morally obliged to tackle. There are very responsible sporting groups involved in this area; there are very responsible competitive shooting groups; there are significant ties with the defence related interest groups, and these are very significant concerns addressed to me by the Australian Federal Police.

Certainly I do not at all apologise for the delay during this exposure stage. As Mr Connolly himself appreciated with the planning Bills that we have put down for exposure, this is an informed, articulate community. The nature of the submissions and the lengthy details of the submissions, analysing issues such as rim fire and centre fire and spare barrels, have involved the Government in very complex negotiations.

Finally, the Leader of the Opposition said that the domestic violence amendments referred to in my earlier speeches were mostly drafted during her time. As she well knows, those matters were dealt with prior to self-government and the recommendations, or essentially the drafting instructions, were prepared in that era and, of course, if the Leader of the Opposition had been able to expedite them I would have been only too glad.

The fact of the matter is, as the Leader of the Opposition well knows, that the legislation has an inertia very much of its own. However, if I recall correctly, the Leader of the Opposition and I both took about the same time to bring this legislation forward. I thank members, nevertheless, for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1 agreed to.

Clause 2

Ms Follett: Mr Speaker, on a point of clarification: are we doing the amendments or the clauses of the Bill?

MR SPEAKER: I believe that we are going through the Bill clause by clause and when we come to the amendments we will debate those amendments.

Ms Follett: Have you done the amendment on the title?

MR SPEAKER: That is always last.

MR COLLAERY (Attorney-General) (11.14): I move the amendment to clause 2, as circulated in my name.

MR SPEAKER: Mr Collaery, all the Government has to do in this case, to omit the clause, is vote against the clause.

Clause negatived.

Clause 3 agreed to.

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Clause 4

Amendments (by **Mr Collaery**) agreed to:

Page 2, proposed subsection 14A(1), line 5, omit "Weapons Act 1990", substitute "Gun Licence Act 1937".

Page 2, proposed subsection 14A(3), line 11, omit "If no application is made under subsection (1), the", substitute "The".

Page 2, proposed subsection 14A(3), lines 12 and 13, omit "dangerous weapon or restricted weapon", substitute "gun or pistol".

Page 2, proposed subsection 14A(5), line 17, omit "Weapons Act 1990", substitute "Gun Licence Act 1937".

Page 2, proposed paragraphs 14A(5)(b), lines 20 and 21, omit the paragraph, substitute the following paragraph:

"(b) directing the seizure and detention for that period of any gun or pistol in the respondent's possession."

Page 2, proposed subsection 14A(6), lines 22 and 23, omit the subsection, substitute the following subsection:

"(6) In this section, "gun" and "pistol" have the same respective meanings as in the Gun Licence Act 1937."

Clause, as amended, agreed to.

Clause 5

Amendments (by **Mr Collaery**) agreed to:

Page 2, paragraph 5(a), line 27, omit "Weapons", substitute "Gun Licences".

Page 2, paragraph 5(b), omit "Weapons", substitute "Gun Licences".

Clause, as amended, agreed to.

Title

Amendment (by **Mr Collaery**) agreed to:

Page 1, omit "in consequence of the Weapons Act 1990".

Title, as amended, agreed to.

Bill, as amended, agreed to.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 3) 1990

Debate resumed from 20 September 1990, on motion by **Mr Duby**:

That this Bill be agreed to in principle.

MRS GRASSBY (11.19): Mr Speaker, at the outset let me state that the Labor Party will support the two Motor Traffic (Amendment) Bills which are before the Assembly today. I note that the Standing Committee on Scrutiny of Bills and Subordinate Legislation has criticised this wasteful exercise of having four Bills that could have all been incorporated into one Bill. I hope that we never again see such a waste of time on these Bills, which really could have been done, as I say, in one act.

As for Mr Duby's comment about whose Bills they were or whose they were not, I would just like it to be read into the Hansard that most of these Bills were mooted by the Labor Party when it was the Government.

Turning to the particular piece of legislation - amending Bill No. 3 - let me say that this Bill will require all vehicles being registered in the ACT to conform with the Australian Design Rules which set out the national design standards for vehicle safety. These standards are developed through the Australian Transport Advisory Council, of which the ACT is a member. It is obviously important that the ACT conforms to these Australia-wide standards. I am pleased to see that the new section 7A(5) will ensure that only vehicles registered after the commencement of the legislation will have to meet these current design rules. No extra expense will be suffered by the motor vehicle owners as they have already had enough increase in expenses such as petrol tax, and other taxes, that have been put on in this last budget. I am pleased to see that this will come into force only on new vehicles being registered.

I am also pleased to see that the new section 7C will give motor vehicle owners the right to appeal to the Administrative Appeals Tribunal if the registrar refuses to register their motor vehicle or trailer under this legislation. It has long been Labor Party policy to ensure that people's rights are protected by such appeals and provisions. May I say that these Bills are long overdue; these changes to the Act are long overdue; and it only goes to prove every day more reason why we needed self-government to bring us into line with the rest of Australia. As I said, the Labor Party will be quite happy to support these two Bills that are coming before the house today.

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MRS NOLAN (11.22): Mr Speaker, I am pleased to support this Bill to amend the Motor Traffic Act 1936 to require vehicles being registered in the ACT to conform with the Australian Design Rules which set out national design standards for vehicle safety and emissions. The ACT Motor Traffic Act was introduced in 1936, as I said, and relates to the control of motor vehicles and the regulation of motor traffic.

The Australian Design Rules system is the way in which the governments of Australia set safety and pollution standards for motor vehicles being registered in Australia for the first time. The standards are applied and enforced by State and Territory motor registration authorities through a compliance plate system. All States and Territories enforce the Australian Design Rules when registering motor vehicles and trailers. However, with the exception of the rules relating to vehicle emissions, the Australian Design Rules have not been included in ACT legislation since 1973 and, as Mrs Grassby said, it is really quite significant that at least, now we have self-government, some of these issues are going to be addressed and that needs to be done as quickly as possible. Accordingly, vehicles are being inspected for compliance on an administrative basis only.

As has already been stated, there is no legal basis to enforce the rules and they are, therefore, open to challenge. This Bill ensures that all the Australian Design Rules will be legally enforceable in the ACT. It also streamlines the legal processes previously required to enable Australian Design Rules to be applied. This will overcome current anomalies whereby the ACT is requiring standards of compliance without the legal basis to do so, simply because amendments to the Act took so long prior to self-government.

Provision has been made in the Bill to ensure that the vehicle owners are not disadvantaged by the retrospective nature of the proposed legislative amendment. The Bill provides that a vehicle which is currently registered in the ACT, or has been previously registered in the ACT, will be deemed to comply with the Australian Design Rules applicable to that vehicle at the time of its manufacture. This is irrespective of whether the vehicle may have had modifications made to it since it was first manufactured. However, all vehicles seeking registration in the ACT, for the first time, will be subject to the applicable Australian Design Rules. This is not seen as a concern as other States and the Northern Territory have had to comply with Australian Design Rules in legislation for some years.

It is my understanding that considerable consultation has occurred with the Department of Transport and Communications and transport authorities in other States. All have concurred with the need to legislate on this important matter.

Finally, there is another very important additional reason for this Bill. The Federal Government's 10-point road safety package of initiatives includes the introduction of Australian Design Rules relating to speed limiters for heavy vehicles. Accordingly, without legislation to introduce Australian Design Rules, the ACT cannot participate in the funding available under this Federal initiative. In this sense, the Bill forms part of our commitment to the Federal Government's road safety package. I commend this Bill to the Assembly.

MR JENSEN (11.26): Mr Speaker, I am pleased to support this Bill to amend the Motor Traffic Act 1936 to introduce Australian Design Rules into the Motor Traffic Act. Design Rules were included in the Act until 1973; but, largely because of the slow processes involved in amending legislation under the Commonwealth Government, few have been subsequently included. I note the comments made by Mrs Grassby on this issue and, in fact, I also suggest that this is one of the major reasons why we need self-government.

Mrs Grassby: To fill up the day. How about bringing in more Bills that are really more important?

MR JENSEN: No, Mrs Grassby. I think it is important to continually reinforce the requirement for self-government to ensure that these sorts of legislation are quickly processed and handled by the Government.

Australian Design Rules are developed through a consultative process involving Commonwealth, State and Territory governments and industry, employee and consumer representatives and are endorsed by the Australian Transport Advisory Council of which all State, Territory and Federal government transport Ministers are members, as has already been indicated. I think it is probably important, as Mrs Grassby has indicated, that the ACT is a member of that organisation and, therefore, I think it is important for the ACT to be represented at this very important council at ministerial level. I note the reason why the current Minister is, in fact, attending those meetings.

In broad terms, the aims of the Australian Design Rules system are to reduce the frequency of vehicle accidents; to reduce the severity of occupant injury when accidents occur, and to control vehicle noise and emissions. The design and construction requirements for motor vehicles were originally contained in the Consolidated Draft Regulations. In the late 1960s these regulations were supplemented by the second edition Australian Design Rules for Motor Vehicle Safety and, at that time, these became law in many jurisdictions. The third edition of the Australian Design Rules for Motor Vehicles and Trailers was introduced on 1 July 1988.

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Australian Design Rules are specific to vehicles at the date of manufacture and vary according to the type of vehicle. They are rules which relate to design specifications to ensure uniformity in construction, that safety standards are maintained, and minimum standards for vehicle emissions are established at the time of manufacture. They include specifications relating to such things as seat belts and other occupant protection, lighting location and equipment, brake performance, window safety glass and vehicle strength in the event of impact in a collision situation.

I recall that some years ago, in fact, one of the Australian Design Rules brought in was the requirement to have anchor points for child safety restraints, which I think was a very important initiative and one that every parent should make very good use of when they carry their children in the car. I think it is very important for that facility to be available.

Exemption provisions have also been provided in the Bill to ensure that, in certain circumstances, non-complying vehicles, that is, vehicles which do not meet the design rules for the model, are not necessarily precluded from being able to be registered. That is a matter that Mrs Grassby has already mentioned. For example, vehicles which have been modified to suit a disabled driver may be able to be registered provided safety and road worthiness requirements are met. This is in recognition of the need to make modifications to vehicles on occasions to suit particular needs or circumstances.

However, as is the current practice, any persons seeking to make modifications to their vehicles which may result in their non-compliance should seek the advice of the motor vehicle registry technical staff to ensure that any proposed modifications or non-original equipment changes, such as the replacement of catalytic converters, will not preclude registration in the ACT.

The latter one, I think, is very important with a view to reducing the level of lead that we have in the ACT because it is related to the introduction of lead free petrol - a very important initiative. Finally, may I reinforce what has previously been said, namely, that the introduction of this Bill simply puts into law what has been undertaken administratively in the past and, accordingly, should have little effect on the motor vehicle industry or the ACT community. It is something which has been able to be achieved only with the advent of self-government in the ACT and the streamlining of legislative processes. I commend the Bill to the Assembly.

MR STEFANIAK (11.31): Mr Speaker - - -

Mrs Grassby: Bill, for God's sake, we are all in favour of it. Let us vote on it, Bill. We are all saying we are agreeing with it.

MR SPEAKER: Order! Mrs Grassby.

MR STEFANIAK: Ellnor, I might even say something nice about you to start with. I agree that there should not have been four Bills, just one. I was on that Scrutiny of Bills Committee. I am pleased to support this Bill. The Bill is one more step towards harmonisation with States and Territories on transport related matters.

Ellnor, and everyone else: you will have all experienced occasions when travelling interstate when you have been subjected to laws which differ from those of the ACT with which you are familiar, or hopefully you are familiar. You would have found it disconcerting, to say the least, and probably frustrating, particularly if you were doing the right thing according to the ACT rules.

By agreeing to the passage of this Bill you will be contributing to the push towards national uniformity of rules relating to transport matters. As mentioned by colleagues, the Australian Transport Advisory Council is a body comprising State, Territory and Federal transport Ministers. Of prime concern to them is national uniformity of road laws and rules and vehicle standards.

To this end, the Council has endorsed the Australian Design Rules for motor vehicles so that States and Territories, when testing motor vehicles for registration, can know that at the time of manufacture vehicles conformed to nationally acceptable standards of safety and did not exceed set standards relating to emissions and noise.

The ACT is in a unique position of having a centralised vehicle inspection system. As you all know, all vehicles being registered in the ACT must pass through the motor vehicle registry and be passed fit for registration. Part of the registration process includes inspecting vehicles for compliance with the Australian Design Rules.

This Bill will ensure that the Government, through its vehicle inspectors, has legal protection when refusing registration of a vehicle for non-compliance with the Australian Design Rules. Since 1973 this process has been undertaken on an administrative basis as no Australian Design Rules have been included in the Motor Traffic Act since that time, except for those relating to vehicle emissions and unleaded petrol, which were included separately. Australian Design Rules are designed to provide better and safer vehicles. Improvements in design and manufacturing standards have a beneficial effect on road safety. While it is generally acknowledged that the major cause of road accidents is driver error, a deficiency or failure in a vehicle is sometimes a contributory factor.

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The whole community benefits from safer and better motor vehicles. Drivers, passengers, cyclists and pedestrians benefit from a reduced risk of death and injury. Vehicle owners benefit, and taxpayers benefit from lower insurance premiums and also reduced social security costs. Vehicle manufacturers and importers benefit from having guidance as to the standards they have to comply with, and from knowing that their competitors cannot steal a cost or profit advantage from cutting corners during manufacture. Householders benefit from a cleaner and quieter environment.

For those reasons the Australian Design Rules are vital, and the ability to enforce them by law is essential. Accordingly, I commend this Bill to the Assembly.

MR DUBY (Minister for Finance and Urban Services) (11.34), in reply: Mr Speaker, I am very pleased at the generous support given by the Assembly, as a whole, to this Bill to amend the Motor Traffic Act 1936, to make the vehicles registered in the ACT conform with the Australian Design Rules. The Bill ensures that the design rules may be legally enforced when registering a motor vehicle or trailer and will ensure that our vehicles will continue to meet the high standards of vehicle safety required under the ADRs. It will also assist in maintaining a healthy environment through the strict standards imposed on vehicle manufacturers in relation to vehicle emissions. Once again, I thank members of the Assembly for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 1990

Debate resumed from 20 September 1990, on motion by **Mr Duby**:

That this Bill be agreed to in principle.

MRS GRASSBY (11.35): Seeing that we are agreeing to this Bill, I would hope that this will be the only speech and that the Minister will very quickly bring the debate to an end. If the Government does not have any work, that is the Government's fault. It should have work. Looking at the notice paper today, I felt that after question time we could all go home because there was nothing here; but, obviously, they are all going to speak - the whole lot of them - on every one of these Bills. Of the four amendments

to the Motor Traffic Bill before the Assembly today, I believe that in many ways, this amendment is the most important of the four that have been put up.

When this legislation comes into effect, all children under one year of age who are travelling in a moving motor vehicle will be required to be restrained by an approved child restraint device. Over the years, I am sure all members of the Assembly have been appalled to see young children as passengers in cars travelling unrestrained. Of course, for many years, suitable child restraints such as baby capsules and child seats were either unavailable or very expensive.

However, over the last few years such restraints have become available at reasonable cost or can be hired through the ACT Infant Restraint Loan Service which provides an excellent service in this area, and I know that very well because my daughter was able to acquire one of these when she first came to Canberra. I thank this organisation for being available in Canberra for people who are travelling here on holidays, or staying here, and find it a bit difficult to bring along with them a restraint, a baby capsule, for a car.

However, I was appalled to note in the Minister's speech that 57 per cent of persons killed in road crashes in 1989 were not wearing seat belts or restraints. Therefore, I am pleased to note that the Minister intends to launch a publicity campaign to advise motorists of these new requirements, and also to direct attention to the issue of seat belt wearing in general. Such a campaign will have the full support of the Opposition. I hope that the Minister's speech is the last one after this. We fully support this Bill in every way.

MRS NOLAN (11.38): I am pleased to support this Bill to amend the Motor Traffic Act 1936 to require children under one year of age who are travelling in a moving motor vehicle to be restrained in a suitable Australian standards approved infant child restraint where the vehicle is fitted with restraint anchorage points.

The ACT Motor Traffic Act was introduced in 1936 and relates to the control of motor vehicles and the regulation of motor traffic. Under the Australian Design Rules all cars built since 1976, station wagons since 1977, vans since 1986 and small buses since 1987 are equipped with anchorage points as part of the manufacture of the vehicle. At present legal protection is given only to vehicle occupants one year of age and over. This Bill will ensure that all persons have legal protection. I think that that really is a very important point.

Four States have introduced appropriate legislation and other States will follow shortly. This Bill forms part of the Federal Government's 10-point package on road safety initiatives, which was agreed by members of the Australian

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Transport Advisory Council earlier this year. (Quorum formed) The package includes increased enforcement of seat belt and child restraint wearing. The Bill provides for a period of grace of three months before its commencement to allow parents to hire or purchase a suitable child restraint. During the period of grace a publicity campaign will be conducted to advise motorists of this new legal requirement and will also direct attention to the issue of seat belt wearing in general.

The Bill will also provide for exemption from compliance with the requirements of the Bill for certain classes of motor vehicle. These include all public vehicles such as buses, which presently have no passenger seat belt requirements; taxis and hire cars; drivers of Commonwealth vehicles which bear the C number plates, and motor cycles, of course. Taxi, hire car, and C-car drivers will be encouraged to provide infant restraints wherever possible. There is good reason for exempting public vehicle drivers. These drivers are essentially obliged to carry any passengers who seek to travel in their vehicles. As the Bill places responsibility on the driver of a vehicle to ensure baby capsules or other infant restraints are used when children under one year of age are passengers, it was considered unreasonable for public vehicle drivers to have that responsibility in law.

Parents or carers should have that responsibility, and in a private vehicle it is a parent or carer who is usually the driver of that vehicle. Drivers of rental vehicles, drivers of ACT Government vehicles and drivers of Commonwealth Z-plated vehicles, as well as drivers of private motor vehicles, will all be subject to the requirements of the Bill. They will all be responsible for ensuring that their passengers aged less than one year of age are adequately restrained in a suitable infant or child restraint should they be carrying a passenger of that age.

Baby capsules and other approved child restraints are readily available in a number of retail outlets in the ACT for those who wish to purchase, and there is also an infant restraint loans system operated in the Territory by the Child Accident Prevention Foundation. That was mentioned a little earlier. Let me say that I particularly welcome this opportunity to support this Bill as I believe it addresses a road safety issue of vital importance to the community.

DR KINLOCH (11.44): I have been waiting for quite some time to give this speech to all grandparents present. I have seen Mrs Grassby displaying great delight downstairs with one of her little grandchildren and I know this will reach her heart. I speak, of course, as a would-be grandfather, although my children do not seem to appreciate this point. I am pleased to support, hand on heart, this Bill to amend the Motor Traffic Act 1936 to make it compulsory for children under one year of age to be

securely fastened into a baby capsule or other suitable restraint when they are travelling in a motor vehicle in any suburb in Canberra.

Babies and young children are perhaps the most vulnerable of passengers in vehicles, although I think when one reaches one's eighties and nineties that could be another category of people in trouble. Babies and young children are not old enough to be able to take responsibility for their own safety - except child geniuses - and must accordingly be at the mercy of the people in whose care they are. This legislation will make the driver of a vehicle legally responsible for ensuring passengers under one year of age are securely fastened into a restraint when travelling in the driver's car.

