



DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

HANSARD

28 June 1989

Wednesday, 28 June 1989

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

**CONSERVATION, HERITAGE AND ENVIRONMENT -
STANDING COMMITTEE**

MR MOORE (10.31): I move:

That -

- (1) The Standing Committee on Conservation, Heritage and Environment inquire into and report on an integrated environment policy for the ACT with particular attention to:
 - (a) the use of emission standards for wood burning stoves integrated with management of plantations of native species;
 - (b) housing design standards to conserve energy;
 - (c) the environmental impact of current energy use in the ACT and the environmental impact of alternative proposals for balanced energy use; and
 - (d) any additional pollution control and land resource issues which may be of relevance to an integrated policy.
- (2) The committee present its report on the first sitting day of 1990.

Mr Speaker, environmental issues are often referred to at the moment as "the trendy thing". One of the problems with referring to things as "trendy" is that some people look down their nose at them. The ACT has the opportunity to be a leader in this area. We all have an environment which we can justifiably be proud of. If we are to continue to enjoy an environment that we can live in, that we can bring our children up in, then what we require is an environmental policy that integrates all the facets of our environment and planning and all the parts of our living.

We need a balanced policy that will give us a sustainable future. We must not look at this as involving just Canberra, just the ACT, just Australia. We need to play our role in the world. We are all very much aware of the impact that fossil fuels in particular are having on our atmosphere, which is currently referred to as the greenhouse effect, and we must play our part in ensuring that the portion of the environment for which we are responsible is not contributing to the damage to the environment that is happening worldwide.

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We have the opportunity to set the tone for future legislation, not just for the ACT, but for Australia and possibly for the world. What we need is an holistic approach to our environment. It will be that type of approach that gives us the opportunity to play our part in a collegiate world of people looking after their environment. There is no point going on and marching off the edge of a cliff into no future. We must take responsibility for our environment and for the future now.

The current situation in Canberra - although it is much better, in many ways, than many other cities in Australia and certainly many other cities in the world - is that we do have environmental problems. We have air pollution problems. On still, cold mornings in Canberra, particularly our beautiful, clear mornings, we are often greeted by a thick blanket of air pollution. That thick blanket of pollution is partially with us because of the temperature inversion problem that we have in Canberra; it is partially caused by wood fires; it is partially caused by those black clouds of smoke that we see pouring out of buses at times; it is contributed to by cars and by other pollution problems such as the burning of autumn leaves.

There have already been some attempts to legislate about those particular problems. What we are looking for, though, is overall general legislation that covers the whole problem. The current situation with reference to our forests, and particularly our pine forests, also needs a particular and careful look, even from a financial point of view where our pine forests, according to forward estimates, contribute something like \$0.5m to our budget.

What we need to do as an Assembly is ensure that our people in Canberra are educated in respect of the environment. We must ensure that the right frame of mind exists; that people are pollution conscious; and that pollution consciousness and environment consciousness can go across many spheres. We can talk about burning autumn leaves. If people are pollution conscious, what they will soon be doing is raking those leaves, turning them into compost, turning them back into the soil, helping things grow. There is the attitude of mind we need to foster.

We need to have people asking, "How much do I need to use my vehicle? Should I be riding my bicycle? Can I fit more people in the car? Should I be using public transport? When I am constructing a house, what do I need to do to make my own living quarters fit in with the environment and have as little impact on the environment as I possibly can? When I am at the office should I turn off a light, instead of leaving all the lights burning? Should I be recycling paper?". It is those sorts of educational aspects that must come out and in relation to which we must get the right frame of mind. I believe that if we refer this matter to the Select Committee on Conservation, Heritage and Environment, it can report back to this Assembly with a possible integrated policy that will tend to do those

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things, and that is what I will be encouraging people to do today.

I am aware that an amendment will be circulated to the motion. It is an amendment that I have discussed with Mrs Grassby and some of her advisers, and it is an amendment which I am prepared to accept and which the Rally is prepared to accept, in order to ensure that this committee has the best possible advantage in looking into an integrated and balanced policy.

Let us turn to the available technology. When people look at that polluted atmosphere on a crystal clear morning, perhaps as they are driving their cars or sitting on a bus or riding their bicycles into Civic, most people are inclined to say, "Oh, well, it is all the wood burning stoves", and there is some truth to that. But the answer is not necessarily to eliminate all wood burning stoves and then start using up all our fossil fuels. At least with wood, we have a renewable resource.

What we need to do is look to how the situation has been handled, certainly in other areas. In Oregon, for example, emission control standards have been set on wood burning stoves and we should be moving quickly to ensure that those same emission standards apply to any new wood burning stove in Canberra, and setting about an incentive program to ensure that existing wood burning stoves have catalytic converters added to them or are replaced with something with a second burning chamber. The technology is now available. Instead of having a wood burning fire that has an efficiency rating of around 15 per cent, we can get up well above 70 per cent. The technology is there and such stoves are available. We ought not to allow any other stove to be sold in Canberra, and we ought to ensure that people are encouraged to change their open fires to fires that are run much more efficiently.

In the meantime, of course, we have fossil fuels, and it is appropriate that we use the time while we are using fossil fuels to get the balance right. Even in using fossil fuels, we need to know what are the most efficient and the cleanest possible fuels to use. We should be aware that when we are using electricity for heating often we are using coal to get that electricity. We should be aware of the sort of limited supply we have of oil, diesel, petrol and coal. Probably at this stage the most efficient form of fossil fuel we have is natural gas, which will provide us with a timeframe in order to find a more efficient system so that our environment can be balanced. It is that balance and those resources that we need to look at within Canberra.

Our trees which provide the wood also are our source of oxygen. When we are burning those trees, we should make sure that what we are doing is keeping in balance so that the oxygen that is being used up in the burning is being replaced by the trees that we are growing in order to

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provide the wood. We must ensure that we do not have delivery of wood coming hundreds of miles, as it does now, from well beyond Cootamundra, in the process burning large amounts of diesel - our fossil fuels - to get the wood into Canberra to be burnt in very inefficient heaters. All these things add to the greenhouse effect. We have to take responsibility for our environment, and we as an Assembly must think of the future for ourselves, for our children and for many further generations. Let it not be said in history that this first Assembly of the ACT was one of the assemblies that contributed to a disastrous environment, or disastrous world environment. Let it be said that this Assembly played a leading role in working towards a sustainable and balanced environment.

The issues of looking after the environment also go through to urban transport and planning. We need to encourage people into public transport; we need to ensure that when people are seeking to get to places they can do so by using as little energy as possible. In Canberra, we have had the foresight of the Y plan. We have also seen the over-development of Civic, which has required long trips and excessive use of energy. We need to look at our urban planning; we need to look at how our energy can be used positively. Our urban planning must include a situation where the proposed development at Gungahlin, for example, and the development at Tuggeranong are integrated as town centres so that people who live in the area can get transport very easily to the area.

That same Y plan providing a ceiling of 40,000 people in Civic - which has long gone, thanks to a very strong development lobby push - needs to be put in perspective. We encourage development, but if we are going to look after our environment we are going to ensure that that development goes on in the correct places so that the town centres can be close to where people live.

We need a positive attitude towards energy, particularly solar energy, and that can be used, for example, by siting our houses with our windows facing a few degrees north-north-west. By facing windows in that way we increase our use of passive solar energy. Solar energy panels are important and can assist us in this respect as well. It is also important, of course, for all houses to be insulated, and we should look at compulsory insulation.

We need an integrated approach that comes up with a balance between how we use our energy resources and how we can still retain our standard of living. That balanced approach will not come without consideration of all the factors that go into the way we live. We need to be a leader in this attitude and in legislation in this area. We need to play our part in the world scene.

We must ask ourselves what we will leave for our children. Will we leave our children an area with the results of the greenhouse effect, with unpredictable weather, huge storms?

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Will we leave our children with an environment depleted of trees, with an atmosphere polluted by emissions from wood stoves or cars, with lead pollution and the incredible damage that that can do? Will we leave our children with an attitude that they are part of the environment? Are we prepared to learn from our Aboriginal forebears, if I can call them that in terms of Australia, about living at one with nature and at one with the world?

Can we manage to do that and still retain our standard of living? Those are the sorts of questions that we are looking at, and our Committee on Conservation, Heritage and Environment needs to address them. With that in mind, I commend this motion to the house.

MRS GRASSBY (Minister for Housing and Urban Services) (10.46): I welcome this motion. I am quite sure that Mr Moore has read the ALP policy. If he has read it, he will have taken note of the motions that were passed at our conference this weekend, and I am sure he will find that pretty well every word that is in his motion has been in our policy. It is not something that we woke up one day and decided to write. This is a policy that we have had for many, many years, because the ALP, not only of the ACT but of Australia, has always stood for the environment and the people. So it is no news to us. I have been living with this, as a member of the ALP, for 35 years of my life.

A member: What about woodchipping?

MRS GRASSBY: I think we are dealing with the ALP and the ACT at the moment. I would be quite happy to deal with woodchipping at some other time. I would like to go through some of the things that Mr Moore said. It is all very fine to say we should be using all electricity, but I wonder whether he realises that most of our electricity comes from New South Wales. Unfortunately, nowadays this is driven by coal, and if we were to use a lot more electricity we would be causing a lot more problems to New South Wales.

As we respect our neighbours - and I hope we shall go on doing so - we have to think a little bit more about this and understand that we do not have any right, while we are living very nicely, to pollute some other State. So when we look at electricity we have to think a little bit more about that.

I would also like to look at solar hot water systems in this respect. They are all wonderful; I have one myself, and I think very highly of solar hot water systems. But I can tell Mr Moore that during the winter, even when I am in the house on my own - and they tell me there is enough water for five people - I have to boost it nearly all winter with electricity. On cold and cloudy nights, the boost on electricity is unbelievable. I understand from ACTEW that we are using enormous amounts of electricity. This is due to the fact that solar hot water and heating systems have to be boosted.

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I would now like to discuss wood burning stoves. My department for some time now has had a little booklet out which we have advertised and have asked people to read before they ever think of buying a wood stove. This booklet is very interesting and I have read it myself. I do not have a wood burning stove - I use electricity - but the booklet explains ways of not polluting the air with smoke from wood stoves. As we all know, on a very cold night when the clouds are low you can see the smoke all over the city, and we know that it comes from wood burning stoves. If people would take a little bit more care and would get this booklet from our department when they went out to buy a stove, we would not have this problem.

One other suggestion is very interesting. If we were to run our hot water pipes through these stoves, we would also find we would have wonderful hot water, we would not need to boost our solar systems, and we would not require as much electricity at night.

As for cars and problems with buses, my department and ACTION are moving to new buses that are lead free and also have pollution control. We have had a lot of problems with the old Leyland buses, which belch out smoke every time they start up. I hope after the new budget these buses will be sold, but they may not be in that sort of a state. We will not have very many of these buses on the road and this will solve the problem.

As the new buses come on, we will be slowly getting rid of all the old ones. My department has been looking at this matter for some time and, as the money becomes available, I am sure you will be very happy with the changes. Of course, we have lead free petrol, but we have got to put up with the fact that not everybody has a new car. We all know that even with lead free petrol we have to be very careful. Somebody has only to put a couple of tanks of leaded petrol into their car and that will damage the control and we will have another gas problem. I say to Mr Moore that my department in the registration of vehicles is now looking at ways of checking these things in cars to ensure that this does not happen.

I am sure that Mr Moore realises - and this is not my portfolio but the Chief Minister's - that the last thing that any member of the ALP does is to madly go around cutting down trees. Apparently Australians are big at cutting down trees. When I was in Israel once, I met a gentleman who had grown up during the Second World War - he was one of our guides - and he was telling me how much he liked Australians and what wonderful people they were. He said, "There's only one thing I've got against Australians. During the war when we were little and your troops were marching through, they went mad, and they cut down every tree they found". He said, "We're desperate for trees in this country and we've spent the rest of our lives trying to plant them". His nicest story was that he needed new

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boots and one of our soldiers gave him a pair. I thought that was very nice.

Unfortunately, Australians have a habit of wanting to go around cutting down trees, but I do not think that is going to be the problem in the ACT. Our Chief Minister has a great love of the environment, and I can promise you there will be no way that she will be allowing soil erosion and the problems that flow from it.

Mr Moore: No woodchipping in Canberra.

MRS GRASSBY: No, we do not have that so far, and we do not intend it to happen. As I say, I welcome the member's comments on this. It is one of the ALP's platforms, and we intend to make sure that it is carried out. However, Mr Speaker, I would like to say we have some amendments to the motion. I seek leave to move those amendments.

Leave granted.

MRS GRASSBY: I move:

- (1) Paragraph (1) after "integrated", insert "energy resources and".
- (2) Paragraph (1)(a) after "of" (third occurring), insert "pine and".
- (3) Omit paragraph (1)(d), substitute the following new paragraph:
"(d) the environmental impact of energy use aspects of urban planning and transportation."

MR HUMPHRIES (10.54): The Opposition will support this motion and also the amendments moved by the Minister. I see that her portfolio is described as Housing and Urban Services. I understand she has been described in the chamber as Minister for Housing and Urban Studies and Minister for Housing and Urban Development, but I will choose to call her Minister for Housing and Urban Services on this occasion. Perhaps I will start a trend.

As I have indicated, the Opposition will support this motion. As chairman of the Standing Committee on Conservation, Heritage and Environment, I am very pleased to be able to deal with these issues. They are very important, and in a community like the ACT where we have, I think it is true to say, an environment conscious population, a population which is here in large part because of the unique aesthetic environment, the unique treescape and landscape of the ACT, it is not unreasonable to talk about integrating our policies in this regard to ensure that we preserve the uniqueness and the value of the ACT's environment.

In some parts the motion is a little too broad - the brush strokes being employed are somewhat broad for my liking - but the amendments moved by the Minister go some way towards addressing that, and I welcome that. The

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Opposition does, however, want to raise just some points with respect to the cost side of such moves. It should not be pretended for one moment that measures such as those contemplated by this motion can be accomplished without some cost, and we have to be acutely aware, notwithstanding the brief of our committee, of the costs entailed in that.

What is particularly relevant, of course, is that the ACT is an island, a small island of a quarter of a million people in the middle of a much, much larger State. I note in the motion references to "integrated environment policy", "integrated with management of plantations of native species" and so on. These things are important. Integration with New South Wales is also important if we are to achieve anything. It is my earnest hope that initiatives we take in the ACT can be sold to other States, in particular New South Wales, to ensure that our small contribution is magnified by what happens in that State in particular and other States.

Cooperation with the States is important. For example, if we adopt exceptionally high standards in the ACT which are not reflected in New South Wales, we do run the risk of driving certainly some industry out of the Territory, making it impossible to buy, for example, certain goods in the Territory and forcing people to travel across the border to Queanbeyan to obtain energy inefficient or polluting substances, or goods, or equipment which cannot be obtained in the ACT. That achieves absolutely nothing because they are still being used in the ACT and we are simply driving that retail industry or industry in general out of the ACT.

There has also been some discussion by the mover of this motion about housing design standards, the use of solar panels, and ensuring the houses face in such a direction that they make use of passive solar energy, as I think it was referred to. I want to make one point there. The Liberal Party is supportive of that kind of thing, but not so as to increase the cost of buying a home in the ACT. Home buyers in this Territory, as indeed everywhere else in Australia, are facing a very serious problem with respect to the affordability of homes. We are not going to add any significant costs in anything we do in this place to that process. I hope that we can achieve that without any additional increase in costs.

I note that paragraph (c) refers to "the environmental impact of alternative proposals for balanced energy use". I am not sure whether the mover of the motion has in mind perhaps nuclear energy in that part of the motion. I will discuss it with him later on perhaps, but I will watch with interest whether that motion foreshadows that very clean and energy efficient use of our resources.

Indicating, as I said before, that we support this motion, I also note that the report time is a fairly lengthy one. We are all on a number of committees, some of us more than

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others, and it would be very useful, I am sure, for all of us to have the time to look at these issues in some detail and ensure we do not rush into anything. The lengthy lead time this committee has to work on these issues I think is very useful.

MR COLLAERY (10.59): I will just take up some points made by the Minister and say that of course all of us in this chamber basically agreed on those issues that are raised, and so it is very good to hear all of these good things. But the Rally, of course, is an active community based grouping and it wants to see this standing committee recommend practical implementation of the outcome of these studies.