I realise how fascinated everyone is, including the huge number of people from the media in the gallery, as they realise what exciting paragraphs are yet to come. Presently under the Motor Traffic Act, drivers are responsible for passengers aged between one and 14 years in relation to the wearing of seat belts and child restraints. At age 14 years it becomes the individual passenger's responsibility. I am somewhat puzzled by the 14 years; why not 12, 15 or 16?

Some may have liked to have seen this legislation cover all vehicles. Indeed, I would like to see it cover all vehicles. It needs to be recognised, however, that legislation cannot be retrospective and that some vehicles were not constructed to cater for child restraint anchorage points. Accordingly, it covers only those vehicles which have had anchorage points for restraints fitted as part of the original equipment of the vehicle when it was manufactured. However, I would want to quarrel with this. In Singapore they have very useful legislation. After - I forget the time involved, but let us say 10 years for the sake of argument - there is a higher tax placed on second-hand vehicles. So, there is tremendous encouragement in Singapore to get rid of old vehicles. I think we could very usefully bring in such legislation here.

Fortunately the coverage includes the majority of passenger vehicles on our roads, as all cars built since 1976 have these anchorage points fitted. I did not realise that. This legislation is simply an extension of current seat belt and child restraint laws in the Motor Traffic Act. At present, all persons aged one year or more are required to wear seat belts or restraints when travelling in a motor vehicle.

This is the exciting bit: children under one were not previously included because of the need for special restraints to cater for their small size and the lack of restraints available on the market which could be used. Baby capsules - and I do love that term "baby capsules" - and other restraints specially designed for young children

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are now readily available through department stores and other retail outlets, and I hope they will soon be available at corner stores.

Baby capsules are not cheap. They cost around \$100 to \$130, but this is surely a small price when measured against the possibility of serious injury or death to a young child through being unrestrained in a car. Capsules, by the way, can be used over and over again provided they have not been structurally damaged and their fastenings are in good condition and working correctly, and if the parents and grandparents keep them clean and nice smelling and disinfect them, and all that kind of thing.

The three-month period of grace in the Bill was mentioned by my colleague. I should like to add my voice to his on this by saying that, although the legislation will not be enforced until three months after the Bill is passed, parents of new-born babies and young children under one who do not already have a suitable restraint for their babies should make arrangements to purchase, borrow from a friend or relative, or hire a baby capsule or other appropriate restraint as soon as possible.

For the third time, let us remind ourselves of this excellent capsule hire scheme operating in the ACT, and the cost. It is run by the Child Accident Prevention Foundation and the cost is only \$30. It also has a facility to provide capsules at little or no cost to persons in need. Finally, the motor vehicle registry technical staff can provide advice on the fitment of child restraints and baby capsules, at no cost to the inquirer. I believe this Bill will have wide reaching effects in reducing injury and death of young children and I urge you most strongly to support this Bill.

MR JENSEN (11.49): I recall, in relation to the issue of compulsory child restraints for children, that when we had our first child, compulsory restraints were not available for children and there was no requirement for them to be used. However, there was a very good bassinette restraint available at the time, which we took advantage of and which, I am sure, was most appropriate for the protection of our young children.

It is unfortunate that it has taken so long for the community to realise the importance of child restraints, particularly for those under one year of age. Many of us have often seen and been horrified to see young children sitting on the laps of their parents in their motor vehicles as they drive around the city. The sort of education program that the Minister is seeking to bring forward is most important for young parents in the ACT.

As has already been indicated, road crashes are the most common cause of death of Australian children up to 16 years of age. Most children killed in road accidents are

passengers in motor vehicles and the wearing of seat belts or child restraints has been shown to significantly reduce the death and injury rates of children in crashes.

As to the problems that I refer to in relation to young children sitting on the laps of their parents or sharing a seat belt, as often happens as well, I think those of us who have seen the very graphic film evidence of what happens to a child in that situation cannot but be moved, I would suggest, to take appropriate steps to take young children out of that danger area because, frankly, we never know when we may be involved in an accident.

It is also interesting to note that a lot of accidents, quite a large majority of accidents, actually happen within, I believe, a few kilometres from home. Therefore, it is very important, I would suggest, to encourage parents to ensure that their young children are firmly buckled into the seats as quickly as possible - almost as soon as they get into the car - so that it becomes an automatic reaction. Certainly, it is a reaction that my children developed pretty early in the piece, and I am sure that those parents who have children who travel in motor vehicles should adopt that practice as well.

As I said, the impact of a crash at 40 kilometres per hour is such that the child will continue to travel at that same speed until he or she is stopped by the impact of hitting the dashboard, windscreen, or other object. This impact has been likened to falling from the fourth storey of a building on to the pavement. I think, clearly, that is something that we, as parents, have a responsibility to ensure does not happen.

To date we have been very fortunate that few children under one year of age have been seriously injured or killed in road accidents in the ACT. I seem to recall that last year there was a very serious accident on the Yass highway where a young child, in fact, was saved by one of these road safety capsules. I think that should have had a major impact on those parents who had not seen those pieces of equipment in action to actually do something about it.

I appreciate the fact that they are expensive; but, as Dr Kinloch has indicated, "what price the life of a child?". However, might I also suggest that there are very good restraint loaning services available, some of which have been established by service clubs within the ACT. I know there is a very successful pilot program that was established in the Tuggeranong region and I believe it has now expanded fully out into the rest of Canberra. I would encourage parents to make use of that facility. I think the charge is about \$35, which is a very inexpensive way of ensuring the safety of the young children.

Mrs Grassby has already said that 57 per cent of persons killed in road accidents in Australia in 1989 were not wearing seat belts or child restraints. That is a terrible

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indictment and a waste of young lives, which I am sure could be saved, and the productivity of our nation improved, if people took the opportunity of wearing the restraints that are provided. I fully endorse any proposal to mount a campaign to encourage people to wear seat belts and, if necessary, remind them by hitting the hip pocket nerve if they do not, in fact, comply with that legislation.

This Bill ensures that parents or carers are required by law to behave in a responsible manner towards young children's safety in vehicles by providing adequate restraints. In addition, the Bill could provide significant cost savings to the community through fewer road deaths and injuries of young children from road crashes. The estimated cost to the community for each road death is \$560,000. In 1989, 32 people died on the ACT roads, representing a cost of nearly \$18m in deaths.

I note with interest that, certainly at this point in time in the ACT's history, the number of road accidents has, in fact, reduced quite considerably. I am sure that the implementation of this legislation will ensure a number of accidents, in fact, do not result in tragic circumstances.

Once again, the cost of a baby capsule or other restraint is negligible when measured against the suffering or pain caused to the community by death and serious injury as a result of road crashes. Legislation such as this, to require better protection of young children, is an important step towards reducing the trauma. However, let me emphasise once again that child restraints and seat belts can be effective in saving human lives only if they are being used. An unused seat belt cannot offer any protection and parents have a responsibility to ensure that their children are adequately protected. My young lad had an experience recently where he fully realised the need for a seat belt. In fact, the lesson that was taught to him on that occasion, and to the person in the other vehicle that was involved in the accident, made them clearly realise the importance of seat belts because, I would suggest, it saved both of them from very serious injury.

I commend the introduction of this Bill, and by doing so I believe that the Government has taken an important step towards providing a safer environment for our youngest road users.

MR HUMPHRIES (Minister for Health, Education and the Arts) (11.57): Mr Speaker, I have been stirred in this debate by the rhetoric of those opposite, and I feel that I should comment on some of the issues.

Mrs Grassby: You are joking. Another one. Stirred, my foot! Another speech handed out. You do not even have any children.

MR HUMPHRIES: Mrs Grassby, I am certainly nearer in age to the age at which people might be using these particular baby capsules, and as my interest has been more recent I think I should comment briefly on the important issues that this Bill raises.

I am pleased to note that this legislation has the support of those on all sides of the house. Mr Stevenson, I believe, has not spoken on the Bill as yet, but perhaps he may come down and offer some - - -

Mr Doby: He told me he would support it.

MR HUMPHRIES: I am very gratified to see that Mr Stevenson also supports it, so we may well have unanimous support in the house for this important measure.

Members are aware, of course, that this Bill requires children under the age of one year, travelling in a moving vehicle, to be restrained in a suitable Australian standards approved infant or child restraint where the vehicle is fitted with restraint anchorage points. It is a reflection, of course, on the habits of Australians that such legislation is necessary. It is remarkable how many of the people who drive on our roads are not properly belted up. That decision on their part, of course, is a matter of some concern, but it is of even more concern when people travel in vehicles and do not properly restrain their children - children who often have no choice to exercise on whether they are properly protected against an accident or not.

I am sure we have all seen examples of that. I recall only a few days ago seeing a car belt past me, as I was driving along the road, with a number of children in the back - obviously on the way to school - and none of them were restrained. It is also regrettable that that particular incident happened in a school zone, a 40 kilometres per hour school zone. It is extraordinary to think that people should abuse protections of that kind which are basically designed for their and their children's benefit.

I think that we should see this legislation not as an unwarranted intrusion into the liberty of people to exercise decisions and choices about what they do in their own cars but, rather, as a means whereby the community can protect itself against the enormous cost entailed in road accidents.

It is obviously regrettable that, if people sustain road accidents, that does throw a very large burden on the community, particularly on the health services of the community. I think that we should all be prepared to support measures which minimise that cost.

I think it is worth commenting, very briefly, on some of the limitations in the legislation. I, for one, would like to see in due course the exemptions referred to in section

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164D(3)(b) removed over a period of time. It means that there are people, including children, who are not protected as they travel about the Territory, for so long as those exemptions remain in place. In time we should think about removing them.

It is also, I think, incumbent on us, in due course, to think about the question of seat belts in buses. There is a question of accidents occurring in that form of travel. We must think about whether or not it is practical to supply seat belts in buses for people who might care to use them and, ultimately, for all people who travel in buses.

I also wonder a little bit about the exemption for Commonwealth vehicles, particularly C-cars. I suppose there are reasons, but I cannot understand why, for example, the Federal member for Canberra - - -

Mr Connolly: It is your Bill. You were in Cabinet when this was decided. It is a bit late for a Minister to be wondering why the Government did something.

MR HUMPHRIES: The arguments are very compelling and Mr DUBY's powerful logic, I am sure, convinced me on that occasion. Nonetheless, we might, in the course of time, think about amending the legislation if we can establish good reasons why these provisions ought to apply to everybody, not just people in certain classes or categories.

As I said, I think the legislation is deserving of support. It is not an unwarranted intrusion into people's capacity to make decisions about what they do in their own cars because we recognise that decisions such as that have enormous impact on the rest of us, particularly those of us who are taxpayers who help pay the medical costs of people involved in motor traffic accidents.

MR DUBY (Minister for Finance and Urban Services) (12.02), in reply: I am very pleased with the generous support given by the Assembly to this Bill to amend the Motor Traffic Act of 1936 to make it compulsory for children under one year of age to be securely fastened into a baby capsule or other suitable restraint when they are travelling in a motor vehicle.

It is vital, of course, that all passengers are secured in seat belts or restraints when travelling. It is particularly important that our youngest citizens, who are most vulnerable in this regard, have that security through this Bill, which places responsibility on the driver of the vehicle to ensure that they are securely fastened in a restraint.

In his address Mr Humphries raised some matters of interest. I was particularly impressed with his suggestion that the Government may well look at the enforcement of seat belt and other similar restraints being provided in

buses and in long distance intercity coaches. This is something which, I think, warrants evaluation and, to be honest, this is an idea which will eventually come about, because people are becoming concerned about the tragic losses which are occurring on our highways from accidents which involve buses, major large load carrying vehicles, et cetera. Of course, we have to look at anchorage points for seats generally so that they do not come forward in a crash, do not come off the floor and cause those terrible injuries which occurred, I believe, only recently in an accident on the North Coast. Also, of course, that needs to be applied to buses which are used for school bus services, et cetera, throughout the ACT.

I was interested to see on television that a man in America had an accident in California in which his six-year-old son, who was unrestrained in the vehicle, flew forward, hit his head and was subsequently killed; and that man has now been charged in the United States with manslaughter - not just with failing to have his child restrained, but with the manslaughter of his own son because he failed to take proper and necessary steps to ensure that the child was restrained. I wonder just how far things will go in that regard here in Australia as the years progress.

Nevertheless, this, at least, is one pleasant move, I am sure, that is going to fix an anomaly which exists in our current legislation and one which, I think, has been overdue. The provision of safety capsules and bassinets with fastening devices is something that has been overdue for some time. It is worth noting that this provision is going to cost the Government some money - some capital outlay - because a number of the vehicles that are used by our people, such as community nursing organisations and community government personnel who currently, for example, take nursing mothers to baby health care centres, et cetera, are now going to have to be fitted, first of all, with restraining devices, if they are not already there and, secondly, with restraining capsules so that the children can be transported safely. This is something which, I think, has not been happening, and it is something which the Government should have looked at and addressed some time ago.

Nevertheless, the Government will comply. The only cars which are exempt, I believe, are C-cars - relating to Comcars. I guess there are particular reasons for that, depending on the nature of the passengers in those vehicles. It may well be that some dignitaries, et cetera, may be carrying young children and for them to be compelled to do that may well have diplomatic implications.

I am pleased with the generous support given by the Assembly to the Bill, and I know that the community at large will also be very pleased to see these measures put into place.

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Question resolved in the affirmative.

Bill agreed to in principle.

Detail Stage

Clause 1

MR COLLAERY (Attorney-General) (12.07): Mr Speaker, I do have something to say. I will be brief. I had to sit outside and listen to Mrs Grassby. In the first part of the Bill we are dealing with child restraints. I am reminded of the continuing requirements of all States and my colleague, Mrs Grassby, to ensure that the Australian Design Rules are extended to include as much as possible in the way of the vehicles and the installations in them. Some two or three years ago, Mr Speaker, I was involved in an inquest relating to a fire in a vehicle containing infants. I found out that the seat being used to restrain the child - the child's seat - melted around the infant. In my view, even though it complied with some Australian Design Rules, the plastic and the fittings to it did not comply with the same standards for the flammability of plastics and fittings in aircraft. Although it is very welcome that in the last few weeks the ACT Government brought into law, or gave legal statutory effect to, the Australian Design Rules, I am still very concerned about those proceedings in relation to those baby seats. I noticed afterwards that the manufacturer of those baby seats shortly afterwards started a major advertising campaign to cover those seats with lambswool covers and sell them as covered.

I have always wondered, and I am still concerned, as to whether the Australian Design Rules for vehicle installations match - with respect to flammability and smoke - those for aircraft. I trust that my colleague Mr Duby will be examining those issues. Further, in another inquest that I did in the last few years, which was stoutly defended by a well-known motor vehicle manufacturer, it turned out that the seat belt anchorage point was attached, top and bottom, to the driver's door, so that if the door opened during a roll the seat belt lengthened and the driver was ejected. The ADR allowed that vehicle on our roads. I still see that vehicle around town. In fact, it was a vehicle of that nature in which a client of mine perished, not far from this house.

I believe that the endorsement of the ADR in terms of legislative effect still requires the Federal Department of Transport and those involved with it to take active measures to bring those rules into line with those pertaining in the United States, particularly with respect to the nature of the materials used in the construction of child restraints. I believe that is extremely important. I will be addressing concerns of that nature to my

colleague Mr Duby. I do congratulate Mr Duby and his department for taking this step. The fact of the matter was that during litigation recently I found that, in effect, the ADRs did not have the force of law in this country. At least they do now in the ACT. I congratulate Mr Duby.

Clause agreed to.

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

Bill agreed to.

**REDEVELOPMENT OF PUBLIC HOSPITAL SYSTEM AND CORPORATISATION OF
HOSPITAL SERVICES SUPPLY CENTRE
Ministerial Statement**

Debate resumed from 16 October 1990, on motion by **Mr Humphries**:

That the Assembly takes note of the paper.

MR HUMPHRIES (Minister for Health, Education and the Arts) (12.12), in reply: I rise to close this debate - unless anyone, such as Mr Connolly, wishes to contribute.

Mr Connolly: No.

Mrs Grassby: No, not at all. We are happy for you to close it.

MR HUMPHRIES: Thank you, Mrs Grassby. I am gratified to hear that you are happy for me to close the debate and I intend to do that. Mr Speaker, the hospital redevelopment project is one of the most important - in fact, I would say the most important capital project - - -

Mrs Grassby: Have you some legislation to put into the house instead of making silly drivelling speeches?

MR SPEAKER: Order! I cannot hear the Minister.

MR HUMPHRIES: I also get an extension of time, Mrs Grassby, with those sorts of interruptions of my remarks. Mr Speaker, it is obvious that the hospital redevelopment project is one of the most important capital works projects, in fact, the most important capital works project that this Government is embarking upon. It entails expenditure of more than \$160m over a period of five to seven years. It entails the major redeployment of public services in the ACT onto a central site in Woden with the creation of a principal hospital.

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It entails the upgrading of Canberra's best equipped and most modern public hospital facility, namely, Calvary Hospital, to a full 300-bed capacity, which capacity it has not enjoyed since it was established. And it entails the redeployment of a number of services to make the most efficient use of available resources and, in particular, to make the services provided to people in the ACT in this area more cost-effective.

In particular, I am drawing attention there to the corporatisation of the Mitchell Health Services Supply Centre whereby some of the commercial elements of that operation can provide a better cost return to the ACT. That facility in particular is at the present time an enormous drain on Territory finances and on the Territory budget when, in fact, it ought to be, under any reasonable scenario, a major producer of revenue for the Territory. That kind of inefficiency and waste is the very kind of thing that this Government is attacking and I believe we will see significant benefits flow in the course of time.

Now, with all those exciting developments one would expect there to be a certain enthusiasm in this chamber, and certainly out in the community, about the whole scope of the project. It is a matter of some regret to me, and I am sure to others who are working very hard to make these new arrangements successful, that that enthusiasm is not shared universally, most particularly by those on the opposite side of the chamber.

Mr Connolly: Enthusiastic opposition, in fact.

MR HUMPHRIES: But the important thing to remember, Mr Speaker, is that those on the opposite side of the chamber amount to a very large percentage of what Mr Connolly described as the enthusiastic opposition to the entire project. My impression on walking around the system, on speaking to people who work in the system, and others, is that many people in the system see significant benefits flowing from these arrangements and do see that a Government that spends \$160m-odd on upgrading hospital facilities and services in the ACT must be going to achieve something of benefit out of that kind of expenditure.

The focus of this enthusiastic opposition, of course, has been Mr Berry, the Opposition spokesman on health. On Tuesday he spoke on this matter and, although I was not in the chamber, I obtained a transcript of his remarks. I see that, as usual, it is littered with the kinds of misleading statements which have characterised Mr Berry's contribution to this debate and I think it is incumbent on me to go through those statements and indicate where it is that Mr Berry errs. That will take a very long time to do comprehensively; but I will cover it in a shorter period of time, if possible.

The first comment of significance that Mr Berry makes is that there is a certain inevitability and irreversibility about the Government's decision. He said:

That decision, once it goes past the point of no return, I suspect, will be irreversible for any future government.

Now, that is very true, and it is interesting that that kind of comment echoes Mr Wood's comments on schools at various points - that the ALP, on return to government, would undo the Government's decision except where that was not practicable. It is interesting that there appears to be a certain perception, a certain underlying acceptance on the part of the ALP, that some of these decisions are not such utter disasters that they ought to be reversed no matter what the cost. There is an acceptance that there are some benefits flowing from some of these decisions, particularly in the case of the hospital system from the expenditure of \$150m to \$160m-odd, and that reversing those decisions is not necessarily in the best interests of the ACT Treasury or in the best interests of the public of the ACT. I suspect that there is a certain element of that in those remarks.

I do not think we will see any reversal of the decisions the Government has made on the hospital question. I do not think there will be any reversal of the decision on the question of corporatising Mitchell. That is an issue which the Opposition has not touched on and the decision on which is eminently reversible, no matter what the state of play; but my prediction is that that will not be reversed. That is my prediction. We will see what happens.

The Opposition, in Mr Berry's remarks, has gone on to talk about other things. They have described the objective of the changes in the public health system as being:

... to destroy, where possible, the delivery of public community services and, where possible, to enhance the control of those services by the private sector.

Mr Berry also goes on to say that high on the agenda of this Government is "the destruction of the public health system as a result of this Government's restructuring plan".

Now, Mr Berry has used this rhetoric very frequently, but he has not yet explained exactly what it is about this restructuring arrangement which has the effect of destroying the public hospital system. Those are very, very dramatic words, but he has not explained how that will occur. In particular, he has not explained how it will occur in the context of the recommendations made by the steering committee whose advice he accepted at about this time last year. That steering committee said that there were two particular methods whereby the Government might

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proceed with the restructuring of health services in the ACT. In fact the preferred one from that committee was the very course of action which this Government has now taken up and adopted and is putting into practice.

That expert committee, upon which Mr Berry relied to a large degree - not entirely, but to a large degree - accepted and made implicit in its decision that it was possible to retain a high quality health service in Canberra through the closure of the Royal Canberra Hospital. That was the expert advice that Mr Berry received. Yet he says now that this Government's following of that path amounts to the destruction of the public hospital system. But he has not explained how.

What is it that we have changed from the recommendations of the steering committee in August of last year that has transmogrified this process from one of enhancing the quality of public health services in the ACT to one of destroying public health services in the ACT? That has not been explained. I hope Mr Berry takes the trouble at some point to explain what it is that has happened in that regard.

Mr Berry also makes reference in his comments to the waiting list problem. He said:

The plan is to wind back the number of public hospital beds, in percentage terms, which are available to the people of the ACT.

Here Mr Berry has made a rather dramatic shift of emphasis because up until now he has not been saying that. Mr Berry has been saying that we are going to reduce in real terms, reduce in real numbers, the number of public hospital beds in the ACT. That is not true, it never has been true, and Mr Berry clearly does not seem to understand that point. He made a better statement in his remarks on Tuesday and I will repeat them once more for his benefit. What he said on Tuesday, at least to this point in his comments, was this:

The plan is to wind back the number of public hospital beds, in percentage terms ...

That is what you said, Mr Berry - "in percentage terms". It was a rare glimmer of honesty in the remarks that you have made in this whole debate. It was rare and it was not repeated. That in fact is what has happened. There is one point that needs to be made here, Mr Speaker. It is true; there is a plan to wind back the number of public hospital beds as a percentage of the total number of beds in the ACT. And do you know whose plan that is, Mr Speaker?

Mr Berry: It is yours.

MR SPEAKER: No, I do not.

MR HUMPHRIES: No, Mr Speaker, it is not this Government's plan; it is the plan of the Federal Labor Government, the Hawke Government. The Hawke Government has structured the Medicare program with incentives to increase the number of private hospital beds in any public health system in this country - not just in the ACT - to provide for more cost-effective production of services to people wherever they might be in this Territory. (Extension of time granted)

The fact is that the plan Mr Berry refers to is a plan of his own colleagues' making. He knows as well as anybody else that there are penalties inherent in the Medicare system if the number of public hospital beds as a percentage of the total number of beds gets too high. He knows, because he asked about them in the Estimates Committee the week before last. He knows that to be the case. He knows that the Labor Party, federally, is in favour of increasing the percentage of private hospital beds; yet he is not prepared to admit it.

After saying that the plan is to wind back the number of public hospital beds in percentage terms, regrettably Mr Berry lapses. He lapses in the very next sentence. He said:

The fact of the matter is that there will be fewer public beds available to the people of the ACT when this Government is finished.

Unfortunately he has lapsed into his former error. I want to repeat once more, to give absolute and total and utter certainty to anybody listening to this debate who might be in any doubt at all, that there is no intention whatever to decrease the number of public hospital beds in the ACT. There will be, in fact, more public hospital beds, significantly more public hospital beds, in the ACT when this Government has completed its program of reform and restructuring. That is a promise, that is a guarantee, and, Mr Berry, you ought to stop telling lies to people about that out in the community.

Mr Berry: I think I have to rise to that one, Mr Humphries.

MR SPEAKER: I will ask you to withdraw that, please, Mr Humphries.

MR HUMPHRIES: I withdraw, Mr Speaker. Mr Berry again makes a number of assertions. He makes assertions about public hospital beds and about the public hospital system. He says in particular that this Government has allowed waiting lists to blow out. Now, it is an interesting suggestion because on the face of it there has been an increase in the number of people on the waiting list from a particular point in time to another particular point in time. The figures made available to Mr Berry the other day indicated that in September 1989 there were 993 people on the public hospital waiting list and in June of this year

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there were 1,384. It is quite true that that figure has fluctuated; but the important point is, of course, that the figure fluctuates all the time. Nobody can take any particular isolated point in time and say that the public hospital system is cracking under the pressure of particular strains because of the size of the waiting list.

I might draw Mr Berry's attention to the fact that in June 1986, for example, the waiting list stood at 2,112 - significantly more than there are now; that the list in June 1987 was 1,595 - still significantly more than there are now. One has to accept, when looking at those lists, that in fact there is significant fluctuation. It is not the creature of government policy; it is the creature of all sorts of factors, many of which are beyond the control of any government. The crucial factor is what number of public hospital beds are in fact in place in the Territory public hospital system.

Mr Berry has toyed with this idea several times in the last few months. He has suggested repeatedly that the Government has closed public hospital beds. The fact of life is that Mr Berry knows that that is not true. The Government has not closed any public hospital beds, except temporarily for fire retardation work and it has reopened those beds. In fact, despite his assertion in this place and elsewhere that the Government has closed public hospital beds, not once in the last six months has he bothered to ask me, as Minister for Health in this Assembly, in question time, how many public hospital beds are actually open in the Territory at any particular point in time. Why has he not asked me that question? Because he is afraid of the answer, Mr Speaker. He does not want to ask the question.

Mr Berry: Have a look at the notice paper. You have not looked at the notice paper.

MR HUMPHRIES: You do not have to be embarrassed, Mr Berry, when the answer comes out against you on the notice paper. It is only on the floor of this Assembly, when you make this assertion without foundation but do not bother to put it to me as Minister for Health, that you get embarrassed. That is when the untruths you speak are shown up.

Question resolved in the affirmative.

Sitting suspended from 12.27 to 2.30 pm

QUESTIONS WITHOUT NOTICE

School Closures - Behaviour of Schoolchildren

MS FOLLETT: Mr Speaker, my question is to Mr Humphries, the Minister for Education, and it is in relation to an article in yesterday's Canberra Times which was entitled "Dirty deeds in Canberra's closing schoolyards". It referred to the deteriorating behaviour of children in schools which are scheduled to close. I ask Mr Humphries: Are you concerned about those reports, and what action have you taken? Further, is it true, as reported this morning, that the allocation to the school reshaping team for grief counselling has been axed?

MR HUMPHRIES: I thank Ms Follett for her question. I have to indicate that, yes, I am concerned about the issues that were raised on that front page of the Canberra Times. There is a tendency, I believe, in the present circumstances of active campaigns by school communities to prevent the closure of their particular school, for some propagandising to go on. I do take with a grain of salt some of the things I hear that are supposed to flow from the closure of schools, particularly when one measures them against the things that might have happened in respect of closures of schools in previous years or the closure of schools in other States. However, I do treat all of these things seriously and it is my intention, although I have not yet passed on that intention to the Department of Education, to have those matters investigated and reported to me.

In terms of the comments in the paper yesterday concerning counselling, the crucial schools closure counselling days provided under transitional funding have not been withdrawn, despite the reports in yesterday's paper. The valuable resource remains for use according to the requirements of the affected schools. To date there have been some 23 counsellor days used by the three education support regions. This leaves more than 70 counselling days remaining, which will be used to assist the closing schools in 1990, such as there are, as the regional support directors see the need. Some counsellor days may be retained for use by the receiving schools in 1991. These counsellor days are in addition to the normal counsellors who are provided to all schools, of course. For the closing schools such counsellors, used in combination with those provided out of transitional funding, represent a substantial resource.

Mr Speaker Prowse

MR BERRY: My question is directed to Mr Kaine, the Chief Minister. Mr Kaine, yesterday you referred in this Assembly to the Speaker as "ex-Speaker". Mr Kaine, does Speaker Prowse have your full confidence and support?

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MR KAINÉ: Mr Speaker, Mr Berry's hearing is obviously at fault because what I said was "Yes, Speaker". That was reported but your hearing is obviously - - -

Members interjected.

Mr Connolly: That is a lie, Chief Minister.

MR KAINÉ: I require that to be withdrawn.

MR SPEAKER: Order! Mr Connolly, I would ask you to withdraw that, please.

Mr Connolly: Well, it is an untrue statement, Mr Speaker. I heard it; he said, "ex-Minister". Mr Collaery heard it and was chortling. I withdraw "lie". It was an untrue statement. He said it.

MR KAINÉ: Your hearing is obviously defective. The second part of the answer is: You have my utmost confidence, Mr Speaker.

MR SPEAKER: Thank you, Chief Minister.

Burdekin Funding

MRS NOLAN: My question is to Mr Collaery and it relates to the current situation in relation to Burdekin funding. What is the current situation and when will the announcements be made?

MR COLLAERY: I thank Mrs Nolan for the question. Certainly, \$288,000 is made available under the principal Burdekin grant for supported accommodation assistance, the crisis accommodation program and innovative health services for homeless young people. The ACT-Commonwealth joint steering committee, which is responsible for making the recommendations for the expenditure of those funds, met in mid-July and some weeks ago I approved their recommendations. They were forwarded to the two Commonwealth Ministers involved, namely, Brian Howe, the Minister for Community Services and Health, and Peter Staples, the Minister for Aged, Family and Health Services. I am hopeful that shortly I will have a response from the Ministers and be able to announce the grants under this year's Burdekin program.

School Closures - Belconnen

MRS GRASSBY: I would like to ask Mr Humphries a question. If the closure of primary schools in Belconnen goes ahead, what will be the number of so-called vacant spaces in Belconnen schools following those closures?

MR HUMPHRIES: Mr Speaker, I cannot answer Mrs Grassby's question without taking that on notice. The number of school places would be available in the document that was issued - well, it would be extrapolated from that document - at the time of the budget. I am happy to take that question on notice and supply Mrs Grassby with the answer.

Belconnen Skateboard Park

MR STEFANIAK: My question is to the Minister for Finance and Urban Services, Mr Duby. A number of people have expressed to me some concern as to when the skateboard park in Belconnen will be constructed and be available for use? Would you be able to tell me when that facility will now be constructed and when it will be able to be used?

MR DUBY: I thank Mr Stefaniak for the question. I know Mr Stefaniak's concerns in this matter because of his interest in complaints that have been received around the city about young people who use skateboards in shopping centres and public places. I am pleased to advise that the Belconnen skateboard park, which is an exciting complex designed to cater for skateboarders of all categories of skills, was originally estimated to be completed at the end of this month. However, there have been delays due to wet weather and the fill nature of the site. I am assured that the first stage is now expected to be completed by the beginning of December in time to be used for the Christmas school holidays.

It must be remembered that the vast majority of people who use facilities like this are teenagers and young people, and many of them still attend schools and colleges. It is at that time of year that they probably pose the greatest threat to pedestrians in public areas.

The first stage, as I said, is due to be completed at the beginning of Christmas, in time for school holidays. That stage includes structures such as a three-metre high steel and timber construction called a half pipe, a two-metre recessed concrete bowl called a donut, the concrete snake run and a flat street skating area. I am very pleased to announce that a contract is about to be let to construct a performance bowl. That facility will ensure that interstate competitions and international skateboard demonstrations will be able to be held at the park, thus putting Canberra on the list of international and national skateboarding venues. The construction of the performance bowl will not interfere with the continuing use of the first stage of the park to cater for the young people of the area and, indeed, of the city. Landscaping work is also to be undertaken and this will be commenced early next year.

Mr Berry: Come on, that is enough.

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MR DUBY: Having got the whole area in place and catering to the young people of the city - are you not interested in young people?

Mr Berry: Well, if he wants to make a ministerial statement it would be fine.

MR SPEAKER: Order!

MR DUBY: Are you not interested in the problem involving young folk around town? It is a matter which generally raises lots of complaints - letters to the editors, complaints from traders and complaints from police about interfering with the rightful use of public places. I thought Mr Berry would be very interested to hear that the Government has taken great pains to provide a facility to meet those needs of our young population, people who are interested in this sort of activity.

Ms Follett: They would rather have a school.

MR DUBY: Not in Christmas holidays, they would not. Once completed, the Belconnen skateboard park will be one of the leading public skateboard facilities in Australia. It will provide safe, professionally designed structures to replace the shopping centres and car parks that skateboarders currently utilise because of the lack of proper facilities for their sport and their recreation.

Mr Wood: And who has the legal responsibility if accidents occur? Can you tell me?

MR DUBY: Are you going to ask a supplementary question, Mr Wood? I must admit that this Government is committed to the program - something which we introduced - of providing skateboarding facilities in neighbourhood parks and other key areas in Canberra. That is continuing and, as I said, we are providing facilities for the young people of the city, people who are generally neglected and forgotten by the Opposition.

Teacher Morale

MR MOORE: My question is directed to the Minister for Education. At what level does he consider teacher morale to be at the moment and how important is teacher morale in terms of the education of our children?

MR HUMPHRIES: To answer the second question first, of course morale is extremely important and I do not, for one moment, wish to underestimate its importance. In terms of the state of morale, obviously morale is affected by a number of factors. Morale, teachers or teacher unions would claim, is being most affected at the present time by the outcome or the lack of outcome, if you like, of

negotiations on increases in teachers' salaries. I personally believe it is appropriate for us to move to settle the question of teacher salary increases sooner rather than later. That is not to say that I believe they should occur with indecent haste or without regard to all the factors that governments ought responsibly to consider.

In particular, it is the intention of this Government to work within a framework of national negotiations for teachers' salaries, which framework has been urged upon us by the teacher unions themselves. The Australian Teachers Union, in particular, has taken a very strong campaign to education Ministers and employers around this country, urging those employers to provide a national benchmark for teachers' salaries. The ACT has, in fact, been an advocate and a supporter of that position for some time, although in recent weeks it appears that that particular position possibly has worked to the detriment of ACT teachers and as a result, perhaps not surprisingly, those teachers are no longer very keen on the concept of a national benchmark.

But, to answer your question shortly, morale is obviously a matter of concern. I would not wish to see morale go any lower than it is over the question of teachers' salaries at the moment. I hope that in the near future, that is, within the space of about a month, this Government will be able to conclude negotiations with the ACT Teachers Federation on the question of teacher salary increases within the framework of national negotiations on teachers' salaries, and under the auspices of the Australian Industrial Relations Commission, which will see a substantial improvement in the morale of teachers in the ACT.

School Closures - Higgins Primary School

MR WOOD: Mr Speaker, I direct a question concerning school closures to Mr Humphries. How does the Government expect to save \$9,000 a year at Higgins school on water and sewerage when Higgins Primary School has been charged only \$3,314 per annum in each of the last three years?

MR HUMPHRIES: First of all, I have to say that I think it is again extremely unfortunate that the Opposition seeks to rake over issues which are properly, in a very loose sense, sub judice at the moment.

Members interjected.

MR HUMPHRIES: I am using the term figuratively. I know it is not before any court of law, but it certainly is before an arbitrator who I think - - -

Mr Wood: You use your figures very loosely too; that is the problem.

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MR HUMPHRIES: I do not know what Mr Wood had for lunch, but obviously it does not agree with him. I am intent on getting a proper, decent and independent assessment of the Government's work on these questions and that is why I have referred the matter to Mr Hudson. I think he is more than capable of answering the sorts of questions that Mr Wood has asked. There is no doubt in my mind that the process the Government has initiated will throw up any inaccuracies or errors in the way in which we have calculated the figures in respect of school closures. If, as Mr Wood contends, he has found some loophole or some flaw in the Government's logic, I have absolutely no doubt that Mr Hudson's inquiry will show that, and I look forward to that being the case because I will be the first to admit that we have made a mistake somewhere.

I, however, believe that substantially the figures will be endorsed because the work has been done on them. I can assure Mr Wood that to the extent that it has not been done we will, of course, address that question. But the fact of life remains that those figures are being worked over and I believe they will be properly scrutinised. I can see a supplementary question coming on, but I will just say that it is not our intention to leave anything like that unassessed.

I do not know whether Higgins is one of those schools where there has been joint metering of watering costs or whether there have been contracts for cleaning or things of that kind which cover that school and other schools. If that is the case, of course, an attempt has been made to extrapolate the figures relating to Higgins from other schools or other facilities and the figures that were presented in that document that I have referred to already would already show that. If that is not the case, as I said, Mr Hudson's inquiry will certainly reveal that.

MR SPEAKER: Do you have a supplementary question, Mr Wood?

MR WOOD: Thank you, Mr Speaker. Since you mentioned, Mr Humphries, that you expect that Mr Hudson will draw out any inaccuracies in the particular figures that have been presented, can you give the assurance that he will look at that as well as what I perceive as a more overall economic view of things? We want that close examination of figures as well.

Mr Kaine: You have seen his terms of reference, Bill. What more do you want?

MR HUMPHRIES: I must concede that the point made by the Chief Minister in that interjection is a very good one. The terms of reference that the Government has given to Mr Hudson indicate pretty clearly what it is he has to do. Although I have not a copy of them in front of me at the moment, I believe they do refer to the costings the Government has used to establish a savings figure from the closure of a number of primary schools and one high school

in the ACT. Now, that obviously begs the question of whether those savings are achievable. I would think that Mr Hudson would not be doing his job - - -

Mr Wood: I was not convinced that Mr Hudson was interested in specific figures. That is the trouble.

MR HUMPHRIES: Well, Mr Hudson would not be doing his job unless he looked at those sorts of figures. I do not know how much attention he will give to a particular figure, but I would expect him to look at those sorts of figures.

Mr Kaine: He will be looking at them very comprehensively, Mr Humphries, I am sure.

MR HUMPHRIES: He will be looking at them very comprehensively, Mr Chief Minister.

Mr Wood: And very detailed. That is what I want, thank you.