The Chief Minister said on the weekend at the ALP conference that the Rally had trendy policies. One presumes that she was referring to our environment policy. It is 17 pages long, it is detailed, and the preparation of the Rally's environment policy was, of course, aided significantly by the executive member of the Environment Centre here in the ACT, Chris Donohue, who is, of course, president of the Rally now. He has a long history in the environment movement. The Rally's environment policy is extremely detailed, 17 pages long, and it is not a trendy policy. The Rally gives notice to the ALP that we will not regard these policies as trends. They are going to become the real lifestyle of our Australian community, and Canberra will be exemplary and will give the lead in that regard.

Some of the matters that the ALP seems to find trendy are really going to the very essence of our existence at the moment. The Rally has indicated over time that the inversion layer problem, particularly in the central valley of Canberra, needs to be attended to. That has been raised, and we all heard during the election campaign Professor Runciman making very informed comment on that problem. The Rainbow Alliance people were probably concerned that they could not see their rainbow any more, but that is their problem.

The real problem in Canberra at the moment is a visible inversion layer that hangs around certain levels of the upper strata of Canberra, around Campbell and Red Hill. You can think what you like about the pollution at those levels, but the fact is there is a serious inversion problem. It will increase because fossil fuel and other exhaust emissions are increasing in the ACT. The integrated policy that my colleague Mr Moore speaks of seeks to ensure that we do not have a smokestacked industry base in the ACT, but by the same token many Canberra people may not be aware that there has been a company or two in the ACT - one has fled across the border to Queanbeyan - which has been attempting to get into the market for metal stove fabrication employing late technology in the ACT.

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That has been rendered very difficult by cheap imports from Taiwan and the lack of any real business incentives to those fabricators. I will not name them. I happen to be the solicitor for one such firm. There is another firm in this Territory involved in wood stove sales, for which I also happen to be solicitor and which will not be named - - -

A member: Currently?

MR COLLAERY: No. It imports stoves from Europe, and those stoves are extremely efficient by comparison with some of the Taiwanese products being dumped on the ACT market. There is a difference in the quality of the cast metal, and there are a number of implications that we could look at overall in concert with this study to determine whether we could not have some non-emission industry base to service our own needs, to fabricate our own catalytic converters and to put a business end as well to our environment objectives.

Mr Speaker, the subject of housing design standards and passive solar construction has been around since I came to Canberra in 1970, yet if you go to the new suburbs with all those squiggly streets you still notice the houses facing in some of the most absurd directions. They are facing west and they are facing south. We have seen the suburb of Isaacs develop and, of course, we all know that there is a frost hollow there. Garran similarly has a frost hollow problem. Hawkesbury Crescent turned into a furnace until there was a tree canopy.

There has been an extraordinary and signal lack of foresight and planning in this Territory on passive solar design for housing, a failure by a very informed professional body at the NCDC to properly lead the community, and a failure by successive Ministers to provide incentives by way of stamp duty deductions and the like for people to site their houses properly on blocks and to ensure that there is some incentive for wall panelling insulation and for maximum exposure to the northern elevations of the sun for winter and summer.

Mr Speaker, this would be a topic that I am sure you would be fond of yourself, given your own commitment in this area. However, it is all very well for us to be committed here, but I am sure that most of us live in houses and units that have been sited in the wrong direction. That comes back to town planning, the size of blocks and matters that will involve an integration of some of the design standard recommendations from this committee and other committees of this Assembly.

A member: Yes, knock them down and build them properly.

MR COLLAERY: Mr Speaker, the ALP finds this topic amusing, and of course we know that we have had a succession of ALP Ministers governing this Territory for years whilst we

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squandered our energy resources and built up an inversion layer. That fog, of course, is slowly creeping down around that other hill. It is enveloping it. Of course, the fog was very apparent at the ALP conference over the weekend when people referred to the Rally's 25 policies as trendy and not community based. Well, time will tell, Mr Speaker. If this Government does not introduce a realistic environment policy integrated with those other matters I mentioned, the Rally will be back here soon in government with the majority holding in this Assembly. You all know that, and that is the warning the Rally gives.

MS FOLLETT (Chief Minister) (11.06): I am happy to support this motion of Mr Moore's, as my colleague Mrs Grassby has done. I believe that Mrs Grassby has addressed a great many of the issues concerned here, but I would just like to recapitulate some of them. I think it is important that we all acknowledge that the ACT imports almost all of the energy that it uses, and those energy sources are mainly petrol, electricity and natural gas, but there is also a small contribution from wood and other solid fuels and a very small contribution from solar power.

The fact that we are a user of energy rather than a generator, if I could use that word, has some quite major implications for us as a Territory. I think the greatest implication is that we are very vulnerable to what other people do about energy. We import nearly all of it, so we must of course be vulnerable to what happens to the source of that energy.

It also means that we are obliged to be efficient managers of energy. I think, basically what Mr Moore's motion is getting at is the fact that we do need to manage energy resources efficiently for a variety of reasons. As everybody knows, most energy sources are finite. There is an end, I presume, to the amount of coal and natural gas that is available, and where resources are renewable, such as with wood and solar power, we are not making efficient use of them. I think that has some great implications for the future management of the ACT's energy.

There is also the question of pollution by various energy sources. The motor car in Canberra is by far the worst polluter, I believe, but, as some speakers have pointed out, there is significant pollution occurring from the use of solid fuel stoves. That pollution is mainly seen, and smelt, in the form of a grey or brown haze over Canberra in the winter months. It is a quite visible reminder of the polluting effects of that particular form of energy consumption and one that has come to the notice of a great many people in the ACT.

Mrs Grassby has recently put out a little booklet on the use and control of solid fuel stoves. I think that we might try to see that booklet more widely distributed, more widely used. It is a useful source of information for householders on how their own particular home heating

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arrangements can best meet our need for energy efficiency and for non-polluting heat.

Many people, as I have said, are becoming increasingly concerned with the impact of wood burning appliances because of that obvious pollution effect, but we must acknowledge that that form of heating amounts to only a very small proportion of the energy consumed in the ACT. So I think it is very important that we do as Mr Moore has indicated, take a broad ranging view of energy use in the ACT and not perhaps concentrate unduly on what is a relatively small proportion of the total energy use, namely wood burning stoves.

The other aspect of wood burning stoves is that they are a drain on forest reserves in the region. There has been an effort made to combat that by evolving some wood plantations in the ACT. That program was first commenced in 1985, and I hope that we can see it develop because it is one of the ways in which we can redress the balance between consumption and production of wood as an energy source in the ACT.

The use of solar power in the ACT has not been extensive, as I think everybody has noted. Mrs Grassby has given us the benefit of her personal experiences with solar heating, and it appears there may still need to be some work done on the efficiency of that form of heating. But both passive and active solar energy can be used to decrease the amount of energy used in ACT homes.

As I think Mr Moore and other speakers have pointed out, the passive solar design used in the ACT, which has been provided for in the planning guidelines, is one way in which we can ensure that homes need less heat. If by their design, by the use of that passive solar energy, they are able to use less heat, that is an extremely efficient way of reducing our reliance on imported energy sources.

Another aspect of the forest resources in the ACT is the fact that there are, I believe, about 14 rare or threatened species of flora in the ACT. And the more we use forest resources, the more we use exotic plantations like *pinus radiata*, the greater the threat to the endangered species must be. I welcome this motion from Mr Moore. It is very much in line with the Labor Party's policy on environment, it is very much in line with the comprehensive motion carried at our ACT conference over the weekend, but I do hope that in looking at the issues that have been put before the Standing Committee on Conservation, Heritage and Environment, its members will indeed take a broad view and not just concentrate on one aspect of energy.

I would make just two further quick points along the same lines. I think that the committee might be well advised to look at alternative sources of power supply. I have been advised that the ACT tips are of a size which could be managed to collect methane gas for power generation, and I

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think that is an innovation that the committee might well want to look at.

I also believe that the ACT Housing Trust, which again is an area of Mrs Grassby's rather than my own, has recognised the importance of cheap and affordable heating in trust housing and it has been attempting to make the maximum use of solar heating, principally by the use of suitable design and siting arrangements for new trust houses. So there is that little bit of a lead being given in the public sector in housing and I hope that the work of this committee on this issue will engender some more widespread support.

As another speaker has pointed out, the siting of houses in new suburbs does not give you a great deal of hope, but if there is that lead given in the community and a much broader acceptance of the value of other sources of energy, including passive solar energy, then I think the ACT will be a very much better place in the future.

MR WOOD (11.13): In the end we are very dependent on the citizens of Canberra. Their role is very significant here because they are the ones who need to accept the policies that we put into place. I think they are ready to accept hard policies. I have been very encouraged recently to see the electronic media, in fact all media, paying very careful attention to the considerable threats to the world's environment. This has been popular TV viewing, and I think that is a remarkable achievement. It is certainly true that it has been caused by the very grave threats to our environment, to the ozone layer, the greenhouse effect, considerable pollution in the oceans, and a great number of other dreadful occurrences.

I might mention in passing the role of the education system in this. I am sure my colleague Mr Moore will agree that for many years teachers in our schools have been giving considerable importance to teaching about environment and the effects of the world's population and their actions on the environment. I would not underestimate the role that the schools have played in heightening the awareness of the community generally.

I believe this new Assembly can provide the leadership that the community will now accept in establishing strong measures. We have a particular benefit in this Assembly that we cover both the established State and local authority components of government. Therefore, we can see to it that there is no conflict in policies between those two traditional levels of government and that what we do is generally harmonious.

We, as the Chief Minister said, do not have control of the major means of generation of power coming into this Territory. But it does come down very much to what the individual will accept. The notion of individual rights is still very important, and it has been raised, though not mentioned specifically, in many comments that have been made so far.

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Let me establish these again. Let us take the simple question of wood fires. A decision that I am going to make perhaps before next winter is whether I throw out my old oil heater, go to gas or to electricity, or what I should use? Do I go to commercially supplied gas or to the governmentally supplied electricity? The decision, of course, will be gas.

An old wood fire would be lovely, but it has an effect on our environment, so I should stay away from that. But I have the right to choose. I do not think that anybody suggests that this Assembly or the select committee will come down with any decision to ban wood burning stoves or open fireplaces. They are not going to tell me that I have to use gas in preference to electricity. So we need to be sensitive to these issues.

The other point that I think Mr Collaery raised is one that I want to mention also. I express the first disappointment I had when I came to Canberra. I came from Cairns, where it was beautifully warm, and I wanted a place where I could sit in the sun in the winter but could not find one. After 50, 60, 70 years, or whatever period of time Canberra had been operating, the homes were still totally inadequately accommodating to the environment. Mr Collaery made that point. They have not changed, have they? Let us look at South Bruce. Mr Collaery mentioned some places and I will instance that place. It was given to a major company to develop as a solar conscious home area. In some cases perhaps it was, but in general I believe it to have been a grave disappointment.

What we do now is look down the track at Gungahlin or any other developments. Do we still draw our squiggly streets, or do we draw them so that all houses are directly aligned to the north? Do we impose on the citizens of Canberra those constraints? Further, when we approve the plans of houses, do we approve a plan of a house that is structurally fine, in every way well done, but makes no allowance for the sun? Do we take that step in new areas? I do not know, and I would want to give the matter some thought. I am not going to say yes or no to that here. It is an important issue, but I do believe that the Canberra community is ready to accept great leadership in this issue. The major point that will constrain us is the level of acceptance from the community.

What are we to do about rubbish bins? Are we going to have big bins that are said to be environmentally unsound, are we going to retain the existing system, or are we going to take a further step and have three bins or some sort of recycling process? What we will decide will be based on environmental needs and significantly on what the community will accept and use properly. I say again that I think we can provide leadership in that area.

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Let me come to a couple of particular points, commenting on other matters in this debate. In regard to environmentally sound houses, we cannot be so environmentally sound that the inside of the house becomes more polluted than the outside of the house, which is the case in some places when houses are made so airtight that there is no ventilation.

Our bus system is in good hands, and I understand they are exploring the possibility of gas powered buses. I say to Mrs Grassby, "Go to it". I think they are highly desirable. The Chief Minister pointed out that most of the pollution in Canberra comes off the roads, so let us do that.

Let us look to improving the efficiency of our wood burning stoves, which are very popular means of providing heat in the ACT. Let us do something more about that. I think the pamphlet is marvellous. There is probably not much more we can do than that. We certainly cannot take the further step of inspecting people's heaters, which would be a step beyond reason. But these are important considerations. We do not like the haze that hangs over the place, and it is up to us to do something about it.

The design of suburbs is important. Mr Collaery mentioned one suburb out there - the name escapes me for the moment - but the benefits that I saw when I first came to Canberra included no building on hills. We built in the valleys. But that brings environmental problems. We have to accept this constant balancing. The major message is that we have to balance what those in the community demand, what they will accept, and what we can lead them into accepting.

MR WHALAN (Minister for Industry, Employment and Education) (11.22): I am pleased to have the opportunity to discuss this motion, which the Government supports, because it is well known that the Australian Labor Party has led the field in its concern about the environment. We have seen a complete revolution in the approach to environmental issues at the national level since the Hawke Labor Government was elected in 1983. The commitment of the Australian Labor Party on environmental issues is well documented, it is clear, and it has been in place for a considerable time. By contrast, we have highly centralised parties like the Residents Rally party which has emerged in recent times and presented itself as having some monopoly interest in issues such as concern for the environment.

One of the Residents Rally speakers - Mr Moore, I think - referred to the Residents Rally party's policy on the environment. In fact, we took the trouble to have a computer analysis done comparing the Residents Rally party's policy on environment with the Labor Party's policy on environment, and even the spelling mistakes were the same. It is clear that the Residents Rally party's policy on the environment has been plagiarised from the Labor Party's policy. So we reject any suggestion that the Residents Rally party has a monopoly in this particular

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area. Whereas we have taken time to carefully develop, elaborate, explain and modify our policies, this is part of the Residents Rally party's general superficial approach to politics.

I think you can test the position of the Residents Rally party's whole attitude toward environmental issues by considering the position of the Residents Rally party candidate for the seat of Canberra. Katharine West, who has been endorsed as the Residents Rally party candidate for the seat of Canberra, has a clear history - - -

Mr Moore: I rise on a point of order, Mr Speaker. I believe that the Deputy Chief Minister is trying to mislead the House. The information is incorrect and I think it should be withdrawn. To explain more fully, Mr Speaker, there are no - - -

MR SPEAKER: That is not necessary, Mr Moore. There is no point of order involved.

MR WHALAN: The fact of the matter is, Mr Speaker, that Katharine West is a member of the Residents Rally party. Its members are embarrassed by it. Mr Collaery was reported as having said the other day, when there was an article in the Canberra Times which linked Mr Collaery in some way with people from the left of politics, namely the Labor Party, "I need as much connection as I can with the left of politics to overcome the stigma of Katharine West's membership of the Residents Rally party".

It is an embarrassment to some people in the Residents Rally party, I think, to know that Katharine West is its candidate in the electorate of Canberra, and I think the reaction of Mr Moore demonstrates the depth of this embarrassment. I am quite sure that some of the more reasonable people - and there are some reasonable people in the Residents Rally party - would prefer that they had not endorsed Katharine West. I think they would prefer that she would quietly go away, but unfortunately she is a prominent member of the populist movement.

Katharine West, of course, far from being concerned about the environment, has as her main claim to fame in politics the role that she has played in the "Joh for Canberra" campaign, and her very close connections with the National Party in Queensland. Given some of the publicity that we have seen about the National Party in Queensland and the "Joh for Canberra" campaign and the involvement of some of the people in that, I am just concerned as to the extent to which that campaign has penetrated into the Residents Rally party in Canberra. I am genuinely concerned that the Residents Rally party might be a front for the Queensland National Party.

Our commitment to this question of energy is clear. Yesterday we introduced into this Assembly the Nature Conservation (Amendment) Bill of 1989 and the purpose of

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that legislation clearly demonstrates our commitment. It is one of our earliest pieces of legislation and I think it is important that - leaving aside the Supply Bill - of the two substantive Bills that came in, the first one which was passed by the house related to education and vocational training in employment and the second related to the environment. It is no accident that our emphasis as a party has been placed in this direction.

We have encouraged the Administration in the short time that we have been in government to give the maximum possible level of advice to the community on the question of energy conservation in housing and construction and an emphasis on pollution control in heating. I think that one of the most important points that has been made so far is the point made by my colleague Mr Wood when he said that we cannot force people in our free society to take every possible step to ensure that the environment is protected. It is quite clear that that would be harsh and unreasonable.

We can introduce laws and regulations which will tend to go in a particular direction, and that we will seek to do in consultation with the community. But as a final crunch, if people do wish to have an open fireplace I would hate to think that we had reached the stage where we banned totally the right of people to have an open fireplace. I would hate to think that we had reached the stage where we would seek to give government the right to enter private homes to measure emissions from other types of heating such as gas, oil or slow combustion wood fireplaces.

We also have to balance our concern for the environment with our concern for protecting civil liberties and the rights of individuals, and an important part of this process is education. We are committed through the various instrumentalities that we administer to ensuring that the maximum possible level of information is made available. I would commend to you the publications of the building control section in the ACT Administration, detailed documents on energy conservation in buildings which are distributed to potential homebuilders, and also to the publications of the former National Capital Development Commission on energy conservation in housing. It is through this process of awareness and education that I believe we will achieve more in the interests of the community than by harsh or repressive legislative controls.

DR KINLOCH (11.32): Of course, we all endorse the aims of legislation to improve our environment, especially in terms of proper and clean power supply, and may that be so. Given some of the points that the Deputy Chief Minister has raised, I think it proper to reply to them. I would like to reply to them in terms of the motion that Mr Moore has put forward and I would like to commend to you a very strong supporter of environmental matters, that is, Katharine West. I happen to be the chairman of the future

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directions committee of the Residents Rally, or I was before our recent general meeting.

A member: Another bit of plagiarising.

DR KINLOCH: I can assure you that there has been no endorsement of any candidate for any of the seats in the House of Representatives. Indeed, we have made no decision on that whatever. If Katharine West - she is a highly independent woman and she can make her own decisions - has decided to do something in that arena, that is entirely her decision. I think that the members of this Assembly would respect the right of anyone in this city, and someone who is a resident of this city and has been a resident of this city for many decades, to stand for whatever seat he or she wishes to.

On the question of plagiarism, I am very distressed indeed at that suggestion. I was part of a committee of three that looked at the first draft of our policy statement and I can give you the exact number of errors that we picked up in order to correct them. There were 73 drafting-type spelling errors, and then we redid it on the computer and reprinted it. So our small committee of three certainly looked at what was fresh, new material. I absolutely object to the notion that we plagiarised anything. I totally reject it. It is completely improper, and I can assure you that the environment policy in particular was a most carefully considered policy and Chris Donohue, our president, looked at that most carefully. I would certainly see him as one of the experts on environmental policy in the ACT, indeed if not in Australia. We have taken very great care on that matter.

We absolutely join with all parties who support environmental policies. I join with the Labor Party, the Liberal Party, the No Self Government Party and the Abolish Self Government Coalition in any of their attitudes towards the improvement of the environment. There need be no competition between us over these matters. I absolutely want to join with other people, and I do not think we should be out with the knives on this particular issue.

May I say something finally about the range of our members. We have members who were dissidents from both of the two major machine parties; we have independent members; we have people who have come to us who have never been political party members. I am sure it can be said that Residents Rally members, as members of all our parties, are all deeply concerned about the environment and will very much welcome Mr Moore's motion and indeed the support it has received this morning.

MR BERRY (Minister for Community Services and Health) (11.36): I rise to support Mr Moore's motion, but in so doing I would like to raise some issues which have been discussed in the course of this debate and to take issue with some of the points that have been raised by members of the Residents Rally party.

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Mr Jensen: The Residents Rally for Canberra, thank you.

MR BERRY: Well, it is the Residents Rally party, a declining machine. I think any examination of the dreaded pink document will demonstrate the similarities to ALP policy. It is commendable at least that you have looked upon a progressive group for an insight into the political direction that you might take in what is, after all, a fairly trendy approach to politics. I would have to say on my estimation of the success of the party that it has failed in convincing the Canberra electorate it is in fact a community party. I think it is fairly clear that the Rally has failed to con anybody into accepting that it represents any more than an opportunistic group within the community. But I am quite confident that come the next election the progressive groups in politics in the ACT will fill the seats on the Government side of this house. Merely plagiarising policies I do not think is good enough to win you the support that is necessary to do that.

I should say in relation to the proposal for examination of the environmental issues as proposed by Mr Moore that it left out certain things. I take Dr Kinloch's words where he said that we all should work together on this issue. It strikes me as rather odd as a follow-on to those words that the Residents Rally party has tried again to grandstand on a popular issue to try to strengthen what it has claimed in the past to be its community support.

The fact of the matter is that, if the words uttered by Dr Kinloch were true, there would have been an attempt to have a joint approach towards examination of this issue. But I am sure that, if there had been a joint consideration of what the approach might be for examination of this issue, the point that was raised by my colleague Mr Wood would have been incorporated in the proposal by Mr Moore. We need to direct a good deal of our attention and resources to education of the community and the provision of information to the community in order that any proposals which might come forward on environmental issues would have wide acceptance. There are committees that have looked at the issue of environmental pollution and so on, but not very many of them have directed resources into informing the community. I notice that there is no evidence at all that the standing committee should direct itself to that course.

I think also that the Residents Rally party, again on the trendy side of politics, has avoided any mention of what the difficult issues might be that will confront that standing committee, and that is to convince people that if they want to conserve our environment they might have to leave their cars at home. How are you going to convince them that that car park over there will not be available in the future? And how are you going to convince them that they are all going to be travelling to work on buses?

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Mr Collaery: How about your Fairlane?

MR BERRY: I do not happen to have one, and I know that the leader of the Residents Rally party would not be able to afford one on the meagre salary that he was earning before he came to this place. In any event I think it is important that this house is aware that the Labor position on environment is progressive and that we will make contributions to the investigation of the issue. I am sure that our commitment to support of the healthy cities project will also assist us in the development of environmental issues in the future.

As members know, the healthy cities project, which is supported by the Federal Government, involves three Australian cities and does not address itself only to pollution, which is one of the issues. It also addresses itself to matters such as transport, places of leisure, design and siting of buildings, workplace safety - any of the issues which affect the health of individuals who occupy our cities. In this case I hope that the committee invites the widest possible input to the inquiry that it will make on the issue of environment, and in particular on the issue of pollution.

But again I go back to the point that was raised by Mr Wood, and that is that there is no point having high-flying policies if you do not have the support of the community. And I would urge that those who direct their attention to work on this committee might consider that the terms of reference for the committee need to be strengthened to incorporate how the environmental message is to be got across to the general public and to the community.

MR KAINE (Leader of the Opposition) (11.44): Mr Speaker, I have listened to the debate so far with considerable interest. It has ranged far and wide, and we have talked about all sorts of things in some cases, except the subject matter, which is the environment. I have been interested in the approach that has been taken by some in their claim that suddenly they have discovered this subject of the environment, which nobody had ever heard of before and which has now become the most important issue of today. It staggers me that people should make that claim.

What has happened is that all of us, including the people sitting here who have been making impassioned pleas this morning, have been members of this community for many, many years - some of us longer than others. Most of us - in fact, I would submit all of us - until very recent years had no regard for the environment whatsoever. It has been a fact of life that this fragile earth of ours has not been recognised until quite recently as being fragile. We tended to assume that resources were infinite and that the ability of the earth to sustain all kinds of damage was infinite.

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It is only quite recently that the subject of the conservation and protection of the environment has become a matter of public interest. In fact, there are a lot of people who have not even begun to appreciate the importance of it yet. So I think it is not incumbent on any of us to start claiming that we are suddenly the champions of this and we invented it. We did not. It is because there is an increasing realisation of the fact that our environment is becoming, and perhaps even has become, one of the top two or three issues in Australian politics today. We all have to recognise that and we all have to do what that implies, because the general population out there has become concerned about the things that mankind has done and is continuing to do to our environment. I do not intend to traverse all of those; they are all well known.

But I think what is now important is that in our little part of the world it is incumbent on the 17 people in this Assembly now to address that problem and do something about it. It seems to me that there is a common accord on that. I do not think there is anybody sitting on the floor of this house who disputes that the environment is probably the most important issue, perhaps after finance, that we have to face up to. That was the reason why the Liberals first proposed the particular standing committee that now exists, because we recognised that it was one of the major issues on the political agenda.

The fact that the Rally has now brought forward this particular inquiry is a good thing. I would hope that the particular standing committee over the life of this Assembly would be one of the busiest committees that we have got. There are so many issues that it has to deal with, and there will be all kinds of references to it over the coming weeks and months.

Having said that, and looking particularly at the motion that Mr Moore has put forward, I think that the committee is going to find itself a little ambivalent; in fact, it is going to become schizophrenic in trying to deal with the reference that he is putting to it. In the opening lines he is asking the committee to inquire into and report on "an integrated environment policy". To me that means every aspect of the environment. What he is really doing is giving the committee a job that could keep it busy for the next 10 years, and it still would not have time to deal with every aspect of the environment policy.

I would submit that there is no way that by the first sitting day of 1990 this committee could come back with an "integrated environment policy". There are a lot of organisations around the world, and indeed in Australia, trying to cope with that problem, and I do not believe that it is possible in the time frame that we are talking about to do it. But if you then read on and look at the words that follow that opening part of the motion, you see that what the Rally and what Mr Moore are talking about is energy use and its consequences for the environment. That

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is a finite task that the committee can attack and probably deal with in the time.

I am not proposing an amendment, but I would suggest to the committee that it should tend to ignore the opening part of this which talks about an integrated environment policy and focus on what the motion is really about, and that is the use of energy in various forms and its impact on the environment. If the committee does that and comes back by the first sitting day in 1990 with a comprehensive report on that subject alone and gives us some sensible recommendations that we can adopt, I hope that it will have regard to the things that other people have spoken about. I refer to the rights of individuals, and the fact that you cannot impose things on people - although I would question that to some extent. I think that we might be reaching the stage on this planet earth where in terms of the common good and the common interest we may just have to start making some impositions on people.

If the committee comes back with a report on that matter alone and does not try to get into the broader implications of environment policy - for which it will have plenty of opportunity and time in the next three years, I am sure - then it will have done a great service to this Assembly and to this community. So I would ask the committee to be a little careful. I disagree with the Chief Minister, because I thought I heard her say that she wanted the committee to discuss the broad aspect of the environment. I do not believe that the committee can do that in the time frame, and I think it ought to address this specific problem, which is an important problem in its own right.

Let us take the environment in small, manageable sections and deal with it a bit at a time, so that over the life of this Assembly, at the end of three years, we will then be able to look back and say, "We have done something constructive and substantial to enhance and improve the environment that we live in". If we try to tackle the whole universe, I think we may in three years' time have discovered that we have achieved nothing.

MR MOORE (11.51), in reply: It is very heartening to see such a positive attitude to the environment coming through from all members of the Assembly. Perhaps I should make a small point on plagiarism, before the Chief Minister leaves. The suggestion of plagiarism of one document from another is very difficult to sustain when you see that the ALP environment policy has two and a half pages and the Residents Rally environment policy - of similar typing, except that it is typed a little bit closer - comprises 17 pages. So if the Labor Party is suggesting that we have been plagiarising its policy, I cannot quite see how we can move from two and a half pages to 17 pages.

Mr Whalan: But we make economic use of paper, you see.

MR MOORE: I see.

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Mr Kaine: You obviously took just the good bits.

MR MOORE: Just the good bits, that is right. So I think the plagiarism that goes on is quite clear. Let me also add that prior to the conference this weekend one of the members of the Labor Party asked me for a copy of our full environment policy. I was delighted to provide it so that the ALP can learn to follow. The ALP perceives the Residents Rally as a trendy little group that is just starting. In fact, what the ALP must learn to realise - and Mr Berry put his argument in his best speech clearly and sincerely - is that we are not so much trendy as a ground swell. And when Labor members realise that, they will realise the impact that it could well have on their own future.

There were some further comments about what could happen with heritage homes and so forth. Living in one of those myself and having extended it, I know that it is possible, as we have done, to integrate the sort of building that is available so as to have a north-facing wall with an appropriate amount of glass to take advantage of the sun. These can be worked in with some empathy so that the passive energy systems can in fact be added to existing homes as well as to new homes.

In the talk about design of new homes and ways of forcing things, the picture that was painted envisaged a series of houses all facing the same way, so that streets would face the same way. But we are not talking about which way the house itself faces or where the front is, but about where the glass is on a house. There is nothing to stop the glass being on what would otherwise be perceived as the back wall of a house to take advantage of the sun, and many other factors come into that sort of area. In fact, I understand that ants always tend to build their nests north-south, and some of us sleep better in a north-south alignment. Of course, some people probably cannot sleep straight anyway!

I appreciate Mr Wood's comments on education, and naturally we will need to look particularly at the education aspects. I believe that, although that is not specifically addressed in the motion, it is not precluded from it. In that sort of education process, the pamphlet to which the Chief Minister referred from Mrs Grassby's department has of course been available to the public for many years. I certainly got one myself two years ago, long before Mrs Grassby was an endorsed candidate for the Labor Party, let alone a Minister. What we are dealing with and talking about in education is an attitude to the environment. That attitude is most important and it is heartening to see that Assembly members are all interested in it. Certainly all those who have spoken in this debate have expressed interest in a positive attitude.

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I would like to take up a couple of things that Mr Kaine said. He tried to stress that we ought to look at energy use, and of course it would undercut the whole concept of the motion to narrow it in that way. What I have been trying to convey, and what the Liberal Party seems to have missed, is that we are looking for an integrated framework, a balanced proposal, across the whole area of the environment. Within that framework we can certainly then look at energy use. But looking at energy use on its own, even though we do have for the particular task at hand a restricted period, I think it is still a task that we must tackle and do to our very best ability.

Mr Speaker, I think it is appropriate now to welcome the fact that a number of parties here have supported this motion. I appreciate that, and I think that our attitude to the environment will make this Assembly and the people of Canberra leaders in this particular field.

Amendments agreed to.

Motion, as amended, agreed to.

POLICE OFFENCES (AMENDMENT) BILL 1989

MR STEFANIAK (11.57): I present the Police Offences (Amendment) Bill 1989. I move:

That this Bill be agreed to in principle.

It is very interesting to note in the Canberra Times this morning an article on page 3 which sums up one of the greatest problems facing Canberra at present, and that is the totally intolerable level of crime, especially street crime. It is headed "Disgruntled after city mugging", and I will read the first few paragraphs. It says:

"I don't see why I should sit at home, afraid to go out, just because of a couple of young thugs," said Patricia Beswick yesterday. She is deeply disillusioned about the Canberra she has known for 25 years.

Miss Beswick, 62, has managed only in the past two days to get out of bed after she fell victim to two young thugs in Northbourne Avenue, the entrance to Canberra, last week.

She was walking along the footpath about 11.45 pm on Wednesday, only 80 metres south of the Canberra Rex Hotel, when two young men crept up behind her. One grabbed her around the throat in a choke hold, and her arm was wrenched painfully up behind her back.

"I was punched in the side of the head, knocked to the ground twice and they stole my handbag," Miss Beswick

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said. The bag contained about \$230 - virtually all her fortnight's pension, which she had picked up that day.

The first and foremost duty of any government is the safety and security of its citizens. We in Canberra can have the best hospital system in Australia, but that means little if we cannot protect our citizens' safety to walk about the streets of their city.

Mr Wood: Perhaps we have not got the best police system.

MR STEFANIAK: Perhaps we have not got the best hospitals either. The massive increase in crime, especially violent crime, has become one of the main issues concerning the Canberra citizens in the last couple of years. It touches us all. Over one-third of all Canberra houses have been broken into and our shops, our streets and our bus interchanges and bus stations are no longer the safe places they were 10 years ago.

The level of street crime, such as assaults, offensive behaviour, malicious damage, property and muggings, which are assault and robs, has increased manyfold over the last decade. One need only look at statistics kept by the Australian Federal Police and listed in its annual reports to see this. For example, in 1979 there were 336 assaults and 1,207 cases of malicious damage, and some 11,000 crimes reported all up.

In 1984 there were some 374 assaults, 2,316 malicious damage cases, and indeed crimes had increased by about 5,000 all up to 16,000. In that year the Police Offences Ordinance was largely truncated and the police lost most of their street powers. In 1987-88 there were 678 assaults and 3,220 malicious damage cases. That is almost a doubling of the number of assaults and a 50 per cent increase in malicious damage, two of the most common offences that appear before the courts as a result of street crime.

Police powers to confront and combat crime in this area have been whittled away in the last 10 years. As I said the Police Offences Ordinance was truncated in 1984. The remaining provisions of that were transferred to section 546 of the Crimes Act, which deals with offensive behaviour but which has limited application to any street crime apart from that. Police can act only in certain circumstances in relation to street crime and they can act only after a crime has been committed. In 1987 the last available power in relation to the possibility of stopping crime before it started was deleted from the Gaming and Betting Act, and that Act had some limited application, at any rate.