MR HUMPHRIES: I suggest that, if Mr Wood is dissatisfied with anything that the Government has done or is not sure whether particular issues are going to be properly canvassed by Mr Hudson, he redress that problem by putting forward a comprehensive submission to Mr Hudson which covers the point which he believes might have been missed or which otherwise might be missed by Mr Hudson. It is never too late. If he rushes and does his homework - I am sure he has been doing some in the last few weeks - I am sure he can establish some case to put before Mr Hudson, but unless he does that work it is very hard for him to claim that it has not been properly canvassed by Mr Hudson's inquiry.

Royal Canberra Hospital

DR KINLOCH: My question is to the Minister for Health. Can the Minister advise the Assembly what action has been taken with the title "Royal Canberra Hospital" and why this action has been taken?

Mr Berry: That has been asked within the last six months, Mr Speaker, and answered.

MR SPEAKER: Thank you for that observation, Mr Berry, but it is not a point of order.

MR HUMPHRIES: I assure Mr Moore that I will not repeat anything that I said in exactly the same terms. On 28 September, Mr Speaker, I announced that Her Majesty the Queen had agreed to transfer the title "Royal Canberra Hospital" to the site of the principal hospital at Woden Valley. To this end, from 1 November this year, there will be one hospital, the Royal Canberra Hospital. The Royal

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Canberra Hospital will be located on two campuses until all hospital services are transferred from the Acton Peninsula site.

During the transition period the current Royal Canberra Hospital will be known as Royal Canberra Hospital North and the current Woden Valley Hospital will be known as Royal Canberra Hospital South. Fundamentally, the name change is a statement of this Government's approach to public hospital redevelopment because we give the highest priority to the workers who provide services on those sites. A hospital is not just a set of buildings; there is a community of people who provide medical care. It is important, in this period of significant restructuring of the capital resources and the human services, that we do not overvalue real estate or even capital investment and thereby devalue the contribution of dedicated professionals.

The principal hospital at Woden Valley, in a very real sense, will be a coming together of two teams who will bring together the best of both communities to produce an even better hospital. This is reflected in the sharing of the one name and the one site.

Pornography

MR STEVENSON: My question is to the Chief Minister. Does the Chief Minister believe that enough loot for lust is being obtained from those in Canberra who push pornography throughout Australia in contravention of all State laws? Is there any investigation currently planned or being undertaken in regard to the greatly reduced loot obtained from that source, to ascertain specifically whether or not the false statements were made about their income prior to the Bill or after the enactment of the Bill?

MR KAINE: Mr Speaker, I have opinions on these matters; but, since revenue in that area of jurisdiction is the responsibility of the Minister for Finance, might I respectfully suggest that the question be referred to him if Mr Stevenson wants a full and comprehensive answer.

Mr Stevenson: Thank you. Mr DUBY, would you like to take that on?

Mr DUBY: No. I am sorry.

MR SPEAKER: Order, Mr Stevenson!

MR KAINE: He was not listening. You will have to restate it.

60 Minutes Program

MR CONNOLLY: My question is also to the Chief Minister. Did the Chief Minister say on national television on Sunday, 7 October, "There are people in the government that perhaps we could do better without"? Did he go on to say, when questioned as to whether that included Ministers, "Well, I believe that is true of any government"? Firstly, will the Chief Minister tell the Assembly which people in the Government he would like to be rid of and what he is doing about it? Secondly, can the Chief Minister explain why he said in this Assembly on Tuesday in question time that he was referring to members of the Assembly, when it is clear that he was referring to members of the Government?

MR KAINE: Mr Speaker, the program on 7 October was a rather peculiar program. I think that anybody who saw it would have to acknowledge that. For anybody to suggest that what was reported as having been said by me or any other member of the Assembly was a complete, comprehensive and accurate report of what was said would be a travesty of the truth.

Mr Wood: We watched your lips; that is what we did.

Mr Connolly: You denied that you said it, but you said it.

MR SPEAKER: Order!

Mr Connolly: You denied it on Tuesday. You said it.

MR KAINE: Look, 7 October was a long time ago. If you would care to give me a transcript, I will review precisely what I said. You can refresh my memory; but my recollection is pretty clear, I think. The simple answer to the question is that I spent a great deal of time with Mr Carleton and his team and I think I probably got about four seconds on the program. If you can honestly say to me that to take four seconds worth of time out of a 20-minute interview and just quote that - - -

Mr Wood: This is a different answer we are getting now.

MR KAINE: No. You keep persisting with the question.

Mr Collaery: They did not show the bit where he was asked what he thought of you.

MR KAINE: No, they did not play that. Had they done so, you would have been even more upset. The fact is that there was a very long interview and there were a very few seconds which were clearly taken out of the context of what was said and presented in a way that was intended to be detrimental to the ACT, detrimental to this body, and detrimental to the people in it. That was the whole tune of the show. If you are going to pretend, if Whingeing Wayne is going to pretend and Carping Connolly is going to - - -

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Ms Follett: I take a point of order, Mr Speaker.

MR SPEAKER: Order, Chief Minister!

MR KAINE: Don't you like the answer to the question?

Ms Follett: Mr Speaker, I will not have members referred to in that way and I ask him to withdraw.

MR SPEAKER: Order! Members, I would draw attention to the fact that in the past we have requested that members be referred to by their surnames. I would ask that this be adhered to in the future.

MR KAINE: Carping Connolly and Whingeing Berry. I do not mind. I have used their last names, if that is important.

MR SPEAKER: Really, Chief Minister!

Mr Berry: On a point of order, Mr Speaker: I think that is unparliamentary and ought to be withdrawn.

MR SPEAKER: It is not unparliamentary; but it is certainly not the desired level we would like to achieve in this chamber, and I would ask all members to refrain from using it in future.

MR KAINE: Mr Speaker, I will stick with the standards established by the Assembly in these matters.

Higgins Primary School

MS FOLLETT: Mr Speaker, my question is addressed to Mr Humphries, and it relates to the closure of Higgins Primary School. Mr Humphries, given that on Mr Kaine's own planners' advice Higgins Primary School will have to be reopened in approximately five years time to cater for the population of the proposed West Belconnen development, why have no figures been presented showing the costs of, firstly, the conversion of the school to community use and, secondly, the reconversion to school use in those few years time?

MR HUMPHRIES: Mr Speaker, first of all, I want to refute the suggestion that there is some advice that we will have to reopen schools in five years time.

Ms Follett: Well, there is.

MR HUMPHRIES: There is no question that at some - - -

Mr Kaine: That is a total misrepresentation. There is no such advice, Ms Follett, and if you were honest you would admit it.

MR SPEAKER: Order!

Mr Kaine: But you are not honest, and you know it.

MR SPEAKER: Order, Chief Minister, please!

MR HUMPHRIES: I was in the chamber yesterday - - -

Mr Berry: Mr Speaker, I raise a point of order. I heard that statement very clearly. He said that the Leader of the Opposition was not honest, and that must be withdrawn.

MR SPEAKER: Please withdraw that, Chief Minister.

Mr Kaine: I withdraw, Mr Speaker, but it is - I will say no more.

MR SPEAKER: Thank you.

MR HUMPHRIES: Mr Speaker, it certainly seems to me that Ms Follett was not accurately stating what it was the Chief Minister said yesterday, and certainly was not indicating any advice that I have seen. There is certainly the possibility that in the future the Higgins Primary School might be used again as a primary school or a school of some sort. There is no question that that is a possibility. That is why the Government has retained the use of that building for community purposes for the duration of any period during which it is not required as a primary school.

If Ms Follett seeks to rise in this place and say that the ITPA's advice is that we might need a school in the future, she also ought to be sensible to the advice we received at other periods from the same body which suggests that we do have a surplus of school accommodation in the ACT and that we need to do something about it. The fact of life is that this community does not require as many primary schools as it currently has in the Belconnen region and there is a very steep gap - an increasingly steep gap - between the number of school places in the Belconnen region and the number of students to fill those school places.

It is irresponsible for governments to maintain empty school places for the sake of saying that we have a school in a particular place. That is all the argument is. It is not even based on a neighbourhood school argument any more; it is just for the sake of saying that if a school has been there it should stay there. For that reason there is absolutely no reason to suggest that we ought to indefinitely retain that school on that site, although the option of restoring it to a school in the future is one that we ought to retain.

In terms of the cost, obviously if the building is to be used for community purposes and those community purposes happen to be of a particular nature it would seem to me logical that the community uses to which it is put ought to be the criterion which dictates the amount of money that is

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spent on that particular use. In other words, if it is to be used as, say, a dancing school or a drop-in centre for youth or something of that kind, then the particular area which wishes to use it for that purpose ought to meet the cost of making it into that particular facility. Why the education budget should have to bear the cost of establishing a youth drop-in centre in Belconnen is beyond me. We may well need such a thing, but the education budget should not have to bear the cost of that. That is why that cost is not included.

If the school is required many years hence, I am sure the capital savings generated by the sale of some schools in this round would more than cover the cost of any refurbishment in the future.

Mr Stevenson: This round?

MR HUMPHRIES: Well, there have been two rounds, Mr Stevenson, in case you have not noticed. This is at least the second round of school closures that - - -

Mr Stevenson: I thought it may suggest that there are going to be more.

MR HUMPHRIES: I think you should ask future governments, including future Labor governments, whether there are going to be more. It depends on whether the school age population of Canberra continues to decline.

Mr Collaery: Labor has a closure policy.

MR HUMPHRIES: Yes, indeed. But I think the answer is very clear: you have to look very carefully at what you are going to do with those buildings and those sites and the uses ought appropriately to be determined, and, if that use entails conversion to something else, then the particular something else ought to think about paying the cost of that conversion.

60 Minutes Program - Ministry

MR BERRY: My question is directed to the Chief Minister. Chief Minister, you said on 60 Minutes that it is possible to get more Ministers for less money. Do you stand by that statement?

MR KAINE: Again, Mr Speaker, that quote was taken out of a much longer statement. What I was saying to Mr Carleton - - -

Members interjected.

MR KAINE: Whether the people in the Opposition like to hear this or not, what I was saying to Mr Carleton was that there was a very heavy workload on the Ministers currently

in the Executive. I am sure that Ms Follett and Mrs Grassby, who were the only two Cabinet members - Mr Berry, too; he was a Minister, although he did not perform very well - would acknowledge that there is a very heavy workload associated with being a Minister. I was saying that in the interests of this community and good government it would be sensible to enlarge that ministry. What I said, in fact, was that I could see having an increased ministry without additional cost. The question that Mr Carleton put to me was, "You can have more Ministers for less cost?". I did not say that; Mr Carleton did.

MR BERRY: I ask a supplementary question. Mr Speaker, I seek leave to table a copy of the transcript of that interview, but before doing so I will read from it into Hansard. Mr Carleton said:

Aren't you about to go and ask the Federal Government for extra Ministers?

Mr Kaine said:

Yes, I am. But that's got nothing to do with costs. There are ways.

Mr Carleton then said:

You won't get them for nothing.

Mr Kaine said:

Well, they can do.

Mr Carleton said:

So you reckon you can get more Ministers for less money?

Mr Kaine said:

I believe that I can, yes.

Mr Speaker, I seek leave to table that transcript.

Leave granted.

MR BERRY: I table the following paper:

60 Minutes - Copy of extract of transcript for 7 October 1990.

Does the Minister agree that that statement I have read out represents an absurd proposition?

MR KAINE: Mr Speaker, I would suggest that if he is going to table a transcript of what was actually used on the program he might get the entire transcript of what was actually said rather than what was edited and presented on air.

Pornography

MR STEVENSON: My question is to Mr DUBY. Does Mr DUBY consider that the money for misery being obtained from those promoting pornography in Canberra, and spreading it throughout Australia in contravention of the law of every State in Australia, is enough? Is any investigation currently being undertaken or planned concerning whether or not the figures given out by those promoting pornography before the Bill was introduced are the correct ones, or whether the figure applying after the Act came into effect - the one that has resulted in such a low amount of money being obtained - is the correct one?

MR DUBY: I thank Mr Stevenson for the question. Really he asked two questions. He asked whether I consider that the money being raised from the X-rated video franchise tax is enough, and the answer to that is no, I do not. He then asked whether I can give an explanation as to why the estimates of revenue from the proposed tax do not match the figures that are currently being applied in the collection of tax now, and I can explain that quite easily.

The Government was aware at the time of announcement that revenue estimates could be based only on widely publicised but unsubstantiated information provided by the X-rated video industry to the Commonwealth parliamentary committee on X-rated videos. I must point out, of course, that this is a legal industry. Subsequent investigations by the Revenue Office, since the introduction of the X-rated video tax, have revealed that the industry is smaller than that publicly portrayed.

It has also been established that significant numbers of X-rated videos were manufactured and distributed to retail outlets prior to the introduction of the tax. It must be remembered that the tax legislation was passed, I believe, in May of this year and was to become effective on 1 July. So these businesses - as I said, legal businesses - had the legal option of minimising the tax that they would have paid if they had not taken certain steps. As a result, a large number of X-rated videos were produced and distributed to retail outlets prior to 1 July. It must be remembered, of course, that this X-rated video franchise tax is based on the wholesale value of videos sold and distributed. This had the effect, of course, of reducing the value of taxable wholesale sales during July and August.

There is no disputing the fact that tax avoided on these transfers of stock from manufacturing and wholesale arms of the industry to retail arms of the industry have been estimated by the Revenue Office to be in the region of \$800,000. In the long term, these circumstances are highly

unlikely to significantly affect future revenue from X-rated videos - future revenue based on a wholesale basis value of production.

I can only say that the Commissioner for ACT Revenue is continuing and will continue to conduct audits of licensees' returns to ensure that the industry is meeting its valid tax commitments. I must point out that there is no suggestion from any quarter anywhere that the industry is not doing just that now. It is meeting its legal tax commitments. Whether they are the moral tax commitments and whether we as a government are receiving what we anticipated from that source is another matter. Like any other industry, it took opportunities which were provided to it, because, of course, in conjunction with our X-rated video franchise fee, this Government took the unprecedented step of doing what people like you and the vast majority of the community wanted - that is, the step of removing X-rated video outlets from the suburbs and putting them into areas of the city which were quite specific.

You might like to say that the income being received by the Government as a result of the X-rated video franchise fee is minimal. It should be pointed out that, in conjunction with the other Bill in relation to X-rated videos, we have removed X-rated videos from the suburbs and from access by minors. We have removed them from the sight of various normal citizens throughout the town, who were quite offended when they went into a video shop and saw various suggestive titles, et cetera, on display - often contrary to the regulations which were applied at the time. Those situations cannot exist and I defy you to go to any video outlet in this city today - apart from the designated areas of Mitchell, Fyshwick and Hume - and find X-rated videos publicly available for sale, much to the distress of a large proportion of the population.

All in all, the Government is highly satisfied with the result of its twin legislation, both to tax X-rated videos and to control them. The Government is very satisfied with it because it is working. This is something which, of course, was not envisaged under the previous Government which for a lousy \$12,000 would take no step whatsoever to ban these products from the suburbs.

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

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MR CONNOLLY: Mr Speaker, I seek leave under standing order 46 to make a personal explanation.

MR SPEAKER: Please proceed.

MR CONNOLLY: During question time it was stated that Mr Kaine had referred to you as "Mr ex-Speaker". He said that he, in fact, had said, "Yes, Speaker", and that I had misheard him. I interjected, "That is a lie" and was ordered to withdraw that interjection. I have looked at the recently arrived transcript of Hansard from yesterday, and, on page 25 of the proof copy, Mr Kaine is shown as having said "Mr ex-Speaker". That is what I thought he said; that is what Hansard shows he said. He claims to have said, "Yes, Speaker". It would be possible to misunderstand "Yes, Speaker" for "ex-Speaker". It is not possible to mishear "Yes, Speaker" for "Mr ex-Speaker".

The "Mr" gives you away, as does your comment later on the page when I made to you, Mr Speaker, the comment, "I am glad I am not in your shoes in the joint party room" and Mr Kaine said, "He is lucky he is not in yours or he would be in deep trouble". Mr Kaine did not deny it yesterday. He attempted to deny it today. It is clearly shown in Hansard. I said that you had lied. I was ordered to withdraw, but you clearly made an incorrect and misleading statement to this house and you should make an explanation, Mr Kaine. You have been shown out.

Mr Kaine: Hansard will no doubt correct their error.

MR CONNOLLY: They will not, because it is not an error.

MR SPEAKER: Order!

Mr Duby: Do you want a bet they will not?

MR CONNOLLY: Mr Speaker, I raise a point of order. Mr Speaker, I take it that Hansard is under your control as Speaker, and that you will assure the house that Mr Duby's threat will not be put into effect.

MR SPEAKER: Order! Mr Connolly, rest assured that the Hansard will reflect it as Hansard heard it.

ACT Public Works

MR DUBY: On 19 September, Mr Connolly asked the following question:

How many letters have in fact been sent to project managers requiring payment of moneys to subcontractors within seven days of receipt, and requiring audit of their accounts each month by the ACT Administration? Will Mr Duby table those letters requiring ACT Public Works audits of project managers?

I have a very detailed response to that question. I would like to have it placed in the record.

Response incorporated at Appendix 1

MR DUBY: Mr Speaker, I table the following papers:

ACT Public Works letter, dated 16 August 1990, and addressee list.
Project Managers - Procedure manual, dated January 1990.

CONSERVATION, HERITAGE AND ENVIRONMENT - STANDING COMMITTEE Report

Debate resumed from 9 August 1990, on motion by **Dr Kinloch:**

That the report be noted.

MRS GRASSBY (3.11): I rise to comment on some of the matters raised by Mr Duby in the Government's response to the Conservation, Heritage and Environment Committee's report on waste management. First of all, let me congratulate the Government for accepting the minority report prepared by my colleague Mr Wood, who argued that it was inappropriate to introduce 240-litre big bins - particularly when an appropriate recycling strategy is not in place in the ACT.

As was pointed out to the Government, experience elsewhere indicates that people find it easier to simply throw all their household rubbish into a big bin and therefore there is no incentive for them to take part in a recycling strategy. I believe it was unfortunate that the committee, which had concentrated a large proportion of its recommendations on a recycling strategy for the ACT, then undermined the credibility of this report by recommending the introduction of big bins.

I am also pleased to note that the Government has at least in part accepted many of the positive recommendations arising from the committee's report. However, while the Government is making the right noises in these areas, it

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has yet to be seen whether its actions will match its words. Mr DUBY's speech is peppered with such phrases as "exploring the possibility of ...", "consulting with other governments ...", "negotiating with ..." and "entering into discussions with ...". While I recognise it is important for the ACT Government to discuss matters with the States and the other Territory, it is time that Mr DUBY took some action to put the ACT at the forefront of modern recycling and waste management strategies.

For example, I fail to see why the ACT cannot act on its own and ban the use of biodegradable shopping bags until it is proven that they are environmentally safe, rather than waiting until discussions are held with the New South Wales Government. Why is the Government only looking at the possibility of introducing green spot labelling programs rather than taking the lead in this important area? Why will not the Government introduce container deposit legislation? Much of the argument against the ACT taking the initiative on these issues is that the ACT is an island in New South Wales and cannot act alone. However, I find this a difficult argument to accept. How will we ever know if we do not try? I believe it is better for us to take the initiative than to sit on our hands like the lazy, incompetent Government opposite.