The whole idea of a move-on power is to stop crime before it happens. The whole idea is to nip crime or a potentially dangerous situation in the bud. Acceptance of this Bill will lower the amount of street crime; it will

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therefore decrease the number of persons charged with more substantive offences and appearing before the courts. Not only will it make Canberra safer for honest citizens, but it will also mean that fewer offenders are charged with the more serious street offences I have mentioned earlier in this speech.

Much has been said by Ms Follett and other members of the Labor Party and other opponents of this legislation about civil liberties. I fear that that really is a fallacious argument on two grounds. Firstly, let us talk about whose civil liberties are really being affected. Mr Speaker, the only civil liberties that are really being infringed here are those of the offenders to do as they please in harassing innocent citizens, who are usually the elderly, the young and women. The oppressor's liberty to oppress is being protected and the victim's right to free passage around Canberra is being withheld.

Do opponents of this Bill really want to protect the liberty of louts to do such things as harass old ladies at bus interchanges? Just recently, the wife of one of our staff members witnessed a rather dreadful example of this. As has been the case recently in Canberra, it was awful weather, it was raining and it was between 2 o'clock and 3 o'clock in the afternoon. At the city interchange was an old woman of about 80 years of age, with her shopping bag full, standing in the rain, because a large number of louts, aged about 15, of both sexes, were drinking and carrying on in the bus interchange shelter. The wife of our staff member went up to the old lady and said, "Why don't you get out of the rain?". The old lady said she would not go into that bus shelter; she was terrified to do so because of what was occurring in there. I think that is really intolerable.

Do opponents of this Bill want to see common occurrences such as another incident that a lady referred to me during the recent election campaign? It concerned her 17-year-old son, whom she referred to as a gangly kid, being harassed in Garema Place by a number of louts around about his age. As they hassled him, called him names, impeded his progress, and generally gave him a bad time, but fell short of actually physically assaulting him, he attempted to leave the area. He was followed to a dark car park and beaten by these same people. His head was kicked in and he spent about a week in a coma. He was lucky to survive and he is now terrified to go out into certain places of Canberra, especially to the major shopping centres such as Garema Place, where this incident emanated from.

Do opponents of this Bill want to see brawls that occur regularly now outside drinking establishments in Canberra in the early hours of the morning, such as those that have occurred with monotonous regularity outside the tavern that used to be known as JDs in London Circuit, the Private Bin, various other establishments in Weedon Close, Belconnen, and in Phillip?

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On the Friday before the Queen's birthday long weekend there was an incident outside a drinking establishment in Civic. A large number of people - one group being a bike gang, another group being people who were somewhat hostile to them - left a tavern and were on the street outside the tavern squaring up for a fight. There were a number of police there, trying to keep them calm, telling them all to go home, but the police had absolutely no power to enforce that. The police were sworn at. They could not tell who was swearing, so they could not use that one offence - use of unseemly words - and accordingly a fight occurred. As a result of that fight, one of the persons involved in the fight copped a beer glass in the face and received some 40 stitches.

A member: Where were the police then?

MR STEFANIAK: The police were there, and at that stage the police were able to intervene, and I understand a number of them were injured as well. That is the sort of situation that has to be nipped in the bud. If the police had the power here to move those people on, one fellow probably would not have 40 stitches in his face today.

Another situation is indeed a common one now, and that is around shopping centres, even suburban shopping centres. I received a copy of a letter sent to the Neighbourhood Watch by all the shopkeepers at the Rivett shops. It is dated 2 May 1989 and reads:

The undersigned shopkeepers of the Rivett Shopping centre wish to express to you their concern about loiterers (and many times drunken loiterers), arsonists and vandals who are systematically destroying our centre.

In the past month we have had

- two fires (one involving serious damage to a car),
- several cases of intimidation of shoppers, including children,
- an incident where a shopper was spat upon and her car urinated upon in the middle of the centre during peak afternoon business, by a gang of drunken louts.

The regular scene is one where shoppers, including young children, are abused in the foulest language, spat upon, and endangered by bicycles and skate boards on a most dangerously unguarded ramp.

Over several years, we have written to departments, ministers and members of parliament and have had little (and many times no) response.

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The loiterers use the skid ramp, seats provided by the government and a ridiculous semi-secluded square reserved as 'open space' to harass the public. The victims are mostly the elderly and children: other shoppers are abandoning the centre in droves.

We have endured this situation for years and have had no response to our requests for help. The situation is now quite desperate. Why should our shoppers be spat upon and their cars urinated upon?

We seek your immediate and effective response to these problems.

Police patrols have been stepped up there, I understand, but they can only do that to a certain extent. Police cannot be everywhere at once. We would probably need to swear in half the Canberra population as special constables adequately to control that if we simply wanted police at every potential trouble spot. That letter perhaps can be tabled, Mr Speaker, as I have read from it.

I would also indicate to this Assembly that, due to my previous civilian employment as a prosecutor for nine and a half years, I am probably more aware of this problem and have seen more of it than other members of this Assembly. Indeed, a lot of the faces I have seen over the years in Garema Place and the Woden interchange I have also seen in court, both adult and children's court, for serious offences which were committed in and around those places, ranging from assault and malicious damage, assault occasioning actual bodily harm, and in one case manslaughter.

What I would also say, as I have said earlier, and it might be of some interest to the members opposite, is that by having this power and by stopping crime before it starts, you decrease the amount of cases coming before the courts, you decrease the number of people charged with serious offences, and that surely might have some good effect on some of the people who currently are coming before the courts quite regularly for serious offences.

There is a second prong which has been used by opponents of this legislation, and that is fear of police abuse of the power. Firstly, I think when one looks at the Australian Federal Police and the ACT Police before, one realises that fear is totally groundless. Some people appear to have a paranoia about the police abusing this simple, commonsense power. I regard that, as I am sure do most members of the community, as a slur on the AFP. The AFP does have an excellent record, and I defy the opponents of this Bill to provide this Assembly with instances of abuse of the move-on power as the ACT Police have had in the past. I think the facts really do speak for themselves, especially when one considers the increase in crime since the repeal of police powers in 1984.

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I think the ACT Police and the Australian Federal Police are regarded as being amongst the best educated and the fairest and most respected in the country, and they have been for decades. They also have a large number of inbuilt systems to protect against abuses of power, starting with the police internal affairs division, then going to the Commonwealth Ombudsman, and indeed you can have a two-pronged appeal to the internal affairs division and the Ombudsman. Those appeals can be anonymous, they are investigated, and I do not think anyone could possibly tell me the Ombudsman's office is not a fair and impartial body. There is also the court system itself, and the ACT courts do have a reputation, too, for scrupulously monitoring what the police do. Indeed, they probably have a reputation for going too far in protecting the rights of the defendant.

Certainly over the last ten years the courts have been very quick to jump at the slightest whiff of a misuse of any power by the police. They will come down on the police like a ton of bricks if there is any whiff of any improper behaviour. If that happens, of course, the police have a lot of disincentives there too, such as having to pay the costs of the defence actions for false imprisonment and of having to pay large money awards there, plus disciplinary action within their own force and possible dismissal.

There are a large number of counters in the system. There is one further counter, too - this Assembly - which I am sure would very closely monitor the progress of this legislation and could, if there were any abuses of power, repeal it very quickly.

This Government is prepared to fine a person \$10,000 or gaol a person for five years for picking a protected plant but will not support a power to protect its own citizens and prevent louts from doing what they are doing to citizens of Canberra. Indeed, the penalty provisions suggested here are a mere \$1,000 or imprisonment for three months. What kinds of priorities are these, Mr Speaker? This Bill is based on tried and proven South Australian legislation. South Australia, as the Chief Minister knows, is a very progressive State. Premier Dunstan changed more laws than probably any other State Premier, but he did not change his move-on powers, nor has the current Premier done so - and they are both members of the Chief Minister's party. Indeed, when Mr Collaery and I looked at this Bill, in sending instructions to the drafter we took out one offensive subsection that referred to breach of the peace, because that possibly could be used against political demonstrators. Indeed, some members today indicated to me that they would like a proviso that this could not be used for demonstrators, and I certainly have no objection if anyone wants to put that in this Bill. It is not aimed at demonstrators; it is aimed at protecting the community.

South Australian laws and cases have been used as a model in many recent ACT court cases. I realise that this Bill cannot be finalised today, and I also realise that many

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members of the Assembly may not have had great experience in this area. Even the Chief Minister, and maybe other opponents, might have their eyes opened if they went for a ride with the police hoodlum patrol around Canberra's night spots, especially around 2.00 am to 3.00 am on a Thursday, Friday or Saturday morning. I am sure the police would be delighted to oblige the Chief Minister if she would like to do that.

Perhaps she would also like to contact the Ombudsman's office, because not long ago the Ombudsman sent a member of staff around with the hoodlum patrol, and he found out a lot of very interesting things. I am not too sure whether it was a male or female member of staff. It may well have been a female member of staff. That officer found out a number of interesting things and indeed could perhaps fill in the Chief Minister on the need for these powers.

Mr Speaker, when the Territory's police and the citizens of the Territory have been screaming for an increase in certain powers for several years, it behoves a responsible government to listen and to act. When a citizen, a private individual - Denis Meagher, a bus driver - organised a petition in October 1987 calling for an increase in police powers to counter the very things I have been talking about and obtained 9,000 signatures and presented that to the then Federal Parliament, it behoves a responsible government, and indeed it behoves this Assembly, to act. Those of you who would oppose this Bill may well have the blood of many Canberra citizens on your hands. I commend the Bill.

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

SELF-GOVERNMENT - SELECT COMMITTEE

MR DUBY (12.16): I move:

That:

- (1) A select committee be appointed to inquire into the report on -
 - (a) a financial agreement between the ACT and the Commonwealth Government as a result of self-government for the Territory;
 - (b) the form of government most appropriate in the ACT taking into account responsibilities of State, Territory and municipal governments;
 - (c) the method and practice of the first ACT election with particular regard to the electoral system and the election process with a view to recommending changes which might improve the process and expedite the count; and
 - (d) the reserve powers retained by the Commonwealth under the ACT self-government legislation particularly with respect to:

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- (i) the responsibility for future electoral arrangements;
 - (ii) the size and structure of the ACT Legislative Assembly;
 - (iii) the size of the Executive; and
 - (iv) the role and powers of the Governor-General.
- (2) The committee shall report on the first sitting day of 1990.
 - (3) The committee shall consist of 5 members.
 - (4) A majority of members constitutes a quorum of the committee.
 - (5) The committee be provided with necessary staff, facilities and resources.
 - (6) The foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

I propose to the house an inquiry into self-government in the ACT. This inquiry will review the experience so far in respect of the financial and electoral arrangements imposed on the people of the ACT and will recommend the most appropriate form into which the government of this Territory ought to evolve. It will also review the powers retained by the Commonwealth and those of the head of state, the Governor-General.

We, the No Self Government Party, believe that it is absolutely essential that the arrangements imposed on us by the Commonwealth Parliament, without consultation with the people of the ACT, be a matter of the most immediate scrutiny so that the glaring inadequacies evidenced in these arrangements can begin to be rectified. We are the most imminent danger, through the passage of time, of appearing to accede to the most punitive and unjust arrangements any fledgling colony, State or Territory of Australia has had imposed upon it in the history of this country.

I do not have to remind members of the hothouse gestation our "constitution" had in the Senate, of the last-minute amendments, deals and compromises that characterised the legislation, nor of the electoral system now described by the Electoral Commission as requiring at least two months to count, allowing up to 139 voting choices, which if all electors had exercised their option would have required some 20 million preferences to be noted. The system is regarded by the rest of Australia as a laughing-stock.

Nor do I have to remind members of the debacle at the Premiers Conference, where the Commonwealth repudiated an agreement less than six months old which had been reaffirmed by the Prime Minister just days before our election. It is vital that we begin the job of rectifying the wrong so clearly perceived by the people of the ACT in this new experience of self-government.

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I will cover in my remarks to you today the financial arrangements relating to the new Government of this Territory. The form of government most appropriate in the ACT will later be endorsed and addressed by my colleague Ms Maher, who will also refer to the method and practice of the first ACT election, and the reserve powers retained by the Commonwealth will also later be addressed by you, Mr Speaker.

Let me begin by referring to the financial arrangements. This is the crucible in which the welfare of the people of the ACT will be determined. Every aspect of the affairs of this Territory will hinge on our ability to find the financial capacity to ensure the continuance or enhancement of the Canberra way of life that our citizens enjoy.

Let us look in some detail at the Commonwealth commitment. In 1984 the then Minister, Mr Tom Uren, stated in tabling the task force report on implementation of ACT self-government, the so-called Craig report:

Financial arrangements would be built around a five year transition period involving appropriate financial guarantees and designed to minimise disruption and enable the fullest opportunity for the negotiation of future funding levels.

This commitment amounted to a close approximation to the maintenance of services to our community until the new governing body had sufficient time over the next five years to vary expenditure and taxes to meet the priorities of the local community and to align our finances more closely with the States. This was watered down in 1988 in budget related paper No. 7 circulated by the then Minister, Mr Gary Punch, to read:

... the maintenance of Commonwealth funding to the ACT budget, for three years commencing 1988-89, at the same real levels as in 1987-88. The Commonwealth will then agree funding levels with the ACT Government for the following two years to ensure a smooth transition to Commonwealth/State and local government arrangements.

The budget paper went on to say:

The Northern Territory was afforded similar consideration in its transition to self-government.

This assertion of parity of treatment with the Northern Territory is a gross exaggeration and I will take that point up later. But the point to make here is that the Commonwealth commitment to maintain services in Canberra has been watered down to maintenance of real expenditure in the Territory for just three years.

This meant that, as the Commonwealth contributes about two-thirds of our revenue and this sum was fixed, then, when

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our population grew, real expenditure on services had to fall. The faster our population grew, the faster the fall. This was bad enough, but much worse was to come. The 1988 commitment of the Commonwealth was capable of a narrow and a wide definition. The narrow definition saw the real terms guarantee applying only to the general purpose recurrent assistance. This is what the Commonwealth would be expected to argue for.

In budget paper No. 7 a figure of \$418.9m is quoted. However, there is in the ACT budget a range of other Commonwealth payments to which the financial guarantee could be argued to apply. These are specific purpose payments of \$153.6m; additions to the general revenue assistance grant for debt servicing on Territorial assets of \$41.9m; employer responsibility for superannuation of \$45.8m; recognition of the \$31.7m surplus generated in the ACT in 1987-88; payments to the ACT Administration for services provided to the Commonwealth of \$26.1m; and an additional establishment cost to be added to the 1988-89 level of Commonwealth assistance to the ACT Administration as a result of the introduction of self-government.

In total these recurrent Commonwealth payments to the Territory come to well over \$300m. When we take into account payments of a capital nature, the sum of total Commonwealth payments reaches close to \$430m over and above the general purpose recurrent assistance which the Commonwealth has used as a base for the calculation of the real increase to which the ACT is entitled. In other words, if we had fought for a wide interpretation of the real terms guarantee, the Commonwealth should have paid the ACT an inflation amount of some \$50m, which is 5.9 per cent of the full Commonwealth payments to the ACT. In fact, out of the Premiers Conference we got a mere 2.2 per cent increase, or \$10.6m, with the rest - 3.7 per cent or some \$22.7m - locked up in a trust account, this amount to be used only with the Commonwealth's agreement on projects which will reduce the recurrent expenditure of the Territory and therefore the amount the Commonwealth must maintain in real terms.

What this means to the people of the ACT is that their services from local government must decline even faster, and on a per capita basis must decline sharply. We estimate that the financial contribution of the Commonwealth measured on a per capita basis will have declined by the end of 1989-90 by nearly 10 per cent, this being the population growth since the base year plus the sum withdrawn from recurrent spending at the Premiers Conference.

The simple fact is that the financial agreement offered by Mr Uren, back in 1984, was the only one that came within a bull's roar of that obtained by the only other new government - that is, the Northern Territory Government - formed this century in Australia. Each step since 1984 has been downhill, and the ultimate result agreed to at the

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Premiers Conference means financial strangulation for the ACT and cannot be allowed to go unchallenged.

There are several ways in which we can break out of this Commonwealth stranglehold. One is to immediately prepare a reference to the Commonwealth Grants Commission for special assistance for the ACT, just as the Northern Territory did, as a claimant State. This could be done immediately.

Other matters could be raised with the utmost urgency with the Commonwealth. Firstly, there are the sales by the Commonwealth without recompense to the Territory of up to \$100m of ACT assets. These assets include the Belconnen Mall, the fruit markets at Fyshwick and Belconnen, the Allambee nursing home, and the Canberra Commercial Development Authority.

Secondly, there is the major issue of who is responsible for the removal of asbestos from the homes of Canberra citizens. In an agreement imposed on the ACT, the Territory budget must bear the enormous cost of \$27m over the next two years, with the Commonwealth contributing only \$11m. This is nothing short of grotesque when it was the Commonwealth's negligence which created this enormous burden by leaving this Territory unprotected from the scourge of asbestos long after other States, including New South Wales, had banned the material.

Thirdly, there is the issue of the renovation of several of our major public buildings. The Royal Canberra Hospital and the Melba flats are two examples. Other examples are the publicly owned flats and houses in the ACT. The Commonwealth has allowed these buildings to fall into pitiful disrepair, requiring huge capital costs to renovate them. This is simply neglect for which the people of the ACT should not have to bear the cost.

Fourthly, there is the issue of public transport in this city where the Commonwealth has been completely responsible for the dispersed Y plan and the low-density urban environment but the people of the ACT are being required to pay the full cost of an extremely expensive transport system. Also, there is the question our ACTION bus fleet having been allowed to deteriorate, without capital addition, to the point where this Government faces enormous costs of upgrading the fleet to operational effectiveness.

However, the overriding issue is the vital need to establish a firm contractual basis with the Commonwealth which takes into account all the above issues and more, so that the Commonwealth Government cannot treat us like children as it did at the Premiers Conference and will be forced to honour its agreements, as it was forced to do with the memorandum of understanding in respect of financial arrangements between the Commonwealth and a self-governing Northern Territory in 1978. Even though this agreement was negotiated with the Fraser Government and has been the subject of trenchant criticism by the Minister for

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Finance, Senator Walsh, its benefit to the Northern Territory is still being felt 10 years after self-government because the Federal Government could not renege as it has done with us.

I believe that the issues that I have outlined already are crucial ones for the future of this Territory and this parliament, but none is more urgent or important than a fourth Grants Commission inquiry immediately to claim special assistance to the ACT as a claimant State. So I shall enlarge further upon this vital matter.

It is evident that the Commonwealth and many administrators in this Territory have been greatly influenced by a misinterpretation of the Grants Commission's previous reports. The Department of Finance in the past two years has quoted over-standard expenditure, according to the commission, as being a basis for substantial cuts to the ACT budget. Recently, Mr Alan Woods, chairman of the Hospitals Board, was quoted as saying that because the Grants Commission found that our expenditure on hospitals in the ACT was over the average standard of the other States we must cut back on expenditure on hospitals in this Territory. We believe this is a profound misinterpretation of the Grants Commission reports and is causing significant harm to the welfare of the people of this Territory. It can only be rectified by our proposed inquiry and prompt action by this Assembly.

The basis for our claim is as follows: There is absolutely no requirement under the fiscal equalisation principles adopted by the commission for individual expenditures, say, on health or education, to be equal to the standard of the States. These expenditures have varied and always will vary between States considerably.

The commission again emphasised in its third report that the Commonwealth's subvention to the ACT recommended does not indicate the total dollar amount it would consider appropriate for a self-governing ACT. The commission made specific mention of the need for an appropriate phasing in period in making the adjustments required to place the ACT on a comparable basis with the States in accordance with strict fiscal equalisation principles. This period has been truncated by the actions of the Commonwealth at the Premiers Conference.

I will not seek to canvass in detail the substantial reservations which the Grants Commission placed on its last report and which have been ignored by virtually everybody since, but I seek leave of the House to place in Hansard pages 27 and 28 of the commission's third report of 1988 on financing the ACT for members to peruse at their leisure.

The overriding point is that the report of 1988 drawing its data from 1986-87 should have no bearing on the budget considerations or the Commonwealth's financial responsibility to the ACT under self-government. Only a

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new Grants Commission inquiry can serve that purpose after the strategic political issues referred to are settled. It is up to us to settle the parameters within which the Grants Commission can exercise its judgment.

I would like to finalise my comment on the financial arrangements with a few remarks on the ACT forward estimates. Whilst the Government is to be congratulated on their early publication, the estimates clearly reveal the tightness of the financial straitjacket in which the Commonwealth has placed this Territory.

I can illustrate this by taking the example of loan funds. This source of funds has traditionally been an important element of flexibility in economic planning. However, in the case of the ACT the Commonwealth has not only constrained the level of borrowing available to the ACT Government to 10 per cent of the total ACT budget of the preceding year in the ACT (Self-Government) Act itself, but has seen fit to slash this level again at the Premiers Conference.

The limit embodied in the legislation should have given the Territory about \$100m. The Premiers Conference set the limit at \$39.5m from a maximum borrowing limit proposed of \$50m. It is a measure of the enormous pressure being applied to the ACT that loan funds obtained by the Northern Territory, which is financially about half the size of the ACT, exceeded those available to this Territory some five years ago in 1984-85 and have grown steadily ever since.

These are but a few of the issues that this Assembly needs to address with utmost urgency, for failure to do so, I believe, is nothing short of economic vandalism to this Territory on our part, the impact of which will be felt by our citizens for many, many years to come. An open inquiry is the only viable course of action available to us and I seek the support of the house for this motion.

MR SPEAKER: Is leave granted to incorporate in Hansard Mr DUBY's document as tabled?

Leave granted.

On ruling by Mr Speaker, document not incorporated.

MR SPEAKER: While we look into that issue I would also state that Mr Stefaniak has requested leave to accept the tabled document. Is leave granted?

Leave granted.

On ruling by Mr Speaker, document not incorporated.

Debate interrupted.

Sitting suspended from 12.30 to 2.30 pm

QUESTIONS WITHOUT NOTICE

Schools Office

MR MOORE: My question is to the Minister for Industry, Employment and Education. In relation to the public statement made by the Minister on 22 June attempting to justify spending in the ACT Schools Office by claiming that administrative salary costs compared favourably with those in smaller Australian States, what figures detailing salaries in the Tasmanian education department were obtained by the ACT Schools Office and shown to the Minister to allow him to be confident of his claim that the ACT compared favourably with Tasmania?

MR WHALAN: This question, Mr Speaker, is one which I propose to suggest that the Government refer to the Standing Committee on Social Policy so that there can be an examination by that committee of the relative levels of administrative expenditure in the ACT and other parts of Australia. Inevitably some distortions can arise in considering matters of this sort, and it is my view that there could be some benefit in appreciating the real figures if the committee examines that.

So, if it is approved by the Government, we will refer it to the committee, and there will then be an opportunity for the committee and subsequently the Assembly to examine this issue. It is of concern to the Government. We do not take lightly issues such as this because they are very important in determining budget priorities. We hope to be able to do that next week.

Public Housing

MR WOOD: Let us continue our search for accuracy in data. I pose a question to the Minister for Housing and Urban Services. Has she seen the article in today's Canberra Times in which some members of this Assembly, not Government members, suggest that the Government use the ACT Housing Trust to refinance home loans for struggling house buyers? Can the Minister comment on how realistic or practical those comments in the press were?

MRS GRASSBY: As the Residents Rally policy statement on housing, which I read today after seeing that article in the paper, notes, the ACT Housing Trust currently assists people experiencing hardship in meeting loan repayments, either by refinancing under the Commissioner for Housing loans system or by providing short term assistance under the mortgage relief scheme. Funds which the Housing Trust currently has invested in short term money are not immediately required. This is invested in earning funds for later use.

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Let me say that in 1988-89 the ACT Housing Trust granted 220 loans, 36 of which were refinancing cases. There are currently 168 applicants on the Commissioner for Housing loans waiting list to be included in this application of funds. The Government announced on 25 May a comprehensive review of the housing policy, and all aspects of rental housing and ownership assistance, including refinancing and more affordable housing loans, are being examined as part of this.

We are behind in our housing building because of the wet weather. We have already signed contracts for houses to about \$4m, so although we may have money it has already been committed. When it stops raining in Canberra long enough for the builders to get out to fulfil these contracts, you will find that we will not have as much money put aside as we would like to think, because there will have to be progress payments to builders. That is the situation at the moment. I think if the Residents Rally looks at its policy which it had during the election it will find it has already answered that.

Night Shift Workers

MR COLLAERY: My question is directed to the Chief Minister as spokesperson on justice and women. Will she launch an early public awareness campaign for employers to ensure that staff, particularly women, who work night shifts are escorted to their vehicles under a staff approved and agreed arrangement similar to that in operation for nurses at one location in Canberra?

MS FOLLETT: I do not think it is really appropriate to use question time to pre-empt any matters that might become government policy. As I am sure Mr Collaery knows, there is currently not a government policy on this matter. However, I think that it is an idea that might be worthy of some consideration, so I would be happy to take the question on notice and to offer some advice to Mr Collaery when it has been considered.

MR COLLAERY: I have a supplementary question, Mr Speaker. Is the Chief Minister aware that a considerable proportion of the population, including women, who work night shifts are feeling vulnerable in going to car parks, particularly in the city area - even from this building and even from this chamber - in the dark hours?

MS FOLLETT: Again, Mr Speaker, I think that question requires me to offer advice or to pre-empt information that I presently do not have. I have no advice whatsoever that people have such concerns. I have received no representations on that matter at all. But of course it would be a matter of commonsense that anybody leaving a building alone in a deserted area late at night may suffer a few pangs of anxiety about how safe he or she is. It is

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really not a question to which I can give a definitive answer. I think it is a matter of people's personal safety on which really I have had no information.

School Visit

MR HUMPHRIES: My question is directed to the Minister for Industry, Employment and Education. Can the Minister confirm that he visited the Campbell primary school with Minister Grassby on 26 May? Does the Minister recall seeing a poster on the wall of a classroom that they visited which was shown on Ten News that evening, which carried the following words - apparently they are to be sung to the tune of Neighbours, but I will not attempt to do so now:

Labor, everybody should vote Labor, with a little understanding you'll find they're perfect friends; with Labor you'll get to know each other, that's when you and Labor become good friends.

Mr Speaker, my question is: Can the Minister explain how that poster came to be there? What action did he take on seeing it? What steps will the Minister be taking to ensure such posters never appear again in any primary school in the Territory?

MR WHALAN: There were three questions, with the third one being a multiple question. The answer to the first is no; the answer to the second is no; and, in relation to the poster, I did not see it, but it sounds like a Liberal Party conspiracy.

Public Housing

DR KINLOCH: My question is directed to the Minister for Housing and Urban Services. The Housing Trust recently demolished dwellings in Condamine Street, Turner, and erected five new dwellings. Indeed, I enjoyed seeing the opening of those, and I thank you for that invitation. Is the Minister aware that when the residents moved into the premises recently the sewage overflowed in each yard - forgive me for mentioning this after lunch - and that the occupants were given emergency housing in motels and fed at the Pancake Parlour? Will the Minister ascertain whether this incident arose from uncoordinated medium-density infill operations by the Housing Trust?

MRS GRASSBY: I did not know that, but I will look into it. I am just very sorry I was not living there because I would like to have gone to the Pancake Parlour. But I will get back to the member after taking the question on notice.

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Minister's Office

MRS NOLAN: My question is to the Deputy Chief Minister. May I bring his attention to an article which appeared in the Valley View on 22 February. I table the document which states:

I have already announced my intention to open an electoral office in the Town Centre. This will ensure accessibility at a political level.

On 25 May, in reply to a question relating to the same matter, the Minister's reply was, "The answer is no". Would the Minister tell me which is the true statement?

MR WHALAN: It is true, Mr Speaker, what the business community in Tuggeranong have to say about Mrs Nolan. I will not elaborate on what they have to say, but they are concerned about the lack of support that the Tuggeranong town centre is receiving from the Liberal Party. What they see is continual knocking by the - - -

Mr Kaine: I rise on a point of order, Mr Speaker. I have now witnessed two questions asked by members of the Liberal Party. The first one was shrugged off as a joke when it was quite clearly a serious question about a political poster in a primary school, which should not have been there and which the Minister shrugged off.

MR SPEAKER: Order! Mr Kaine, please get to the point.

Mr Kaine: He is now attempting to avoid answering this question. I think he should answer the question.

MR SPEAKER: The Deputy Chief Minister may proceed.

MR WHALAN: Mr Speaker, as I was saying about the Tuggeranong town centre, it is experiencing considerable difficulties. We have seen some publicity recently about the problems faced by the Churches Centre building there, in terms of its difficulties in gaining tenants. There is still a considerable number of retail vacancies in the town centre, and there are indications that the town centre is not trading as well as other parts of Canberra.

Related to that situation is the fact that the cost of rental accommodation in Tuggeranong is significantly less than it is in other parts of Canberra. I would remind members that in Civic there is, at this point in time, contrary to reports, a shortage of office accommodation, and that is having quite a dramatic effect on rental prices.

The indications are that by the end of this year newly occupied space will rise to \$300 a square metre and that it will continue to rise for some considerable time into the future. On the other hand, good accommodation in

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Tuggeranong can be acquired at the rate of \$200 to \$220 a square metre.

With that in mind and given the necessity to relocate staff employed in my department upon the demolition of the North and South Buildings to make way for the Civic Square redevelopment, it will be necessary to relocate a significant proportion of staff. It would seem to be appropriate to pursue the Federal Government's policy, and indeed this Government's policy, of decentralisation and the - - -

Mrs Nolan: I rise on a point of order, Mr Speaker. I do not believe the Minister is answering my question.

MR SPEAKER: Deputy Chief Minister, please be brief.

MR WHALAN: So there will be components of the ministry which will be relocated in Tuggeranong. I think it would be ideal if a substantial proportion of the ACT public service were able to be relocated to cheaper areas, and I thought that such a move would be applauded by members of the Opposition in view of the considerable financial benefits that can accrue in recurrent expenditure.

Residential Land at Isaacs

MS MAHER: Is the Minister for Housing and Urban Services aware that in the suburb of Isaacs there are some vacant government owned blocks which have not been sold due, among other things, to the fact that access roads are inadequate and that the blocks - for example, at Braim Place and Hughson Place - are becoming extensively eroded with all the topsoil being washed away and large gullies forming, leading to extensive pollution in Yarralumla Creek and the death of aquatic life in that waterway?. If so, what action is the Minister taking to correct this situation? If not, can she give an undertaking that this problem will be remedied on these and other similar government owned blocks throughout the Territory?

MRS GRASSBY: I thank the member for the question. Yes, I know about that. There has been a problem in Isaacs. The streets were designed in a narrow way to stop people speeding up and down them. Unfortunately, it was not thought at the time that the garbage trucks had to go in and out to pick up the garbage. Thus, the problem came about that they could get in but they could not turn around to come out. So what is happening is that a lot of those areas have to be changed. Those blocks could not be sold because this had to be fixed.

The fact is that all of this runoff from blocks is very serious. My department has been able to convince large building firms to take precautions when they are building so that they are not managing to have all this topsoil

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rushing into the drainage. If anybody has driven by the Chinese embassy they will see how well it has been done there. They will see at the bottom of the fence there is very fine gauze which stops the topsoil running off.

The very difficult thing to do is to convince single builders to do this. When they go on to blocks they should not allow this to happen to the soil and you have to convince them. We are looking at maybe bringing in penalties for builders to make them take these precautions before they start building. I am quite sure that when this is done there will not be runoff.

The blocks in Isaacs will be up for sale when we can take care of the fact that these garbage trucks will be able to get out once they have got in, because I do not think anybody wants to have a garbage truck in their street for the rest of the week.

Water Pollution

MR WOOD: Mr Speaker, I will ask the Minister for Housing and Urban Services to stand up again as I will refer the question to her. Is the Minister aware of regular claims that pollution from the mine workings at Captains Flat damaged the Molonglo River? Is there any threat to the waters of the ACT from these mine workings?

MRS GRASSBY: May I say to Mr Wood that he obviously has got that from the paper. That was a beat-up by a New South Wales member from Queanbeyan, whose name I have just forgotten. But let me say to you that - - -

A member interjected.

MRS GRASSBY: I cannot remember, yes. I understand that our biggest problem is in New South Wales, not here. I understand Tony Fleming was present at a meeting today. To answer that, the Captains Flat mine site is located beside the Molonglo River which then flows through the ACT.

The potential for pollution of Lake Burley Griffin is high, as was demonstrated when the mine waste and dams collapsed into the river during a flood in 1942. We have been doing a lot to protect this but, of course, we do not have a lot of say in what happens in New South Wales. But the Water Pollution (Amendment) Bill that I will be bringing into the house later today will take care of that - as it will, of course, take care of the question that Ms Maher asked about it.

But may I say that we need to ask New South Wales to clean up its act first. We are doing the right thing here, passing Bills in the house which will make sure that our wildlife and our aquatic life are protected, and also our water supplies. I know, Mr Speaker, you are very

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interested in this. To date our water supplies have been kept pure, and we do not have this problem. So I suggest that the members, in any way they can, should rally around the New South Wales Government and our neighbouring electorate.