The most damning indictment of this Government's record in waste management and the issue which shows how little it cares for this community was its decision to close the Ainslie Transfer Station. For the benefit of the Minister and his colleagues let me read into Hansard three recommendations from the committee's report. Recommendation No. 7 states:

recycling facilities at both landfill sites and the Ainslie transfer station be upgraded and access improved.

Recommendation No. 15 states:

the ACT Government investigate the possibility of establishing oil collection points at the Ainslie transfer station, the new Tuggeranong recycling centre and the Belconnen and Phillip recycling centres.

Recommendation No. 26 states:

the ACT Government investigate the possibility of a special collection bin at the Ainslie transfer station for organic wastes which can be transferred to composting facilities at landfill.

The Government's reaction to these embarrassing recommendations was simple; it simply tried to avoid them. For example, in response to recommendation No. 26 concerning a bin for organic wastes at the Ainslie Transfer Station, the Government simply noted that this recommendation is no longer appropriate.

There is no mention either in the Government's response or in the Minister's speech of the closure of the Ainslie Transfer Station. This act of environmental lunacy, which caused such community outrage, is simply ignored by the Minister and the Government. The fact that the decision was made while the committee was still considering an appropriate waste management strategy for the ACT was a slap in the face for all the members of the committee. We are all aware of the difficult position that Dr Kinloch was put in as a result of this decision. Dr Kinloch at least recognised the community outrage in north Canberra over this stupid decision, and perhaps Dr Kinloch should be given the job of advising his less sensitive colleagues about the stupidity of the decisions this Government is making every day.

In summing up, let me say in general that there are many areas where the Labor Party agrees in principle with the Government's response to the report. However, in many of the areas where the Government has given an undertaking to do something or carry something out, we will not know until some time has elapsed whether there is any substance to the Government's words. I am prepared to give the Government a short time to put its actions into words; but, on its past performance, I am sure we will all be disappointed.

MR JENSEN (3.17): I rise this afternoon to support the comments made by my colleague Mr DUBY in relation to the Government's response on this very important issue. This is in fact an excellent and very detailed report. I trust that the report that the same committee will bring down on energy will be just as comprehensive, and I am sure that it will be considered with every due care and responsibility on the part of the ACT Alliance Government when it is presented for consideration by members of the Assembly.

Clearly the committee has done an excellent job. It has summarised the issues very well and provided a very important reference for the operation of recycling and other waste management procedures within the ACT. Certainly a number of people have indicated to me that they feel it is a very important document. It is important also to show that the Government has accepted a very large proportion - almost all of them - of the items in that particular report. (Quorum formed)

I would like to make a couple of brief comments in response to a couple of matters raised by Mrs Grassby. I notice her reference to the issue of biodegradable shopping bags and why the ACT may not necessarily go out and do it immediately. It is quite clear that the ACT is in fact an island within New South Wales and, as the Australian Environmental Council has indicated, it is appropriate to seek to address these problems on an Australia-wide basis.

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As far as the ACT is concerned, I certainly believe that we need to look at biodegradable plastic shopping bags but I think we have to act in concert with our near neighbours. My understanding is that there has been a move away from those items by the industry itself anyway. In fact, I notice that Woolworths operates a collection service for plastic shopping bags and I would recommend that members make full use of that. I think it is one way that the industry can play its part in the recycling initiative.

Mrs Grassby also referred to container legislation. It is interesting, Mr Temporary Deputy Speaker, that in fact only one State has adopted container legislation. There are some very good arguments, I would suggest, for implementing container deposit legislation. I think that the cost to the community is probably one of the reasons why the other States have not taken it up. I think that there are two issues that we have to look at: the fact that the ACT is an island - we are much smaller than South Australia, for example - and the fact that there are some costs, or minuses, if you like, associated with this. They relate to having to store the containers and having to move the containers. It is probably more appropriate, Mr Temporary Deputy Speaker, that we consider the recycling operations for glass that are currently going on and that in fact provide a better opportunity. Also, of course, there are problems associated with the need to clean and wash bottles that have been returned as a result of the deposit legislation. That also has some potential for cost to the environment. I know there are developments being made in relation to certain cleansing agents that are not quite as problematical, if you like, for the environment. I think that is one of the other problems we have to look at in relation to container legislation.

I understand, Mr Temporary Deputy Speaker, that my colleague Mr Collaery will be discussing and describing some of the steps that we are taking to improve recycling. I have alluded to them already, particularly in relation to glass. However, let me say that recycling is very important, due to the opportunity it offers us to conserve our resources instead of wastefully discarding them.

There is another issue which is perhaps even more important because of the tremendous potential which it has to reduce the amount of waste going into the landfill sites. In the ACT, as we know, the cost of burying waste within our landfill sites is still very small. It is only \$12 a tonne, whereas in other States and other cities it is getting up around the \$30 to \$40 mark and that, of course, encourages the use of alternative operations. Here in the ACT we have competing problems in relation to the lower cost, at the moment anyway, that we have for getting rid of our waste in our landfill sites. But, even so, it is still a wasteful expense on the part of the Government and I am referring, in this case, to composting.

In a way I guess this is also related to the comments about the Ainslie Transfer Station as it was. I would suggest to you, Mr Temporary Deputy Speaker, and other members of the Assembly, that the Ainslie Transfer Station as it operated at the time was, in fact, a very wasteful exercise from the point of view of garden refuse because, in fact, that material was not being processed. It was just being taken straight to the tip without any processing at all. I do not know why that was the case because, in fact, there is a very good processing facility in the ACT at the Mugga Lane depot. I am not quite sure why that was not being made use of.

I think it is also important that every household composts its own compostable rubbish. Anything that can be returned to the garden or the shrubs or the trees, whatever you have in your neighbourhood, should be considered. It has also been suggested that maybe people in some areas might like to get together and operate a joint organisation, some form of area composting facility, if they do not have enough for themselves. A large number of private vehicles which currently enter the landfill sites each week are delivering garden waste. Think of the petrol that is being wasted by delivering garden waste and clippings - that sort of stuff - which could be processed in your own household areas, particularly lawn clippings. I think that is something that should be returned to the environment immediately around your house.

I think we have to turn around this mentality of just taking it to the tip. I think we need to show people that they are throwing away material which is valuable. The Government is already doing this through our campaign to encourage home composting. For example, when people complain about autumn leaves, which their gardens produce, brochures are available to show them just how useful the leaves are to the compost heap. These brochures are being distributed and it is intended to continue to make people aware of the advantages of composting.

However, I agree that there are many items of garden waste which cannot be composted at home. In order to cater for this problem, therefore, the Government has announced that tenders will be called in order to establish a composting facility at or near the Belconnen landfill site. (Extension of time granted) As part of this tender process, a garden waste drop off area will be provided at Mitchell. We will find, I suggest, that the material that was going into the Ainslie Transfer Station will now go into an effective composting facility and the community will get much greater benefit than they have in the past. I think it will be a much more modern facility to complement the excellent recycling centre that is currently being opened at Mitchell. I accept the fact that the previous Government was working towards that, but this Government has continued that process and gone even further by ensuring that these new facilities are readily available for the Canberra community. I look forward - - -

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Mr Moore: It could have been next to the Ainslie Transfer Station.

MR JENSEN: Mr Moore has obviously been out of the house and has not been listening to what I have had to say about the Ainslie Transfer Station.

Mrs Grassby: No, he has not. He has been in the other room with me, listening, all the time.

MR JENSEN: The tenders for this composting facility and the garden waste drop off area have been evaluated, and an announcement on this is expected by the end of the month. We will soon have on the west Belconnen landfill site a composting facility to which people can easily deliver their garden waste.

Mrs Grassby: Michael Moore was with me in the other room.

Mr Humphries: Listening to you or to him?

Mrs Grassby: Listening to both of us. Michael Moore is very clever; that is why he is on this side of the house and not on that side. He is too smart to sit with you lot.

MR JENSEN: I am quite happy to sit down, Mr Temporary Deputy Speaker, until Mrs Grassby has finished her rantings. Now that she has finished I will continue.

This should significantly extend the life of the Belconnen landfill site, another important aspect in the management of waste within the ACT. As part of the composting campaign the existing composting facility at the Mugga Lane landfill site - will be better publicised. These measures will help greatly in waste minimisation. Of course, the cost of operating our sites will, as I have already indicated, be removed.

Mrs Grassby: Sell it off to your developer friends; that is it.

MR JENSEN: For example, Mr Temporary Deputy Speaker - - -

Mr Collaery: Who is speaking?

MR TEMPORARY DEPUTY SPEAKER (Mr Wood): Order! Carry on, Mr Jensen.

MR JENSEN: Thank you, Mr Temporary Deputy Speaker. I appreciate your protection. If one visits the Belconnen site, as I did recently with the director of the Conservation Council of the South-East Region and Canberra, one will notice that there is a major difference in the type of material that is deposited at the tip face in relation to the amount of garden waste when compared with what you find at the Mugga Lane tip, which I occasionally visit these days - much more occasionally than I did in the past, I might add.

Mr Berry: A backyard full of rubbish.

MR JENSEN: Yes, Mr Berry. Saturdays come around too quickly. We are also liaising with other State and Territory governments on issues such as ways to reduce packaging to make it easier to recycle. I might admit that I am doing a little bit of composting, Mr Berry, to help in that area.

One of the other aspects of this Government's response is the cost-effectiveness of the proposals. Because of the emphasis on better utilisation - utilising existing facilities and cooperating with industry and other governments rather than doing things in isolation - the ACT taxpayers can be assured of a good return on their money.

Before I close I would like to make a brief comment. In fact, it is a plea to those people who make use of our tips on the weekends and during the week. Anyone driving to work on a Monday morning, after the majority of people have taken their rubbish to the tip, who compares the roadside with what it was like on the Friday afternoon, will note that there is a major increase in paper and other rubbish at the side of the road, adding, I would suggest, Mr Temporary Deputy Speaker, to the untidy nature of our city. I make a plea, through this place, that people, when they use this facility, when they take this type of matter and material to our rubbish facilities, make sure that it is covered so that we do not have this mess on the main roads to the dumps on the Monday morning. Clearly this is a cost to the ACT Government because officers of Mr DUBY's department are required to go around and clean up this mess. I encourage the community to get behind us and ensure that loads are covered and that this mess is cleaned up. Let us take pride in our city.

MR COLLAERY (Minister for Housing and Community Services) (3.33): The Government's response to the inquiry into commercial and domestic waste management shows our strong commitment to the environment. The Government's response effectively put into practice the principles which were outlined in the environment policy statement titled "Caring for Canberra". The importance we place on the initiatives outlined in the response is shown by the fact that we have committed \$300,000 towards implementing them in this financial year. The whole thrust of the Government's response was aimed towards measures which would protect our environment and conserve our natural resources through waste minimisation.

To this end, some of the major initiatives in the Government's response concern recycling and composting. I am pleased to announce that some of these initiatives are already being put in place. A recycling officer has been appointed to run the recycling campaign, and as part of this a recycling and awareness day will be held in early

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December this year. I invite the Labor Party to attend that day. It will be of extreme relevance to their current situation in the Territory.

This new initiative should ensure a greater awareness of the need to recycle throughout the ACT region. The Government announced, in its response to the inquiry, that the current network of bottle banks for glass and PET plastic would be extended to all areas of Canberra.

Mr Berry: Except Ainslie.

MR COLLAERY: This was seen as a very cost-effective way to improve participation in recycling by making it more convenient for people. This strategy is now being implemented. Mr Berry interjected and asked me about Ainslie. I suggest that Mr Berry go to the Ainslie shops and look. This strategy has already proved successful. Seven additional recycling drop off facilities for glass have been installed at shopping centres in north Canberra. Two of these facilities can also be used to drop off PET plastic bottles. As a result of these additional facilities, the amount of recyclables being collected in north Canberra has already increased. I am sure all members would applaud that development.

Over the next few months the network of recycling drop off facilities will be extended to all areas of Canberra - I repeat, Mr Deputy Speaker, all areas of Canberra. The question of recycling aluminium cans has not been neglected. Approval has been given for Comalco to set up a further 10 cash-for-cans facilities in Canberra. I am now aware that the Labor Party has not had any further donations from the video industry and may wish to move into the aluminium can collecting business itself. This extension of the current cash-for-cans network should also increase the quality of aluminium cans being recycled.

Another initiative on the recycling front which has come to fruition is the new Mitchell recycling centre. This centre was opened by my esteemed colleague Mr DUBY on 21 September 1990 and is already being well used. Members will be aware of the advertisements that are currently being circulated in the daily press in relation to the Mitchell recycling centre. I am sure members will also be pleased to know that the signs on this centre feature our own Recycling Roo who is the central figure in the publicity campaign to encourage recycling and composting. Recycling Roo will also be used in the recycling day promotion which I mentioned earlier.

The methods which are being used in other States and overseas to encourage recycling are being actively studied to ensure that the ACT is in touch with the most successful recycling techniques. This Government, Mr Deputy Speaker, is encouraging recycling in other ways. Currently, several recycled products are being trialled. The use of recycled paper is becoming more extensive within the ACT Government

Service and a policy on the Government use of recycled paper - a policy not developed by the Opposition when they were in government - is being developed by the Alliance Government. In addition, a trial of recycled oil is being carried out within the Government fleet and a product made from recycled plastic is being trialled for use as street furniture.

I notice that the Opposition shows no interest in this speech, Mr Deputy Speaker. It demonstrates its interest in recycling and these very good initiatives taken forward by the ACT Government Service.

Mr Stevenson: When you say "the Opposition", could you say "the Labor Party", please?

MR COLLAERY: Yes; I am sorry. I exclude Mr Moore and Mr Stevenson and Mr Wood, of course, who always pays attention. The plastic product was used in the construction of the new Mitchell recycling centre and the upgrading of the Woden and Belconnen recycling centres. There are many other areas where the Alliance Government is aiding the preservation of our environment, but I will mention only one more example.

One of the issues rightly considered by the inquiry into commercial and domestic waste management concerned ways in which the greenhouse effect could be minimised.

Mr Stevenson: I know how it can be minimised. Read the evidence.

MR COLLAERY: One of the gases which contribute to the greenhouse effect is methane. I know Mr Stevenson believes that the greenhouse effect is a vast social conspiracy by certain imperialist elements; but I assure him that the greenhouse effect is adequately documented, at least for the other members of this chamber. Certainly, methane can be a pollutant - - -

Mr Stevenson: I would not disagree, unfortunately. It does not take much to convince some people of anything.

MR DEPUTY SPEAKER: Order, Mr Stevenson!

MR COLLAERY: I am sorry, Mr Deputy Speaker. I was talking about pollutants. While methane can be a pollutant, it can also be harnessed as an energy source. As landfill sites are one of the significant sources of methane gas, this Government, in its response, stated that the potential for harnessing methane as an energy source from the landfill sites would be examined. Funds have been set aside for this purpose and some equipment already has been purchased for this study.

The Government's response to the waste management inquiry shows the seriousness with which the Alliance Government responds to environmental issues. I am proud to be part of

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that process. As all members go through the weekly or fortnightly process of visiting our recycling centres or the shopping centre recycling outlets, I am sure that, as they throw their bottles into the waste bins - I do not know whether Mr Stevenson drinks or not, but - - -

Mr Stevenson: I do not.

MR COLLAERY: Mr Deputy Speaker, this has turned into extremely good therapy for members of this Assembly. I take my brown bottles - I think of them in figurative terms - and I smash them to pieces when I throw them into the bin.

I note that when the Labor Party members go to those centres there are no lids on their bottles. This is good news for the Territory. I am pleased that the Opposition is smiling broadly and appreciating the fact that we have managed to put a reasonably good policy into action. It is a policy that requires better development. It is a policy that, given articulateness and the sensitivity of the ACT population, will receive good public support. If Mr Stevenson does not agree with some parts of it, we would be delighted to hear just what his commitment is to the environment - in particular, what he is going to do to prove to us that there is no greenhouse effect.

Mr Stevenson: How about putting a meeting on? Bring someone up from Tasmania. Have a video from England and invite everybody along where nobody showed.

MR COLLAERY: Mr Deputy Speaker, I did not hear all of that.

MR DEPUTY SPEAKER: Order, Mr Stevenson! Thank you for those comments. Would you please control yourself.

MR COLLAERY: Mr Stevenson is suggesting that we bring someone from - - -

Mr Stevenson: I had already done it.

MR COLLAERY: Was it Pretoria or South Carolina? There is a trail of recycled oil leading to various parts of this Territory and there will be - - -

Mr Stevenson: A trail of recycled oil? You are going to give the information on a thousand years of shale oil, are you?

MR COLLAERY: I am sure Mr Stevenson is interested. We are going to recycle plastic for use as street furniture. If we can get one long enough for Mr Stevenson, I am sure we could find a sort of alfresco couch for the member so that he can guard us through all the dark hours from the front portals of this Assembly.

MR HUMPHRIES (Minister for Health, Education and the Arts) (3.42): Mr Deputy Speaker, I rise with some particular interest in this debate because, as members might recall, I was the chair of this Conservation, Heritage and Environment Committee before 5 December last year and my interest in the matter is very great. That was not always the case; I do not know how I got that job and I was less than impressed to be on that committee, since my interests did not lie in that area to begin with. I was significantly uninterested in the kinds of issues that were to be dealt with by the committee, including big bins and garbage and things of that kind. However, I have to say that my uninterest evolved very rapidly into a fascination for the area concerned, and I was extremely interested in the area by the end of my period of service and, indeed, I was very sorry not to have been able to see the report through to completion. I congratulate Dr Kinloch for taking over in difficult circumstances and steering that committee through to a report. He picked up a number of very difficult and quite contentious issues and synthesised them into a comprehensive and cohesive document within a short period of time after that change of leadership and change of membership of the committee. I believe, Mr Deputy Speaker, that you also took a role in that committee at short notice.

There are a number of things in this document that I would like to comment on, Mr Deputy Speaker. The first issue is the very first recommendation mentioned in the Government response, that is, the recommendation that the Government contract for a weekly door-to-door collection of recyclables, including glass, plastics, et cetera. The response the Government has given to that recommendation is not support, and I have to say that I fully endorse the Government response in this regard. In respect of this debate, it has never been my position that either door-to-door collection of recyclables or big bins in isolation were or are the answers to the questions that this community has to face up to in this area. The issues are considerably more complex than that. My personal view - and I know it is a view shared by other members of the committee, or at least it was when I was on the committee - is that lateral solutions have to be considered and, if possible, we should harness innovative ways of dealing with these problems.

Mr Wood: You had some very good ideas.

MR HUMPHRIES: Yes, a host of very interesting and valuable ideas came before this committee. There are a very large number of communities, both within this country and elsewhere in the world, particularly in the United States and in Western Europe, where people are experimenting with very exciting ideas which I believe we would profit greatly from emulating, or at least monitoring. I am not suggesting that someone go on a junket to Europe or the United States to look at those things, but I do think we need to be very careful not to reinvent the wheel or to

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attempt to establish something new which might have been attempted elsewhere, very successfully, or perhaps with less success, in which case we ought to avoid it.