Minister's Office

MR JENSEN: Mr Speaker, my question is directed to the Minister for Industry, Employment and Education, and in some respects it follows on from a question asked by my colleague Mrs Nolan. Can the Minister advise to what building in the Tuggeranong town centre he is proposing to move his department? What is the estimated cost, including the cost of labour, of moving the Minister's suite of offices from the North Building to Tuggeranong?

MR WHALAN: No, I cannot.

Mr Collaery: A point of order, Mr Speaker. That is a patent breach of question time by the Minister. Question time is not a courtesy to be extended to this side of the house by the Government. Question time is a renowned feature of parliament. This Minister is flagrantly breaching all of the conventions of question time constantly, and that response was not even a response, Mr Speaker. He need not come to the chamber if that is his behaviour.

MR SPEAKER: Mr Collaery, please do not direct the Assembly from your chair. If you wish the question to be answered fully, please present it in writing to the Minister.

Press Officer

MR MOORE: My question, Mr Speaker, is directed to the Chief Minister. Does the Chief Minister accept that her unseemly haste in appointing a press secretary before applications for the position have closed represents a denial of every principle of fairness and equity inherent in considering the merits of all applicants for any position?

MS FOLLETT: I thank Mr Moore for the question. Perhaps I should check whether he wants a short answer or a long answer before I proceed. You cannot win in this arena, I am afraid.

Mr Whalan: If you give a long answer they complain.

MS FOLLETT: Yes.

MR WHALAN: If you give a short, precise answer they whinge.

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MS FOLLETT: Yes. To answer Mr Moore's question, Mr Speaker, it is true to say that my office placed an advertisement calling for staff for a range of positions some time ago. It was an all-embracing advertisement that took account of the fact that some staff had already taken up duties and positions in Ministers' offices and that some vacancies still remain.

Included in that advertisement was a call for expressions of interest in the position of press secretary on my personal staff. When that advertisement was placed, it was an extremely genuine call for expressions of interest because this is a crucial position on my staff, as I am sure other members would be aware.

Before the period of time for nominations for the positions had expired I became aware that there was an excellent applicant who was available and quite willing to take up that position. Previous to that I had also done some checking on what kinds of people might be available to fill press secretary jobs and had quite easily ascertained that in the ACT there is a shortage of skilled people available for those jobs and that in fact most of the skilled people already had very good jobs which they were not willing to leave.

So when it became known to me that there was an excellent applicant - an outstanding applicant, in fact - who was available and willing to take up that job I did not hesitate. I proceeded to interview her, not on my own but in the company of some departmental officers, and ascertained that indeed she would be most suitable. So, as I say, I did not hesitate. I sought to take her into that position at the first available time. I am very happy to say that she will be taking up duty next week and that I have been able to make an arrangement with her current employer to release her for those duties.

So it was a matter really of taking advantage of that application, taking advantage of the fact that there was, in my view, an exceptional applicant expressing an interest, and most certainly not wishing to let that opportunity pass me by.

Minister's Office

MR COLLAERY: My question is directed to the Deputy Chief Minister. Would he assure the house that arrangements to be made for the leasing of accommodation for occupancy by him in the Tuggeranong Valley will be conducted point to point by responsible officers of the property section of his department and not by himself? Secondly, has he had, at any time, personal contact with the prospective landlord of those premises?

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MR WHALAN: Mr Speaker, the arrangements under the government leasing arrangements are conducted by the property branch of the ACT Administration in the Office of City Management. That is the way in which all arrangements are made in relation to property arrangements, and certainly that is the way that it will continue to be done. As there has been no property identified and as there have been no arrangements entered into, the second part of the question is quite inappropriate.

Technical and Further Education

MR HUMPHRIES: My question is to the Minister for Industry, Employment and Education. I draw his attention to today's Canberra Times and two articles that appeared therein, entitled "How not to do a TAFE exam" and "Late change to exam date". Is the Minister aware of these articles? Are the allegations made correct? What action is to be taken to rectify the matter and to prevent any recurrence, or are these matters just another Liberal Party conspiracy?

MR WHALAN: I would like to think it was the latter, but I think it could handle only one at a time. With respect to the enrolment complications, four and a half hours were programmed in two sections to enrol about 300 students. Unexpectedly, the majority, including night students, attended the commencement of the first daytime session. The problem appears to have been exacerbated by some students of the former Woden College being unfamiliar with the process used, which previously proved satisfactory for the former Reid College. Regarding complications with accounting examinations, a casual exam supervisor failed to arrive. There was another supervisor present but, being junior, that person did not start the exam. The senior supervisor had been incorrectly sent as a fill-in to attend another exam on the same day. Replacement staff was provided immediately the situation came to notice.

Also the last page of the exam paper was omitted, and this was redressed within 10 minutes of the commencement of the exam. The late advice of a change in the date of the accounting principles exam was accompanied by arrangements being made for a second exam to be sat on the originally advertised date in cases where students were unable to attend at the revised time. A letter of apology was sent by the institute to the affected students.

These unfortunate instances need to be considered in the context of an enrolment process covering about 15,000 students and the conduct of approximately 150 formal examinations in a week. The inconvenience caused to students was regretted. The popularity of courses offered and cost saving measures imposed to minimise administrative overheads and maximise student places mean that occasional problems do arise.

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The institute is continually taking steps to refine further the enrolment and examination processes but, as the TAFE operates on a lean budget, to ensure perfect organisation it would have to employ extra administrative staff and reduce teaching staff accordingly.

Drug Laws

MR MOORE: My question is directed to the Minister for Community Services and Health. In relation to the recently disclosed though originally covert introduction of drug laws, alleged to be the toughest in Australia, has the Minister taken account of social and medical consequences, such as the increased involvement of organised crime in the ACT, increased theft as addicts attempt to finance their habits, and greater and more dangerous adulteration of drugs of addiction, all of which may result from making those drugs more difficult to obtain, thus making the trade in them in the ACT more lucrative?

MR BERRY: That is not the sort of question, Mr Speaker, that I would answer without some close consideration. I undertake to report back to the Assembly in due course.

Electricity and Water Rates

DR KINLOCH: Mr Speaker, my question is to the Minister for Housing and Urban Services. In view of recent speculation about rates increases for electricity and water, would the Minister advise whether the Government will give consideration to referring proposed rate increases to the Prices Surveillance Authority?

MRS GRASSBY: I thank you for the question. I will take that on board, and I will get back to you about that.

ACT Cancer Society

MR BERRY: Mr Speaker, I would like to respond to a question which was raised by Mr Moore yesterday in relation to a letter from the ACT Cancer Society, a copy of which I received, and I see that Mr Moore also received a copy. The letter was addressed to the Commissioner for Housing of the ACT Housing Trust.

Firstly, I would like to thank Mr Moore for the question because indeed the ACT Cancer Society is an organisation which should be supported because of the good work that it carries out in the community. But I must add that I am somewhat disappointed that Mr Moore would argue for fairly steep increases in support without first having given consideration to the real situation in relation to the funding of organisations of this sort.

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If I can go on, Mr Speaker, in response to the question raised by Mr Moore, the ACT Cancer Society received \$25,580 in 1988-89, which was a 53 per cent increase over its 1987-88 grant of \$16,650. This, I am informed, was to fund its home visitation program, which provides support to cancer sufferers in their own homes, and to expand administration support services of the society.

The society is one of 115 funded organisations, so we just cannot consider in the funding arrangements that organisation by itself because, as I am sure Mr Moore will appreciate, any additional funding which might be provided to the Cancer Society has in itself an impact on one of the other 114 funded organisations. They all have their existing operational grants maintained at the current level to the end of 1989.

Indexation will be considered in the context of the ACT budget. Funding for the ACT Cancer Society would be considered in the light of overall priorities and available resources for the community services and health State grants program.

In relation to the provision of additional office accommodation, my department provides subsidised accommodation for the society at its Health Promotion Centre, Childers Street, City. This centre is currently fully occupied by community organisations and some ACT Community and Health Service personnel.

The department maintains a register of community organisations seeking new or additional accommodation. The department is aware of the society's requirements for more office space, but no suitable accommodation has yet become available. There is a strong demand by community groups for permanent office and meeting space in premises under the control of the service and in centres under lease to community organisations.

Currently there are 37 organisations, including the ACT Cancer Society, registered by the service as requiring accommodation. There is a big demand on that accommodation, and due consideration has to be given to all of the applicants. All possible options are being examined to see whether there are ways of meeting this demand. However, the reality is that not all groups will be able to be given the accommodation that they would like.

The department is consulting with community organisations on priority needs, and I am happy for an officer of my department to meet with the ACT Cancer Society to discuss its accommodation requirements. I must say, Mr Speaker, that I would request of Mr Moore that in future when he seeks to lend support to worthy organisations such as the ACT Cancer Society, he should not give the appearance of cheap headline grabbing; rather he should examine the matter and find out all of the issues, and a more sensitive

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approach might be used in dealing with problems which confront these very worthy organisations.

QUESTION TIME

MR KAINE (Leader of the Opposition), by leave: Mr Speaker, I have been increasingly concerned over the last few meetings of this Assembly by the way the institution is developing in terms of its approach to question time. I think that the purpose and the intent of the standing orders dealing with question time are quite clear.

It is a time when members of the Assembly can ask Ministers about matters that are involved in their portfolios. I submit that in terms of the standing order a member can expect a reasonable answer. There is no provision in the standing orders for a Minister to give a monosyllabic answer to a question nor is there a question, of course, of making lengthy responses which turn out to be policy speeches. I refer to standing order 118, which simply states:

The answer to a question without notice shall... be concise and confined to the subject matter of the question...

I submit to you, Mr Speaker, that many times already we have had instances where Ministers have not answered or, even in some cases, attempted to answer the questions. The whole concept of question time is being set aside. I think it is most undesirable. We can learn many things from the parliament across the lake; some of them are good, some of them are bad. The way that question time is treated across there is one thing, and I think that in many cases the way the questions are treated is quite reprehensible.

I would have hoped that in this new parliament we could have taken a different approach, that all of us present could have seen question time for what it is - an opportunity to ask questions and get straightforward, simple, concise answers, with no beating around the bush; no prevarication; a simple answer to a simple question. Comments from Ministers making statements about long questions or short questions are unreasonable.

The standing orders are quite specific about how questions are to be answered. I think also, with due respect, Mr Speaker, that if a member complains about the form of an answer and is told that he can put his question in writing if he wants a detailed answer, it is inappropriate and incorrect.

We are entitled to ask questions; we are entitled to a reasonable response. I really want to express my concern at the way things are developing, the way Ministers are in some cases responding, and to ask on behalf of the

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Opposition and non-Government members of this body that we be given reasonable responses to reasonable requests without any hedging and without the flip response that is often the consequence of questions in the other parliament across the lake. I do not think we need it; I do not think we deserve it; and I think we are entitled and should expect to get reasonable answers to reasonable questions.

MR SPEAKER: I intend to make a statement on question time. There is some misunderstanding in this new forum on the acceptable procedures. Please be assured that it is in my court and I will address it in the Assembly.

SOCIAL WELFARE MINISTERS CONFERENCE Ministerial Statement and Paper

MR BERRY (Minister for Community Services and Health), by leave: The Social Welfare Ministers Conference took place in Canberra on 9 June 1989, and today I want to advise the Assembly of the outcome of it. It was a meeting of Territory, State and Commonwealth social welfare Ministers, at which we considered the report of the National Inquiry into Homeless Children, the Burdekin report. In particular, we addressed a response to the recommendations of that report, prepared by Territory, State and Commonwealth officials for our consideration.

Firstly, let me briefly describe the findings of the inquiry. The Human Rights and Equal Opportunity Commission has taken account of international human rights instruments, in particular the declaration of the rights of the child. The declaration of the rights of the child says children have the right to special protection, to adequate housing, to protection from abuse, neglect and exploitation, and to remain with their families wherever possible.

The commission considers these principles mean governments should guarantee children their rights - through assistance and support to families, and by other means for children who are not living with their families. Commissioner Burdekin would argue this is not the case for Australia's homeless children.

It is impossible to state exactly how many homeless children there are, although the report suggests that the number of homeless young people has been rising and that they are getting younger. This is a matter of concern to all governments.

The reasons why children leave home are complex - some leave to seek work or because they want independence, but many leave because they have no real choice, because of serious abuse, sustained family conflict or complete family breakdown.

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The report tells us that there are strong links between youth homelessness and family poverty, and that Aboriginal children and young Indo-Chinese refugees are over-represented in this group. Commissioner Burdekin has recommended a range of responses, particularly in income and accommodation programs.

He has also recommended better access to private rental accommodation; better and more accessible health services; more effective preventive and support services for families and adolescents; improved access to legal services and improvements in the legal system - I do not know that he mentioned move-on powers - an increased role for schools in preventing homelessness; development of programs to enable unsupported young people to continue with education; and special assistance programs in employment and training for disadvantaged young people, particularly those who are homeless.

As social welfare Ministers we have agreed that we broadly support the recommendations of the inquiry. At our meeting on 9 June 1989 we decided on a range of initiatives and directions that hopefully will lead to a better life for our homeless youth.

I am pleased to say that these initiatives were drafted against a set of guiding principles. The principles are good, and I will apply them within the ACT when considering issues relating to youth homelessness. The principles are:

Families provide the optimal setting for the care and support of children and young people -

I am sure that everybody here would agree with that first principle -

governments should assist families to carry out their child rearing and support responsibilities, and assist in maintaining young people in families, noting the particular needs of families with adolescents;

governments have a responsibility to protect children and young people from disadvantage, exploitation and abuse, and to provide appropriate support services to achieve this;

governments should provide an environment and the support that will assist children and young people to move towards independence and full citizenship;

where young people cannot live within their own family, governments have a particular responsibility - to provide specialised programs including income support, accommodation, personal support, education, training, employment, health and legal services - which will facilitate their transition to independence and to mainstream services;

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services provided to young people should be accessible, relevant and appropriate to their needs, with particular reference to gender, disability and culture.

Ministers agreed there were seven areas that needed attention in the short to medium term: accommodation, income support, education and training and employment, children under statutory orders, better coordination and data collection for existing programs, and prevention of family breakdown.

There are of course many other areas to be addressed in the future. The Council of Social Welfare Ministers recognised there will be a wide range of portfolios involved if we are to address all the problems that lead to homelessness, and accordingly has referred, through the council secretariat, various matters to our ministerial colleagues.

The Australian Education Council has been asked to take account of the needs of homeless young people when developing strategies to support the continued involvement of young people in mainstream education. It has also been asked to consider how the education system can best identify and respond to children at risk of homelessness.

Ministers for labour and employment and Ministers with responsibility for youth affairs have been asked to look at more employment related services for early school leavers - those who tend to feel most isolated from the system.

Ministers for housing have been asked to advise how young people can have more accommodation options. They have also been asked to see what can be done to make it easier for young people to move into public housing. This is a particularly important area, as we have to help young people into permanent accommodation if we are to break the cycle of refuge hopping.

Health Ministers have been advised of the needs of homeless young people - for example, for basic health care in sympathetic and non-threatening settings. They will also consider specialist help for problems such as drug and alcohol abuse and psychiatric illness.

The Attorneys-General will advise us on the obligations we have if the draft United Nations convention on the rights of the child is ratified and the approach that would be taken to compliance.

I wish to turn now to the particular topics considered by social welfare Ministers. In the area of accommodation, Ministers agreed that new crisis accommodation services would be provided only if there were gaps in service provision. Existing crisis services will be upgraded to make them more responsive to needs - for example, through more staff training, better counselling, support and

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referral arrangements, and improved linkages with other services. Services which deal with chronic homeless will be given priority in the allocation of resources. Priority will also be given to expanding medium and longer term accommodation and support services for young people.

Ministers agreed young Aboriginal people and young people in special needs groups need more community based, culturally appropriate services. In the area of accommodation for wards, the ACT, along with other States and the Northern Territory, will document and review the placement options that exist, particularly for adolescents. The intention is to identify areas of difficulty and gaps in present services so that priorities can be set for new services or programs.

The ACT will use this survey to continue developing a flexible range of alternative accommodation and care options. This will be done in consultation with the non-government sector. In the area of income support, the Commonwealth has agreed to consider further how to ensure young people are fully aware of their income support entitlements. When preparing its social justice strategy for youth, the Commonwealth will see whether more improvements are needed to the adequacy of, and access to, current programs for disadvantaged young people.

In the area of education and training and employment the Commonwealth will continue to examine how best to provide preliminary training, to improve young people's chances of completing formal structured training. Commonwealth Skillshare guidelines will be amended to include provision for specialised programs for homeless young people, although such programs may not have immediately measurable labour market outcomes. The Commonwealth will continue to develop coordination mechanisms between employment, training and accommodation services.

Recognising that children under statutory orders, including children in the juvenile justice system, have special needs both for security and support, and to enhance their development and independence as adults, Ministers agreed more work will be done in this area. The ACT, along with other States and the Northern Territory, will develop a clear statement about the nature and extent of our government responsibilities for children and young people under statutory orders. Such statements will focus on the challenge of offering attractive and appropriate services to young people who are moving towards independence and testing out authority - perhaps the sort of people who might be challenged by the move-on powers.

In addition, more emphasis will be given to ensuring a positive transition to independence for these young people. For example, before children are discharged from care they will in future have available to them suitable accommodation and support structures. The notion of prevention is central to much of the Burdekin report. Its

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translation into effective and relevant strategies presents a number of challenges to welfare Ministers, which can only be addressed over time.

Youth homelessness is caused by a number of factors, ranging from social and economic conditions in general to more specific and individual factors. If prevention strategies are to be effective, they will need to go hand in hand with appropriate macro social and economic policies. They will need to address the issues in our education and care and protection systems for young people, and to respond to conflict, violence and breakdown within families. Prevention strategies must also be closely related to all government and non-government services which directly address individual problems in families with adolescent children.

Accordingly, Ministers agreed to consider in greater detail the problem of providing increased preventive support to families with adolescent children. This is an area to which I intend to give a high priority. Each Minister has taken these directions and initiatives back to his or her Territory or State for action. We will meet again in March next year to review the success of our work to date and the steps that still need to be taken to abolish youth homelessness in Australia.

In conclusion, I am pleased to be able to say the ACT has some services that were commended by Commissioner Burdekin. One is the residential alternatives for teenagers program, known as Barnardo's RAFT program. Another is Short Cuts, a support and advocacy service provided by my department. In many other areas the ACT is already developing services consistent with those recommended in the report.

They include the instigation by the Government of a comprehensive housing policy review, which will consider a range of accommodation issues relevant to young people. Another example is the recent release by my colleague the Minister for Housing and Urban Services of a report to the ACT Housing Trust on the development of a new youth accommodation program.

In my department new services for young people were introduced this year under the supported accommodation assistance program. A program has been introduced of mediation and reconciliation wherever possible to assist troubled young people to remain in or return to the family.

I have given you some examples to show that the ACT is moving in the direction recommended in the report. We are aware that much can be achieved through better co-ordination and integration in the delivery and targeting of existing services, rather than creating new services to meet apparent gaps, and this is the next area to which we are giving high priority.

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Mr Speaker, I present the following paper:

Social Welfare Ministers Conference, 9 June 1989 - Ministerial statement, 28 June 1989

and move:

That the Assembly takes note of the paper.

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

DAYS AND HOURS OF MEETING AND ADJOURNMENT OF ASSEMBLY Temporary Orders

MR SPEAKER: I call the Deputy Chief Minister.

Mr Kaine: I rise on a point of order, Mr Speaker. In accordance with the standing orders, as I understand it, private members' business takes precedence on Wednesdays over all other business until 4.30 in the afternoon. I was assuming we would be continuing the business from this morning. I refer to standing order 77.

MR SPEAKER: I draw the attention of the Leader of the Opposition to an amendment to standing order 77, which omits 4.30 pm and substitutes two hours after the fixed time for the meeting of the Assembly. So, in that case, the debate was concluded at 12.30.

Mr Kaine: On that basis, Mr Speaker, may each member please be given a copy of the amendments to these standing orders because I have no such amendment. It may have been done on the floor of the house. There have been many amendments made, none of which have been reflected in the standing orders. We cannot be expected to remember them all, and I think it is about time that we had some order in the business of the house.

MR SPEAKER: I take your point, Mr Kaine.

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

That, unless otherwise ordered, the following amendments to standing and temporary orders be adopted for the remainder of this Assembly:

Standing order 27

Omit all words after "Tuesday" and substitute the following words "at 2.30 p.m. and on each Wednesday and Thursday at 10.30 a.m.".

Temporary order 34

- (a) Omit "4", substitute "4.30";
- (b) Omit "4.30", substitute "5"; and
- (c) Omit "4.40" (wherever occurring), substitute "5.10".

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Dr Kinloch: Mr Speaker, I rise on a point of order. I just have heard this; I have seen nothing on paper. Should we not have time to consider these matters?

MR WHALAN: By way of explanation, Mr Speaker, it was a subject of negotiation. I regret that Dr Kinloch was not present, but his three party colleagues did discuss it with us.

WATER POLLUTION (AMENDMENT) BILL 1989

Debate resumed from 31 May 1989, on motion by **Mrs Grassby:**

That the Bill be agreed to in principle.

MR HUMPHRIES (3.24): Mr Speaker, in resuming the debate on the Water Pollution (Amendment) Bill, I want to indicate that the Opposition will not be opposing this Bill. These changes as foreshadowed in the Bill affect the 1984 Water Pollution Act to allow more adaptability to changing standards in the area of water pollution.

The important feature of any regulatory legislation of this kind, which is linked to evolving technology, is its capacity to be flexible. Differing standards of course apply from time to time, both in the level and in the quality, if I may put it that way, of pollution and also in detection methods. The fact that those standards differ means that flexibility is a crucial factor in dealing with problems that arise.

Nothing is worse than putting industry to outmoded or obsolete standards in an area of pollution control, for example, particularly if those standards are too low because they have been superseded by changes in technology.

The legislation provides for changes to the role of the analyst. That person referred to in the Act is a person of a technical nature who is empowered to conduct certain tests on water samples. The analyst is given power under the Bill to accompany the water pollution authority, or an inspector, when that person enters premises to conduct tests on water.

Any provision in any legislation which deals with the power of people to enter premises must, of course, be viewed very critically. We are all no doubt aware of the case, I think last year, of officers of the electricity and water authority being given power in certain circumstances to strip-search people. But in this case what we are looking at is merely an extension of the right of an official to accompany another official who already has under the principal Act the power to enter premises and conduct tests on water.

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I note that the amendment to the Act entails no additional expenditure. Presumably there is a self-funding element in the scheme of the legislation, and I applaud that of course.

The Bill also goes on to instruct the water pollution authority to prepare a manual, and this manual's contents are set out in proposed section 37(c)(2). It says:

The Manual shall specify the methods to be used by analysts in analysing samples of water or waste for the purposes of the Act.

The manual is to be, I note, a disallowable instrument under the Act, and the things that are to go into this manual are things that are presently contained in, to some extent at least, the Water Pollution Regulations.

The reason for this change apparently, according to the explanatory memorandum, is that amending regulations is too slow and cumbersome a process to adapt quickly in the way I have already suggested that we should be able to adapt to changes in technology. That of course is a little curious. Regulations themselves were originally intended as a way of dealing with changes where the Act itself was too slow or cumbersome to be amended, or too slow or cumbersome for finetuning. Of course, we have now reached the point where regulations are a little too unwieldy to use as vehicles for finetuning, and we have a further subordinate piece of legislation - namely, a manual in this case - which could be changed, presumably, more easily from time to time.

It was said earlier today in a previous debate that integration with the requirements of surrounding States - in particular, New South Wales - was of vital importance in ensuring that the situation in the ACT was not out of kilter with those places. New South Wales of course is now in the process of dramatically beefing up its legislation dealing with pollution. When those laws are in place, New South Wales will have the toughest anti-pollution laws in Australia.

Fears have been expressed by some people, notably opponents of those laws, that this may drive some industry and some business out of New South Wales, because those that are offended by these laws are not prepared to comply with the heavy onus it places on them not to pollute the environment. That, of course, would be a tragedy, because it would mean that the State would be left to some extent in an isolated position.

Having taken the lead on important anti-pollution legislation, having set a standard for the rest of Australia to follow, it might then find itself regretting its high principles because surrounding States, other places in Australia, have not followed that lead, and it would be desirable for businesses and industry to export their business, indeed export their pollution, to other

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States. Overall, New South Wales would be a little bit less polluted but the rest of Australia would be more polluted, as a result of which there would be no significant change. I think it is a case, as Minister Grassby said earlier today, that in these matters we hang together or we hang separately - words to that effect.

Mr Speaker, I propose an amendment to the motion that the Bill be agreed to in principle, and I circulate copies of the amendment. I move:

That at the end of the motion add the following words "acknowledging that the NSW Liberal Government's anti-pollution legislation will be the toughest in Australia and should constitute a model for similar legislation in the ACT".

Of course, it is not possible to look in isolation at a small piece of legislation like a water pollution amendment Bill, or even indeed at the whole scheme for pollution legislation in the ACT, without looking at that wider, integrated model. I move this amendment in light of that. We must work with New South Wales, and I will indicate briefly what New South Wales is presently doing in the area of anti-pollution laws.

It will be introducing very soon - I understand, next month - a penalties for environment offences Act, and this will provide for quite comprehensive changes to what I think everyone would agree are laughably lenient penalties in New South Wales at present for pollution. It will provide that companies which deliberately pollute the environment with toxic wastes and other dangerous substances face fines of up to \$1m. Before the Minister points out to me that my approaches on water pollution and the picking of wildflowers tend to differ, I should point out that this refers to the deliberate and intentional pollution of the environment with toxic wastes, and also refers to the effect on companies rather than on individuals.

There will be, in addition to this heavy penalty, no limit on the amount of clean-up costs involved. Those costs would be imposed on the company concerned. What is more, the courts would be empowered to seize company assets and company bosses would face up to seven years in gaol for the actions for which they were deliberately responsible.

Mr Greiner has said, in introducing this legislation to the public, that assets would be seized and used to clean up the environment. He points out that for too long major polluters have been able to escape with laughably small fines, and the Government is determined to enforce the concept of polluter pays. That is a principle which could well apply here, too.

That Government also looks to forcing companies responsible for incidents similar to the oil spill in, I think, Prince

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William Sound in Alaska to pay whatever it takes, even hundreds of millions of dollars perhaps, to clean up the mess and rectify the damage to the environment. There should properly be no limit to the amount of costs recoverable in those circumstances.

We fortunately do not face incidents of nearly that seriousness in the ACT, although I note there are several instances - - -

Mr Whalan: The oil tankers coming up Lake Burley Griffin.

MR HUMPHRIES: That is right. There are oil tankers, not necessarily in the water but certainly on the roads in and around the ACT. I have clippings before me here of various instances that have happened in recent days - one in particular of a rather large spill near Yass, which threatened to go into the Yass water supply. Those things are not unknown. We import, of course, all of our oil from outside the Territory. The legislation in New South Wales also proposes making a specific offence of conspiracy to pollute, and individuals in those circumstances could face very heavy sentences and fines.

Present laws in New South Wales stipulate that licences cannot be suspended. The New South Wales Government proposes to change that, so that indeed the Minister would have the power to suspend licences immediately where the circumstances warrant, where there has been what appears to be a deliberate attempt to breach the laws.

There is no appeal under this legislation against that suspension. The Supreme Court would also be empowered to freeze the assets of companies or individuals to stop them from siphoning off assets so that they would not be somehow unable to pay the fines, penalties and clean-up costs that the court might eventually impose. The State Pollution Control Commission would administer the new Act. It may be that even in the ACT we need to consider beefing up the powers of existing pollution watchdogs. The Act also would provide that offending companies could have their operating licences revoked and/or government contracts cut off. Of course, in the ACT that is more significant from the Federal Government's point of view than from ours. Nonetheless, that aspect of our negotiation and contractual rights with other companies would not necessarily be small enough to sneeze at.

In the Adelaide Advertiser of 7 June, a Mr Ian Ball wrote:

To live is to pollute, no matter how much care the individual takes in a personal code of dogoodism. Indeed science holds that a preternatural act of "pollution" was probably responsible for all life on earth.

Be that as it may, we have to pay today a much, much higher price than we paid in the past for our pollution. We can

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do much worse than to take very tough legislation, of the kind that has been proposed in New South Wales, and use that as our model. I hope that the Government will understand the need to work in with New South Wales, in particular, and will employ the opportunities presented by this model from New South Wales to build up our position on pollution, to ensure that those in New South Wales who are thinking of looking elsewhere to take their business certainly would not think of coming to the ACT because our position would be just as bad for them.

MR MOORE (3.38): This amendment to the Water Pollution Act of course is really a relatively minor one that just provides for a situation where officers of the ACT Administration can measure and check water pollution and carry out their duties more easily. As such, the amendment is particularly non-contentious, and of course the Residents Rally will support the amendment.

Let me say that what is a little more contentious of course is the amendment moved by Mr Humphries in asking us to endorse the New South Wales Liberal Government's anti-pollution legislation. The truth of the matter is that the Rally has no intention of endorsing that Liberal Party attempt and Mr Humphries' attempt to get us to credit the Liberal Party in New South Wales with being that way.

Mr Humphries: Why not? Is it because it is a Liberal government? Is that why?

MR MOORE: There is absolutely no requirement for us to give it that credit at this stage on something so minor as water - - -

Mr Humphries: Minor?

MR MOORE: As this particular amendment.

Mr Humphries: Do you think the legislation is minor?

MR MOORE: As this particular amendment. So under those circumstances we will be opposing that amendment. Let me point out, however, that we are particularly concerned with water pollution in general and I will take this little opportunity to make some comments on water pollution. The National Capital Development Commission ACT water policy plan which was released in January 1988 deals quite extensively with some of the problems that we have with water in the ACT - I will run through some of those - and it also presents some possible solutions.

When the Minister spoke earlier today in question time, she suggested that this amendment Bill would in due time assist in solving the problems at Captains Flat. Of course, what we are doing is talking about measuring the water. I suppose in one sense it will give us some assistance in knowing what the problems are but hardly any assistance in actually solving them.

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Some of the problems with pollution deal with chemical pollution. Some of the chemical pollution problems that need to be addressed are herbicides which are used on our gardens and which flow down through our water drainage systems into our water collection areas. We need to test for those.

Some of the fertilisers and the pesticides that we use can also be washed down into our water systems. Having an ability to respond quickly to those pollutants, to be able to measure them and determine what action needs to be taken, is particularly important. It is my understanding that this Bill will give the officers of the Administration an ability to respond faster under such circumstances.

Further pollution of course is the sediments from the land. This can be caused in a series of ways. Poor farming practices, sand and gravel extraction and pine tree clear-felling on higher slopes all lead to sediments that can be washed into our water system.

A member: Building sites.

MR MOORE: And building sites; thank you. Some of those are already taken care of in a joint NCDC-ACT Administration standard practices document which my colleague Mr Jensen has provided to me.

Mr Jensen: And will refer to.

MR MOORE: He will refer to that. Recreational use is also another area that of course has an impact. Walking, swimming, four-wheel drives, motor bikes and boats in catchment areas all contribute to polluting our water supplies and our streams. We are not suggesting for one minute that those activities which add to the quality of our life sometimes should be absolutely banned. What we are looking to do is monitoring the pollutant effects of them, to be able to do that quickly, and then to be able to determine in a rational way what needs to be done from there.

Of course there is the runoff from urban areas - from garden fertilisers, as I have mentioned, and from pollutants such as oil and petrol. I notice in the parking area where I put my bicycle under this building that quite a lot of oil has dripped from cars - I presume it is not from one of the Minister's new cars, but it is more likely from one of my colleagues' old Volkswagens.

It is an area that also needs monitoring. These oil drips and so forth on the roads are then washed into our systems, and we need that monitoring. Industrial and domestic wastes also fit into this category. The ACT water supply can be affected by all of these things. We need to take care; we need to have tight controls, and we need to have the ability to respond quickly on those.

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Let us not forget that other water supplies can also be affected - in New South Wales, Victoria and South Australia - by what we do here. Whenever we flush our toilets we can be sure that eventually that water, hopefully somewhat cleaned, will flow down through those States. Having lived at the end of the Morgan-Whyalla pipeline, I accept that the water that leaves our cisterns will eventually go a very, very long way.

The ACT seems well equipped at the moment to cope with waste water. The Lower Molonglo Water Quality Control Centre has a capacity for 400,000 people and, although that causes us some financial concerns about the way that is being replaced, we have an excellent system and the capacity to ensure that our waste water is controlled well. It is done similarly with the Fyshwick treatment works for industrial waste which of course then goes to the Lower Molonglo Water Quality Control Centre for further quality control.

The capacity of water treatment works is finite, especially if we think we can go on deliberately or inadvertently pouring chemicals and other wastes into our own and the area's water supplies. It seems to me that this amendment Bill is about being able to react to that and to react quickly. For that reason, I recommend that this Bill be carried.