I do not accept the first three recommendations of the committee because I see a number of problems with that idea simpliciter. First of all, it is clear to me that door-to-door recycling, particularly on a weekly basis, is extremely expensive. I might note that the evidence facing us was that there were very few communities in this country that had door-to-door collections at that frequency. The cost, according to the Government response, is somewhere between \$650,000 and \$1m per annum, to be offset by a saving of only some \$50,000 per annum from the new arrangements. That is hardly a major incentive. There are also, of course, considerable environmental costs in having such door-to-door collections occurring. A weekly collection effectively means doubling the number of large trucks travelling our roads every week in the Territory to collect recyclable rubbish and that, of course, has a certain environmental impact. I do not think I need to spell that out.

There is also a very large question of just how effective such collections would be. We heard that recycling was successful in varying degrees, according to particular areas, or particular communities. It ranged from something like, I think, 80 per cent in areas like Forrest to something like less than 25 per cent in certain areas of Tuggeranong. I am sure that level of success is very much a feature of the frequency of collections, but it is also a feature of other things. We have to assess just how much we can bring the community into understanding and taking part in new recycling arrangements, particularly if we do not think through very carefully beforehand just how that whole scheme is to be structured, how we will advertise it, and how we will educate people about the use of it.

As I have said, I think we should look at lateral or technological solutions. I have a particular view that we should be exploring. I personally believe that there is some value in thinking about an American system of split big bins, where people are encouraged to recycle and dispose of waste products at the same time, in the same action.

Mr Stevenson: It is worth looking at.

MR HUMPHRIES: I think the benefits of that are very substantial, and I appreciate Mr Stevenson's comment. I think it is worth looking at, at least. I am pleased to note that the Government's response does, in fact, say that we will be doing just that. I cannot guarantee that that sort of thing will be a solution, but it certainly holds some hope of finding a solution.

It is true, quite true, that big bins do encourage waste. The volume of waste passing through the system increases with big bins and we have to have a strategy for minimising that if we are going to have big bins. I would like to know whether we could develop that comprehensive strategy before we go down the path of a comprehensive system of big bins in Canberra. It is also true, of course, that the savings from big bins are very substantial. Members of the committee will recall the very large manpower savings made by councils like Ku-Ring-Gai in Sydney from the advent of big bins there and, what is more, the very high acceptance of that new system, even from older members of that municipality, when they were introduced.

The second issue I want to touch on, Mr Deputy Speaker, is the question of biodegradable shopping bags, which Mrs Grassby mentioned. I have to say that I strongly endorse the recommendation from the committee, and I am pleased that the Government response supports that measure in principle. While I was on that committee I could establish absolutely no reason why we should be allowing the use of non-biodegradable plastic shopping bags in shopping centres or in shops in the ACT. There seems to be no reason whatsoever for them to exist, and I would certainly support that recommendation being implemented, although I acknowledge, as the Government response acknowledges, that it is important to have in place a system which works in with the systems of other States, in particular New South Wales. If we ban those things here we could potentially disrupt the flow of commerce with other States, particularly New South Wales, and that would not be desirable.

A third issue, under recommendation 52, is tip fees. Subsequently, the committee recommended that tip fees be introduced in ACT tips, and it actually set out what sorts of charges ought to be put in place. I have to say that I feel very strong empathy for that recommendation. I believe that there is a very strong case for doing that. All the evidence the committee received pointed very strongly in that direction, and I want to explain why I believe it did.

I believe that the fundamental problem of domestic waste in this country, and the fundamental bar or barrier facing efficient and widespread recycling in this country, is what I call the "ethos of disposability", which our country has inherited and operates under. We are a society which is extremely ready and extremely prepared to dispose of its rubbish without any second thoughts, without thinking about what form of disposal we might pursue. Australians see it as their right to be able to throw out whatever they want, whenever they want and wherever they want, and that poses a major environmental problem for us because, like every other major urbanised community in this world, we are quickly facing up to the problem of not having sufficient resources to continue to provide land or fuel on the scale needed to dispose of that sort of volume of rubbish on an annual basis.

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We simply cannot go on the way we are. It requires us to sit down and to reconsider very carefully the kind of "ethos of disposability" that I have mentioned. One way of overcoming that problem is to emphasise the costs associated with the disposal of rubbish to the community. Tips are not operated for free. They cost money. They cost taxpayers money and, in particular, they cost the people who use them money. It is worth thinking of the environmental implications of having people think twice about using tips. Certainly, the weekend ritual of a trip to the tip is part of our way of life; but it is not, in an environmental sense, a very sensible way of proceeding with the management of our environment. (Extension of time granted)

Mr Speaker, we have to think about ways of overcoming that problem. I believe that the recommendation, as put forward in that committee, was a sensible one.

MR SPEAKER: Order, Mr Berry! I believe that it is not part of the proceedings to read the paper in the chamber.

Mr Berry: I was reading about an adulterous director of the Logos Foundation, Mr Speaker.

MR SPEAKER: Thank you; I do not need to hear about that. Please proceed, Mr Humphries.

MR HUMPHRIES: I certainly see a benefit in that recommendation and, in the circumstances, I can accept the Government response of not supporting that recommendation at this stage. It is quite clear that the response from the public was not very favourable to that recommendation; I think unreasonably.

There is one other point that needs to be brought out very clearly here, Mr Speaker, and that is the role of the so-called environment movement in the deliberations of this committee and in the public response to the recommendations of this committee and the ongoing debate in this area. Quite frankly, I was appalled and disgusted by the lack of support that the committee received from the environment movement on that recommendation, because I was on the committee when the recommendation was made to the committee from environment groups, in particular, that ACT tips attract a fee. I was there when they said that.

Mr Jensen: And the TLC.

MR HUMPHRIES: And the TLC, indeed. I had to wonder, in amazement, at how quickly those groups went to ground when the recommendations became public and Hector started to feel the heat about them. The fact of life is that there were good grounds for those recommendations. They ought to have been properly considered; not buried quickly under a - - -

Mr Stevenson: A load of rubbish?

MR HUMPHRIES: A load of rubbish, yes - under a welter of public criticism. They ought to have been publicly debated. I think it is most unfortunate that the so-called paragons of virtue in this area, the environment movement in particular, happened to retreat to their bunkers so quickly in the circumstances. I think the same could be said for their attitude towards the closure of the Ainslie tip. The fact of life is that we need to be looking at difficult questions, resolving difficult issues in this area, and, if the environment movement cannot face up to this question, then its groups ought not to put recommendations to committees in the first place. After all, they are prepared to be very vocal when the time comes.

I might just mention, Mr Speaker, in respect of the issue of split big bins, that I am advised that the Government is proceeding very quickly to consider the issues raised by that. In fact, the work going on in this area will be available to us within 12 months. I would hope that, when a decision on big bins is made, we would have sufficient information on split big bins to be able to assess the worth of those things at the same time.

Finally, Mr Speaker, the question of big bins is a very difficult issue, and I would not wish to let people imagine that there is a solid case for or against. We need to consider very carefully the benefits of providing big bins in terms of the economic provision of services in the ACT. The savings from big bins are very large. I think, from memory, that the Ku-Ring-Gai Council experienced a drop of something like 40 or 50 workers - that is about 80 per cent of their work force - devoted to the collection of rubbish when they introduced big bins. Of course, the savings flowing from that would be very large.

We have to remember also that there are environmental costs in having garbage collections taking place twice a week, instead of once a week. There are costs in terms of fuel emissions and the destruction of roads and things of that kind, plus the cost of disposing of it. Of course, all those things are extremely important. We cannot ignore them. But, as I said before, it is not the whole answer. We have to think of ways of finding inventive solutions to combine big bins with effective recycling methods.

With the greatest respect to the committee, I do not think the answers are contained there. Had I remained on the committee, I do not think the answers would have been contained there either. It is a very difficult question which we do not have the resources to answer within our Assembly. I hope that we can explore lateral solutions to these problems in the coming years.

DR KINLOCH (3.57), in reply: I would like to go in reverse order in responding today. I would like to thank Gary Humphries very much indeed for - - -

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MR SPEAKER: Order! I believe you will be closing the debate, Dr Kinloch?

DR KINLOCH: Yes.

MR SPEAKER: Did you want to speak, Mr Wood?

Mr Wood: I have spoken.

MR SPEAKER: Please proceed, Dr Kinloch.

DR KINLOCH: Mr Speaker, may I go in reverse order in commenting on a number of speakers? I very much endorse much that Gary Humphries has said, and I would acknowledge the members of the committee who were there before those of us who actually completed the report. So, my thanks especially to Mr Humphries, who was the first chairman, Ms Maher, Mr Moore, Mr Wood - who was on both ends of the committee, so to speak - and, of course, Mr Stefaniak. I also remember Ms Peta Roberts.

As all of us who were involved with that committee would agree, it was a tremendous learning experience. We believe that we did the best we could in all the recommendations we made, but I would re-endorse what Mr Humphries has said concerning the immense complexity of any one decision on the environment. You make one decision and you affect another decision. You come to one conclusion relating to an environmental matter and you discover that you have upset the balance in some other area. It is a very tricky matter.

The matter of big bins, of course, is an obvious one, and I will come to that later. I like the notion of split big bins, and we did see some indication of that. I would like to come back to that question again later. I am very glad indeed to hear from Mr Collaery that there are investigations continuing on the recycled paper question. We had problems with that. We were reluctant about saying that there is too much paper; that it cannot be recycled. But it does look as though there are some technological changes that might lead to new developments.

There was a lively exchange during Mr Collaery's discussion on the greenhouse effect, and may I refer to that just briefly. I would strongly commend the current issue of the National Geographic to all members. It is a monthly joy for those of us who subscribe to it and it has a very special issue this month, much of it on the greenhouse question. I cannot vouch for its scientific accuracy, but I must say that it was one of the clearest things I have read.

I thank Norm Jensen very much for his comments. I agree with him about the problem of littering. Indeed, the tips themselves are a great problem, as any of you who go there regularly would recognise. I am not too sure what can be done about that.

Mrs Grassby began the discussion today, and I would like to look at that in two ways. She raised the question of the 240-litre big bins. That particular issue, as those of us who looked at it know, is a very difficult one indeed. I do not for a moment agree that our conclusions undermined the credibility of the report; far from it. We took careful advice, including advice from the Department of Urban Services. Before some of us joined the committee, other members had been round the countryside, including Sydney, looking at examples of the use of big bins. Mr Humphries has already referred to that.

Again, we had negatives and positives in almost anything that we saw in connection with the 240-litre bins. I want to stress very much that the recommendations on the 240-litre bins were put in the context of recycling, and we were much influenced by one major report which argued for the recycling benefits of big bins. I agree again with Mr Humphries; there was a lot of immediate reaction from some people who did not think through the issue. But, as it happens - first the bad news; then the good news - we were aware of those problems and the committee recommended a trial only of big bins. Of course, based on that trial - had there been one - we would have come to some kind of a better conclusion.

Between the time the committee reported and the time the Government gave a response, there was a rather happy outcome. We learned about some changed technology with regard to 240-litre bins and we also discovered that the intermediate size was now being produced in Australia and that there were technological changes in those huge and specialised trucks which could lead to a change in the technology. So, I would ask Mrs Grassby, although I appreciated many of her remarks, to see what a complex issue that was and is.

I now want to come to her comments about the Ainslie Transfer Station and recommendations 7, 15 and 26. A lot of water has gone under the bridge; a lot of rubbish has been buried since then. I want to raise an ongoing problem which can all too easily emerge for all committees of this Assembly. Members of this particular committee came to certain conclusions based, we thought, on good evidence. These were then presented to members in this chamber and they have been on the table since March 1990. It is my perception of such a situation that no action should be taken by the Government until such time as the recommendations of the committee are discussed, analysed and resolved. Indeed, you could say that the first time such an action should have been taken was after the debate today.

As the committee chairperson, I have a responsibility to ensure not only the independence of a multi-party committee, but also the integrity of a process of debate and discussion which is not to be negated by an intervening

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authority. I stand here as a chairman of a committee and I hope all those of you who are chairs of committees will join with me in this. I am not going to argue in detail the rights and wrongs of any particular decisions, but I will assert the need for the Government to help preserve the committee process. To be sure, there might be emergency needs which a government might have to meet; but, short of that, a committee's report needs to be taken seriously and honoured. Let me add that the circumvented conclusions in the Ainslie tip case were circumvented based on evidence supplied by, among others, the Department of Urban Services. I do not resile from any previous statements on the Ainslie tip. I regret those decisions. That is now a matter that is out of my control. I can only say that I am anxious that there be no repetition of such a matter. So, I want to send a message - - -

Mr Moore: You had the opportunity to take action in the committee.

DR KINLOCH: And I did that, Michael, as you well know, when you tried to circumvent a motion I tried to pass.

Mr Moore: Your soft motion. You would not go for the hard motion.

DR KINLOCH: I speak the truth, Mr Moore. You tried to circumvent a motion I tried to pass.

MR SPEAKER: Mr Moore, do you mind!

Mr Moore: You tried to circumvent the motion I put.

MR SPEAKER: Mr Moore, please desist, or I will name you. Settle down.

DR KINLOCH: I want to send a message to both government and bureaucracy. I am trying to do this for the benefit of all of us; I am not trying to make points here.

Mr Berry: Try not to help me by closing schools.

DR KINLOCH: That is a pathetic comment, if you do not mind my saying so, when you think of what has been going on in Canberra during the last month. It is a pathetic comment; I resent it, I repudiate it, and I think it is a very shallow comment, indeed, from you, sir.

I now want to send a message to both government and bureaucracy. First to government: please be aware of committee processes and recommendations. Do not cut across those recommendations. In fairness I would say that there was a great deal of effort and a great deal of discussion to make sure that some of the problems raised were then dealt with.

I would like to talk about the Mitchell tip in a minute, but I especially want to speak to the bureaucracies through this Assembly. For many years the bureaucracies conducted their business without a legislative assembly and without a government. They thought they made the decisions, and in this particular case, I believe, a decision was made, it suddenly got made, it got into the works, it was done and it was unfortunate, and there are many of us who recognise that that was the case. So, I would say to the bureaucracies of the ACT: once upon a time you all functioned without the existence of government and without the existence of committees. Now you need to be aware of them. It is a voice of caution to bureaucracies to recognise that they need to know what is going on in this place.

I now want to come briefly to the matter of the Mitchell Recycling Centre. I was well aware that the Department of Urban Services was trying hard to recoup or recapture the initiative and was trying to get things done, and I was pleased on 21 September, the day before the Raiders beat Penrith, to go out there to the Mitchell Recycling Centre. I urge those of you who have not been there to do that. I am impressed by it. I think the full problems of the Ainslie tip have not been resolved. I think there is a great problem left vis-a-vis the recycling of compostable material, but I think the department has tried to do something in that connection and I am sure north Canberra residents are grateful for that Mitchell facility. This is a huge matter. (Extension of time granted)

Again, in a sense, I come back to something Mr Humphries said. In this particular case a Standing Committee on Conservation, Heritage and Environment looked at a crucial matter - a whole lot of us looked at that crucial matter - and came up with all kinds of recommendations. A report was finished, it was laid here, and it has been here for many months. The Government responded. I do not believe that the committee should now let this matter lapse. For example, there is the question of split big bins, the question of recycled paper, the question of what can be done with the new technology vis-a-vis big bins. We need to keep the concerns that were the concerns of that committee going. We need constantly to be aware of the changing technology - things are happening so fast - and as we move on to our energy inquiry I hope that at the same time we will not forget this particular matter.

I know that there were some awkward moments in the committee. I regret those and I regret any part that I might have been seen to have played in that, but I do believe that at the end of the day we have done as well as we can do. The Government has responded as well as it can at the moment. I do not agree with every conclusion that has been arrived at and I hope that there will be

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reconsideration of some of the matters, as Mr Humphries has also indicated; but, all things considered, I am very glad indeed that this Assembly has taken such a conscientious look at such crucial issues.

Question resolved in the affirmative.

**ENVIRONMENT STRATEGY - ALLIANCE GOVERNMENT
Ministerial Statement and Paper**

Debate resumed from 5 June 1990, on motion by **Mr Kaine**:

That the Assembly takes note of the following papers:

Environment Strategy - Alliance Government policy

Ministerial statement, 5 June 1990.

Environment strategy for the 1990s - Report, dated 5 June 1990.

MR JENSEN (4.10): Mr Speaker, in the ACT we are fortunate to live in an urban and natural environment of the highest standard. As part of this Government it is my intention to do everything in my power to maintain that standard. Compared with cities of a similar size and population, we have minimal levels of air and water pollution, significant areas of urban green space, and an abundance of natural forest and woodland that forms part of the urban landscape, not to mention the large proportion of the Territory devoted to national park. It would be very easy to look around our immediate environment, compare ourselves with other centres and sit back and congratulate ourselves on good planning and good fortune in this area.

Today, Mr Speaker, with a couple of other members of the Assembly, I was fortunate enough to take a stroll around part of the lake near Commonwealth Park. As the discussion went along as we walked around the lake, it was appropriate to recall the nature of this set of lungs, if you like, for our very important city. It is a very important facet, and I think it is probably a place near which we as members of the Assembly should spend a little more time during the lunchhours. I am sure we would find it much healthier than cosseting ourselves in our offices. I would encourage members to make every opportunity to use that very important built facility within our environment.

As I have said, Mr Speaker, it would be folly, however, for us to rest on the laurels that have already been created for us. No community in the world has that luxury, especially as we learn more about the problems resulting from past excesses, the ozone layer destruction and the possible global warming from the greenhouse effect; but I know that there are some people like Mr Stevenson who have some problems with it. I might add that there are some scientific people from the ANU geography department who

have said that this is not the first time that this sort of warming has taken place; but that is an argument for another place, I suggest.

While acknowledging that the ACT is perhaps more fortunate than other areas, the Alliance Government does not stand back from the need for improvement in many areas of environmental management. Our budget statement clearly demonstrates our high level of commitment to ongoing enhancement of environmental quality. This Government recognises that environmental management is an ongoing and long-term responsibility and that this is a fundamental basis of our environment strategy, our preparation of an environmental budget and, indeed, all our environment initiatives. It is a strategy that has been developed from one of the most comprehensive environment policies of any State or Federal government.

Our strategy and our budget initiatives not only seek to improve an already high standard of environmental quality but also set the standard for ACT environmental initiatives into the future. The strategy identifies many programs that the Government has and will set in place during its term of office. These programs will provide the framework for ongoing environmental management into the rest of the decade. I think this strategy is an advancement from an environmental policy. As I have said before, in the past the ACT has never had an opportunity to have an environment policy that relates specifically to the ACT. We have that opportunity. However, the Government clearly said that here is a good policy but it is important that we provide a strategy to implement that. If one goes through this policy - caring for the ACT, caring for our environment - the program of the Government is quite clear. I think that is one of the most important facets of this strategy that we are discussing today.

As an example, Mr Speaker, the Government has made the completion of management plans for the Murrumbidgee River corridor, the Jerrabomberra wetlands and the Canberra Nature Park a high priority. The first two areas have been declared and the Canberra Nature Park will be part of the Territory Plan. The new legislation will require management plans to be prepared for them. There has been very extensive public consultation about the Canberra Nature Park. I was fortunate to be present, albeit a little late, at a meeting when that report on public consultation was issued to the community.

The management plans are based on a long-term management philosophy and established objectives, strategies and guidelines to ensure that maximum protection of these important nature conservation resources is combined with appropriate community access and utilisation into the future. Clearly, those sorts of policy plans require a major input from the community. As society in Australia develops over a period, I think that the sort of training that children are getting in our schools in relation to the

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environmental issues will carry on into places like this. I think the community will become much more aware of the need to maintain a sustainable environment and for us to work with that environment to manage it in an appropriate way.