MRS GRASSBY (Minister for Housing and Urban Services) (3.46), in reply: I am pleased to have the support of the house on this Water Pollution (Amendment) Bill because it is very important. I see by Mr Moore's statement that his visit to ACT Electricity and Water was not wasted. I was pleased to be able to arrange that. I was sorry that the Liberal Party members were away at a conference. We will have to do it some time for them. This Bill will make the control of water pollution more efficient, and the analysis techniques will keep up with scientific advancements. The Water Pollution Act has already been very successful. Great improvements are apparent in the ACT in the quality of the waterways.

The two notable examples are that the Murrumbidgee River is protected from the land development runoff and erosion, which has been a very serious thing, and Lake Burley Griffin is no longer terribly foul smelling on the very hot days of summer, as it used to be, since the discharge from the Canberra abattoirs and the Queanbeyan sewage treatment plant has been controlled. Despite the advancements, there is more to be done, and the Bill will assist in this task.

I appreciate Mr Humphries' words. I appreciate what he had to say, but he spent most of the time talking about New South Wales. The Act itself is very tough; we do not need to make it any tougher. I am amazed that Mr Humphries wants to make this tougher, when I cannot get him to agree on making another Bill before the house tougher. But there

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you are. You never can be sure, can you, of people? Mr Moore and I have a reasonable agreement that the other Bill should be tough, but we could not get Mr Humphries to agree, and unfortunately he was able to sway another lawyer in the house. So, I do not know; when lawyers get together problems happen. But never mind. I cannot agree with the amendment because I think our law itself is tough enough in the original Act.

Mr Humphries: It is only one small part of it. What about the rest of pollution?

MRS GRASSBY: Yes, but ours was only one small part, too, remember. Victoria also has it; it is not only New South Wales that has tough laws.

Mr Humphries: Not as tough as New South Wales.

MRS GRASSBY: As I say, the original Act is tough. We do not have any large industry in the ACT, but if we do the penalties in the original Act, you will find, are very tough on industry that would be polluting our areas.

Mr Humphries: It is tough enough, is it? Is it tough enough?

MRS GRASSBY: It is. Have you read it all? It is.

Mr Humphries: The original principal Act?

MRS GRASSBY: Yes.

Mr Humphries: You think it is tough enough, do you?

MRS GRASSBY: Yes, I do.

Mr Humphries: I will quote you on that.

MRS GRASSBY: Yes, I think it is tough enough. The manual is very important because of the fact that the regulations require legislation whereas now the manual can be prepared and updated by the pollution control authority.

As I say, I feel that we do not need to go down the same track as New South Wales. My department has looked at this Act, and these are the amendments that we wish to put to it. At this stage I think my department is very happy with the Act the way it is. So I am afraid that we cannot really support the amendment. But, anyway, I thank the house that the Bill has been agreed to.

MR JENSEN: Mr Speaker, I seek the indulgence of the house to speak very briefly on the Water Pollution (Amendment) Bill. I know I am probably slightly out of order in that I am seeking to speak after the Minister has finished, but I have only a few brief words to say, and I seek the indulgence of the house to do so.

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Leave granted.

MR JENSEN: Thank you, Mr Speaker, and I thank the house for giving me this facility. I rise, as I have already indicated, in support of my colleague Mr Moore, and confirm, as I think people are well aware, that the Residents Rally is supporting this Bill proposed by the Government but, as I think has been already indicated, not the amendment proposed by Mr Humphries.

It goes without saying, Mr Speaker, that the Rally supports any reasonable measure to improve the water quality in our Territory. It was indeed opportune today that Ms Maher raised the issue of urban pollution by referring to problems of urban runoff from government land at Isaacs. In providing her answers, I wonder whether the Minister was aware of the document already referred to by my colleague Mr Moore, produced by the National Capital Development Commission and the ACT Administration in February 1988 called Standard Practices - Guidelines on Urban Erosion and Sediment Control Practices. This document provides a fine summary of the issue, including the requirement for the pollution control authority to determine the measures practicable and necessary before a licence is issued.

I am sure many of you have seen advertisements in the local media periodically providing information on what licences are being granted to allow the discharge of waste into the water system. The document to which I referred was produced, in its own words, to assist those contractors and their design agents in preparing an erosion and sediment control plan for their work. This plan is required to be submitted to the pollution control authority when they seek a licence to discharge water.

It would appear, Mr Speaker, that many of the problems referred to by Ms Maher could have been avoided if the conditions of the licences issued by the pollution control authority were properly implemented and enforced. I would suggest that this amendment Bill may go some way in assisting the authorities to help that enforcement.

The guidelines acknowledge the problems of land servicing and their effect on water quality in the ACT. Many of the small lakes and ponds and even larger lakes, like Lake Tuggeranong, were constructed to alleviate this problem. In particular, it would seem that it was only the need for the protection of the Murrumbidgee River that finally convinced the Federal Government of the day to release its purse strings and allow the new lake to be constructed, a facility that I am sure will not only assist in the protection of the Murrumbidgee and its ecosystems by reducing the amount of suspended solids and turbidity in that river but also reduce the effect on organisms like clams, dragonflies, beetles, bulrushes, sedges, et cetera, as well as the occasional platypus that I understand frequents those areas.

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It will also, I would suggest, provide a very good means of helping to reduce the pressures on the Murrumbidgee by providing an additional recreational facility to the people of Tuggeranong and people from other parts of Canberra who wish to travel that short distance. I refer, in this case, to the recently produced publication on Canberra's environment by the newly formed National Capital Planning Authority, which refers specifically to this problem on pages 17 and 18. It indicates that control methods introduced in conjunction with Lake Tuggeranong should enable the river system to recover within two or three seasons.

I commend this publication to members as it offers an excellent summary of the conditions of, and the future for, the environment of the ACT. My colleague Mr Moore has already referred to one major publication on the problem of water in the ACT. I would also refer members to the policy plan in relation to Lake Burley Griffin, which also considers this problem. Lake Burley Griffin, I would suggest, is an important and critical aspect of our particular city and the ethos of the city. Any particular procedure, Mr Speaker, that allows the protection of areas like Lake Tuggeranong, Lake Ginninderra and Lake Burley Griffin should be fully supported and implemented.

Question put:

That the words proposed to be added (**Mr Humphries'** amendment) be added.

The Assembly voted -

AYES, 4

Mr Humphries
Mr Kaine
Mrs Nolan
Mr Stefaniak

NOES, 12

Mr Berry
Mr Collaery
Mr Duby
Ms Follett
Mrs Grassby
Mr Jensen
Dr Kinloch
Ms Maher
Mr Moore
Mr Prowse
Mr Whalan
Mr Wood

Question resolved in the negative.

Original question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with detail stage.

MR SPEAKER: The question is: That this Bill be agreed to. In accordance with standing order 189 this question must be put forthwith and determined without amendment or debate.

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Question resolved in the affirmative.

Bill agreed to.

NATURE CONSERVATION (AMENDMENT) BILL 1989
Detail Stage

Consideration resumed from 27 June 1989.

Clause 5 (Amendment of heading).

MR WHALAN (Deputy Chief Minister) (4.02): Mr Speaker, I will speak only very briefly in this matter. I would just like to comment on the processes that the Assembly and the Government have adopted in relation to legislation. The Government's aim in dealing with legislation of the sort that we have before us today is, wherever possible and practicable, to brief all members of the Assembly so that an opportunity for discussing the details of the legislation with the officers who have been involved in drafting the legislation is available to all members.

This is a recognition of the nature of the minority Government that it accepts the reality of that situation, and it is an endeavour on the part of the Government to ensure that all members are fully briefed and have the opportunity to have an input into the legislation. An example of that was the Vocational Training Authority legislation which went through yesterday. Members were invited to briefings on that particular matter.

Mr Humphries: While committees were sitting, so some of them could not go.

MR WHALAN: I am sorry, but we will seek to accommodate and if that is a problem we will seek to get convenient times. It is not - and similarly in relation to the - - -

Mr Humphries: That is news to me. I was not told of any other time. The first briefing I had was yesterday on a Bill of the Minister's.

MR WHALAN: On the environmental legislation which we have before us my colleague made available briefings quite some time ago, some weeks ago, in relation to that, and we were faced with a situation where quite late an amendment came forward in relation to the penalties. What I am saying is that I believe that what happened last night is an effective part of the process of the legislation. Amendments were perceived as being necessary and, as a result of negotiation between all of the groupings within the Assembly, an arrangement acceptable to all the parties was arrived at.

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I would perceive that this is the situation which is likely to arise again and again in the future. I would just reiterate that the Government is committed to consultation with all the groups in the Assembly, so that when we have legislation coming forward it is our commitment to ensure that appropriate briefing in relation to the legislation is made available.

Clause agreed to.

Clauses 6 to 22, by leave, taken together, and agreed to.

Clause 23 (Picking of plants).

MRS GRASSBY (Minister for Housing and Urban Services) (4.06): Mr Speaker, I move an amendment to the clause. It has been circulated. Clause 23 of the Bill amends section 42 of the Act. This prohibits the picking of a plant which has special protection status, is restricted plant wildlife, or is wildlife growing on unleased ground, unless a person has a permit or a licence.

Mr Speaker, Mr Humphries and Mr Moore have raised some concerns about the level of the penalty proposed in clause 23 of the Bill. The concern relates to the gravity of the penalty which might be imposed on an ordinary member of the public who picks a plant and who does not have a particular protection status.

It was considered that a distinction should be made between a person trading in plants, not having special protection status, and other persons, that is, the general public. The Government has responded positively to these concerns which are addressed in the amendment to clause 23. I move:

Page 8, line 12, omit paragraph (b) of the penalty, substitute the following paragraphs:

- "(b) if the plant does not have special protection status but the court finds that the defendant intended to sell it - \$5,000 or imprisonment for 2 years, or both;
- (c) in any other case - \$2,500 or imprisonment for 1 year, or both."

MR HUMPHRIES (4.08): Mr Speaker, I thank the Minister for taking on board the amendments that were urged on her by the Liberal Party, and apparently by the Residents Rally - or the Residents Rally party, as I understand it is now being called. Mr Speaker, I was grateful to receive a briefing from the Minister's officers on this question earlier today. It was a useful experience. The view was expressed to me by one of those officers that this should happen again in other respects, and I welcome that suggestion.

But I think it should be noted in Hansard that that was the first opportunity I had to consult any officers in the department on any legislation currently before the house.

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As far as I am aware, none of my colleagues has had similar opportunities extended before now. Perhaps I am mistaken in that, but as far as I am aware that is the case. I hope that the Government's policy, as announced this afternoon as a new policy of this Government, to all intents and purposes, is adhered to because it will make instances such as what happened last night less frequent.

What happened last night was not a very desirable circumstance. We found ourselves having to adjourn the debate because agreement had not been reached on an important aspect of the legislation. In fact, no attempt had been made to reach agreement because no consultation had occurred on that question. Before this Government proceeds to tout about the community its openness and a willingness to discuss things like this with other people it ought to make sure that it sits down and discusses at least the implications of legislation such as this with the Opposition.

I am very pleased that a third level of offence, if you like, has been created in section 42 of the principal Act - that in a case somewhere between the picking of plants with special protection status and those without that status there is this additional tier, if you like, of picking of a plant which does not have special protection status but which the defendant intends to sell. I suppose that brings in the notion of commercial harvesting. I applaud that move on the part of the Government and will be supporting that.

MR COLLAERY (4.10): Mr Speaker, the Residents Rally has said enough on this issue, and I only need to draw a couple of points together to indicate in the passage of some of our first legislation the views, as I see it as Rally leader and perhaps as a practising lawyer, about some of the ways we have gone about it in the last day or two.

Mr Speaker, the Water Pollution Ordinance, the principal Act, confers a regulatory power on the Minister at section 47. Those of us who are familiar with legislation know that that gives a Minister power to make regulations not inconsistent with the ordinance, prescribing a range of matters, including prescribing penalties not exceeding \$500 for offences against regulations.

The fact of the matter is that the standing orders of this Assembly, the legislation establishing this Assembly, give no power to this body to examine, as I understand it, regulations. Therefore, the Chief Minister and her Ministers have in their hands almost unprecedented regulatory power in the Australian Commonwealth. This is a very unsatisfactory situation. Whilst I am sure we have here - the Chief Minister looks surprised - benign legislation that we all support, it might change a little, and the Government may change its attitude a little if we move on to issues such as criminal laws where regulations could possibly be made affecting civil rights.

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The fact of the matter is that the Federal Parliament, the Senate, has a committee that usually looks at regulations passed, such as regulations that could be passed under the Water Pollution Ordinance, to determine whether a regulation is within the power of the parent Act, whether the regulation trespasses on the civil rights of the people, whether - and this is a new advent since the 1970s - the regulation provides an avenue for administrative appeal and review, and the ability to secure reasons, and whether the regulation itself should be an Act of this Assembly, which is the most important thing.

We have created a situation - I am certain I speak for all of the lawyers in this Assembly - unknowingly, where there is a subsisting regulatory power under a whole variety of legislation reposed in this Government without review by this Assembly.

The Residents Rally handed to the Acting Clerk of the house a motion a few minutes ago, calling for an urgent referral of that situation, which I must confess occurred to me only a few minutes ago when I was looking at the ordinance, to the Standing Committee on Administration and Procedures, so that something can be devised and recommended quickly for all-party agreement on the creation of a committee.

The situation with respect to the bringing in of legislation also reveals that there needs to be some prior conferencing and some prior filtering. The parties have discussed this broadly, informally - or individual members have - and I foreshadow a motion to the Assembly seeking to secure bipartisan support for the setting up of a legal review committee along the same lines as the other parliaments in the Commonwealth.

One hopes that that will secure some agreement. That would be a small committee; it would not have staff; it would be basically a members' committee. It tends, in the Federal Parliament, on my information, to be a fairly bipartisan, in-house, non-political event in the House of Representatives. It has, so far as I can determine, gone off the rails on occasion in the Senate and turned into a slightly inquisitorial process. That is not what would be proposed, I am sure, and I enjoin the members of this house to consider both of these matters very carefully.

Firstly, I enjoin the Government to be very wary in signing into law regulations presented to the Ministers in the next few weeks and have regard to the fact that we in the Assembly will not automatically have them referred to us. I ask here in the house that any regulations to be made law by the Ministers sitting opposite us be referred, as a matter of courtesy at this stage, to the members of the house.

Secondly, I hope that the Government will support the notion that we need to resolve all manner of issues, such

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as penalties, in a filter committee without taking the time on the floor of this house.

MR SPEAKER: I would like to draw members' attention to Mr Collaery's diversion. Really his speech in this matter was not relevant. He should have sought the leave of the Assembly to make such an important speech, but it was hardly relevant to the clause being debated.

Amendment agreed to.

Clause, as amended, agreed to.

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

Bill agreed to.

STANDING ORDERS

MR SPEAKER: I wish to make a statement with respect to standing orders and their amendment. A loose-leaf summary of such amendments was circulated to all members. However, I acknowledge that some members may not have these to hand at this time. Therefore I have requested that all members be reissued with this detail immediately. Further, I hereby inform members that a reprint of standing orders has been undertaken, and I believe that this will be issued within the week.

ADJOURNMENT

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

That the Assembly do now adjourn.

ACT Cancer Society

MR MOORE (4.18): A comment was made earlier during question time by Mr Berry that suggested that I was chasing cheap headlines at the expense of the ACT Cancer Society. In fact, I think the headlines that came out of that were really reflecting a problem with Mr Berry's response to a crisis situation where people in a very, very stressful situation were being interviewed outside of a building. Their needs were very urgent, and I sought that this matter be handled urgently.

The very bureaucratic statement that was given by the Minister later did not really make me feel much easier when I was told that 37 people were all looking for the same sorts of things. What we know about cancer is that it is

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the only major disease that is on the increase and that it is projected to increase by 44 per cent over the next five years. I hope that the Minister would pay particular attention to this situation which I consider was a crisis and needed particular special and sensitive handling.

It is a shame the Chief Minister is not here because I was a little disappointed that she did not bring her room full of children down to the gallery when she came down at the call.

The other thing that is occurring in this house at the moment, Mr Speaker, is that it seems to give the Labor Party - and now the Liberal Party is about to join it - a great deal of pleasure in referring to the Residents Rally as the Residents Rally party. We are the Residents Rally or, if they wish to use the full term, we are quite happy for them to refer to us as the Residents Rally for Canberra.

Question resolved in the affirmative.

Assembly adjourned at 4.20 pm