In the area of animal welfare the Government's review is nearing completion. I am advised that the Minister responsible, Mr Doby, will be bringing down a statement on the review this week.

Mr Doby: On Tuesday.

MR JENSEN: I am sorry; on Tuesday. I thought it was coming this week. It is the most comprehensive review of this field which has been undertaken in the ACT. It has taken quite a long time, and I think there has been a lot of community consultation and input. This policy statement will, in turn, be used as the basis for developing legislation for the prevention of cruelty to animals.

It is unfortunate that in recent times we have had some very horrific instances of cruelty to animals, in particular our native animals, within the ACT. I would suggest that any people who think they will not feel the full force of the ACT law on them if they are caught perpetrating any of these acts had better think again. I can assure you, Mr Speaker, that my colleagues within government will come down like the proverbial ton of bricks on anybody who is seen perpetrating such acts. If people see these sorts of acts or hear of them, I would encourage them to report them to the appropriate authorities so that they can be promptly and efficiently investigated. The legislation that will flow from this will set up the principal framework for animal protection in the ACT.

As the Chief Minister has already indicated, soil conservation is possibly the major environmental issue in Australia and one that no government can ignore. Soil loss and land degradation are problems that have increased enormously over the last century. We can only hope to deal with them through long-term action. Any of you who have considered some of the problems of the Murrumbidgee valley in recent years, particularly in relation to salinity, will know exactly what I mean. I think the days of, as it is affectionately called, Gillette farming, by which attempts were made to turn the environment into a European-style one, are long gone. I think farmers are now appreciating the importance of and the need for tree cover on their farms.

We have therefore committed \$125,000 per annum for the next 10 years to a program of remedial works for areas such as the upper Hall, Ginninderra and Sullivans Creek catchments and the Murrumbidgee tributaries. However, the Government recognises that remedial works are only one aspect of measures that need to be taken to combat soil degradation. This degradation has been caused by a failure to foresee

the consequences of certain land management practices. To avoid repeating the mistakes of the past, we must establish new attitudes to land use management. Therefore, in addition to participation in land care, the Government, in consultation with rural landholders, is developing a land tenure policy that will provide more appropriate tenure to encourage sustainable rural and land management practices.

The Government is also continuing to work closely with rural landholders in addressing matters such as stocking rates, retaining vegetation and erosion mitigation. Last month I attended the annual general meeting of the Rural Lessees Association, and I have had meetings with members of that organisation as late as last week. By encouraging the adoption of improved land management practices we can slow the devastation, start to restore already degraded land and ensure the ongoing productivity of as yet unaffected land. (Extension of time granted)

Mr Speaker, there is another fundamental reality that any comprehensive environment policy must recognise: our local environment is only a small part of a much larger regional, national and ultimately global environment. I am pleased to note that the ACT Government is participating in the total catchment management program that is being coordinated within the surrounding shires in New South Wales. This means that, no matter how thoroughly this Government seeks to address local issues, environmentally destructive and ecologically unsuitable practices by other State governments and shires will eventually impact on us. Even actions by other countries will ultimately impact on us, although not as directly as those of our immediate neighbours.

Complacency about wider issues that have no immediate direct effect on us ignores our responsibility not only to this community but to the global community as well. Of course, many of the initiatives taken at a local level will contribute in a small but essential way to the resolution of the same problem on a global scale. I refer to the Government's commitment to seeking to comply with the Montreal protocol in relation to the reduction of CO₂. But issues such as the greenhouse effect and the ozone layer will be resolved only by the development of specific policies and actions by governments around the world.

This Government is keeping pace with the greenhouse debate in Australia. It was among the earliest of the States and Territories to begin to develop a strategy to deal with greenhouse climatic change. As the Chief Minister indicated during the debate on the greenhouse consultation paper, there has been a significant response from the community to proposals in the consultation paper, which indicates a high level of community interest and concern about this issue. We in the Government will be closely monitoring developments in the greenhouse debate, both nationally and overseas, to ensure that the ACT remains at the leading edge of greenhouse responses.

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Mr Speaker, the initiatives identified in this environment strategy firmly establish the environmental credentials of the Alliance Government and clearly demonstrate that the commitment of this Government is not only to deal with immediate environmental issues but also to set in place the framework for future environmental management in the ACT. The Government believes that this strategy, together with the greenhouse strategy, the proposed paper on sustainable development and our commitment in the budget, will ensure that the environment in the ACT will continue to be managed in a responsible, balanced and sustainable manner.

In conclusion, let me once again speak of the importance that I personally place on consultation with the community on issues related to the protection of our environment. I am happy to meet regularly with groups and organisations. Many productive discussions have been held, and I expect many more to take place. Mr Speaker, as you will be aware, the Government continues to provide funding for operations of organisations like the conservation council because they play an important part in the community consultation process.

A hands-on approach to environmental issues is also important, and I expect many of the meetings to which I have already referred to be on site. I certainly give an undertaking that I will visit each one of the various community groups that are participating in the greening of our hills program at some stage during the next 12 months. I have already started that process. This strategy, Mr Speaker, is a clear statement on the commitment of the Government to its environment policy, and I commend it to the Assembly.

MRS NOLAN (4.24): Mr Speaker, the Government has already set out to achieve some of the targets that are set down in the environment strategy. The time for action on the environment is now, not in 20 years. We cannot afford to do nothing and suddenly find ourselves in the type of situation that faces large cities all over the globe. We cannot afford the polluted air, poisoned water systems, degraded soils and the stockpiles of industrial and urban waste. No community, least of all the Canberra community, will be able to bear the future economic, social and environmental costs of doing nothing towards minimising and rectifying the adverse impacts that we can have on the environment.

The Alliance Government is committed to action, but not to a scattered, piecemeal approach. Unlike other governments, the Alliance Government does not believe in token gestures or conservation at all costs. Rather, it has adopted a more reasoned and logical approach by which environmental issues are integrally linked with economic development and growth in a way which benefits the community at large. Through its environment strategy, the Government is examining environmental issues in a systematic, strategic

and comprehensive way. Members of the Assembly will note that the strategy is for the 1990s. It is long term, with long-term objectives, not a quick fix. However, the 1990-91 environment budget statement provides the financial basis for beginning this task.

As part of developing this long-term strategy, we need to know what the demands will be on the environment in the ACT and the subregion at the turn of the century. The Government, through its participation in the south-east regional forum, is working on a green paper on regional planning issues for the ACT and subregion.

From the work done in this context, we now know that the subregion has a projected population of about half a million by the year 2000. While bringing clear and welcome economic benefits, this growth puts stresses on our air, water supplies, transport system and, more importantly, land. There will be more consumers of energy, more waste to manage, more construction works and many more cars. We need to think carefully about what actions we can take in the early 1990s to ameliorate these effects, so that Canberra remains a clean and healthy place in which to live and work in the year 2000.

To this end, the Government is adopting a two-pronged approach. It is currently formulating a policy on sustainable development, as a means of ensuring that development decisions proceed on an informed basis of their long-term effects. Secondly, the Government has developed a land use legislation package which integrates environmental assessment into the planning, approvals and leasing processes. The draft land use Bills are about to be re-released for a second round of public comment. These reforms squarely put our focus on considering environmental impacts as an integral part of the decision making process.

To make our environment strategy work, we also need to coordinate our actions with those of the surrounding regions. In this area, the south-east regional forum provides an ideal vehicle for the exchange of information and for establishing the environmental imperatives for the subregion. In addition, the ACT environmental management agencies liaise regularly with New South Wales State and local government counterparts on issues as diverse as waterways, feral animals and noxious weeds. The ACT has a lot to offer the subregion in terms of its expertise in managing the local environment.

One example of a coordinated approach was the regional conference "Working Together - A Joint Solution to Recycling" which was held in July and which was attended by Mr DUBY. The conference participants agreed that a regional recycling centre be established. I think that a cooperative response to a shared environmental problem is a very good one.

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Let me turn to more local concerns. The Government is committed to putting its own house in order, and has committed \$1m to investigating measures to improve energy efficiency in the Government Service. The Government has asked its agencies for comprehensive advice on this issue, and we intend to implement changes progressively. Mr Speaker, the Government recognises that the environmental debate needs to be informed. Governments have a responsibility to raise community awareness - - -

Debate interrupted.

ADJOURNMENT

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

That the Assembly do now adjourn.

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

Question resolved in the negative.

ENVIRONMENT STRATEGY - ALLIANCE GOVERNMENT Ministerial Statement and Paper

Debate resumed.

MRS NOLAN: Mr Speaker, as I was saying, governments have a responsibility to raise general community awareness of these issues and to place them in context. The booklet "Caring for our Environment" assists community education and awareness by giving practical advice on what Canberrans can do to conserve energy and lessen waste.

Mr Speaker, the measures about which I have spoken today mark a significant first stage of the Government's environmental strategy. It is important to set in train procedures and processes which ensure an integrated and comprehensive approach to the challenges that we face in tackling environmental problems. This Government is actively translating words into practical action on the environment front. It has developed a clear program of actions, which includes extensive community consultation, a focus on the long term and a recognition of the need for growth and development. The environment strategy is practical and affordable. It concentrates on achieving what is central to our concerns about the environment - clean air, clean water and productive soil.

MR MOORE (4.31): Mr Speaker, I am delighted to have the opportunity in many ways to support the Alliance Government in its attitude, as illustrated by this document "Caring for our Environment - Environment Strategy for the 1990s".

The Alliance Government's commitment to maintaining environmental quality in the ACT comes as a pleasant surprise, and I must say that its approach to the issue is an attempt on a holistic, long-term basis. When a positive document like this comes out I think it is important that it is recognised and that a bipartisan approach is taken on such an important issue so that the matter of the environment loses its place as a controversial issue and becomes one that people recognise as being taken care of by whatever shade of government. Instead of listing some of the very positive points, I think I should just accept that they have been presented very neatly by members of the Government and also in speeches by members of the Labor Party, particularly that made by Ms Follett on 5 June.

A cooperative effort to increase environmental consciousness can only be of benefit to our community. I think a cooperative approach to many more aspects of what we do in the Assembly would also be a major contribution to our community. That sort of cooperative effort would be gained with broad ranging community consultation, as has happened on environmental issues as much as anything because they were one of the major issues of the election. Hence, it was a major part of the platforms of each of the parties that are now represented in the Assembly, with the exception of those who stood under the No Self Government and the Abolish Self Government tickets because they had a specific goal which was recognised by the community.

An individual effort is important and has been recognised throughout the strategy as contributing to the collective effort. This encourages a change of attitude, and I think we can look forward to it being a very positive aspect. That does not mean that everything in the paper can go without criticism, nor can the Government go without criticism in terms of where it stands in acting on some things in terms of the environment. I would like to start my contribution to it by looking at a definition of "environment". The definition that I have chosen comes from the Environment Protection (Impact of Proposals) Act 1974 which states:

... "environment" includes all aspects of the surroundings of man, whether affecting him as an individual or in his social groupings and "environmental" has a corresponding meaning ...

If you were to take that definition and combine it with a reading of page 187 of the Metropolitan Policy Plan 1984, from which I quoted yesterday, it would read as follows: Experience has shown that residential areas of about 4,000 to 5,000 people form a community of interest and provide the necessary threshold for the provision of facilities,

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such as schools, neighbourhood shops and recreational areas. We realise that one of the major inadequacies of the Alliance Government, as far as the environment is concerned, is our failure to maintain the schools as part of a neighbourhood and retain that neighbourhood concept, because that term "environment" includes all aspects of man's surroundings, whether affecting him as an individual or his social groupings. That was a 1974 definition, and we would now drop the word "man" and use the word "people", as is being done through most of our legislation. The point remains valid.

The second area in relation to which I would like to comment, and we have heard it commented on several times today, is the Ainslie Transfer Station closure. It certainly was not a very good beginning, as far as an environmental strategy goes. Certainly I recognise the attempts at Mitchell, but I still believe that the things that are being done at Mitchell could well have been done at Ainslie, and the transfer station role of Ainslie could well have been retained with a positive contribution to our environment continuing.

Mr Berry: How much do they really save?

MR MOORE: Thank you for that interjection, Mr Berry. How much do they really save? I was not going to ask that question until you reminded me.

Mr DUBY: \$245,000 per annum.

MR MOORE: The figure that Mr DUBY interjects, like many figures that have come out of this Government, has been solidly questioned and discredited. The other thing that I think is most significant is that I would like to support the notion that Ms Follett presented on 5 June when she called for an audit on greenhouse gas omissions. I look forward to a response on that issue from the Chief Minister when he closes this debate.

Other areas of environmental strategy, which are covered broadly but not quite so specifically, unless I have missed them, are urban run-off, soil conservation and vegetation, and in-depth forest preservation. I think it is important that management of those areas such as forests be considered, rather than as profit-making ventures, more for their environmental impact. I think that is most significant. We have heard a quite eloquent, very positive contribution, as far as many of those issues go, from Mr Jensen.

The other matters that I had intended to raise would only run over material that other people have presented today. I conclude by saying that generally I applaud the Alliance Government's initiative in issuing this environmental strategy and, with the exception of the few things to which I drew attention, I think the Alliance Government has made

a major contribution which ought to have general bipartisan support. But that does not take away from the opportunity to comment about specific issues.

MR COLLAERY (Attorney-General) (4.39): Mr Speaker, I believe that the speeches have been of very high quality. I have little to add in considering the comprehensive nature of those speeches. I want to raise a few issues to do with, as David Suzuki says, the three Rs - reduce, recycle and reuse. Additionally, I throw in as a challenge to all in the Assembly the lateral thinking that is required as we advance these policies.

I am pleased that the policies are accepted on a bipartisan level. I think it is proper that there be a healthy tension in regard to the extent to which we can implement them and commit ourselves to implementing them. I saw nothing wrong with the way in which Mr Moore put his case; nor do I see anything wrong with Ms Follett calling for an audit of greenhouse gases which in one sense, to me, is tantamount to calling for an audit of the dolphins in the world's oceans. It is a monster issue and no doubt has to be tackled comprehensively through Federal and State bodies.

I just want to throw a few things in. For example, for a few years I worked in an office that had open windows and lace curtains. It was in a suburb, and there were roses growing outside. It was a marvellous new environment after years and years of being in some metropolis or other.

Mr Berry: Something to do with section 10.

MR COLLAERY: Yes. The section 10 airs were very congenial, Mr Berry. Why do we need this level of air-conditioning, one can ask? Can we work out of suits and ties, for instance? Why do we wear the apparel that requires us to be cooled so much? For example, can office workers wear less? There is nothing indecent in that proposal, Mr Connolly. Sometimes some of the styles that we adopt mandate or require axiomatically that we design and engineer buildings to meet the styles that we have adopted. Why do we not start questioning the need for air-conditioning in many buildings? I cannot tell you how often I have gone to the fifth floor of this building and wanted to kick a window out.

Mr Duby: It has nothing to do with the air-conditioning.

MR COLLAERY: Actually, Mr Speaker, I get up there and, when I think of the Opposition, naturally the urge strikes me, I must confess.

Mr Moore: Is that the opposition within the Government or the opposition outside the Government?

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MR COLLAERY: I will not kick that pillar away, Mr Moore. As this debate advances and as we see the very encyclopaedic and comprehensive documentation to which the good government advisers, the good people in the community and the good people in this Assembly have contributed, perhaps we should be making some fundamental queries and having some more lateral thoughts along that holistic line that Mr Moore mentioned. For example, Mr DUBY has allocated to the hilltop preservation campaign for the ACT about \$125,000 this year.

Mr DUBY: Per annum for 10 years.

MR COLLAERY: Per annum for 10 years. It is a remarkable commitment. That is a perfect manner of bringing the aged in our community into soil degradation and recovery work, eradication of exotic fauna and the like. As Mr DUBY knows, I think it is one of the most unsung things in our budget. As spring and summer advance here, you will see groups of elderly Canberrans mount the slopes of Mount Painter, Red Hill and Mount Taylor and dig out those exotic cotoneasters that are spread by the birdlife in the town. As Sue Doobov of the ACT Council on the Ageing put to me the other day, that is a way in which we can involve the ageing. I throw that challenge to Mr DUBY to see whether he can get the aged in.

On another lateral level, we have recently held the first national symposium on the use of the wilderness and conservation activity for young offenders. That produced a very large crowd at Birrigai. More than 100 people came from Tasmania, and we were honoured by one of those attendees being the daughter of the famous Truchanas who lost his life mapping and photographing the Franklin River. This was a marvellous gathering of people committed to finding lateral commitments to the environment - in this case, in the corrections and justice policy. Mr Speaker, I threw in those examples to demonstrate the manner in which I believe we can all contribute laterally to this debate.

MR DUBY (Minister for Finance and Urban Services) (4.45): As the debate has shown, the Alliance Government has made substantial progress in publishing its integrated strategy to address the wide range of environmental issues that face the Territory. The ACT and its residents have long been proud of the environmental quality of the ACT as a planned city with emphasis on the provision of good quality open space, preservation of national parks and nature reserves. With self-government and the funding constraints that the Government now faces, the challenge for the Alliance Government has been to maintain and enhance the high environmental quality of the ACT while at the same time acting in a financially prudent and responsible way, which is something that the present Opposition never quite managed.

The record shows that we have already made significant progress towards meeting this challenge. On World Environment Day we not only released the most comprehensive environment strategy that the ACT has ever seen but also announced significant extensions to the ACT's national parks and reserves system. The Government sees these extensions as a very major environmental initiative. The scale of these extensions - an additional 22,000 hectares, Mr Speaker - is unprecedented. The expanded park and reserves will provide an important resource for the community and for future generations. It will also ensure that the ACT will retain the special qualities in our natural environment which make Canberra unique.

The Namadgi Visitors Centre, which I also opened on World Environment Day, is an example of the way in which the ACT's high quality management of our natural heritage contributes to the Territory's overall environment and provides for both community recreation and environmental information and education. The information contained in the document "Caring for our Environment" will also help in the important task of educating the community and encouraging lifestyle changes which will enable us to conserve our environmental quality.

As the Government has already announced, we are committed to a range of legislation to support and improve the quality of the local environment. Our integrated planning, heritage, lease administration and environment legislation will provide the underpinning for major development decisions in the Territory. Introduction of this integrated package will ensure proper consideration of all relevant environmental issues in the preparation of the Territory Plan and, where necessary, in individual leasing and development decisions.

The Government is also committed to developing legislation to protect animal welfare in the ACT. As Mr Jensen has commented, the report of the animal welfare review, which was undertaken over a period, has been received; Cabinet has endorsed it, and I will be presenting that report to this Assembly next week. It is a comprehensive and far-ranging report which has been long awaited.

Mr Speaker, in according environmental issues the high priority that they deserve, we have had to be aware of the financial constraints that we all face. In releasing the Government's response to the waste management report from the Assembly's Standing Committee on Conservation, Heritage and Environment on 9 August, I announced a comprehensive approach to waste management issues. The Government's response includes greater promotion of recycling, better community information and sensible use of private sector alternatives to government expenditure in areas where the private sector has the potential to provide good services to the community.

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The Government recognises that many initiatives can best be handled by facilitating ongoing involvement by the private sector rather than the Government taking on additional responsibilities. Are you listening over there? As part of the Government's waste management strategy we are also expanding the availability of composting facilities at the landfill sites. This is an example, Mr Speaker, of the way in which the Government's environment initiatives can encourage changes to community attitudes, which will lead to savings on landfill and promote a better urban environment.

Composting rather than burning off garden wastes provides an excellent example of the close links between local and global policies. By encouraging people to recycle their garden wastes as compost, we are reducing local air pollution at the same time as making a contribution to reducing greenhouse gases and avoiding the problems which are now becoming well known worldwide.

Mr Collaery: Tell Dennis.

MR DUBY: Maybe we should prevent the ice age coming. It is an important step in encouraging the lifestyle changes that are necessary to an improved environment for everybody. As Mr Jensen has said, any improvements that we make locally will impact on the quality of the global environment. Every little helps; I suppose that is the way to put it. We are also committed, as part of our national and international responsibilities, to participating in regulating and, where appropriate, banning ozone depleting substances and reducing greenhouse gases. I will be introducing legislation to amend the Air Pollution Act and ensure that the ACT does not become a dumping ground for products banned in other areas.

As the Chief Minister said in the greenhouse debate, many of the initiatives that the Government is taking to encourage greater use of public transport will also improve the environment as a matter of course. My department has let a major consultancy to develop a comprehensive bus priority strategy for Canberra, and our multi-occupancy car parks are going to be a demonstration project for the Australian Transport Advisory Council's environment program. The Australian Transport Advisory Council is the major transport group within Australia - something which Mrs Grassby did not attend but which this Minister takes most responsibly and whose meetings I attend.

Mr Connolly: If there is a conference on, you lot will go to it; there is no doubt about that.

MR DUBY: Especially when there is an extra \$1m worth of revenue which no other State or Territory could get its hands on. This Territory was able to do that.

Mr Connolly: The travelling circus.

MR DUBY: There are usually eight or nine delegates at these conferences, and I think only two of them come from non-Labor areas. It is amazing, is it not?

Mr Collaery: Yes, exactly, and they get there a day before us and bring six staff members.

MR DUBY: Yes, and their wives. The debate on this issue has shown that there is a high degree of consensus on the importance of environmental issues, both globally and locally. The Government is working with the local community to address these issues. We have given the community a clear program of our objectives and priorities, and now it is up to all of us in this Assembly to work towards achieving the goal, which we all share, of maintaining and enhancing the ACT environment.

Mr Speaker, I think the environment strategy that was brought down by the Chief Minister is a good one, and all people in the ACT will undoubtedly endorse it.

MR HUMPHRIES (Minister for Health, Education and the Arts) (4.53): I know that those opposite - - -

Mr Connolly: Is it necessary for every member of the Government to speak on every paper?

MR HUMPHRIES: Mr Speaker, I try not to respond to interjections across the chamber, but this is one to which I should respond.

Mr Connolly: You are just filling in time.

MR HUMPHRIES: No, there is no point in filling in time, Mr Connolly. It is 5 o'clock, so I could sit down, and we could all go home, if that were the case. I am rising because I have something important to say, I think, about the environment, and also to testify to the fact that this Government sees the environment as being very important. You are going to run around at various stages in this Territory and say to people, "Oh, the Government does not care about the environment. It is all lip service. It does not really have any regard for the environment. It is not really concerned. The members do not know anything about the environment", et cetera. I hope that you who are sitting here and your colleagues who are not sitting here will somehow impress on people the fact that we are very keen on ensuring that the ACT's environment is the best in this country.

Mr Speaker, with the demise over the last few years of the peace issue as a principal issue of concern, the environment issue has grown in importance in the minds of many people. I think it could be described as the biggest issue facing us today, at least in terms of public perception.

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Mr Collaery: The Leader of the Opposition has not been here throughout the debate.

MR HUMPHRIES: Indeed. At least in the perception of some people, it is the most important issue. I stand corrected.

Mr Collaery: She has a ministerial salary, but she comes part time.

MR HUMPHRIES: Yes.

Mr Connolly: Mr Speaker, the Government members are cavorting about the floor, in bursts of laughter, trying to read things into Hansard, because they are going to send these speeches to the conservation council to attempt to impress upon it their concern, by the sheer volume of their words. Can we have a little less levity? We think Mr Humphries is funny, but it is not necessary to always be laughing.

MR HUMPHRIES: Mr Speaker, I assure members that I will not send my speech anywhere. Decades of unchecked industrial and agricultural expansion have led to severe problems of pollution of our sea, land and air. Incidentally, I think I should comment on the argument, which is often pushed, that pollution and environmental degradation are phenomena that are wholly tied up with capitalism and that it is the capitalists who produce these phenomena. I think it is worth looking at the environments of some other countries, such as eastern Europe, Poland and China, in particular, to realise that it is simply not the case. But we are moving out of that kind of split world. We are moving into a new world in which we share mutually the burdens of our problems. It means that we have to take a new view of the way in which we tackle them.

In the ACT, I think it is true to say, we are considerably luckier than other places in the world because of our very low levels of pollution and low levels of industrialisation giving rise to that kind of pollution. There is, however, no very good reason to be complacent about that. We have a great deal to protect, which means that sometimes additional measures are required because measures taken or problems arising elsewhere in this country or this world affect our environment. We have that mutual obligation to our fellow human beings to be part of the general clean-up of our planet which is getting under way at this time.

In the Chief Minister's tabling statement he said that the community will no longer accept superficial responses to the environment issues which we face. That is exactly why this Government has released a comprehensive and detailed strategy that will take the management of our environment into the next century. This document is not, as I think previous speakers have said, merely a collection of platitudes; it is a tangible, concrete expression of the way in which the Territory should proceed to avoid hazards that the future presents and to mitigate the mistakes of the past.

Moreover, it is a document which allows people to respond both at the government level - that is, at the territorial level - and also at the level of their local communities or their individual households. At the back of the document there are extensive sections dealing with what you - that is you, the individual - can do. That is an extremely valuable contribution, I think, to the overall debate. We have to have that long-term strategy. It is not just one that we can afford to implement in the term of one government or the life of one assembly. It is, rather, Mr Speaker, the culmination of collected knowledge on this area which we collectively ought to implement.

Air quality is one of the areas of government action. This Government intends to amend the Air Pollution Act to regulate the use of ozone depleting substances in the ACT. The Government is also investigating methods of improving the public transport system to reduce private vehicle usage and provide cleaner means of transport. Once again, those sorts of things are not changed overnight; they are not easily effected, and they do entail, on many occasions, very difficult decisions. I think it is worth reflecting on the debate earlier this afternoon concerning the problems of an environment strategy with respect to domestic and commercial waste management to see how difficult it is to get in place some major innovations that affect the amenity of people in the city.

People expect certain things to happen. While they expect to be able to travel to their local tip with some ease, they expect even more so to be able to climb into their cars and travel wherever they want, particularly to work in the city, without a second thought. It is that kind of assumption and that kind of ethos that we need to challenge in the course of addressing environmental problems. ACTION, our bus network, for one, is negotiating with manufacturers for the use of compressed natural gas on a trial basis as a way of contributing towards a reduction in the pollution content of its activities.

The Government has also issued its paper on developing an ACT strategy to respond to the greenhouse effect. It is significant in that we are responding to a global issue at a local level. Our goal is to achieve a community which produces only minimal air pollution and which minimises its contribution to global problems, such as the greenhouse effect and the depletion of the ozone layer. I think the Standing Committee on Conservation, Heritage and Environment continues to address the problem of emissions from wood-burning stoves in the ACT, which is another important contribution to finding solutions to that problem.

It is very easy to make grand statements about the environment and say that we are going to be the you-beaut salvation of these particular issues and find solutions to all these problems. As I have indicated, making people

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environmentally aware is one thing; actually getting them to accept the hard decisions that have to flow from an environmental awareness is quite another.

I think that our statement "Caring for our Environment" is a good start to that process. It encourages Canberra citizens to take a responsibility on their own shoulders. If they are taking that responsibility - for example, recycling in their own homes - it is much easier for governments to marshal the political will to go to the next step of saying, "We want to impose on our community other measures which might be inconvenient or even painful but which have an important effect on improving the quality of our environment". For example, one thing that I can see being difficult is the phasing out of CFCs in refrigerants. That will entail costs to individuals who use refrigerators or air-conditioning systems. We have to face up to that. The statement lists six different ways in which the public can ensure better quality air in the ACT. These include ways to improve the efficient use of wood-burning stoves, such as avoiding the use of green wood in fires, and encouraging people to reduce the levels of indoor pollution by increasing ventilation in domestic dwellings.

Other sections in this paper present ideas for conserving natural resources, avoiding land degradation and water pollution and enhancing our urban environment. I warmly commend this statement to the house. I believe it is an important first step in tackling those difficult problems. I would particularly urge members to ventilate the issues and the suggested solutions raised in this document as widely as possible, to build up that community support for these measures.

MR KAINE (Chief Minister) (5.03), in reply: Mr Speaker, in concluding the debate, I will be quite brief for two reasons: one is that I think the Opposition has already lost the debate anyway, and the other is that it is late, and it has been a long and tedious day. But there are just a couple of things that I would like to say. Firstly, I think the Opposition has clearly lost this debate. It has contributed very little to it. As usual, it is long on rhetoric but short on action.

Mrs Grassby: No, because conservation people know that we put our money where our mouth is. We are not all hiss and wind.

MR KAINE: You did not put any money where your mouth was while you were in government. You did and still do a lot of talking, but you did not put any money on the line. There is no question in the minds of the general public about where the weight of evidence is in terms of which government has prompted debate on this issue. It was not the former Labor Government; it is this one. I agree wholeheartedly with the Leader of the Opposition when, in her response to the strategy paper, she said that actions speak louder than words.

In this Government's short life it has produced its paper on the greenhouse problem, strategy on the environment and budget on the environment. We have committed considerable resources this year, as the first of many years, to the protection of our environment. I will not go into all of those. My three Ministers have outlined the things we have committed ourselves to in our own areas of responsibility, and I do not think I need to restate those. There is no doubt, Mr Speaker, that the budget reinforces this Government's commitment to long-term environmental management. Mr DUBY mentioned that in one respect we have committed ourselves to a 10-year plan, not just one year. We are thinking in terms of the future, not only in terms of this year.

I think the facts speak for themselves, Mr Speaker. We have made our case. We are getting on with it. You can listen to the empty rhetoric of the members opposite. They did nothing, and they will do nothing but talk about it. We have put our money where our mouths are.

Question resolved in the affirmative.

ADJOURNMENT

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

That the Assembly do now adjourn.

Chief Minister

MR BERRY (5.06): Mr Speaker, today we have seen, I think, one of the best examples of the extent to which the great cover-up can be taken to frightening proportions by the Government and, in particular, the Chief Minister.

Mr Moore: Who is now departing.

MR BERRY: Of course, he would take off because this is going to challenge his leadership of the Government. The great cover-up has permeated the entire culture of the Government, and I think we have proven that in relation to the costing of the hospitals redevelopment issue and the way in which it has gone about the closure of schools in the ACT. But that is not the issue on which I rise to speak; that will be aired frequently in time, and the community is aware of the Government's position. It knows that it is a government of duplicity, and it was born out of duplicity because of the double deal that was done on the electorate by members who now form part of this Government.

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Mr Speaker, the big issue today has been how the leader, Mr Kaine, has been shown up for the extent to which he is prepared to take the dishonour of this Government in respect of his behaviour in this house. He has brought this Assembly into discredit across Australia because of his statements on national television, and he has refused to accept that he made those statements. He has refused to accept the absurdity of these statements, and he has blamed Mr Richard Carleton. If Mr Richard Carleton set out to make this Government look stupid by the people he interviewed, he certainly found fertile ground, and I do not think he could have done anything else, on the basis of the interviews that we saw. He may have interviewed other members of the Government, but it would have compounded the issue. I think it would have grown into something like the epic *Gone With The Wind*.

Nevertheless, Mr Carleton's exposure of Mr Kaine has been helpful, and it is a matter of record now that Mr Kaine has made the most absurd remarks in relation to the costing of Ministers in this place. But today also, Mr Speaker, has shown that there is a fragility in the Government, along with a willingness by the Chief Minister to peddle untruths in this place.

Mr Humphries: On a point of order, Mr Speaker: I think Mr Berry is sailing perilously close to the wind. Certainly, his remarks have been highly offensive, and I think under standing order 57 they would probably be liable to be struck down. But certainly to suggest that someone has been peddling untruths is very close to saying that he has been telling lies.

MR SPEAKER: Order! Yes, I take your point there, Mr Humphries. Mr Berry, I advise you that if you have something like that you must move it as a substantive motion. I ask you to withdraw it.

MR BERRY: I withdraw that, Mr Speaker. Mr Kaine made untrue statements today in this house.

Members interjected.

MR SPEAKER: Order! The house will come to order. If you have the facts before you, you must move a substantive motion.

MR BERRY: I withdraw that, Mr Speaker. It has been shown today that the statements made by Mr Kaine cannot be reconciled with the record.

Mrs Grassby: Exactly; so they are untrue.

MR SPEAKER: Mrs Grassby, please withdraw that comment.

Mrs Grassby: They are untrue. What he said compared with what was in the record is untrue.

MR SPEAKER: Order! Members must be aware that if you have the proof you present it as a substantive motion.

Mrs Grassby: We did; we presented it.

MR SPEAKER: You cannot move it across the floor.

MR BERRY: You are interrupting my speech, Mr Speaker, deliberately to focus - - -

MR SPEAKER: Order! Sit down, please. Resume your seat, Mr Berry. I am addressing Mrs Grassby.

Mrs Grassby: I apologise.

MR SPEAKER: Thank you. Mr Berry, you may now proceed.

Mr Collaery: On a point of order, Mr Speaker: Mrs Grassby said - - -

Mrs Grassby: I withdraw.

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

MR BERRY: The fact is that the Chief Minister peddled in this place statements which were not consistent with the record, and it has been shown so. I heard the record, and the Chief Minister, dishonestly in my view, denied that.

Mr Humphries: On a point of order, Mr Speaker: No, Mr Berry has withdrawn, so I will - - -

Mr Berry: No, I have not withdrawn that last part.

Mrs Grassby: No, he has finished. He has not withdrawn; he has finished. He is not withdrawing.

Mr Jensen: No, he did not withdraw, Mr Speaker. On a point of order, Mr Speaker: I believe Mr Berry should withdraw his last statement.

MR SPEAKER: Order! I have lost the thread of what Mr Berry said, but I think he was permitted to proceed with the words that he used.

Question resolved in the affirmative.

Assembly adjourned at 5.12 pm until Tuesday, 23 October 1990, at 2.30 pm

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APPENDIX 1: (Incorporated in Hansard on 18 October 1990 at page 3833)

MINISTER FOR FINANCE AND URBAN SERVICES

LEGISLATIVE ASSEMBLY QUESTION

QUESTION WITHOUT NOTICE

ON 19 SEPTEMBER 1990 MR CONNOLLY ASKED THE FOLLOWING QUESTION:

"HOW MANY LETTERS HAVE IN FACT BEEN SENT TO PROJECT MANAGERS REQUIRING PAYMENT OF MONEYS TO SUB-CONTRACTORS WITHIN SEVEN DAYS OF RECEIPT, AND REQUIRING AUDIT OF THEIR ACCOUNTS EACH MONTH BY THE A.C.T. ADMINISTRATION. WILL MR DUBY TABLE THOSE LETTERS REQUIRING A.C.T. PUBLIC WORK AUDITS OF PROJECT MANAGERS?"

MY ANSWER TO THE MEMBERS QUESTION IS AS FOLLOWS:

NINETEEN LETTERS WERE SENT TO PROJECT AND CONSTRUCTION MANAGERS AND THE LETTER WITH THE ADDRESSEE LIST IS TABLED. IT SHOULD BE EXPLAINED THAT ALL PROJECT MANAGEMENT AGREEMENTS CONTAIN AN AUDIT CLAUSE WHICH READS:

"THE PROJECT MANAGER SHALL KEEP OR CAUSE TO BE KEPT AT ITS SITE OFFICE, OR HEAD OFFICE, ALL ACCOUNTS AND OTHER RECORDS AS ARE USUAL AND PROPER TO BE KEPT BY BUILDERS AND CONSULTANTS OF ALL MONEYS PAID BY THE PROJECT MANAGER IN THE PERFORMANCE OF ITS OBLIGATIONS UNDER THIS AGREEMENT AND SUCH ACCOUNTS SHALL BE MADE AVAILABLE AT REASONABLE TIMES FOR INSPECTION AND AUDIT BY THE PRINCIPAL OR BY ITS AGENT OR NOMINEE."

THIS IS CLAUSE 11 OF THE AGREEMENT.

THE A.C.T. PUBLIC WORKS PROCEDURES MANUAL REQUIRES MONTHLY INSPECTION OF ACCOUNTS. THIS REQUIREMENT IS:

"EACH MONTH THE PROJECT MANAGERS REIMBURSABLE CLAIM WILL BE CHECKED IN DETAIL ON SITE BY AN OFFICER OF A.C.T. PUBLIC WORKS. THIS NORMALLY OCCURS AFTER THE REIMBURSABLE CLAIM HAS BEEN PAID, AND IN THE EVENT THAT THE A.C.T. PUBLIC WORKS OFFICER CONSIDERS SOME PART OF THE CLAIM SHOULD NOT HAVE BEEN PAID A DEDUCTION WILL BE MADE FROM THE NEXT CLAIM. EVIDENCE OF ACTUAL PAYMENT MAY BE REQUIRED AND SHOULD BE AVAILABLE. AN EXTERNAL AUDITOR MAY BE APPOINTED TO INVESTIGATE ACCOUNTS AND FILES.

A.C.T. PUBLIC WORKS MAY APPOINT AN EXTERNAL AUDITOR TO INVESTIGATE ACCOUNTS AND FILES."

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THIS IS CLAUSE "P" OF THE MANUAL.

THE MANUAL WHICH INCLUDES THE AGREEMENT IS TABLED.

THE LETTER WRITTEN TO PROJECT MANAGERS WAS TO FORMALIZE VARIATION TO PROCEDURES WHICH HAD BEEN UNDER CONSIDERATION FOR SOME TIME. INDEED I AM ADVISED THAT SINCE THE ISSUE OF THE LETTER FURTHER DISCUSSIONS HAVE BEEN HELD BETWEEN PROJECT MANAGERS AND A.C.T. PUBLIC WORKS AND FURTHER REFINEMENTS TO PROCEDURES HAVE BEEN AGREED. I SHOULD POINT OUT THAT WHILE AGREEMENT AND PROCEDURAL MANUALS SPELL OUT REQUIREMENTS WHICH ARE PRESCRIPTIVE THE WORKING PRACTICES TO MEET THEM ARE CONSTANTLY BEING REVIEWED AND UPGRADED.

FOR THOSE MEMBERS WISHING TO OBTAIN A WORKING KNOWLEDGE OF WHAT PROJECT MANAGEMENT AND CONSTRUCTION MANAGEMENT IS AND HOW IT OPERATES WITHIN THE A.C.T. I COMMEND THEM TO READ THE PROCEDURES MANUAL.

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